

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **1-P-10**

Howard and Cindi Tompkins
27119 Rocky Point Road
Klamath Falls, OR 97601

Rhine-Cross Group, LLC.
112 N 5th Street, Suite 200
Klamath Falls, OR 97601

Date: January 26, 2010

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

NATURE OF THE PROPOSAL

The applicants, Rhine-Cross Group for Howard and Cindi Tompkins, propose to partition approximately 2.69 acres of land into two parcels with Parcel 1 being approximately 0.69 acres and Parcel 2 being approximately 2.00 acres. The proposed land partition is a re-plat of Parcel 1 Land Partition (LP) 35-08. Both proposed parcels will abut Montelius Street. The property in question can be found on Klamath County Assessor's Map R-3809-019DD tax lot 00100. The property, located on the west side of Montelius Street north of Gage Road and south of Lakeport Blvd, is not yet addressed. The subject property is zoned Industrial. A use has not been identified for either of the proposed parcels.

AGENCY COMMENTS

Planning –

The applicant proposes to partition approximately 2.69 acres of land into two parcels. The proposed parcels are currently zoned Industrial. The proposed parcels meet the Community Development Ordinance (CDO) standard for lot size and shape in the Industrial zone. The Industrial zone has a minimum lot size of 5,000 square feet. Both proposed parcels will abut Montelius Street. Montelius Street is not developed to full City Street standards; lacking curbs, gutters sidewalks, street trees, street lighting, landscape strips, etc. The applicant will be required to bring the portions of Montelius Street adjacent to the subject property to City standards at the time of development of the property. A fire hydrant exists on the southwest corner of Gage Road and Montelius Street.

The proposed land partition is a re-plat of Parcel 1 LP 35-08. A 50' wide access easement was created on Parcel 1 LP 35-08 (the subject property) through the land partition process to provide a shared access for Parcel 1 and Parcel 3 LP 35-08 on Montelius Street. A condition of this partition will be to create and record a shared access agreement and easement for Parcel 2 of this land partition to access at the same point on Montelius Street as those two parcels.

Engineering -

1. A final land partition plat shall be prepared by a Professional Surveyor registered in the state of Oregon. The property shall be surveyed and mapped in accordance with the City of Klamath Falls Community Development Ordinance Chapter 11 and Oregon Revised Statutes 92 and 209. Along with those requirements, the Surveyor of record shall submit copies of existing recorded easements and the full sized **filed surveys** and **recorded plats** that are referenced on the final plat.
2. Although the tentative land partition met the requirements of Community Development Ordinance (CDO) 11.715 Tentative Map Requirements there was one error found in the listing of the “JURISDICTION”. The correct jurisdiction should be City of Klamath Falls, 500 Klamath Avenue, Klamath Falls, OR 97601, Phone: 541.883.5316.
3. I would recommend that the applicant provide a clear understanding, in the Plat Declaration, to include Parcel 2 of LP 51-09 in using the 50-foot wide access easement as Parcel 2’s ingress and egress location with regards to Montelius Street. This easement provides for a controlled access onto Montelius for Parcels 1 & 2 of LP 51-09 and Parcel 3 of LP 35-08.
4. Per CDO 11.720(2) the property in question may be required to construct or repair components (streets, water, sewer, etc.) of the City’s public infrastructure prior to recording the final plat, or execute a performance agreement with security for the provision of such improvements. The Engineering Division of the Public Works Department would recommend delaying this requirement until either Parcel 1 or 2 of LP 51-09 submits their next land use application to the City’s Community Development Department.
5. Per CDO 11.723(5) the applicant has not provided the water and sewer connection reports to respond on serviceability for this land partition. The Engineering Division cannot properly respond on providing those services, at this time, until the reports have been submitted and reviewed.

KCFD No.1 –

“Klamath County Fire District No. 1 would request a site plan for comments prior to any building on the proposed parcels. We have no concerns at this point for the partition.”

Avista:	No comments were received.
Charter:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
USBR:	No comments were received.
PP&L:	No comments were received.
County Surveyor:	No comments were received.
Opponents:	No comments were received.
Proponents:	No comments were received.

RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND FINDINGS:

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

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

Facts and Analysis: The proposed partition conforms to the Comprehensive Plan and all other provisions of Chapter 10-14 with the proposed conditions.

Findings: *The proposed partition conforms to the Comprehensive Plan with the proposed conditions. This criterion is met with conditions.*

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

Facts and Analysis: The tentative partition does not conform to CDO 14.050, Access and Driveways, however, section 11.985 Improvements in Partition states: If the director finds that the nature of the development in the vicinity of the partition makes installation of some improvements unreasonable, he may except those improvements. The reconstruction of Montelius Street is on the City's Capital Improvement Program list and should be completed in the next couple of years. If the full street improvement were installed with this partition then the Montelius reconstruction project would become more complicated. Street improvements will be addressed at the time of design review or conditional use permit application for the property.

Findings: *The proposed partition will be in conformance with all applicable provisions of this Ordinance and other federal, state and county ordinances and regulations. This criterion is met.*

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

Facts and Analysis: The proposed parcels meet the required minimum lot size (5,000 square feet) for the Industrial zone. Proposed Parcel 2 is rectangular in shape and has approximately 185' of frontage along Montelius Street. Proposed Parcel 1 is a "flag lot" located behind proposed Parcel 2 with the exception of a 50' wide portion of the property located south of proposed Parcel 2 that will provide access to and from Montelius Street. Proposed Parcel 1 will have 50' of frontage along Montelius Street. The shape of proposed Parcel 1 will reduce the visibility of any development located on the lot. While this might create problems for a property zoned for commercial uses it is not expected to adversely affect a property zoned for industrial uses. The size and shape of all of the proposed parcels can accommodate the uses permitted within the industrial zone.

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

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

Facts and Analysis: The proposed parcels are laid out in a fashion to take advantage of the existing rights-of-way. Both parcels of this land partition along with Parcel 3 LP 35-08 will access Montelius Street from a shared access point which will help to reduce vehicle conflicts along Montelius Street. The applicant needs to modify the existing shared access easement on proposed Parcel 1 to include access for proposed Parcel 2.

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

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

Facts and Analysis: Sewer and water lines exist in the Montelius right-of-way. The sewer and water infrastructure in the right of way should be adequate to serve the uses permitted in the Industrial zone. No development is proposed at this time. At the time of development, if capacity issues are identified, then the applicant may be required to correct any off site capacity issues identified.

Findings: *The existing sewer and water facilities and fire protection services are adequate to serve the proposed development of a mini-storage facility. This criterion is met.*

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

Facts and Analysis:

Montelius Street is a public rights-of-way and as stated above it is not built to existing city standards. Montelius street has paved travel lanes but lacks sidewalks, street lights, planter strip and curbs and gutters. Street improvements will be required to be made by the developers as the parcels come in for design review or other related land development application. Street improvements may include but are not limited to: curb/gutter, sidewalk, street trees, street lights, landscaped planting strips and storm drainage per City Engineering and CDO standards.

Findings: *This criterion is met with conditions.*

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

Facts and Analysis: The only easement on the property is a 16 foot sanitary sewer easement that is adjacent to the north and west boundary of Parcel 1 and the north boundary of Parcel 2. The partitioning of this property will have no effects on this easement. The proposed partition will not conflict with the legally established easement. Both parcels of this land partition along with Parcel 3 LP 35-08 will access Montelius Street from a shared access point which will help to reduce vehicle conflicts along Montelius Street. The applicant needs to modify the existing shared access easement on proposed Parcel 1 to include access for proposed Parcel 2.

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

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

Facts and Analysis: No rights-of-way will be prohibited from extension. No other rights-of-way exist within the boundary of the proposed partition.

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

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

Facts and Analysis: A hydrant exists at the southwest corner of Gage Road and Montelius Street. The applicant shall design the driveway to the proposed parcels to support emergency vehicles.

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

DECISION

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

CONDITIONS

➤ **Prior to Final Approval**

- 1) A final land partition plat shall be prepared by a Professional Surveyor registered in the state of Oregon. The property shall be surveyed and mapped in accordance with the City of Klamath Falls Community Development Ordinance Chapter 11 and Oregon Revised Statutes 92 and 209. Along with those requirements, the Surveyor of record shall submit copies of existing recorded easements and the full sized **filed surveys** and **recorded plats** that are referenced on the final plat.
- 2) Although the tentative land partition met the requirements of Community Development Ordinance (CDO) 11.715 Tentative Map Requirements there was one error found in the listing of the "JURISDICTION". The correct jurisdiction should be City of Klamath Falls, 500 Klamath Avenue, Klamath Falls, OR 97601, Phone: 541.883.5316.
- 3) The applicant shall develop and record a shared access agreement/easement for both parcels restricting access for both lots to one joint driveway onto Montelius. The access agreement/easement shall be either a separate recorded document or added to the final plat. The access agreement/easement shall be finalized prior to the recording of the final plat.

➤ **General**

- 4) Street improvements will be required at the time of development of each parcel.
- 5) At the time of development, the applicant shall construct driveways to support emergency apparatus.

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

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

DATED THIS 26 JANUARY 2010

JOE SLAUGHTER,
ASSOCIATE PLANNER

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