

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF APPEAL OF
MJP 34-90 J.R. ENTERPRISES

ORDER #91-061

This application for MJP 34-90 was approved with conditions by the Planning Director on September 26, 1990. The application was to split approximately 136 acres into three parcels with parcel 1 being 127 acres, zoned EFU-C, parcel 2 being approximately 8 acres and parcel 3 being 1 acre with zoning of parcel 1 and 2 being R-1 (Rural Residential).

The approval by the Director was appealed by Rolling Hills Road and Drainage Association on October 4, 1990. Concerns by the Association were notice, drainage and adequate water.

A hearing on this appeal was held before the Board of Commissioners on October 25, 1990, and on November 14, 1990 a motion was made to reopen the hearing in order to address the concerns of adequate water in the area of development and Rolling Hills Subdivision.

The representative, James Merrilees, for Rolling Hills Road and Drainage Association was present and offered argument in support of the appeal before the Board of Commissioners. Also offering testimony for the appeal was Mr. Johnny Van Meter.

The permittee, Joe Riker for J.R. Enterprises, also gave testimony regarding the concerns of adequate water on his application and addressed issues of the appeal.

Del Sparks, the Watermaster, also gave testimony regarding adequate water supply in the area of Rolling Hills Subdivision.

FINDINGS

The Board of Commissioners found that the proposed partition, for parcel 2 and 3 is zoned R-1 (Rural Residential) which allows for a minimum of a 1 acre lot size.

The Board finds that to the east of site and adjacent is Rolling Hills Subdivision, zoned R-1, has lots of one acre in size.

The Board of Commissioners found per Del Sparks, Watermaster, State law states the every lot owner is allowed a water well for domestic use and up to 15,000 gals a year.

Board of Commissioners finds that any impacts on adequate water from proposed site to Rolling Hills can be adjudicated through the State Water Resources Department dealing with water resources.

The Board of Commissioners found that the appellant placed into the record information indicating that a couple of wells had been lowered in the Rolling Hills Subdivision.

90 DEC 13 AM 9 34

The Board of Commissioners found that per a ground water report in the Klamath Basin and in selected areas that ground water could be developed. The Board of Commissioners, after review of the record found that proper notice had been given to the surrounding property owners as required by ordinance.

Therefore, the Board of Commissioners after taking testimony from appellant, permittee and others in the audience, made a motion to deny the appeal of the original application made by appellant, that being the Rolling Hills Road and Drainage Association.

Conclusions and Order

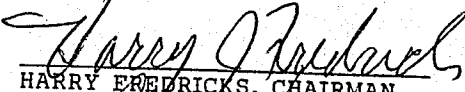
Therefore, the Board of Commissioners after consideration of the testimony, up-holds the Planning Directors decision and conditions as set out in his order dated September 26, 1990.

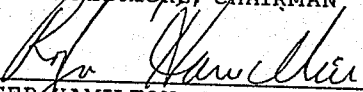
Conditions of Directors decision:

1. Applicant to meet requirements for final approval as set out per Blue Sheet A-D;
2. Any development for single family residence on proposed lots, conform and be compatible with standards required in the Rolling Hills Subdivision, as mentioned in applicants letter dated September 18, 1990.

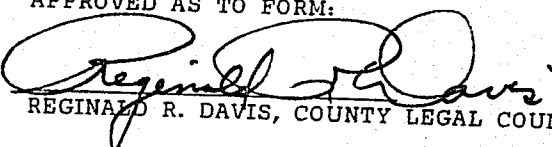
Dated this 7th day of December 1990

BOARD OF COUNTY COMMISSIONERS:


HARRY FREDRICKS, CHAIRMAN


ROGER HAMILTON, COMMISSIONER

APPROVED AS TO FORM:


REGINALD R. DAVIS, COUNTY LEGAL COUNSEL

NOTICE OF APPEAL RIGHTS

You are hereby notified this decision may be appealed to the Land Use Board of Appeals within 21 days following the mailing of this order. Failure to do so in a timely manner may affect your right to appeal this decision.

Copy of Blue Sheet

REQUIREMENTS FOR FINAL APPROVAL

Partition No. 34-90

FINAL PLAT REQUIREMENTS (Per Section 45.011 of the Land Development Code)

- A. Original Drawing - The original drawing of a partition plat shall be made in permanent black India type ink on 7 mil mylar, 18 inches by 24 inches in size with an additional 3 inch binding edge on the left side. The plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the affidavit of the surveyor and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than 1 inch. The original drawing shall be recorded in the County Clerk's office.
- B. Copy - One exact copy of the original plat made in permanent black India type ink or silver halide permanent photocopy on minimum 4 mil mylar, 18 inches by 24 inches in size shall be submitted to the Planning Director along with the original plat.
- C. Information shown on Plat:
 - 1. The partition number.
 - 2. The name of the person for whom the partition was made.
 - 3. Signature Blocks for the following:
 - a. Planning Director;
 - b. County Surveyor;
 - c. County Public Works Director (major partitions only);
 - d. County Clerk;
 - e. Owner or contract purchaser of the subject property.
 - 4. All requirements of ORS 92.050, 92.070(1), and ORS 209.250 where applicable.
 - 5. Street names adjacent to the partition.
 - 6. Water rights recording number. If a water right is not appurtenant to the property, a statement signed by the owner indicating such shall be shown on the plat.
- D. Supplemental Information to be filed with the Final Plat:
 - 1. A preliminary title report or partition guarantee issued by a title company in the name of the owner of the land and prepared within 30 days prior to submittal of the final plat showing all parties having any record title interest in the premises and what interest they have.
 - 2. A completed water rights statement.

Partition No. 34-90
Cont.

24690

Other Requirements:

1. Parcels 2 and 3 must be surveyed. The final plat must be prepared by a licensed land surveyor.
2. The proposed cul-de-sac shall be improved to a paved standard (102A) and the right-of-way deeded to Klamath County. The Commissioners will need to remove the street plug at the end of Rocking Horse Lane.

24691

September 18, 1990

Carl Schuck, Planning Director
Klamath County
334 Main Street
Klamath Falls, OR 97601


Dear Carl,

In response to concerns expressed by some owners in the Rolling Hills subdivision regarding the proposed partition by J.R. Enterprises, we would like to offer the following information.

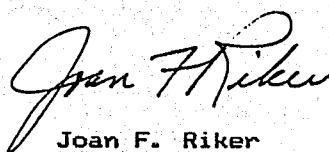
It is our intent to develop lots for single family homes. These homes would be compatible with the standards now required in the Rolling Hills subdivision. We are willing to discuss this with the home owner's association that exists in Rolling Hills.

If you have any further questions regarding this please feel free to contact us.

Sincerely,



Joseph T. Riker III
5127 Highway 39
Klamath Falls, OR 97603



Joan F. Riker

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Klamath County
on this 13th day of Dec. A.D., 19 90
at 9:34 o'clock A M. and duly recorded
in Vol. M90 of Deeds Page 24687.
Evelyn Biehn County Clerk

By Pauline Mullens
Deputy.

Fee, none



Ex. F

Return: Commissioners Journal