

CITY OF KLAMATH FALLS
PLANNING DEPARTMENT

FOR

Norman H. Miles

PO Box 1541

Klamath Falls, OR 97601

FILE 3-V-99

DECISION & FINDINGS

A. SUMMARY

The applicant, Norman H. Miles, requests to eliminate the lot line common to Lots 2 and 3 of Block 35 of the Buena Vista Addition so he may place a manufactured home on the newly created lot. The newly created lot is approximately 13,000 square feet in size and has full frontage on Iowa Street, a platted, but unimproved street. The property owners are Michael and Kimberly Gardner. The property in question is a portion of Map and Tax Lot number 3809-30AA-3100.

Water and sewer services will be required. The applicant is responsible for paying the appropriate Service Development Charges (SDCs) and installation charges.

B. RELEVANT REVIEW CRITERIA

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Chapter 13, Sections 13.005-13.055 regarding Vacations and Replats.

C. DECISION

After considering all staff and agency comments, and reviewing various data, the lot line running in the north/south direction and approximately 130' in length, common to lots 2 and 3 of block 35 of the Buena Vista Addition of Klamath Falls, (as shown on Exhibit "A") being situated in the NE 1/4 NE 1/4 of Section 30, Township 38 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, is hereby vacated. The lot line elimination is hereby approved with conditions based on the following criteria and findings:

D. FINDINGS

The following addresses the criteria specific to sections 13.025 of the City's Community Development Ordinance. In applying the facts to the criteria, specific cross references may have been made; however, the facts separately set forth are generally applicable to more than one criterion and therefore, should be treated as cumulative and supplementary.

1. Criterion. Consent of the owner of the requisite area has been obtained.

Finding. The lot line proposed for vacation is common to two lots privately owned by Michael and Kimberly Gardner. The owners gave consent to vacate the common lot line. No other consent was required.

2. Criterion. Notice of the proposed vacation has been duly given.

Finding. Notice of the proposed vacation was mailed to ten adjacent property owners on October 19, 1999. No objections have been received.

3. Criterion. The public interest will not be prejudiced by the vacation of such plat or part thereof.

Finding. The public interest will not be prejudiced by the vacation of the lot line common to lots 2 and 3 of block 35 of the Buena Vista Addition. The property is privately owned and the elimination of the lot line will allow the applicant to place a residence on the newly created lot where the common lot line is currently located.

4. Criterion. The proposed vacation conforms to the Comprehensive Plan, all applicable provisions of Chapters 10 to 14 and any applicable street plans.

Finding. The proposed vacation conforms to the Comprehensive Plan, all applicable provisions of Chapters 10 to 14 and applicable street plans. The applicant is proposing to eliminate a common lot line so he may place a residence on the property. The applicant has applied for and received a Residential Review application and is responsible for paving a portion of Iowa Street to City standards as stated on the Residential Review application.

E. CONDITIONS

1. The applicant shall pay all required city fees including water, sewer and park service development charges and installation charges.
2. The applicant shall sign a non-remonstrance agreement for curbs, gutters and sidewalks along Iowa Street.
3. The applicant shall install, to City standards, a culvert pipe, under the driveway and parallel to Iowa Street prior to occupancy of the residence. Culvert size can be determined by contacting the City Engineering Department.
4. The applicant shall obtain an Excavation Permit from the City Public Works Department prior to conducting work on the driveway.
5. The applicant must improve, to City standards, the portion of Iowa Street fronting the property in question, by November 25, 2001.
6. The landowner must obtain all necessary building permits from the Klamath County Building Department prior to any construction.

APPEAL

Applicants are advised this decision is final unless written appeal is filed within ten days of the date of this decision. There is a \$100.00 fee for an appeal.

Dated this 5th day of November, 1999.


Sandra Zaida, City Planner

44743

EXHIBIT 'A'

