

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **7-DR-09**

Jeff Young
1188 Eagle Court
Klamath Falls, OR 97601

Bellet Construction
5900 S. 6th Street, #A
Klamath Falls, OR 97603

ZCS Engineering Inc.
900 Klamath Avenue
Klamath Falls, OR 97601

Date: June 12, 2009

In accordance with the provisions of Sections 11.050-11.094 of the Community Development Ordinance (CDO), the City of Klamath Falls Planning Department has reviewed this request for a Design Review.

NATURE OF THE PROPOSAL

The applicant, Jeff Young proposes to develop a site for a State Farm Insurance office. The site was most recently used as overflow parking for the now defunct Klamath Mall. The site shall meet current City standards including landscaping, parking, site access, and sidewalks. The proposed building is 2,075 sq ft, the proposed parking area is 6,695 sq ft, and the proposed landscape area is 1,680 sq ft. In addition, the project will include the formation of a cross access agreement between Parcel 2 and 3 of Land Partition 41-08. The property is zoned General Commercial and the proposed office use for the property is permitted in this zone designation. The property does not have a situs (physical) address assigned, but can be found on Assessor's Map R-3909-003BA, tax lot 04602 (Parcel 3 of Land Partition 41-08). The lot fronts approximately 87.33 feet of Austin Street right-of-way.

AGENCY COMMENTS

Planning:

1. **Setback & Lot Coverage:** General Commercial zoning allows for 100% lot coverage and zero setbacks unless the property abuts a residential zone. The subject property abuts a Klamath County designated residential zone to the east. CDO Section 12.010 requires the proposed building to be setback at least 15' from the east property line.

The proposed building setbacks are approximately 20.19' from the west property line, 45.60' from the east property line, 10' from the south property line, and 34.75' from the north property line. The proposed building setback of 45.60' from the east property line exceeds the 15' minimum requirement.

The building has a proposed footprint of 2,075 sq ft and covers 19.81% of the approximately 10,472 sq ft of the subject lot. This proposed development will impact a portion of Parcel 2 of Land Partition 41-08; however, since no structures are proposed for Parcel 2 lot coverage does not include this parcel. Approximately 2,248 sq ft of Parcel 2 will have paved parking and maneuvering area for the proposed office. The total impact area of this project is 12,720 sq ft.

2. **Building Height:** The maximum allowed building height in General Commercial zones is 45'. **The proposed peak building height for this building is 19.9'.**
3. **Parking:** The Community Development Ordinance (CDO) 14.010 requires 1 off street parking space for every 400 sq ft of professional office. The 2,075 sq ft building requires a minimum of 6 parking spaces. The applicant proposes 5 individual offices inside the building and a reception desk. Per a memo dated 05/22/09 the applicants agent ZCS Engineering states the following:

“Per your request, we are preparing this memo to address the proposed parking summary as shown on the Design Review submittal documents. Under the current CDO (14.010 – Off Street Parking Requirements) this project would be classified as a professional office and allowed 1 parking space for every 400 ft² of gross floor space. The proposed building has a footprint in size of 2,075 ft² which equates to a maximum number of parking stalls of 6.

Based on known information about the operation of this facility (based on the current location), there are currently 5 employees with this project expanding the total to 6. The nature of the day to day operations brings clients in and out to see their individual insurance agents. At any given time, each agent (4 total) could have a client visiting. Therefore, we liken this development similar to that of a medical or dental clinic in which the parking ratio is slightly higher at 1 space for every 200 ft² of gross floor space.

By allowing us to deviate from the current CDO, this would provide a total of 11 parking spaces, up to 6 for employees, and the remaining 5 for clients.”

Realizing that 6 employees could occupy the building concurrently and that in addition some customers could be at the office, the planning staff recommends additional parking as requested by ZCS Engineering. The applicant shall provide 11 off street parking spaces so that 6 employees and 5 customers, or any combination of employees and customers up to 11 have the ability to park vehicles on site concurrently. The site plan shows 11 off street 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'. **The submitted site plan shows parking spaces at 9' by 18' with an extended width sidewalk which accommodates the additional 1' in length required. No changes are necessary.**

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 asphalt area will be installed. A portion of the parking and maneuvering area which is approximately 1,975 sq ft (16.75' by 117.91') is proposed to be installed on Parcel 2 of Land Partition 41-08. **Since Parcel 2 is being used by the proposed State Farm building a cross access agreement between Parcel 2 and Parcel 3 of Land Partition 41-08 shall be formed.**

CDO 14.040(4) requires that access aisles which provide two-way traffic shall be a minimum of 24 feet in width. The applicant shall provide two-way traffic for the vehicle access aisle. 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 proposed insurance building shall have 11 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 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. **The 11 vehicle parking spaces require a total of 1 bicycle space be provided. The applicant shows the location of the bicycle rack.**

The approved vehicle parking layout shall be striped according to a parking plan approved by the Planning Division, with four inch-wide painted lines. Wheel stops or curbing shall be installed (CDO 14.040(3)) to prevent vehicles from driving over landscaping, unpaved areas, and sidewalks, and the ADA van accessible space shall be constructed to meet all requirements of the Oregon Department of Transportation Disabled Parking Standards for width, location, striping and signage.

4. **Access and Driveways:** There is one driveway proposed at the site that has access on to Austin Street. The proposed driveway will be the only ingress and egress for this site and City Engineering supports a full access driveway. The applicant shall install curbs in areas of driveway construction, changes and/or elimination. 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 proposed driveway shall be 24' in width as shown on the site plan.**

Any proposed driveways 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 CKFPWES current edition for location and design criteria.

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). Water from the site flowing across the sidewalk will not be permitted. **Barrier/curbing material shall be installed where determined appropriate by City Engineering to prevent landscaping material from washing into the street and/or on to the sidewalk.**
6. **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 87.33 feet of property along South 6th 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. **As indicated on the site plan, 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 proposes approximately 1,680 sq ft of landscaping or 25.09% of the 6,695 sq ft of paved parking and maneuvering area.**

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**
- **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 Austin Street. A minimum of 2 street trees along Austin Street.**

The applicant shall install and maintain the required landscaping as part of this Design Review. This requires that any existing lawn areas shall be brought into compliance or replaced.

7. **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 as shown on the site plan.

The property currently contains one chain link fence that runs parallel to the south property line. There are no records indicating that this fence was ever approved by a fence permit. There is a second existing fence that runs parallel to the east property line. There are no records indicating that this fence was ever approved by a fence permit; however, a portion of this fence is located on the residential property to the east which is within Klamath County jurisdiction. Klamath County does not issue fence permits so this fence was never formally approved. This fence appears dilapidated and does not seem to bear any significance to the subject property. **This existing fence shall be removed or improved.**

The proposed site plan indicates the installation of a new fence south of the proposed parking area running east to west and to the south of the building running north to south. This new fence as shown on the site plan would enclose a proposed gravel yard located in the rear (east) and to the south of the proposed building.

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.**

8. **Signs:** During a recent site visit no signs with commercial messages were noted on the subject property. One restricted parking sign with the following words was on site; "Reserved for Employees: Unauthorized vehicles will be towed away at owner's expense." 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. The submitted site plan shows a proposed monument sign. Although setbacks are not shown it appears the proposed sign is closer than 5 feet from the front (west) property line. At least a 5 foot setback is required. Any proposed signs shall not be located within the street right-of-way of Austin Street nor within the required sign setbacks.

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.

Engineering:

1. Based on the information provided by the applicant it has been determined a Site Construction Permit will be required.
2. A small site grading/erosion control plan is required.
3. Any areas within the City right-of-way adjacent to this site that are missing sidewalks shall be installed to the City of Klamath Falls Public Works Engineering Standards (CKFPWES) current edition by the applicant per this development review. Deferment of this requirement will likely be approved by the City Community Development Department.
4. A storm water site plan is not required. However, sheet flow across the sidewalk (or future sidewalk) will not be permitted. Piping storm water into the existing catch basin, as shown on the conceptual plans, is an acceptable solution to this problem.
5. 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 CKFPWES current edition for location and design criteria. The width and location shown on the conceptual plan is acceptable.
6. Curbs/gutter shall be installed in areas of driveway construction, changes and/or elimination.
7. Any public improvements and grading/erosion control shall be shown on a set of engineering design/construction plans that meet the requirements of the CKFPWES current edition.
8. The abbreviated Transportation Analysis Letter showing trip generation estimates was reviewed by City staff. The content of the letter is satisfactory, although the peak hour trips predicted using the ITE Manual seem high. The proposed driveway will be the only ingress and egress for this site and City Engineering supports a full access driveway.
9. 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.
10. Prior to City Engineering signing the design / construction plans, the applicant shall submit a construction schedule, and traffic control plan for approval.

11. 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.
12. Refer to the attached Engineering Fee Schedule to determine the fees related to this project.
13. Attached is a System Development Charge & Utility Service packet to be reviewed and completed by the applicant. Any water System Development Charge that needs to be paid prior to issuance of the Development Permit will be determined by the City, which is based on the size and number of meters.
14. Sanitary sewer service will be provided for this site by the South Suburban Sanitary District.

Building Dept.:

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.
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:

“Klamath County Fire District #1 has no access or water supply issues.”

Basin Transit:

“No comments.”

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

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 the issuance of the Development Permit:

- a) The applicant shall submit a Site Construction Permit (SCP).
- b) The applicant shall submit a small site grading and erosion control plan.
- c) The applicant is not required to submit a storm water site plan. However, water from the site flowing across the sidewalk will not be permitted. See section 4-10 of the City of Klamath Falls Public Works Engineering Standards (CKFPWES) and City Code 5.640 for more information.
- d) The applicant shall submit a site plan identifying both existing and proposed water services, fire service (if applicable), 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.
- e) The applicant shall show any public improvements and grading/erosion control (if applicable) on a set of engineering design/construction plans that meet the requirements of the CKFPWES current edition.
- f) The applicant is 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.
- g) The applicant shall submit a construction schedule and traffic control plan for approval prior to City Engineering signing the design/construction plans.
- h) The applicant shall pay all Engineering fees related to this project. Refer to the attached Engineering Fee Schedule to determine the fees related to this project.
- i) The applicant shall review and complete the attached System Development Charge & Utility Service packet. Any water System Development Charge that needs to be paid prior to issuance of the Development Permit will be determined by the City, which is based on the size and number of meters.
- j) The applicant shall make sure that any areas within the City right-of-way adjacent to this site that are missing sidewalks shall be installed to the City of Klamath Falls Public Works Engineering Standards (CKFPWES) current edition per this development review. Deferment (if requested) of this requirement would likely be approved by the City Community Development Department.
- k) The applicant shall verify that driveways (existing and proposed) 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 width and location shown on the conceptual plan is acceptable.
- l) The applicant shall contact South Suburban Sanitary District as the site is within their existing sewer district.
- m) The applicant shall submit a revised site plan to City Planning for review and approval showing the following:
 - Peak height of the building.
- n) 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
- 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 Austin Street. A minimum of 2 street trees along Austin 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 install curbs in areas of driveway construction, changes and/or elimination.
- d) 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. 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.
- e) The applicant shall re-stripe the parking lot according to the approved site plan, with four inch painted lines and install wheel stops or curbing to prevent vehicles from driving over landscaping or sidewalks, the placement of approved bicycle parking, and installing signs identifying ADA spaces. All required parking lot improvements shall be completed prior to September 15th, 2009 or issuance of Certificate of Occupancy.
- f) The applicant shall install all required landscaping prior to September 15th, 2009.
- g) The applicant shall install a barrier or curbing material between the landscaping and the sidewalk to prevent material from washing into the public right-of-way prior to September 15th, 2009.
- h) The applicant shall form a cross access agreement between Parcel 2 and 3 of Land Partition 41-08 prior to September 15th, 2009. The applicant shall submit proof of the recorded cross access agreement to the City Community Development Department.
- i) 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.
- j) The applicant shall submit for review and approval, a sign permit prior to the installation of any signs. All existing signs shall be made to conform to the uniform sign code found in CDO Sections 14.300-14.368.

This **Design Review** 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 IS FINAL AS OF THE DATE OF MAILING THIS DECISION (JUNE 12, 2009), 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 12TH OF JUNE 2009.

Kelly O'Neill
Planner

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