

**BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY
IN THE MATTER OF TRACT 1368
FOR GLENN AND MARION MILLER**

APPLICATION:

The applicant requested approval of a subdivision application depicting the division of 11.3 acres into 9 acre lots as depicted on map dated JUNE, 1999. A hearing was held by the Planning Commission on JULY 27, 1999. This application was reviewed for conformance with Article 46 of the Klamath County LDC.

THOSE INVOLVED:

A notarized list of those appearing is on file. The Planning Department was represented by Kim Lundahl, Senior Planner. A quorum of the Planning Commission was present at this hearing.

LOCATION:

West of Patterson St., south Shasta Way

RELEVANT FACTS:

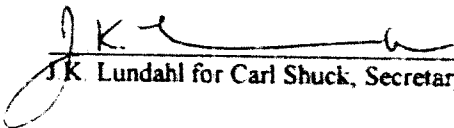
The applications are for subdivision of 11.3 acres into 9 lots based on existing land use and zoning and provision of urban level services. The zone/plan designation of the project site is RS. The property is adjacent to and will be used for suburban purposes as set out in the current plan/zone.

CONCLUSIONS AND ORDER:

The Klamath County Planning Commission, based on testimony entered and upon consideration of exhibits a-h find the application in conformance with the review criteria set out in Sections 46.030 of the Code.

Therefore, it is ordered the application of MILLER for approval of Tract 1368 is granted conditioned upon compliance with the approval letter attached and in conformance with the Preliminary Tract Map 1368 dated JUNE, 1999.

DATED this 29th day of July, 1999


J.K. Lundahl for Carl Shuck, Secretary to the Planning Commission

APPEAL RIGHTS

This decision may be appealed to Board of County Commissioners within 7 days following the execution of this order. Failure to file a notice of appeal within this timeframe may affect your right of appeal.

REQUIREMENTS FOR FINAL APPROVAL

Tract 1368/Miller

NOTE: THIS APPLICATION WILL EXPIRE TWO YEARS FROM THE PRELIMINARY APPROVAL DATE IF A TIME EXTENSION IS NOT MADE PRIOR TO THAT DATE.

1. Final plat shall meet all requirements of Land Development Code Sections 46.090 and 46.100.
2. A preliminary title report is to be submitted with the final plat.
3. A certification signed by the subdivider that central water supply and sanitary sewer systems will not be provided and that the Department of Environmental Quality has approved the proposed method or alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755(1)(b).
4. Applicant shall comply with Public Works requirements outlined on Exhibit D attached..
5. Applicant shall comply with requirements South Suburban Sanitary District (See Exhibit F).
6. Applicant shall comply with KCFD No. 1 requirements for fire protection (See Exhibit E).
7. Applicant shall comply with City of Klamath Falls requirements outlined in Exhibit G attached.
8. Applicant shall comply with Enterprise Irrigation Dist. requirements outlined in Exhibit H attached.



30302

Klamath County - Public Works Department

ROAD DEPARTMENT - PARK DIVISION - SOLID WASTE DIVISION - WEED CONTROL DIVISION
205 MAIN STREET - KLAMATH FALLS, OREGON 97601
(541) 882-4696 - FAX (541) 882-3046

Memo To: Klamath County Planning Department
From: S. R. Strickland
Date: July 7, 1999
Subject: Tract 1363, Public Works Comments

1. Final plat should indicate access points to Patterson as the only access as shown on the preliminary. Relinquish abutters rights to Patterson in the declaration on the plat for lots 2 through 9 with the exception of indicated driveways.
2. Developer to provide documentation from utility companies that service can be provided without cutting AC on Patterson.
3. Maximum curb cut for joint driveways shall be 40 feet. Developer shall saw cut existing curb, gutter and sidewalk, place expansion joint material at saw cuts, reconstruct curb, gutter and sidewalk with 6.3 sack concrete and pave from back of sidewalk to right-of-way of Patterson.
4. Re: Proposed 6' walkway easement - Article 71.050 (E) pedestrian ways minimum 10' wide - 8' improved surface and dedicated to the public.
5. For lots 2 through 9, no further partitioning. This must be included as a restriction on the plat, and included in the CCR's.

S R Strickland

Exhibit D
File #TRACT 1363

Notes: May need to amend item 5 above to
account for portions of lots 5-9 west of
E12 ditch

1000 14 JULY 1999

AGENCY COMMENT ON LOCAL LAND USE ACTION

Date: 7/7/99

I DESCRIPTION OF APPLICATION:

File No.: TRACT 1368
 Applicant: GLENN E MARION MILLER
 Description of Action: TO divide 11.3 ACRES into
(9) lots for Residential Homes

II AGENCY RESPONSE:

- ☐ We have no concerns with the proposal.
- ☐ We have concerns about the potential impacts of this development. We recommend the following:

☒ ^{MUST} The following conditions should be included as part of your conditions of approval:
ACFPA #1 Requires a Fire Flow Water Supply by means of
A Fire Hydrant within 500 ft of each/all lots - Preferably,
the best placement is between lots 5 & 6 & the other at Winona
~~We oppose this application for the following reasons:~~ See Attached Code highlights

Rock E. Culbertson 7/7/99
 Signed Date

Klamath County Fire District No. 1
 143 North Broad Street
 Agency: Klamath Falls, OR 97601

Exhibit E
 File # TRACT 1368

PART III**GENERAL PROVISIONS FOR SAFETY****ARTICLE 9 — FIRE DEPARTMENT ACCESS AND WATER SUPPLY****SECTION 901 — GENERAL**

901.1 Scope. Fire department access and water supply shall be in accordance with Article 9. See also ORS 92.044, 195.065 and 478.920.

ORS 92.044, 195.065 and 478.920 are not a part of this code but are reproduced or paraphrased here for the reader's convenience:

ORS 92.044 requires the governing body of a county or a city to adopt standards and procedures governing the submission and approval of tentative plans and plats of certain partitions. Standards include, but are not limited to: width and location of streets, securing safety from fire, and water supply.

ORS 195.065 requires local governments and special districts that provide urban service to enter into urban service agreements. For the purpose of this statute, "urban service" means: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

ORS 478.920 describes elements that may be included in the scope of a fire prevention code adopted by a rural fire protection district, including, but not limited to: mobile fire apparatus means of approach to buildings and structures, and providing fire-fighting water supplies and fire detection and suppression apparatus adequate for the protection of buildings and structures.

For firesafety during construction, alteration or demolition of a building, see Article 87.

901.2 Permits and Plans.

901.2.1 Permits. A permit is required to use or operate fire hydrants or valves intended for fire-suppression purposes which are installed on water systems and accessible to public highways, alleys or private ways open to or generally used by the public. See Section 105, Permit f.1.

EXCEPTION: A permit is not required for persons employed and authorized by the water company which supplies the system to use or operate fire hydrants or valves.

901.2.2 Plans.

901.2.2.1 Fire apparatus access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

901.2.2.2 Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

901.3 Timing of Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

EXCEPTION: When alternate methods of protection, as approved by the chief, are provided, the requirements of Section 901.3 may be modified or waived.

901.4 Required Marking of Fire Apparatus Access Roads, Addresses and Fire Protection Equipment.

901.4.1 General. Marking of fire apparatus access roads, addresses and fire protection equipment shall be in accordance with Section 901.4.

901.4.2 Fire apparatus access roads. When required by the chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

902.4-903.4.4

1994 UNIFORM FIRE CODE



902.4 Key boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the chief and shall contain keys to gain necessary access as required by the chief.

SECTION 903 — WATER SUPPLIES AND FIRE HYDRANTS

903.1 General. Water supplies and fire hydrants shall be in accordance with Sections 901 and 903.

903.2 Required Water Supply for Fire Protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (45 720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief. See Section 903.4.

903.3 Type of Water Supply. Water supply is allowed to consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. In setting the requirements for fire flow, the chief may be guided by Appendix III-A.

903.4 Fire Hydrant Systems.

903.4.1 General.

903.4.1.1 Applicability. Fire hydrant systems and fire hydrants shall be in accordance with Section 903.4.

903.4.1.2 Testing and maintenance. Fire hydrant systems shall be subject to such periodic tests as required by the chief. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards.

903.4.1.3 Tampering and obstruction. See Sections 1001.6 and 1001.7.

903.4.2 Required installations. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved by the chief. See Appendix III-B.

Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of Section 902.2.

903.4.3 Protection, marking and obstruction of hydrants. When exposed to vehicular damage, fire hydrants shall be suitably protected. For marking, see Section 901.4.3. For obstruction, see Section 1001.7.

903.4.4 Maintenance and use of hydrants. See Sections 1001.5 and 1001.6.2.

901.4.3-902.2.1

1994 UNIFORM FIRE CODE

901.4.3 Fire protection equipment and fire hydrants. Fire-protection equipment and fire hydrants shall be clearly identified in a manner approved by the chief to prevent obstruction by parking and other obstructions.

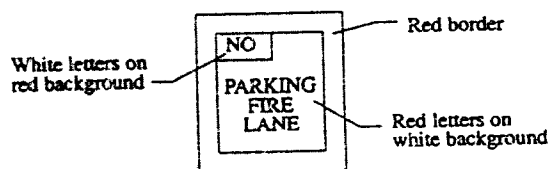
When required by the chief, hydrant locations shall be identified by the installation of reflective markers.

See also Section 1001.7.

901.4.4 Premises identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

901.4.5 Street or road signs. When required by the chief, streets and roads shall be identified with approved signs as follows:

1. Fire lane curbs or road surface shall be painted bright red with white letters. The stroke shall be 1 inch (25 mm) with letters 6 inches (152 mm) high to read "No Parking Fire Lane." Spacing for signage shall be every 25 feet (7620 mm).
2. Vertical signs shall be mounted no lower than 4 feet (1219 mm) and no higher than 8 feet (2438 mm).
3. Vertical signs shall be 12 inches (305 mm) wide by 18 inches (457 mm) high. Signs shall have red letters and border on a white background. The word NO shall be presented in a reverse color arrangement in the upper left-hand corner. Spacing shall not exceed every 25 feet (7620 mm).



901.5 Obstruction and Control of Fire Apparatus Access Roads and Fire Protection Equipment. See Sections 902.2.4 and 1001.7.

901.6 Fire Protection in Recreational Vehicle, Mobile Home and Manufactured Housing Parks, Sales Lots and Storage Lots. Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Sections 902 and 903.

EXCEPTION: Recreational vehicle parks located in remote areas shall be provided with protection and access roadways as required by the chief.

SECTION 902 — FIRE DEPARTMENT ACCESS

902.1 General. Fire department access roads shall be provided and maintained in accordance with Sections 901 and 902.

902.2 Fire Apparatus Access Roads.

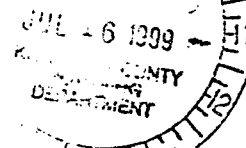
902.2.1 Required access. Fire apparatus access roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45 720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility. See also Section 902.3 for personnel access to buildings.

SOUTH SUBURBAN SANITARY DISTRICT

2201 LAVERNE AVENUE
KLAMATH FALLS, OREGON 97603
541-882-5744 • 541-882-5013 FAX

BOARD OF DIRECTORS
POSITION #1 WILLIAM S. THORNTON
POSITION #2 BOB PETERSEN
POSITION #3 WALTER BAOREK

SECRETARY
KENT B. COLAHAN

**AGENCY COMMENT ON LOCAL LAND USE ACTION**

July 16, 1999

I. DESCRIPTION OF APPLICATION:

File No.: TRACT 1368

Applicant: Glenn Miller

Description of Action: Sub Division

II. AGENCY RESPONSE:

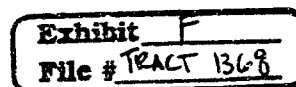
Sewer service may be obtained from Patterson Street with one 6" line bored into one manhole to serve all residences or a mainline designed from either Climax or Ogden. The sewer line will need to be designed by a State registered Engineer and the design reviewed by DEQ and South Suburban Sanitary. If future ownership and maintenance is to be done by South Suburban Sanitary, the main must be designed in a public utility easement.

Kent Colahan

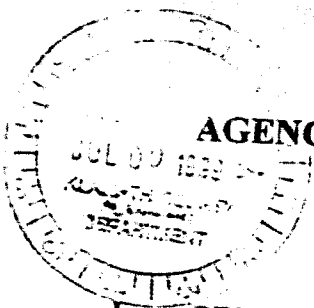
July 16, 1999

A handwritten signature in cursive script that reads "Kent Colahan".

South Suburban Sanitary District



30308



AGENCY COMMENT ON LOCAL LAND USE ACTION

Date: _____

I. DESCRIPTION OF APPLICATION

File No.: TRACT 1368

Applicant: Glenn and Marion Miller

Description of Action: Tract 1368 to divide 11.3 acres into nine lots with the average lot size being 49,078 square feet and lots ranging in size from 7.3 acres to 21,600 square feet.

II. AGENCY RESPONSE:

_____ We have no concerns with the proposal

_____ We have concerns about the potential impacts of this development. We recommend the following:

☒ The following conditions should be included as part of your conditions of approval:

Per Attached Request of Water Service

_____ We oppose this application for the following reasons:

Signed: [Signature] Date: 7/7/98

Agency: _____

Exhibit G
File # TRACT 1368

AGENCY COMMENT ON LOCAL LAND USE ACTION

Date: 7-7-79

I. DESCRIPTION OF APPLICATION

File No.: TRACT 1368

Applicant: Glenn and Marion Miller

Description of Action: Tract 1368 to divide 11.3 acres into nine lots with the average lot size being 49,078 square feet and lots ranging in size from 7.3 acres to 21,600 square feet.

II. AGENCY RESPONSE:

☐ We have no concerns with the proposal

☐ We have concerns about the potential impacts of this development. We recommend the following:

☒ The following conditions should be included as part of your conditions of approval:

(P. Works office) 1. Prior to approval of water service a consent to annex must be submitted to the city. 2. Address's must be provided to the city along w/ map of lot + legal descriptions prior to water service. 3. Design Plans for water service submitted to city.

☐ We oppose this application for the following reasons: engineering for approval.

Thomas R. DeLank 7-7-79
 Signed Date:

Agency: City of Klamath Falls - Engineering

AGENCY COMMENT ON LOCAL LAND USE ACTION

Date: 07 JULY 99

I. DESCRIPTION OF APPLICATION

File No.: TRACT 1368

Applicant: Glenn and Marion Miller

Description of Action: Tract 1368 to divide 11.3 acres into nine lots with the average lot size being 49,078 square feet and lots ranging in size from 7.3 acres to 21,600 square feet.

II. AGENCY RESPONSE:

 We have no concerns with the proposal

 We have concerns about the potential impacts of this development. We recommend the following:

 X The following conditions should be included as part of your conditions of approval: A CONSENT TO ANNEX AGREEMENT MUST BE SIGNED AND RECORDED PRIOR TO CITY UTILITIES BEING PROVIDED.

 We oppose this application for the following reasons:

Sandra Zaida 07 JULY 99
Signed _____ Date: _____

Agency: CITY PLANNING DEPT.

AGENCY COMMENT ON LOCAL LAND USE ACTION

Date: 7-6-99

I. DESCRIPTION OF APPLICATION

File No.: TRACT 1368

Applicant: Glenn and Marion Miller

Description of Action: Tract 1368 to divide 11.3 acres into nine lots with the average lot size being 49,078 square feet and lots ranging in size from 7.3 acres to 21,600 square feet.

II. AGENCY RESPONSE:

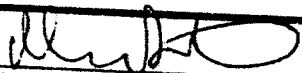
☒ We have no concerns with the proposal

☐ We have concerns about the potential impacts of this development. We recommend the following:

☐ The following conditions should be included as part of your conditions of approval:

☐ We oppose this application for the following reasons:

Signed



Date:

7-6-99

Agency:

WATER / Geo-T.

AGENCY COMMENT ON LOCAL LAND USE ACTION

Date: 7-6-99

I. DESCRIPTION OF APPLICATION

File No.: TRACT 1368

Applicant: Glenn and Marion Miller

Description of Action: Tract 1368 to divide 11.3 acres into nine lots with the average lot size being 49,078 square feet and lots ranging in size from 7.3 acres to 21,600 square feet.

II. AGENCY RESPONSE:

_____ We have no concerns with the proposal

_____ We have concerns about the potential impacts of this development. We recommend the following:

Consent to Annex required

_____ The following conditions should be included as part of your conditions of approval:

1. any main advance would be to City Ltd. + at expense of developer
2 meters will be set only @ existing stubs (indicated on map)

_____ We oppose this application for the following reasons:

Signed

Agency:

Date:

7-6-99City

AGENCY COMMENT ON LOCAL LAND USE ACTION

Date: _____

I. DESCRIPTION OF APPLICATION

File No.: TRACT 1368

Applicant: Glenn and Marion Miller

Description of Action: Tract 1368 to divide 11.3 acres into nine lots with the average lot size being 49,078 square feet and lots ranging in size from 7.3 acres to 21,600 square feet.

II. AGENCY RESPONSE:

_____ We have no concerns with the proposal

☒ We have concerns about the potential impacts of this development. We recommend the following:

No cut street - water is only avail at stub out at lot 8A, 5 1/2 ft. Water Dept WILL NOT accept water main installed behind house. Also very high pressure in this area & agreement of all property owners required

_____ The following conditions should be included as part of your conditions of approval:

_____ We oppose this application for the following reasons:

David A. Stone 6-7-1

Signed

Date:

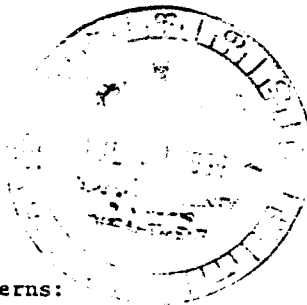
Agency: *City Water*

ENTERPRISE IRRIGATION DISTRICT**"WATER—OUR PLANET'S FUTURE."**

VOICE: 541.884-4986 FAX: 541.884-5366.

7/16/99

Klamath County Planning Department
Z Carl Shuck
507 Main St.
Klamath Falls, Or. 97601



Dear Carl,

Regarding Tract #1368

Enterprise Irrigation has the following concerns:

Drainage: We ask that a plan showing how the property will be drained
and where?

E.I.D Canal: We ask that the canal on all affected parcels be piped for
example (4 thru 9).

In addition we ask that a privacy fence be provided to give the District
necessary protection from development.

If you have any questions, please call.

Respectfully,

Don Russell, E.I.D. Manager

cc: Glen C. Miller

Exhibit H
File # 7 1368

State of Oregon, County of Klamath
Recorded 7/29/99, at 3:31 p. m.
In Vol. M99 Page 30300
Linda Smith,
County Clerk Fee \$ 71/c KL

4806 HIGHWAY 39 • KLAMATH FALLS, OREGON 97603

Return to Commissioner's Journal