

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **3-CUP-09 & 2-V-09**

Amuchastegui Building Inc.
520 Klamath Avenue
Klamath Falls, OR 97601

Thomas and Christine Tucker
2586 Clover Street
Klamath Falls, OR 97601

April 21, 2009

In accordance with the provisions of Sections 10.805, 11.050-11.094, 11.250 - 11.275, 12.010 and 12.380 of the Community Development Ordinance (CDO), and the Development Standards for the Campus Planned Unit Development, the City of Klamath Falls Planning Division has reviewed this request for a Conditional Use Permit and a Major Variance.

NATURE OF THE PROPOSAL

The applicant, Amuchastegui Building Inc. for Thomas and Christine Tucker, proposes to build a 1,700 sq ft addition onto an existing 2,373 sq ft building located at 2586 Clover Street. The current use of the existing building as a dentist office will remain and be expanded into the building addition once the addition is completed. The proposed setback of approximately 12' from the southern property line will require a variance from the required minimum setback of 20'. The subject property is zoned Medical-Professional/Apartment within the Campus Planned Unit Development (PUD). The property address is 2586 Clover Street and the property can be found on Assessor's Map R-3809-020BD tax lot 02500.

AGENCY COMMENTS

Planning –

1. **Uses Permitted by Zone:** The Permitted Uses section of the Campus PUD Development Standards (PUDDS) lists all uses that are conditionally permitted within the Campus PUD. The proposed use of this property as a dental office is appropriate for the Medical-Professional/Apartment portion of the Campus PUD.
2. **Lot Coverage:** The Campus PUDDS allow a maximum lot coverage of 60% for Medical-Professional properties. The proposed addition will increase the building footprint to a total of 3,624 sq ft which will cover approximately 17% of this 21,344 sq ft property.
3. **Building Height:** The Campus PUDDS list a maximum height of 30' for buildings in Medical-Professional/Apartment zones. The maximum proposed building height is 17'2".
4. **Setbacks:** The Campus PUDDS require a minimum 30' setback for all street frontages and a minimum 20' setback for all side and rear yards. The east and north setbacks will not be changed by the proposed addition and will remain at approximately 34' and approximately 47', respectively. The proposed building addition will reduce the west setback, from Clover Street, to approximately 30' and reduce the south setback, a side yard, to approximately

12.5'. The applicant has requested a setback variance to allow an encroachment of approximately 8' into the required setback adjacent to private property to the south. If the building setback variance is denied the applicant shall submit a revised site plan showing all required setbacks being met.

5. **Parking:** The Campus PUDDS require all uses within the Campus PUD to provide off street parking in accordance with the requirements of Chapter 14 of the Community Development Ordinance (CDO). CDO Section 14.010 requires 1 space for every 200 sq ft for dental offices, and 1 space for every 700 sq ft for storage areas. The proposed addition will increase the dental office area to 3,624 sq ft requiring 18.1 parking spaces. A 448 sq ft storage area located beneath the main floor of the building will remain requiring 0.6 spaces. The total required number of parking spaces for this site is 19.

CDO Section 14.010(4) allows for a maximum number of parking spaces equal to 110% of the total number required, allowing for a maximum of 21 parking spaces for this development. The proposed site plan shows a total of 20 parking spaces, which is within the allowable range.

CDO Section 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces. The 19 required vehicle parking spaces require a total of 2 bicycle spaces to be provided. The proposed site plan shows two bicycle parking spaces located near the front door of the building.

Parking lots with 1-25 parking spaces are required to provide a minimum of 1 parking space for use by people with disabilities which meet the disabled space design requirements listed in CDO 14.010 (2). The submitted site plan shows a total of 1 disabled parking space which is shown to be ADA van accessible.

The approved vehicle parking layout shall be striped with four inch-wide painted lines, wheel stops or curbing shall be installed to prevent vehicles from driving over landscaping, unpaved areas, and sidewalks. The ADA accessible spaces shall be constructed to meet all requirements of the Oregon Department of Transportation Disabled Parking Standards for width, location, striping and signage.

6. **Signs:** The proposed site plan shows a "proposed relocated sign". Approval of this Conditional Use Permit does not constitute approval of current or future sign placement or size. A sign permit must be submitted, reviewed, and approved prior to installation or modification of any sign. All signs shall conform to the uniform sign code found in CDO 14.300-14.368 and Section 10 of the Campus PUDDS.
7. **Driveways:** City Code Section 8.570 allows a maximum width of 24' for commercial driveways and CDO Section 14.040(4) requires access aisles which provide two way traffic to be a minimum of 24' wide. The proposed site plan shows a single 24' driveway on Clover Street and the access aisle within the parking lot is 24' wide.
8. **Landscaping:** The new landscaping shown on the detailed site plan along with the existing landscaping will provide landscaping that meets the requirements found in CDO sections 14.400-14.430 for total area, placement, coverage, etc. Klamath County Fire Dist. No. 1 has expressed concern with the location of existing and proposed landscaping adjacent to the building and the potential for the landscaping slowing access to the exterior of the building. This concern shall be considered and incorporated in the landscaping design for the property.

Any changes to the proposed landscaping plan will require review by the City Planning Division. All landscaping shown on the approved landscape plan shall be installed prior to occupancy of the new building addition.

9. **Fences, Trash Enclosures and Recycling:** Commercial developments having a solid waste receptacle shall provide a site of equal or greater size adjacent to or with access comparable to, the common solid waste receptacle to accommodate materials collected by local solid waste franchise under its residential route collection program for purposes of recycling. Both the recycle site and the solid waste receptacle shall be screened to a height of six feet with sight obscuring fence or vegetation (CDO 14.180 (1)).

The proposed site plan shows the placement of a trash enclosure east of the building. The notes say “proposed 5’ tall fenced trash enclosure.” Room shall be provided for recycling within the proposed “trash enclosure” and the enclosure shall be screened to a height of six feet. The site plan also shows a retaining wall along the north side of the parking lot. Both the proposed trash enclosure and retaining wall will require fence permits from the City Planning Division. Approval of this Conditional Use Permit 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. Maximum fence heights cannot be exceeded without an approved variance.

Engineering -

1. Based on the information provided by the applicant the following has been determined:
 - A Site Construction Permit (SCP) is required.
 - A large site grading/erosion control plan is required.
 - The conceptual details for storm water detention shown on the plans are acceptable. Please submit a detailed site plan and report for City review.
2. Driveways (existing and proposed) shall 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 City of Klamath Falls Public Works Engineering Standards (CKFPWES) current edition for location and design criteria. The existing driveway follows the guidelines for width and location, but the design specifications of the curb/sidewalk do not comply.
3. Curbs/gutter shall be installed in areas of driveway construction, changes and/or elimination.
4. Any public improvements, grading/erosion control, and on-site storm water detention shall be shown on a set of engineering design/construction plans that meet the requirements of the CKFPWES current edition.
5. The plans will need to identify both existing and proposed water services, fire service and irrigation back-flow devices. It is the applicant’s responsibility to determine whether or not the existing water main lines will supply enough water for domestic use, irrigation, and fire suppression.
6. The applicant shall submit pre and post development vehicle trips (peak AM & PM) generated from this site.

7. Please submit 3 copies of the engineering design / construction plans, 2 copies of the private storm report, and 2 copies of the vehicle trips to the City Engineering Plans Examiner at the City Engineering Division office (upstairs at 226 South 5th St.).
8. Prior to City Engineering signing the design / construction plans, the applicant shall submit a construction schedule, and traffic control plan for approval.
9. The applicant will be required to have a signed set of the Site Construction Permit set of drawings, from City Engineering office, prior to the issuance of the Site Construction Permit.
10. Refer to the attached Engineering Fee Schedule to determine the fees related to this project.
11. City records indicate this site is serviced by a 5/8" water meter. If an additional meter or an upgrade to the existing meter is required, water System Development Charges (SDC's) will apply. See the attached fee schedule for more information.
12. The applicant will need to submit two copies of their plumbing fixture plans showing both existing conditions and any proposed changes/additions; along with a completed Sewer System Development Charge Calculation Information Sheet (attached). The sewer SDC will be calculated by the City for the applicant to pay prior to receiving their Development Permit.
13. The applicant shall submit the attached Industrial Sewer Use Evaluation information sheet to City Engineering, along with the design/construction plans, to determine if there are any pretreatment requirements for this site. Please note: The signature line on page 4 of this form is to be completed by a person in charge of the facility.
14. 2-VAR-09: No exceptions taken.

County Building -

1. The building permit submittal shall include 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.
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.
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.

KCFD #1 –

“Fire fighting water supply is adequate with hydrants at Clover and Dahlia/Clover and Daggett. Access for emergency vehicles also appears adequate however there are a few over grown shrubs and trees that would slow the fire department’s access to the exterior of the building as it currently stands.”

Proponents – Letter received from: David Panossian, M.D.

“I am an adjacent property owner and am in favor of the request made by Thomas and Christine Tucker for a variance regarding file number 3-CUP-09/2-V-09. I understand the variance to allow the proposed setback of approximately 13’ from the southern property line.”

Avista:	No comments were received.
Charter:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
Opponents:	No comments were received.

RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 11.200-11.210, and 12.010 regarding Variances.

Facts and Findings for Setback Variances

A. Criterion *The variance is in conformance with the Comprehensive Plan, all other provisions of Chapters 10 to 14 and any applicable street plans.*

Facts and Analysis: This development will be required to conform to the Comprehensive Plan, all provisions of Chapters 10 to 14 of the CDO, and the Development Standards for the Campus Planned Unit Development with the exception of those requirements for which a variance is approved.

Finding: This proposal will conform to the Development Standards for the Campus Planned Unit Development except for those requirements for which a variance is approved. This criterion is met with conditions.

B. Criterion *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone.*

Facts and Analysis: Due to the existing topographic conditions of the subject property, the proposed encroachment is necessary to provide a handicap accessible parking space and to provide pedestrian connectivity from the private development to the public right-of-way.

The proposed location of the handicap accessible parking space was chosen as it is the closest parking stall to the entrance of the building, eliminates crossing the vehicular travel way, and minimizes the maximum height of the northern parking lot retaining wall. Locating the handicap parking space along the northern property line would increase the maximum height of the retaining wall, as slopes along the parking stall and accessible path cannot exceed 2.0 percent (1:50).

The requested variance provides pedestrian connectivity via a private concrete walk from private development the public right-of-way. If the distance between the face of the curb and

the building is reduced, pedestrian connectivity to the building entrance would not be practical.

The location of this lot on a slope makes it difficult to develop the property in a manner that effectively uses the land while still meeting the requirements for landscaping, parking and other design requirements. A 12' minimum setback requirement would allow for a development that still meets the overall development style intended by the Development Standards for the Campus Planned Unit Development and the CDO. The requested variance will allow for more of the lot to be used for building, which in turn creates more space to be used for landscaping and parking requirements. The remaining side and rear yard setbacks on the subject property will exceed the required minimum setback distance of 20'.

Finding: A setback variance will provide the applicant the ability to develop this property in a way that is comparable to other developments in the area. This criterion is met.

C. Criterion *A variance is necessary for the applicant to preserve and enjoy a substantial property right equal to that right possessed by other property owners under like conditions in the same vicinity and zone.*

Facts and Analysis: The requested variance will allow the applicant to develop a site with existing topographic conditions that creates challenges in providing a conveniently located accessible parking space and pedestrian connectivity. The proposed improvements to the subject property will improve pedestrian connectivity and provide the ability to construct a code compliant, handicap accessible parking stall.

A similar variance allowing 15' rear setbacks was granted for a neighboring property and another variance was approved in the area allowing for 15' minimum setbacks for rear and side yards. A minimum setback variance allowing for a 12' setback for a single side yard will allow for more of the lot to be used for building, which in turn creates more space to be used for landscaping and parking requirements. The remaining side and rear yard setbacks on the subject property will exceed the required minimum setback distance of 20'. A setback variance will provide the applicant the ability to develop this property in a way that is comparable to other developments in the area.

Finding: A variance will provide the applicant the ability to build in a way that is comparable to other developments in the area. The applicant is not using the variance to enjoy substantial property rights unequal to other property owners' in the neighborhood. This criterion is met.

D. Criterion *The granting of the requested variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of Chapters 10 to 14.*

Facts and Analysis: The requested variance will improve public safety, convenience, and welfare. Pedestrians will be able to access the private development from public right-of-way without the parking and maneuvering area. The location of the handicap stall minimizes the travel distance to the entrance of the building and reduces the potential of vehicular conflict with disabled patients.

A variance allowing a 12' as opposed to a 20' minimum setback for a single side yard will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone. This variance will not radically change the appearance or overall characteristic of the neighborhood.

Finding: This variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvement in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of Chapter 10 to 14. This criterion is met.

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (CDO Chapters 10-14), specifically Sections 11.100 to 11.120 regarding Conditional Use Permits:

Facts and Findings for Conditional Use Permit:

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

Facts and Analysis: Specific provisions of CDO Chapters 10 to 14 are addressed in the Planning Comments listed above and covered again in Criteria 2-7. The applicant will be required to submit pre and post expansion vehicle trip counts for the subject property.

Finding: *The proposed conditional use permit will conform to all applicable provisions of chapters 10 – 14 of the Community Development Ordinance through 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.

Facts and Analysis:

The Campus PUDDS allow a maximum lot coverage of 60% for Medical-Professional properties. The proposed addition will increase the building footprint to a total of 3,624 sq ft which will cover approximately 17% of this 21,344 sq ft property.

The Campus PUDDS list a maximum height of 30' for buildings in Medical-Professional/Apartment zones. The maximum proposed building height is 17'2".

The Campus PUDDS require a minimum 30' setback for all street frontages and a minimum 20' setback for all side and rear yards. The east and north setbacks will not be changed by the proposed addition and will remain at approximately 34' and approximately 47', respectively. The proposed building addition will reduce the west setback, from Clover Street, to approximately 30' and reduce the south setback, a side yard, to approximately 12.5'. The applicant has requested a setback variance to allow an encroachment of approximately 8 into the required setback adjacent to private property to the south. If the building setback variance is denied the applicant shall submit a revised site plan showing all required setbacks being met.

The Campus PUDDS require all uses within the Campus PUD to provide off street parking in accordance with the requirements of Chapter 14 of the CDO. CDO Section 14.010 requires 1 space for every 200 sq ft for dental offices, and 1 space for every 700 sq ft for storage areas. The

proposed addition will increase the dental office area to 3,624 sq ft requiring 18.1 parking spaces. A 448 sq ft storage area located beneath the main floor of the building will remain requiring 0.6 spaces. The total required number of parking spaces for this site is 19.

CDO Section 14.010(4) allows for a maximum number of parking spaces equal to 110% of the total number required, allowing for a maximum of 21 parking spaces for this development. The proposed site plan shows a total of 20 parking spaces, which is within the allowed range.

CDO Section 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces. The 19 required vehicle parking spaces require a total of 2 bicycle spaces to be provided. The proposed site plan shows two bicycle parking spaces located near the front door of the building.

Parking lots with 1-25 parking spaces are required to provide a minimum of 1 parking space for use by people with disabilities which meet the disabled space design requirements listed in CDO 14.010 (2). The submitted site plan shows a total of 1 disabled parking space which is shown to be ADA van accessible.

The approved vehicle parking layout shall be striped with four inch-wide painted lines, wheel stops or curbing shall be installed to prevent vehicles from driving over landscaping, unpaved areas, and sidewalks. The ADA accessible spaces shall be constructed to meet all requirements of the Oregon Department of Transportation Disabled Parking Standards for width, location, striping and signage.

The proposed site plan shows a “proposed relocated sign”. Approval of this Conditional Use Permit does not constitute approval of current or future sign placement or size. A sign permit must be submitted, reviewed, and approved prior to installation or modification of any sign. All signs shall conform to the uniform sign code found in CDO 14.300-14.368 and Section 10 of the Campus PUDDS.

City Code Section 8.570 allows a maximum width of 24’ for commercial driveways and CDO Section 14.040(4) requires access aisles which provide two way traffic to be a minimum of 24’ wide. The proposed site plan shows a single 24’ driveway on Clover Street and the access aisle within the parking lot is 24’ wide.

The new landscaping shown on the detailed site plan along with the existing landscaping will provide landscaping that meets the requirements found in CDO sections 14.400-14.430 for total area, placement, coverage, etc. Klamath County Fire Dist. No. 1 has expressed some concern with the location of existing and proposed landscaping adjacent to the building and the potential for the landscaping slowing access to the exterior of the building. This concern shall be considered and incorporated in the landscaping design for the property. Any changes to the proposed landscaping plan will require review by the City Planning Division. All landscaping shown on the approved landscape plan shall be installed prior to occupancy of the new building addition.

Commercial developments having a solid waste receptacle shall provide a site of equal or greater size adjacent to or with access comparable to, the common solid waste receptacle to accommodate materials collected by local solid waste franchise under its residential route collection program for purposes of recycling. Both the recycle site and the solid waste receptacle shall be screened to a height of six feet with sight obscuring fence or vegetation (CDO 14.180 (1)).

The proposed site plan shows the placement of a trash enclosure east of the building. The notes say “proposed 5’ tall fenced trash enclosure.” Room shall be provided for recycling within the proposed “trash enclosure” and the enclosure shall be screened to a height of six feet. The site plan also shows a retaining wall along the north side of the parking lot. Both the proposed trash enclosure and retaining wall will require fence permits from the City Planning Division. Approval of this Conditional Use Permit 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. Maximum fence heights cannot be exceeded without an approved variance.

Finding: *The site for the proposed use is adequate in size and shape to accommodate said uses and all yards, spaces, walls, and fences, parking, loading, landscaping, and other features required to adjust said uses with land and uses in the neighborhood given the conditions listed in the Conditions section. **This criterion is met with conditions.***

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.

Facts and Analysis:

Applicant’s Response: The subject property is currently developed with a dentist office and associated parking and maneuvering areas. Preliminary analysis indicates that the proposed addition will generate an estimated, additional 62 total weekday trips, including 12 AM peak hour trips and 9 PM peak hour trips. The additional trips generated as part of this development should be considered insignificant and are not anticipated to create a negative impact on the adjacent transportation system.

Staff’s Response: Post expansion/development trip counts have been included in the Conditional Use Permit application. A full Traffic Analysis Letter is not needed for this proposal, however, the City does require information regarding pre expansion/development trip counts for comparison. The applicant shall provide all pre and post development trip counts, including AM and PM peak hour traffic, in a single letter submitted to the City Engineering Division.

Driveways (existing and proposed) shall 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 City of Klamath Falls Public Works Engineering Standards (CKFPWES) current edition for location and design criteria. The existing driveway follows the guidelines for width and location, but the design specifications of the curb/sidewalk do not comply. Curbs/gutter shall be installed in areas of driveway construction, changes and/or elimination.

Finding: *The site for the proposed use will relate to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use given the conditions listed in the Conditions section. **This criterion is met with conditions.***

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

Facts and Analysis:

Applicant’s Response: The proposed use compliments and is consistent with existing uses on abutting properties.

Staff's Response: The Permitted Uses section of the Campus PUD Development Standards (PUDDS) lists all uses that are conditionally permitted within the Campus PUD. The proposed use of this property as a dental office is appropriate for the Medical-Professional/Apartment portion of the Campus PUD.

Finding: *The proposed use will have no adverse effect on abutting property or the permitted uses thereof given the conditions listed in the Conditions section. **This criterion is met with conditions.***

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;

Facts and Analysis:

Applicant's Response: Water, sewer, and electricity are currently available at the site; there are no known deficiencies in this existing infrastructure. The site improvements detailed above are designed to improve site circulation and access and will require the reconstruction of the existing driveway to the subject property. The relocated driveway will be constructed in accordance with all City ordinances. On-site storm-water will be detained and discharged to the eastern gutter plate on Clover Street, as no existing storm-water facilities exist near the site. Discharged storm-water from the site will drain to the south and enter the City storm-water network at the intersection of Clover Street and Dahlia Street.

Staff's Response: The conceptual details for storm water detention shown on the plans are acceptable. Please submit a detailed site plan and report for City review.

The plans will need to identify both existing and proposed water services, fire service and irrigation back-flow devices. It is the applicant's responsibility to determine whether or not the existing water main lines will supply enough water for domestic use, irrigation, and fire suppression.

City records indicate this site is serviced by a 5/8" water meter. If an additional meter or an upgrade to the existing meter is required, water System Development Charges (SDC's) will apply. See the attached fee schedule for more information.

The applicant will need to submit two copies of their plumbing fixture plans showing both existing conditions and any proposed changes/additions; along with a completed Sewer System Development Charge Calculation Information Sheet (attached). The sewer SDC will be calculated by the City for the applicant to pay prior to receiving their Development Permit.

The applicant shall submit the attached Industrial Sewer Use Evaluation information sheet to City Engineering, along with the design/construction plans, to determine if there are any pretreatment requirements for this site. Please note: The signature line on page 4 of this form is to be completed by a person in charge of the facility.

Finding: *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 given the conditions listed in the Conditions section. **This criterion is met with conditions.***

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

Facts and Analysis:

Applicant's Response: Included with the submittal are existing conditions photos and proposed building elevations and site improvements. These exhibits clearly illustrate that the proposed improvements are appropriate in scale, bulk, and coverage.

Staff's Response: The Campus PUDDS allow a maximum lot coverage of 60% for Medical-Professional properties. The proposed addition will increase the building footprint to a total of 3,624 sq ft which will cover approximately 17% of this 21,344 sq ft property.

The Campus PUDDS list a maximum height of 30' for buildings in Medical-Professional/Apartment zones. The maximum proposed building height is 17'2".

The Campus PUDDS require a minimum 30' setback for all street frontages and a minimum 20' setback for all side and rear yards. The east and north setbacks will not be changed by the proposed addition and will remain at approximately 34' and approximately 47', respectively. The proposed building addition will reduce the west setback, from Clover Street, to approximately 30' and reduce the south setback, a side yard, to approximately 12.5'. The applicant has requested a setback variance to allow an encroachment of approximately 8' into the required setback adjacent to private property to the south.

Finding: *The proposed use is similar in scale, bulk, and 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.

Facts and Analysis:

Applicant's Response: The subject property is currently developed with a building of identical use and associated parking and maneuvering areas. Public facilities and services to the area are known to be adequate. Since only minor utility upgrades to the existing services are anticipated, there appears to be no potential for delivery shortages that would be associated with the proposed development.

Staff's Response: The plans will need to identify both existing and proposed water services, fire service and irrigation back-flow devices. It is the applicant's responsibility to determine whether or not the existing water main lines will supply enough water for domestic use, irrigation, and fire suppression.

City records indicate this site is serviced by a 5/8" water meter. If an additional meter or an upgrade to the existing meter is required, water System Development Charges (SDC's) will apply. See the attached fee schedule for more information.

The applicant will need to submit two copies of their plumbing fixture plans showing both existing conditions and any proposed changes/additions; along with a completed Sewer System Development Charge Calculation Information Sheet (attached). The sewer SDC will be calculated by the City for the applicant to pay prior to receiving their Development Permit.

The applicant shall submit the attached Industrial Sewer Use Evaluation information sheet to City Engineering, along with the design/construction plans, to determine if there are any pretreatment requirements for this site. Please note: The signature line on page 4 of this form is to be completed by a person in charge of the facility.

Finding: *Provisions of public facilities and services to the site will not cause service delivery shortage to existing developments given the conditions listed in the Conditions section. **This criterion is met with conditions.***

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

Facts and Analysis: The conditions stated in the decision are necessary to insure that all applicable laws and standards are being met by the proposal. These laws and standards are necessary 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.***

DECISION

After consideration of all staff, agency and citizen comments, and reviewing various data, the application for a **setback variance to allow for a south side yard setback of approximately 12'** is **approved with the following condition:**

1. The approved setback variance is only valid if all conditions outlined below for the Conditional Use Permit are addressed.

After consideration of all staff, agency and citizen comments, and reviewing various data, the application for a **Conditional Use Permit** is **approved with the following conditions:**

CONDITIONS

➤ **Prior to the issuance of the Development Permit:**

- 1) The applicant shall submit for review and approval to City Engineering:
 - a. a Site Construction Permit (SCP), and
 - b. a small site grading/erosion control plan, and
 - c. a detailed storm water detention site plan and report.
- 2) The applicant shall submit a set of engineering design/construction plans showing any public improvements, grading/erosion control and on-site storm water detention; these improvements shall meet the requirements of the City of Klamath Falls Public Works Engineering Standards (CKFPWES) current edition.
- 3) The applicant shall address and incorporate the following conditions into the engineering design/construction plans:
 - a. Driveways (existing and proposed) shall 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 City of Klamath Falls Public Works Engineering Standards (CKFPWES) current edition for location and design criteria. The existing driveway follows the guidelines for width and location, but the design specifications of the curb/sidewalk do not comply.
 - b. Curbs/gutter shall be installed in areas of driveway construction, changes and/or elimination.

- c. The plans will need to identify both existing and proposed water services, fire service and irrigation back-flow devices. It is the applicant's responsibility to determine whether or not the existing water main lines will supply enough water for domestic use, irrigation, and fire suppression.
- 4) City records indicate this site is serviced by a 5/8" water meter. If an additional meter or an upgrade to the existing meter is required, water System Development Charges (SDC's) will apply. See the attached fee schedule for more information.
 - 5) The applicant shall submit two copies of their plumbing fixture plans showing both existing conditions and any proposed changes/additions; along with a completed Sewer System Development Charge Calculation Information Sheet (attached). The sewer SDC will be calculated by the City for the applicant to pay prior to receiving their Development Permit.
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 - 7) Prior to City Engineering signing the design / construction plans, the applicant shall submit a construction schedule, and traffic control plan for approval.
 - 8) The applicant shall have a signed set of the Site Construction Permit drawings, from the City Engineering office, prior to the issuance of the Site Construction Permit.
 - 9) The applicant shall submit pre and post development vehicle trips (peak AM & PM) generated from this site.
 - 10) The applicant shall submit 3 copies of the engineering design / construction plans, 2 copies of the private storm report, and 2 copies of the vehicle trips to the City Engineering Plans Examiner at the City Engineering Division office (upstairs at 226 South 5th St.).
 - 11) The proposed site plan shows the placement of a trash enclosure east of the building. The notes say "proposed 5' tall fenced trash enclosure." Room shall be provided for recycling within the proposed "trash enclosure" and the enclosure shall be screened to a height of six feet.
 - 12) Klamath County Fire Dist. No. 1 has expressed concern with the location of existing and proposed landscaping adjacent to the building and the potential for the landscaping slowing access to the exterior of the building. This concern shall be considered and incorporated in the landscaping design for the property. Any changes to the proposed landscaping plan will require review by the City Planning Division.

➤ **General Conditions:**

- 13) All contractors working on this job shall maintain a valid city business license.
- 14) The approved vehicle parking layout shall be striped with four inch-wide painted lines, wheel stops or curbing shall be installed to prevent vehicles from driving over landscaping, unpaved areas, and sidewalks. The ADA accessible spaces shall be constructed to meet all requirements of the Oregon Department of Transportation

Disabled Parking Standards for width, location, striping and signage. The bicycle parking shall be installed as shown on the approved site plan. All required parking shall be completed prior to occupancy of any of the proposed buildings.

- 15) All trash and recycling facilities as shown on the approved site plan shall be installed prior to occupancy of any of the proposed buildings.
- 16) All landscaping shown on the approved landscape plan shall be installed prior to occupancy of the new building addition.
- 17) Building permit submittal shall include 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.
- 18) Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering Divisions. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
- 19) No work shall commence prior to plan review and issuance of the appropriate building and trade permits.
- 20) 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.
- 21) A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence.
- 22) A sign permit must be reviewed and approved for each sign prior to the placement of any new sign on the property.
- 23) Refer to the attached Engineering Fee Schedule to determine the fees related to this project. The applicant shall pay all required fees.

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 21ST DAY OF APRIL, 2009.

Joe Slaughter
Associate Planner

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