

City of Klamath Falls Planning Department  
Administrative Review

In the matter of an  
Administrative Review for:

Final Decision and Conditions: **2-P-09**

Eagle Point Development, LLC.  
744 Cardley Ave, STE 100  
Medford, OR 97504

Date: March 31, 2009

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In accordance with the provisions of Section 10.805 and 11.705 - 11.725 of the Community Development Ordinance (CDO), the City of Klamath Falls Planning Department has reviewed this request for a Land Partition.

**NATURE OF THE PROPOSAL**

The applicant, Eagle Point Development, LLC, proposes to partition 99.49 acres into two parcels with parcel 1 being 92.46 acres and parcel 2 being approximately 7.03 acres. The portion of the subject property that makes up parcel 1 has received tentative approval for a 276 lot subdivision (Orindale Village) that would be accessed from Orindale Road to the east. The tentative approval for this subdivision is due to expire on May 12, 2009. Ownership of parcel 2 will be conveyed to Kucera Enterprises, LLC. There is no intended use, at this time, for parcel 2. The property in question can be found on Klamath County Assessor's Map R-3908-012B-00100 & 00200. Proposed parcel 1 is zoned City; Single Family Residential and proposed parcel 2 is zoned County; Suburban Residential.

**AGENCY COMMENTS**

Planning –

Any future land partitioning or subdividing of either of the proposed parcels will require provisions to insure adequate connectivity between existing streets, future streets, existing lots/parcels, and future lots/parcels. These provisions will include providing access through subdivided/partitioned properties to adjoining properties. Access to Long Lake Rd and/or Balsam Dr for parcel 1 will be considered at the time of further partitioning or subdividing of either parcel 1 or parcel 2. Likewise, access to future internal roads in parcel 1 from parcel 2 will be considered at the time of further partitioning or subdividing of either parcel 1 or parcel 2.

Engineering -

1. A final land partition plat shall be prepared by a Professional Surveyor registered in the state of Oregon. The property shall be surveyed and mapped in accordance with the City of Klamath Falls Community Development Ordinance Chapter 11 and Oregon Revised Statutes 92 and 209. Along with those requirements, the

Surveyor of record shall submit copies of existing recorded easements and the full sized **filed surveys** and **recorded plats** that are referenced on the final plat.

2. Land Partition 73-06 has expired. The applicant will need to apply for a new land partition number.
3. The text information on the tentative map is not legible. Bearings, distances, and other text related information needs to be clearly shown on the map.
4. Missing Community Development Ordinance (CDO) 11.715 (1)(o): Water Rights Statement.
5. The applicant shall state on the tentative plan if the drainage easements shown are existing or proposed.
6. Above items 2 through 5 shall be addressed on a revised tentative plan prior to approval of the tentative partition and submittal of the final plat.
7. A traffic report will be required prior to development of the proposed parcels. The property in question falls within the boundary of the adopted Transportation System Development Charges for the Balsam Drive/Orindale Road Area (Stewart-Lenox). A fee schedule has been attached for the applicants use.
8. Per CDO 11.723(5): The applicant has not provided any information to determine City utility serviceability for tentative plan approval. The applicant would need to supply the City Engineering office with Water and Sewer Data Connection Reports to receive a response on the ability to serve the proposed parcels.
9. Prior to final plat approval the applicant shall meet the requirements of CDO 11.725 "Partition – Final Approval."

Co. Public Works –

1. Show all easements. Create easements for access, utilities, irrigation, drainage, and etc. where needed.
2. Access to Briarwood Lane and Primrose lane is restricted by one-foot street plugs.
3. Any new access to Orindale, Balsam, or Long Lake will require a permit from Klamath County Public Works.
4. Create easements for existing drainage ways, i.e. drainage across south quarter, end of parcel 2.
5. Show how parcel 1 (subdivision) will be accessed.
6. Check with Public Works for street names for access easements.

Co. Planning - "No concerns at this time."

Avista:	No comments were received.
Fire District # 4:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
Opponents:	No comments were received.

Proponents:

No comments were received.

**RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND FINDINGS:**

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 11.705-11.725, regarding Land Partitioning.

**A. Criterion *The proposed partition is in conformance with the City Comprehensive Plan.***

Facts and Analysis: The proposed parcels meet the CDO standard for lot sizes, and shape. Parcel 2 is accessed off of County Road 782 (Long Lake Rd.) an unpaved road without curb and gutter. Parcel 1 is accessed by Primrose Lane and Briarwood Lane. Primrose is a paved street approximately 24' wide without curb and gutter. Briarwood is unimproved south of Valleyview Lane. If the Orindale Villages Subdivision is finalized, parcel 1 will have access to Orindale Road through the internal road system of the subdivision.

Findings: *The proposed partition conforms to the Comprehensive Plan and all other provisions of Chapter 10-14. This criterion is met.*

**B. Criterion *The proposed partition is in conformance with all applicable provision of this Ordinance and other federal, state and county ordinances and regulations.***

Facts and Analysis: The tentative partition conforms to CDO 14.050, which requires all lots or parcels to abut an improved street. Parcel 2 abuts Long Lake Rd. for the entire length of the lot frontage. This portion of Long Lake Road is an improved, unpaved, gravel road maintained by the County. Currently, parcel 1 is accessed by Primrose Lane, Briarwood Lane and Orindale Road. Primrose is a paved street approximately 24' wide without curb, gutter or sidewalks. Briarwood is unimproved south of Valleyview Lane. Orindale Road is a paved street approximately 30' wide without curb, gutter or sidewalks. These streets are also under county jurisdiction. There is an approved tentative subdivision application for parcel 1 (Orindale Village). The platted subdivision will insure that each parcel abuts an improved street for the length of the lot frontage.

Findings: *The proposed partition will be in conformance with all applicable provision of this Ordinance and other federal, state and county ordinances and regulations by the conditions placed upon it. This criterion is met with conditions.*

**C. Criterion *The subject property is physically suitable for the type and proposed density of development and conforms to zoning standards.***

Facts and Analysis: The proposed parcels meet the required minimum 7,000 square foot lot size for the City Single Family Residential Zone and the 10,000 square foot lot size for the County Suburban Residential Zone. The size and shape of both proposed parcels are such that they can accommodate the uses permitted within their respective zones. Parcel 1 is part of an approved tentative subdivision, Orindale Village.

*Findings:* The subject property is physically suitable for the type and proposed density of development and conforms to zoning standards. This criterion is met.

**D. Criterion The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets or other existing or planned facilities.**

Facts and Analysis: Parcel 2 is accessed off of County Road 782 (Long Lake Rd.) an unpaved road without curb, gutter or sidewalks. Parcel 1 is accessed by Primrose Lane, Briarwood Lane, and Orindale Road. Primrose is a paved street approximately 24' wide without curb, gutter or sidewalks. Briarwood is unimproved south of Valleyview Lane. Orindale Road is a paved street approximately 30' wide without curb, gutter, or sidewalks. All of these streets are under County jurisdiction. The availability of water, sewer and proper street access to these parcels are concerns that will be addressed through the conditions placed on this partition as well as through the current subdivision application for parcel 1 (Orindale Village). The parcels have been laid out in proper relation to adjoining and nearby lots.

Any future land partitioning or subdividing of either of the proposed parcels will require provisions to insure adequate connectivity between existing streets, future streets, existing lots/parcels, and future lots/parcels. These provisions will include providing access through subdivided/partitioned properties to adjoining properties. Access to Long Lake Rd and/or Balsam Dr for parcel 1 will be considered at the time of further partitioning or subdividing of either parcel 1 or parcel 2. Likewise, access to future internal roads in parcel 1 from parcel 2 will be considered at the time of further partitioning or subdividing of either parcel 1 or parcel 2.

*Findings:* The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets or other existing or planned facilities. This criterion is met with conditions.

**E. Criterion The existing sewer and water facilities and fire protection services are adequate to serve the proposed development.**

Facts and Analysis: The City services the Stewart/Lenox area but the City does not have municipal water to these sites. Per CDO 11.723(5): The applicant has not provided any information to determine City utility serviceability for tentative plan approval. The applicant would need to supply the City Engineering office with Water and Sewer Data Connection Reports to receive a response on the ability to serve the proposed parcels.

*Findings:* The existing sewer and water facilities and fire protection services will be made adequate to serve the proposed development by the conditions placed upon the proposed partition. This criterion is met with conditions.

**F. Criterion Lots or parcels created through the proposed partition shall abut an improved street for the length of the lot frontage.**

Facts and Analysis: Parcel 2 abuts Long Lake Rd. for the entire length of the lot frontage. This portion of Long Lake Road is an improved, unpaved, gravel road maintained by the County. Currently, parcel 1 is accessed by Primrose Lane, Briarwood Lane and Orindale Road. Primrose is a paved street approximately 24' wide without curb, gutter or sidewalks. Briarwood is unimproved south of

Valleyview Lane. Orindale Road is a paved street approximately 30' wide without curb, gutter or sidewalks. These streets are also under county jurisdiction. There is an approved tentative subdivision application for parcel 1 (Orindale Village). The platted subdivision will insure that each parcel abuts an improved street for the length of the lot frontage.

*Findings:* Lots or parcels created through the proposed partition abut an improved street for the length of the lot frontage. This criterion is met with conditions.

**G. Criterion The proposed partition will not conflict with legally established easements or access within or adjacent to the proposed partition;**

Facts and Analysis: The proposed partition shows a power easement within parcel 1. Pacific Power was notified of this application and did not respond. The easement is for overhead electrical power lines. This easement is in the northern part of the proposed parcel 1 and runs the entire length of the property from east to west. The proposed partition will not effect the existing easement.

*Findings:* The proposed partition will not conflict with legally established easements or access within or adjacent to the proposed partition. This criterion is met.

**H. Criterion The proposed partition does not prohibit the extension of dedicated streets or roads.**

Facts and Analysis: No rights-of-way have been dedicated or planned for parcel 2. Through the tentative subdivision approval, parcel 1 can accommodate the dedication of streets.

Any future land partitioning or subdividing of either of the proposed parcels will require provisions to insure adequate connectivity between existing streets, future streets, existing lots/parcels, and future lots/parcels. These provisions will include providing access through subdivided/partitioned properties to adjoining properties. Access to Long Lake Rd and/or Balsam Dr for parcel 1 will be considered at the time of further partitioning or subdividing of either parcel 1 or parcel 2. Likewise, access to future internal roads in parcel 1 from parcel 2 will be considered at the time of further partitioning or subdividing of either parcel 1 or parcel 2.

*Findings:* The proposed partition does not prohibit the extension of dedicated streets or roads. This criterion is met.

**I. Criterion Emergency Vehicle access is adequately addressed and complies with the Uniform Fire Code, as stated in Section 8.6**

Facts and Analysis: Proposed parcel 2 abuts a portion of Long Lake Road that is an improved, unpaved gravel road maintained by the County. There is no development proposed for parcel 2 at this time. Currently, parcel 1 is accessed by Primrose Lane, Briarwood Lane and Orindale Road. Primrose is a paved street approximately 24' wide without curb, gutter or sidewalks. Briarwood is unimproved south of Valleyview Lane. Orindale Road is a paved street approximately 30' wide without curb, gutter or sidewalks. These streets are under County jurisdiction. The approved tentative subdivision plat for parcel 1 (Orindale Village), if implemented, will provide internal circulation for emergency vehicles. The platted subdivision will insure that

each parcel has emergency vehicle access which complies with the Uniform Fire Code.

*Findings: Emergency Vehicle access is adequately addressed and complies with the Uniform Fire Code. This criterion is met with conditions.*

## DECISION

After consideration of all staff, agency and citizen comments, and reviewing various data, the application is **approved** as presented subject to the following conditions:

## CONDITIONS

### 1. Prior to Tentative Plat Approval

- a) The applicant shall re-submit the tentative plan addressing the following items:
  - Land Partition 73-06 has expired. The applicant will need to apply for a new land partition number.
  - The text information on the tentative map is not legible. Bearings, distances, and other text related information needs to be clearly shown on the map.
  - Missing Community Development Ordinance (CDO) 11.715 (1)(o): Water Rights Statement.
  - The applicant shall state on the tentative plan if the drainage easements shown are existing or proposed.

### 2. Prior to Final Approval

- a) A final land partition plat shall be prepared by a Professional Surveyor registered in the state of Oregon. The property shall be surveyed and mapped in accordance with the City of Klamath Falls Community Development Ordinance Chapter 11 and Oregon Revised Statutes 92 and 209. Along with those requirements, the Surveyor of record shall submit copies of existing recorded easements and the full sized **filed surveys** and **recorded plats** that are referenced on the final plat.
- b) Prior to final plat approval the applicant shall meet the requirements of CDO 11.725 “Partition – Final Approval.”

### 3. General

- a) A traffic report will be required prior to development of the proposed parcels. The property in question falls within the boundary of the adopted Transportation System Development Charges for the Balsam Drive/Orindale Road Area (Stewart-Lenox). A fee schedule has been attached for the applicants use.
- b) Any future land partitioning or subdividing of either of the proposed parcels will require provisions to insure adequate connectivity between existing streets, future streets, existing lots/parcels, and future lots/parcels. These provisions will include providing access through subdivided/partitioned properties to adjoining properties. Access to Long Lake Rd and/or Balsam Dr for Parcel 1 will be considered at the time of further partitioning or subdividing of either Parcel 1 or Parcel 2. Likewise,

access to future internal roads in Parcel 1 from Parcel 2 will be considered at the time of further partitioning or subdividing of either Parcel 1 or Parcel 2.

- c) Per CDO 11.723(5): The applicant has not provided any information to determine City utility serviceability for tentative plan approval. The applicant would need to supply the City Engineering office with Water and Sewer Data Connection Reports to receive a response on the ability to serve the proposed parcels.
- d) Any new access to Orindale, Balsam, or Long Lake will require a permit from Klamath County Public Works.
- e) All conditions associated with the tentative approval for the subdivision on parcel 1 (Orindale Village) still apply to the development of parcel 1.

This **Land Partition** has met the condition and scope of the City of Klamath Falls Comprehensive Plan, acknowledged by the Oregon State Land and Conservation Development Commission on May 31, 1984. In doing so, this Design Review does address the appropriate policies encompassed in the Comprehensive Plan.

**APPLICANTS ARE ADVISED THAT THIS DECISION BECOMES FINAL TWELVE DAYS FROM THE DATE OF MAILING THIS DECISION, UNLESS WRITTEN APPEAL AND A \$200 APPEAL FEE IS FILED WITH THE CITY PLANNING DEPARTMENT.**

DATED THIS 31 MARCH 2009

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JOE SLAUGHTER,  
ASSOCIATE PLANNER

- c: Tom Del Santo, Development Coordinator  
Rick Bowman, Code Enforcement Officer