



BEFORE THE PLANNING DIRECTOR KLAMATH COUNTY, OREGON

IN THE MATTER OF PLA 6-09 FOR)
ALLENSWORTH TO ADJUST A)
PROPERTY LINE ON PROPERTY)
ZONED SUBURBAN RESIDENTIAL)
(RS), IDENTIFIED AS:)
R-3909-002CD-00201 & R-3909-)
002CD-00200)

PLA TYPE I
ADMINISTRATIVE
FINAL ORDER

1. NATURE OF THE REQUEST:

The applicant requests a property line adjustment between two parcels that are zoned Suburban Residential (RS). The area to be adjusted is approximately 0.22 acres. The Planning Director reviewed the request April 22, 2009 pursuant to KCLDC Article 22 – Administrative Review Procedure, Article 45.5– Property Line Adjustment, Article 51.5 - Zoning, and Article 61-Lot Size & Shape. The request was reviewed for conformance with Land Development Code sections 45.540, 51.540, and 61.010.

2. NAMES OF THOSE WHO PARTICIPATED:

The Planning Director in review of this application was Leslie C. Wilson. Cindy Foster, Planner, prepared the Planning Department Staff Report.

3. LEGAL DESCRIPTION:

The subject property described in Property Line Adjustment File located in the Planning Department is described as Township 39S, Range 09E; Section 2CD, Tax Lot 00201, Township 39S, Range 09E, Section 2CD, Tax Lot 00200.

4. RELEVANT FACTS:

The conveying parcel is 2.53 acres and the receiving parcel is approximately 1.745 acres in size. After the adjustment, the conveying parcel will be 2.309 acres and the receiving parcel will be 1.966 acres. The subject parcels lie within the Klamath Falls Urban Growth Boundary. These parcels do not contain any designated wetlands or other Significant Resource Overlay. The parcels are within Flood Zone C as shown on the Flood Insurance Rate Map Panel 410109 1205B.

5. FINDINGS:

All evidence submitted shows that the approval criteria as set out in the code have been satisfied. Specifically, the application was analyzed against KCLDC Article 45.540 (A-F) as follows:

- A. Both the conveying and the receiving parcels were lawfully created per Land Partition 46-04, a replat of tracts 13, 14, 15, and 16 of "Gienger's Home Tracts".
- B. The proposed adjustment will not result in the creation of a new parcel. Per the survey plat, configuration is limited to 0.221 acres to be added to the receiving parcel.
- C. The conveying and the receiving parcels are in conformance with the lot size requirements, both of which are 10,000 square foot minimums as stated in Article 51.540. Adjustment to the property line will not render either parcel nonconforming. Both parcels will also have the required lot lengths and widths as stated in Article 61.
- D. The property line adjustment will not result in creating any non-conforming land uses because the continuing uses of both parcels will be residential use. The additional acreage for the receiving parcel will realign the property line along an existing drainage ditch.
- E. According to the proposed plat, the property line adjustment does not appear to interfere with any public or private easements. The proposed adjustment includes a 20' wide public utility and access easement pre-existing on plat 46-04.
- F. Per the survey plat, the proposed property line adjustment will not result in the physical relocation of a lot or parcel because the parcels remain in their same locations.

6. ORDER:

Therefore, upon review of the information and exhibits, it is ordered the request of Richard Templin Land Surveying for Allensworth/Hancock for approval of PLA 6-09 is **APPROVED** subject to all Federal and State law, rules, or policy; Klamath County Land Development Code and County Ordinances; Oregon Fire Codes and Appendices; Oregon Building Codes and Appendices; Klamath County Public Works Standards, Policies, and Procedures; and, subject to the following additional Conditions of Approval:

Condition #1

The adjusted line shall be surveyed and monumented in accordance with Oregon Revised Statutes Chapter 92.

Condition # 2

Applicant shall submit a draft legal description for each parcel and a map which demonstrates all easements for access, utilities, irrigation, etc. and the new boundary of each unit of land to the Planning Department for review prior to recordation.

Condition # 3

Per KCLDC Section 45.530(F) (1-3), following approval by the Planning Department, the applicant shall within one (1) year of final approval: (1) record the appropriate document with the County Clerk which implements the adjustment shown on the map submitted to the Planning Department; (2) provide a copy of the legal description or survey to the County Assessor, County Surveyor, and the County Planning Department.

Condition # 4

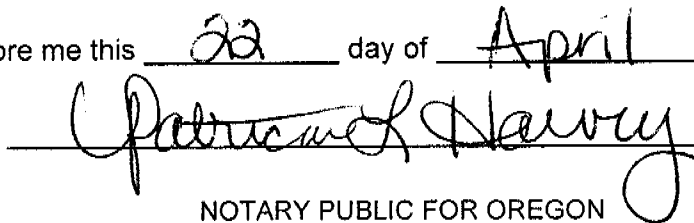
Prior to application for site development permits, this final order must be recorded to the subject property. The applicant will supply the Planning Department with the applicable County Clerk recording fees and the Planning Department will record the final order on behalf of the applicant.

DATED this 22 day of APRIL, 2009.



Leslie C. Wilson, Planning Director

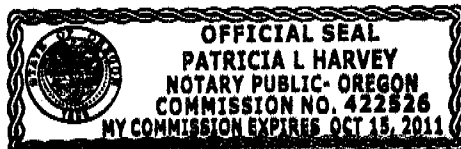
Signed & Acknowledged before me this 22 day of April, 2009.



NOTARY PUBLIC FOR OREGON

My Commission Expires:

Oct 15, 2011



NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Klamath County Board of County Commissioners. Notice of intent to appeal a decision rendered under the procedures of the Klamath County Land Development Code shall be filed no later than 7 days following mailing of the final order. Failure to do so in a timely manner may affect your rights. Notice shall be in the form of a signed letter, shall state the name(s) of the party or parties appealing the decision, and must be received by the Planning Department before the close of business on the seventh day. The fee established by the Board of County Commissioners shall accompany the notice of appeal.

KCLDC ARTICLE 33.040 - STATEMENT OF APPEAL

No later than 7 days following the filing of a notice of appeal pursuant to Section 33.030, the appellant shall file with the Planning Department a written statement of grounds for the appeal explaining:

- A. How the Comprehensive Plan, Klamath County Land Development Code, or applicable State law was incorrectly interpreted or applied in the decision; or*
- B. What information in the record of decision was pertinent to the decision, but was not considered by the review body*

For more information, please contact:

**Klamath County Planning Department
Phone 1-541-883-5121 or mail at 305 Main Street, Klamath Falls, Oregon 97601**

Exhibits:

Property Line Adjustment Application	Exhibit 1
PLA 4-09 Survey	Exhibit 2
Allensworth Deed	Exhibit 3
Hancock Deed	Exhibit 4
Land Partition 46-04 Replat	Exhibit 5
Assessor's: Consolidation & Tax Information	Exhibit 6
Assessor's Maps	Exhibit 7
Parcel Zoning	Exhibit 8
FEMA Firmette	Exhibit 9
KC Surveyor Comment	Exhibit 10