



02/23/2010 01:57:29 PM

Fee: \$72.00

MAR 05 2009

## BEFORE THE PLANNING DIRECTOR KLAMATH COUNTY, OREGON

IN THE MATTER OF LP 48-08 FOR )  
CHRIS ROOKSTOOL TO PARTITION )  
0.73 ACRES INTO 3 PARCELS ON )  
SUBURBAN RESIDENTIAL (RS) )  
ZONED PROPERTY; FURTHER )  
IDENTIFIED AS: 4811 HARLAN )  
DRIVE )

TYPE II  
ADMINISTRATIVE  
FINAL ORDER

KLAMATH COUNTY CLERK  
(HAND DELIVERED)

### 1. NATURE OF THE REQUEST:

The applicant requests to partition approximately 0.73 acres into 3 parcels of 0.24 acres each in a Suburban Residential (RS) zone. The Planning Director reviewed the request February 25, 2009 pursuant to applicable ordinances. The request was reviewed for conformance with Land Development Code Articles 45, 51.5, 61, & 71.

### 2. NAMES OF THOSE WHO PARTICIPATED:

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

### 3. LEGAL DESCRIPTION:

The subject property is legally described as Township 39, Range 09, Section 11BA, Tax Lot 1300, commonly known as 4811 Harlan Drive, Klamath Falls, OR.

### 4. RELEVANT FACTS:

The subject parcel does not contain any mapped Goal 5 resources. According to the FEMA Flood Insurance Rate Map 410109 1205B (Exhibit 8), the property is in a mapped 'C' flood zone. There are no wetlands designated on the property. The parcel lies within a Low Fire Hazard Zone on the Rural Wildland Fire Hazard Rating Map for Klamath County; so, Article 69 requirements do not apply. The subject property is lawfully created per Homedale Tract (Exhibit 5). The applicant is proposing residential uses on all parcels. Klamath County Planning Department received five letters of remonstrance from neighboring property owners stating concerns about the proposal (Exhibits 15 through 19). Comments have been received by Klamath County Public Works, Klamath County Surveyor, Klamath County Building, KCFD #1, City of Klamath Falls Water & Sewer, and South Suburban Sanitary District (Exhibits 10 through 14).

Chris Rookstool

## **5. FINDINGS:**

All evidence submitted shows that the approval criteria as set out in the code have been satisfied. The Planning Director finds this application can be made conforming to the criteria set out in KCLDC Article 45.040(B)(1-8) and the Klamath County Comprehensive Plan as follows:

- B. The partition request will be reviewed against the criteria in Article 45.040 Section B (1-8), as follows:
  - 1. The proposed partition complies with Comprehensive Plan Goal 1 – Citizen Involvement because notices were supplied to surrounding property owners for this application, Goal 2 – Land Use Planning because a staff report was prepared for this application, and Goal 10 – Housing because the creation of new residential parcels will contribute to buildable land in Klamath County.
  - 2. The request was reviewed for conformance with Land Development Code Articles 45, 61, and 71. The proposed parcels meet minimum lot size dimension per Article 61, as demonstrated on the tentative plat. The proposed parcels are 0.24 acres in size, approximately 10,650 square feet, which exceeds minimum lot size requirements of the Suburban Residential zone per KCLDC Article 51.5. The proposed parcel will need to meet Article 68 development standards for driveways and parking, i.e. paved driveways and at least 2 parking spaces. Additional standards may include the construction of a garage in conjunction with a home.
  - 3. The subject property is physically suitable for the type and proposed density of development and conforms to zone standards because the parcel meets the minimum size requirements of a parcel zoned Suburban Residential as required in KCLDC Article 51.5 and the size and shape requirements of KCLDC Article 61.
  - 4. Per the tentative plat, the parcel is laid out to relate to a public road, Harlan Drive, as well as the adjoining parcel lot lines.
  - 5. The current use of the property is residential. The proposed use is residential. Any new dwellings will require approval through the Site Plan Review process. Klamath Falls Water and South Suburban Sanitary District will provide water and sewer service to the proposed parcels. Any future development of the property which may require facilities will need to meet water and sewer service requirements called out in KCLDC Article 74. The subject parcels are located within the boundaries of KCFD #1. Comments received from Klamath Falls Water, SSSD, and KCFD #1 demonstrate that the proposed parcels can be served by these utilities.
  - 6. Per the tentative plat, proposed Parcel 1 has access via Harlan Drive. Proposed Parcel 2 and Parcel 3 will be accessed via a proposed 30-foot access easement.

7. Per the partition plat, the proposed partition does not conflict with legally established easements and no easements currently exist on the property. A new easement is proposed on the west end of the property for access to proposed Parcels 2 and 3. Improvement of any easements must meet KCLDC Article 71 standards and future development must meet setback requirements from easements.
8. The proposed partition uses existing public roads to access Parcel 1. External lot lines are not changing which would prohibit extension of any streets.

**ORDER:**

Therefore, upon review of the information, it is ordered the application of Chris Rookstool requesting approval of LP 48-08 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 applicant is required to pay all ad valorem taxes, any additional taxes, special assessments, fees, interest and penalties prior to partition being recorded.*

**Condition #2:**

*Show all easements. Create easements for access, utilities, irrigation, drainage, and etc. where needed*

**Condition #3:**

*The following statement must be in the Land Partition plat dedication, "No further division of these parcels will occur until the access standards of KCLDC Article 71 are met and approved by Klamath County Public Works."*

**Condition #4**

*The partition must be surveyed and monumented in accordance with ORS Chapter 92.*

**Condition #5**

*Access must be at least 30' wide and an all weather surface capable of supporting fire apparatus at 60,000 pounds, with a 13' 6" vertical clearance and not more than 10% grade. Proof of compliance must be submitted to the Planning Department prior to recordation of the final plat.*

**Condition #6**

*Post address numbers at access from Harlan. Submit proof of compliance to the Planning Department prior to recordation of the final plat.*

**Condition #7**

*At the time of structural development, driveways and parking area must be developed to Article 68.030 and Article 68.070 standards.*


**Condition # 8**

*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 25 day of FEBRUARY, 2009 AND WILL EXPIRE 1 YEAR HEREAFTER  
UNLESS RECORDED OR AN EXTENSION OF TIME IS APPROVED.**

  
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Leslie C. Wilson, Planning Director

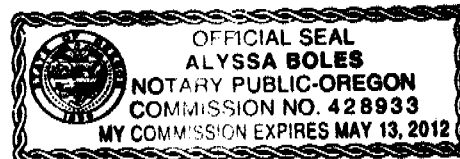
Signed & Acknowledged before me this 25 day of Feb., 2009.

  
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NOTARY PUBLIC FOR OREGON

My Commission Expires:

5-13-2012  
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### **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:**

Land Partition Application	Exhibit 1
Tentative Partition Plat	Exhibit 2
Preliminary Title Report	Exhibit 3
Ownership Deed	Exhibit 4
Lawful Creation Documentation	Exhibit 5
Homedale Tract Plat	Exhibit 6
Zone/Fire District/Wetland/Goal 5 Map	Exhibit 7
FEMA Firmette	Exhibit 8
KC Surveyor Comments	Exhibit 9
KCFD #1 Comments	Exhibit 10
KC Public Works Comments	Exhibit 11
KC Building Comments	Exhibit 12
City of Klamath Falls Water Comments	Exhibit 13
SSSD Comments	Exhibit 14
Ferris Remonstrance Letter	Exhibit 15
Trahan Remonstrance Letter	Exhibit 16
Chambers Remonstrance Letter	Exhibit 17
Powers Remonstrance Letter	Exhibit 18
Anastasi Remonstrance Letter	Exhibit 19

2008-013231

Klamath County, Oregon



00053668200800132310020027



After recording return to:  
Chris Rookstool  
1900-A Main Street  
Klamath Falls, OR 97603

Until a change is requested all tax statements  
shall be sent to the following address:  
Chris Rookstool  
1900-A Main Street  
Klamath Falls, OR 97603

File No.: 7088-1158056 (DSS)  
Date: September 10, 2008

THIS SPACE

09/23/2008 11:12:22 AM

Fee: \$26.00

### STATUTORY SPECIAL WARRANTY DEED

**Chase Home Finance, LLC.**, Grantor, conveys and specially warrants to **Chris Rookstool**, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

**BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF SAID TRACT 35, A DISTANCE OF 75 FEET NORTHWESTERLY FROM THE MOST SOUTHERLY CORNER OF SAID TRACT 35; THENCE NORTHEASTERLY AND PARALLEL TO THE LINE BETWEEN SAID LOT 35 AND LOT 34 OF SAID HOMEDALE, A DISTANCE OF 300 FEET TO THE NORTHEASTERLY LINE OF SAID TRACT 35; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID TRACT 35 A DISTANCE OF 106.5 FEET TO THE MOST NORTHERLY CORNER OF SAID TRACT 35; THENCE SOUTHWESTERLY ALONG THE LINE BETWEEN SAID TRACT 35 AND TRACT 36 OF SAID HOMEDALE, A DISTANCE OF 300 FEET TO THE MOST WESTERLY CORNER OF SAID TRACT 35; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID TRACT 35 A DISTANCE OF 106.5 FEET TO THE POINT OF BEGINNING.**

**This property is free from liens and encumbrances, EXCEPT:**

1. Fiscal year real property taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$37,500.00**. (Here comply with requirements of ORS 93.030)

F26-

APN: R550790

Statutory Quitclaim Deed  
- continued

File No.: 7088-1158056 (DSS)  
Date: 09/19/2008

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 19th day of September, 2008.

Chase Home Finance LLC

Perry Pollard

Assistant Vice President

STATE OF Texas

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)ss.

County of Dallas

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This instrument was acknowledged before me on this 19th day of September, 2008  
by Perry Pollard, AVP.

Karula R. Cooper

Notary Public for Dallas County, Texas  
My commission expires: 7/24/2011

