

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **2-CUP-10**

Brand X Rentals
20335 Arrowhead Drive
Bend, OR 97701

Bob Langfield
417 McCourt Street
Klamath Falls, OR 97601

Precision Engineering
250A Main Street
Klamath Falls, OR 97601

Date: September 15, 2010

In accordance with the provisions of Sections 10.805 and 11.100 - 11.120 of the Community Development Ordinance (CDO), the City of Klamath Falls Planning Department has reviewed this request for a Conditional Use Permit.

NATURE OF THE PROPOSAL

The applicant Bob Langfield, on behalf of landowner Brand X Rentals, proposes to have a church occupy an existing building that was completed in 2007 and approved for storage and office space. The existing building has a footprint of 2,400 square feet and covers 17% of the subject lots, and there are no additions proposed. The building height is not being proposed to change and will remain at 25' in height. The property is zoned Light Industrial and the proposed church use for the property is a conditional use in this zone designation. The site already has driveway access from Market Street and the parking lot would require at least 13 off-street parking spaces. The applicant is not proposing to install any additional landscaping, but the landscaping areas need to be cleaned before insufficiencies can be determined. The property is addressed as 535 Market Street and can be found on Assessor's Map R-3809-033BC – Tax lot 01900 (Block 7: Lots 29A, 29B, 28A, and 28B, Railroad Addition). The development fronts 100' of the Market Street right-of way.

AGENCY COMMENTS

Planning:

1. **Setback & Lot Coverage:** Light Industrial zoning allows for 100% lot coverage and zero setbacks unless the property abuts a residential zone. The subject property does not abut a residential zone.

The existing building setbacks for the building are approximately 5' from the west property line, 62.5' from the east property line, 63' from the south property line, and 2' from the north property line. The building setbacks are not proposed to change.

The existing building has a footprint of 2,400 square feet and covers 17% of the 13,750 square feet of the subject lots. The building has 2,400 square feet on the first floor and 1,400 square feet on the second floor for a total of 3,850 square feet.

2. **Building Height:** The maximum allowed building height in Light Industrial zones is 45'. **The peak building height for this building will remain at 25'.**

3. **Parking:** The Community Development Ordinance (CDO) 14.010 requires 1 off street parking space for every 4 seats or every 8 feet of bench length. Calculating parking requirements based on professional office use the site would require 13 parking spaces (50 seats/4 seats = 12.50). The applicant, Bob Langfield, stated the maximum number of congregation members would be 50 people. The applicant shows 5 parking spaces on the site plan. With modifications and most likely extension of the paved parking surface the subject property could accommodate 13 parking spaces. **The 50 seat church shall provide a minimum of 13 parking spaces. A revised site plan shall show 13 paved parking spaces.**

CDO 10.010 Parking Space Standards requires that all standard parking spaces shall have a minimum width of 9' and minimum length of 19'. Small vehicle parking spaces shall have a minimum width of 8'6" and minimum length of 14'6".

CDO 14.040(1) requires that all areas used for parking and maneuvering of vehicles, including driveways and truck loading areas, to have either a concrete or asphalt surface. The site plan shows that an existing asphalt area adjacent to Broad Street shall be maintained, but does not show the paved parking surface being expanded.

CDO 14.040(4) requires that access aisles which provide two-way traffic shall be a minimum of 24 feet in width and those which provide one way traffic shall be a minimum of 15 feet in width. CDO 14.040(6) requires that directional signs and pavement markings be used to control vehicle movement within parking and loading facilities.

Parking for people with disabilities:

CDO 14.010(2) requires 1 parking space for people with disabilities for every 25 parking spaces. Parking spaces for people with disabilities shall be at least 9' wide by 19' in length. Since the building shall have 13 parking spaces, 1 parking space for people with disabilities is required. CDO 14.010(2)(b) requires that parking spaces for people with disabilities shall be located closest to the nearest accessible entrance. **The applicant proposes 1 space for people with disabilities.**

CDO 14.010(2)c. requires at least a 6' wide by 19' long parking access aisle adjacent to each parking space for people with disabilities. Van accessible spaces shall have an access aisle at least 8' wide and 19' long. CDO 14.010(2) a. requires that one in every eight accessible spaces, but no less than one space, shall be van accessible. **The applicant shall have 1 van accessible access aisle in the parking area for people with disabilities.** Per ORS 447.233(2)d. the access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.

Bicycle parking:

CDO 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces and CDO 14.046(2) requires the bicycle parking facility to be located no further than 50' from a public entrance. CDO 14.047(4) requires that the bicycle rack be anchored to the ground. CDO 14.047(4) requires that the bicycle rack be anchored to the ground. **The 13 vehicle parking spaces require a total of 2 bicycle spaces be provided. The applicant shall show the location of the bicycle rack on a revised site plan. The bicycle rack shall not interfere with ADA access.**

The vehicle parking layout shall be striped according to a parking plan approved by the Planning Division, with four inch-wide painted lines. This area shall have asphalt or concrete.

4. **Access and Driveways:** There is one driveway proposed at the site that has access on to Market Street. Klamath County Fire District #1 requires a minimum driveway width of 20'. City of Klamath Falls Code 8.570 requires a minimum driveway width of 24'. **The driveway off of Market Street is already adequately built at 24' in width.**
5. **Sidewalks:** The City of Klamath Falls Public Works Engineering Standards (CKFPWES) requires that sidewalks or curb ramps are installed in any areas within the City right-of-way adjacent to this site that are missing sidewalks or public sidewalk curb ramps (ADA ramps). **The existing sidewalks were recently constructed and are in adequate shape.**
6. **Noxious Vegetation:** During a site visit on 09/09/10 City staff noticed extremely tall weeds within all landscape areas and in the gravel area on the property. Per City Code Section 5.630, noxious vegetation (i.e. weeds and grasses) shall not exceed 8 inches in height. **The existing noxious vegetation and all future noxious vegetation on this property shall be removed. If the weeds are not removed, immediate Code Enforcement action will be necessary.**
7. **Landscaping:** CDO 14.405(6) requires mulch consisting of wood chips, bark, or similar organic materials, to be installed and maintained no less than three inches in depth within the drip-line of required trees. CDO 14.405(3) requires that a minimum of one tree be planted for every 50 feet of frontage along each street. **The 100 feet of property along Market Street requires the planting of at least 2 street trees.** CDO 14.405 requires that for each 1,000 square feet of landscaped open space or fraction thereof, a minimum of 1 tree and 2 shrubs shall be planted.

The City does not support placing rock in the right-of-way. Also, rock placed around lawn areas can create problems with properly maintaining and grooming those lawns.

Landscaping needs to be added to all sides of the parking area in order to satisfy the requirements of CDO 14.410(1). CDO 14.410(4)(b) requires that parking lots shall have landscaped islands at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface. **The applicant shall install landscaping areas at the ends of all parking rows landscaped in a similar manner to the other vegetation strips.**

CDO 14.410 (4)(c) requires a minimum of 3% of the space provided for vehicular circulation such as driveways, driveway easements or open parking areas shall be landscaped which shall be evenly distributed throughout when the parking area contains five or more spaces. **The applicant currently has approximately 950 square feet of landscaping.**

CDO 14.410(1) requires all areas set aside for landscaping to have a minimum vegetative cover of at least 50%. The applicant shall ensure that this requirement is met.

The site plan does not show an irrigation method. The landscaping data provided on the site plan is inadequate and is not approved.

The applicant shall submit a detailed landscaping plan on 11" x 17" paper, for review and approval, showing the following:

- **Name of plant material, the number of each species of plant that will be used, and the location of the different plant material**
- **A minimum of 1 tree and 2 shrubs for every 1,000 square feet of landscaping or fraction thereof**
- **Landscaping at the ends of all parking rows**
- **All landscaped areas not covered with trees or other vegetation shall be covered with a 3 inch layer of bark mulch**
- **A minimum of 50% of the landscaping area shall be covered by vegetation**
- **All required trees shall be a minimum of 2" caliper in size**

- **An irrigation plan**
- **All shrubs shall be planted from a 5 gallon container**
- **Trees planted at a minimum of every 50 feet along Market Street. A minimum of 2 street trees shall be planted along Market Street.**

The applicant shall install and maintain the required landscaping as part of this Conditional Use Permit. This requires that any existing landscape areas shall be brought into compliance or replaced.

8. **Fences and Trash Enclosures:** All trash containers greater than 50 gallons in capacity shall be screened to a height of six feet by a sight-obscuring fence per CDO 14.150(1). **The applicant shall place the trash container(s) in a screened trash area. If a common solid waste receptacle is provided an equal area shall be provided for recycling adjacent to or within the trash enclosure. The trash and recycle containers shall be placed in an approved area and indicated on a revised site plan.**

The property currently does not contain a chain link fence. There are two chain link fences, one of which is at the northern property line and the other which is at the eastern property line, but neither fence belongs to the subject property.

Approval of this Design Review does not constitute approval of future fence placement. **A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence, including the fence screening the trash and recycle area.**

9. **Signs:** During a recent site visit no signs with commercial messages were noted on the subject property. Existing and proposed signs to be located on the subject property must meet the requirements of the uniform sign code found in CDO sections 14.300-14.368. **A sign permit must be submitted, reviewed, and approved prior to the installation or change of any signs. All existing signs shall be made to conform to the uniform sign code found in CDO Sections 14.300-14.368.** The submitted site plan does not indicate any new proposed signs. At least a 5 foot setback is required for any proposed freestanding signs. Proposed signs shall not be located within the street right-of-way of Market Street, nor within the required sign setbacks.

Engineering:

1. City water and sewer service: Currently the site is serviced with an active 5/8-inch meter and a sewer lateral. The change in use may trigger an additional Sewer System Development Charge (SDC). The applicant will be required to submit a completed Sewer SDC Calculation Information Sheet that can be obtained at the City Engineering office. The site plan submitted is not showing any change to the domestic water service or a fire suppression system, so at this time there does not appear to be any additional fees required for City water.
2. The existing on-site parking lot area is asphalt on the south side of the building with gravel on the east side. It would appear that the graveled area will be used for church parking and will be required to be paved unless the Planning Division determines differently.
3. A small or large site erosion/sediment control plan and a private storm drainage plan cannot be determined from the submitted site plan, as it is not clear if the graveled area will be paved and if the shown detention pond is being proposed or does it currently exist. The Engineering Division office will defer those comments and determinations of any fees until those items are clarified. The site is inundated with a large amount of weeds for a proper field inspection to be made, on the shown detention area.

4. There is an existing public sidewalk crossing the driveway that is not shown on the plans, which City Engineering received. The existing driveway and sidewalk appear to be newly constructed and in good shape.
5. Until further requested information is received; the City Engineering office cannot properly comment on any required engineering design/construction plans, Site Construction Permit and City Engineering fees.

Building Department:

1. Building permit submittals shall include a comprehensive code evaluation, drawings, calculations, and specifications for the project. Unless waived by the Building Official, all design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such. The proposed Change-of-Use from Storage Building to Church requires a Building Permit.
2. Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering Departments. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
3. No work shall commence prior to plan review and issuance of the appropriate building and trade permits. The converted space shall not be occupied until the Building Division issues a Certificate of Occupancy.
4. Phased construction and/or deferred submittals require approval of the Building Division and submittals for such work shall follow established policy for plan review. No work shall commence prior to review and approval of the associated project phase.

United States Bureau of Reclamation:

“In response to the City of Klamath Falls Planning Departments administrative review request for the subject applicant’s proposal to use a vacant building for a church, the Bureau of Reclamation has no comments and/or concerns at this time. There are no Reclamation facilities adjacent to or in the vicinity of the proposed construction site.”

KCFD#1:

“It appears the building would have to go through a change in occupancy type from S (storage) to an A-3 (assembly use intended for worship) with the Building Department.”

Basin Transit Service:

“No Comments”

SPOKES:

“Site and building features need to be accessible to and useable by people with disabilities.”

Klamath County Public Works:	No comments were received.
Avista:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
Proponents:	No comments were received.
Opponents:	No comments were received.

REQUIRED FINDINGS

Criterion #1: The conditional use permit conforms to all provisions of Chapter 10 to 14 and any applicable street plan.

Staff Analysis: The proposed church is located in an area of existing improved streets. The site has an adequate driveway and sidewalks.

The existing building meets the setback, lot coverage, height, and access requirements. Amendments to the site plan or the submittal of additional plans (as outlined in the agency comments) can bring the proposal into compliance through modifications to the parking area, proper location of ADA parking and adjacent ADA access aisle, identification of bicycle parking, identification of a trash/recycle area, identification of landscape islands at the ends of all parking rows, and adequate identification of street trees along every 50 feet of Market Street.

Finding: The proposed conditional use permit will conform to all applicable provisions of chapters 10 – 14 of the Community Development Ordinance and any applicable street plan through the implementation of conditions. *This criterion is met with conditions.*

Criterion #2: The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls, and fences, parking, loading, landscaping, and other features required to adjust said use with land and uses in the neighborhood.

Applicant: The Market Street site does meet all size requirements for the Revolution Church. The parking, the room sizes, and the auditorium size are adequate.

Staff Analysis: The existing 3,850 square foot building has a footprint of 2,400 square feet and is located on a 13,750 square foot lot, and covers 17% of the lot, which is well below the maximum 100% lot coverage allowed for Light Industrial zoning. The property is rectangular in shape and fronts 100' of the Market Street right-of ways. All required yard setbacks are met and landscaping can be approved once an updated landscape plan is submitted and approved.

If fencing is proposed it could be accommodated on site provided a fence permit is submitted, reviewed, and approved prior to installation.

Finding: The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls, and fences, parking, loading, landscaping, and other features required to adjust said use with land and uses in the neighborhood. *This criterion is met with conditions. To meet conditions a landscaping plan shall be submitted, reviewed, and approved.*

Criterion #3: The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Applicant: Yes, the streets and South 6th Street thoroughfare will accommodate traffic that this church will need.

Staff Analysis: Market Street is classified as a local street. Traffic generated by vehicles in the local vicinity would increase slightly because the subject building is currently vacant; however, increases in vehicular traffic would not cause any significant impact.

The driveway on Market Street is adequately designed at 24 feet in width and allows for two-way traffic. The applicant has already installed adequate sidewalks to City Engineering Standards.

Finding: The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. *This criterion is met.*

Criterion #4: The proposed use will have no adverse effect on abutting property or the permitted uses thereof.

Applicant: Since our meetings will take place when these vacant buildings would maybe have tenants (and) would be closed there shouldn't be any conflict.

Staff Analysis: The properties immediately adjacent to this subject property are all zoned Light Industrial. Local businesses could benefit from the church at 535 Market Street as it could add potential business patrons to the neighborhood. There are no residential housing units in the immediate vicinity of the subject property. The abutting properties will not be affected by the proposed church because they are Light Industrial in use and will not be affected by a church that is only used on a limited basis.

The proposed church should not cause nuisance conflicts as defined in the Klamath Falls City Code 5.600–5.676 with surrounding properties in regards to property design and layout.

The owners of record for the surrounding properties within 250 feet were notified of this application and no written comments were received. One person at 651 Market Street did voice some concerns. The primary concerns raised regarded the following; a church is not an appropriate use in Light Industrial zoning, that Market Street was not in good enough shape to accommodate additional vehicular traffic, and that a church generates more traffic than commercial establishments.

Finding: There is no evidence that the proposed church will have adverse effects on abutting property or the permitted uses thereof. *This criterion is met.*

Criterion #5: The adequate capacity of City facilities for water, sewer, paved access, electricity and storm drainage can and will be provided to and through the property.

Applicant: This property meets all the cities requirements for water, and sewer, and paved access. Electrical service is more than adequate.

Staff Analysis: The proposal is located in an area containing developed City facilities for water, sewer, paved access, and electricity (provided by Pacific Power and Light). Pacific Power and Light did not respond to the request for comments.

Currently the site is serviced with an active 5/8-inch meter and a sewer lateral. The change in use may trigger an additional Sewer System Development Charge (SDC). The applicant shall submit a complete Sewer SDC Calculation Information Sheet that will determine potential SDC charges. The site plan submitted does not show any change to the domestic water service.

A small or large site erosion/sediment control plan and a private storm drainage plan cannot be determined from the submitted site plan, as it is not clear how much of the existing graveled area will be paved. The site is inundated with a large amount of weeds for a proper field inspection to be made, on the shown detention area.

The applicant shall install driveways that conform to the City of Klamath Falls Code 8.570 for width and number of driveways, and to section 8-5.3.8 of the CKFPWES current edition for location and design criteria. The existing driveway is compliant and is 24 feet wide.

Finding: The adequate capacity of City facilities for water, sewer, paved access, electricity and storm drainage could be provided to and through the property. *This criterion is met with conditions.*

Criterion #6: **The proposed use is similar in scale, bulk, coverage, and is architecturally compatible with other uses in the area.**

Applicant: The warehouse look fits our needs and is in perfect relationship with other buildings.

Staff Analysis: The subject building which was designed for office space, storage, and light industrial is not unique to this area. The adjacent buildings have light industrial businesses that have some space dedicated for office space and storage.

Subject Building: The proposed church is in an existing building that is proposed to remain at 25 feet in height and remain two-story. The footprint of all structures on the site is 2,400 square feet and cover 17% of the 13,750 square feet of subject lots.

South of Subject Property: The Market Street Storage LLC building at 553 Market Street has an existing footprint of approximately 8,781 square feet and covers 64% of the 13,750 square feet of lots.

North of Subject Property: The William and Shirley Pederson building (Hitson Electric) at 525 Market Street has an existing footprint of approximately 5,240 square feet and covers 51% of the 10,312 square feet of lots.

Across Market Street: The City of Klamath Falls Water Warehouse buildings at 610 Market Street have an existing footprint of approximately 10,693 square feet and cover 26% of the 41,250 square feet of lots. The Dorothy Anderson building (Basin Building Components) at 534 Market Street has an existing footprint of approximately 3,844 square feet and covers 37% of the 10,312 square feet of lots.

Analysis: Staff reviewed buildings on four properties. Of the four properties, all properties are more densely built with structures than the building on the subject property. Including all buildings reviewed on adjacent lands the properties have 28,558 square feet of building space and cover 38% of the 75,624 sq ft of lots. The subject building covers 17% of the lot. The building for the proposed church is similar in design, architecture, and bulk to the surrounding buildings.

Finding: The proposed use is similar in scale, bulk, coverage, and is architecturally compatible with other uses in the area. *This criterion is met.*

Criterion #7: Provisions of public facilities and services to the site will not cause service delivery shortage to existing developments.

Applicant: Absolutely not.

Staff Analysis: This proposal is located in an area containing developed public facilities. The fire district currently has no concerns with fire hydrant location or type.

Finding: Provisions of public facilities and services to the site will not cause service delivery shortage to existing development. *This criterion is met.*

Criterion #8: The conditions stated in the decision are deemed necessary to protect the public safety and general welfare.

Staff Analysis: Per CDO Section 11.110 additional conditions may be implemented if they are found necessary to protect the best interests of the surrounding property or neighborhood or the City as a whole. The conditions outlined ensure compliance with the City Code including the Community Development Ordinance, the Public Works Engineering standards, and applicable building and fire codes, which all have been developed to protect the public safety and general welfare.

Finding: The conditions stated in the decision are deemed necessary to protect the public safety and general welfare. *This criterion is met.*

CONDITIONS

1) Prior to the issuance of the Development Permit:

- a) The applicant shall submit a completed Sewer System Development Charge (SDC) Calculation Information Sheet that can be obtained at the City Engineering office.
- b) The applicant shall verify with City Engineering that there is no change to the domestic water service or a fire suppression system.
- c) The applicant shall verify with City Engineering the amount of new paving for the increased parking area and also verify that the detention pond as shown on the existing site plan is properly built. The site is inundated with a large amount of weeds and a proper field inspection for the detention pond could not be completed.
- d) The applicant shall complete all City Engineering requirements to receive accurate information on if the following are required: engineering design/construction plans, a Site Construction Permit, and any additional City Engineering fees.
- e) The applicant shall submit a revised site plan to City Planning for review and approval showing the following:
 - 13 off-street paved parking spaces
 - Location of a bicycle rack
 - Landscaping areas at the ends of all parking rows
 - Trash/recycle containers in a trash enclosure
- f) The applicant shall submit a detailed landscaping plan to City Planning for review and approval showing the following details:

- Name of plant material, the number of each species of plant that will be used, and the location of the different plant material
- A minimum of 1 tree and 2 shrubs for every 1,000 square feet of landscaping or fraction thereof
- Landscaping at the ends of all parking rows
- All landscaped areas not covered with trees or other vegetation shall be covered with a 3 inch layer of bark mulch
- A minimum of 50% of the landscaping area shall be covered by vegetation
- All required trees shall be a minimum of 2” caliper in size
- An irrigation plan
- All shrubs shall be planted from a 5 gallon container
- Trees planted at a minimum of every 50 feet along Market Street. A minimum of 2 street trees shall be planted along Market Street.

2) General Conditions:

- a) All contractors working on this job shall maintain a valid city business license.
- b) The applicant shall obtain a building permit and a new certificate of occupancy prior to the new use moving in to the new building.
- c) The applicant shall submit building permits, including a comprehensive code evaluation, drawings, calculations, and specifications for the project. All design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such. The Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering Departments. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
 - No work shall commence prior to plan review and issuance of the appropriate building and trade permits.
- d) The applicant shall install additional asphalt or concrete in the parking area, re-stripe the parking area according to an approved plan, with four inch painted lines and install wheel stops or curbing to prevent vehicles from driving over landscaping or sidewalks, install an approved bicycle rack, and install signs identifying ADA spaces. All required parking improvements shall be completed prior to December 1, 2010 or issuance of Certificate of Occupancy.
- e) The applicant shall install all required landscaping prior to April 1, 2011. There shall be landscaped islands at the ends of all parking rows.
- f) The applicant shall submit for review and approval a fence permit (no fee) prior to installation of any fence or any stand alone trash enclosure.
- g) The applicant shall submit for review and approval, a sign permit prior to the installation of any signs. Any existing signs shall be made to conform to the uniform sign code found in CDO Sections 14.300-14.368.

DECISION

After consideration of all staff, agency and citizen comments, and reviewing various data, the application is **approved** as presented based on the findings.

This **Conditional Use Permit** does meet 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 **Conditional Use Permit** does address the appropriate policies encompassed in the Comprehensive Plan.

APPLICANTS ARE ADVISED THAT THIS DECISION IS FINAL AS OF THE DATE OF MAILING THIS DECISION (SEPTEMBER 15, 2010), UNLESS WRITTEN APPEAL AND A \$200 APPEAL FEE IS FILED WITH THE CITY PLANNING DEPARTMENT WITHIN 12 DAYS OF THE DATE OF MAILING.

DATED THIS 15TH DAY OF SEPTEMBER, 2010.

KELLY O'NEILL,
PLANNER

cc: Rick Bowman, City Code Enforcement Officer
Tom Del Santo, City Development Coordinator