

City of Klamath Falls Planning Department  
Administrative Review

In the matter of an  
Administrative Review for:

Final Decision and Conditions: **9-P-09**

David Panossian  
2688 Campus Drive  
Klamath Falls, OR 97601

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

Date: October 13, 2009

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

#### **NATURE OF THE PROPOSAL**

The applicants, Rhine-Cross Group for David Panossian, propose to partition approximately 1 acre of land into two parcels with Parcel 1 being approximately 0.51 acres and Parcel 2 being approximately 0.49 acres. The proposed land partition is a re-plot of a portion of Lot 2 along with Lots 3, 4 & 5, Block 6, of Tract 1163 - Campus View. Both proposed parcels will abut Campus Drive and Almond Street with vehicle access coming from Almond Street only. The property in question can be found on Klamath County Assessor's Map R-3809-020BD-03000, 03100, 03200 & 03300 and is addressed as 2614 Almond Street. The subject property is zoned Neighborhood Commercial within the Campus Planned Unit Development.

#### **AGENCY COMMENTS**

Planning –

The proposed land partition has been submitted, in part, to address Condition 14 of the Administrative Review, Final Decision and Conditions for City file numbers 8-DR-09 & 3-V-09, dated June 26, 2009. Said condition required a land partition be submitted to re-plot the existing lot lines in order to develop the property as proposed.

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. The engineering construction plans are showing multiple driveways to be constructed. If any of the driveways are planned to be shared by the two proposed Parcels; an access easement should be created on the final Land Partition plat.

County Building –

“The County Building Division has no issues or concerns with the proposal at this time.”

KCFD No.1 –

“Klamath County Fire District No. 1 has no objection to the applicant’s request to partition the subject lot as described in the Administrative Review Sheet.”

US Bureau of Reclamation –

“In response to the City of Klamath Falls Planning Review request for the subject proposal to partition approximately 1 acre into two parcels with Parcel 1 being approximately 0.51 acres and Parcel 2 being approximately 0.49 acres, 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 subject proposal.”

Avista:	No comments were received.
Charter:	No comments were received.
PP & L:	No comments were received.
Qwest:	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 following Comprehensive Plan Policies relate to the proposed zone change:

Policy 77: Development which will assure the City of an adequate tax base will be encouraged and supported.

Policy 87: Urban sprawl will be curtailed and in-filling of vacant land promoted to reduce energy costs.

Policy 244: In-filling of developable lands will be encouraged to minimize sprawl and take advantage of existing facilities and services.

Policy 254: Allow growth to occur as naturally as possible without undue restrictions, or conversely, aggressive promotion.

Policy 259: Public and private actions will result in a net benefit for existing City residents and will contribute to the improvement of the local economy.

The proposed land partition will allow the property owner to develop the property as desired within the parameters outlined in the Comprehensive Plan. The proposed partition will facilitate the expansion and continuation of the use of the property as a medical office building.

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

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

Facts and Analysis: Proposed Parcel 1 is currently developed with a Medical Office facility and plans have been conditionally approved for an addition to the existing structure. The combined footprint of the existing and proposed structures is approximately 3,890 sq ft which will cover approximately 17.5% of the approximately 22,216 sq ft Parcel 1. The Campus Planned Unit Development, Development Standards (PUDDS) allow a maximum lot coverage of 70% for Neighborhood Commercial properties.

The Campus PUDDS require a minimum 30' setback for all street frontages and a minimum 20' setback for all side and rear yards. The existing and conditionally approved buildings will have the following setbacks if the proposed partition is approved: North (side yard) approximately 16', east (Campus Dr) approximately 20', south (side yard) approximately 119', and west (Almond St) approximately 57'. Variances were approved through City file number 7-MV-00 and 3-V-09 to allow for a 15' north side yard setback and a 20' east, street frontage setback for the existing structure.

There are no existing structures on proposed Parcel 2 and no plans for the development of proposed Parcel 2 have been submitted to the Planning Division.

Both proposed parcels as proposed abut Campus Drive and Almond Street. Vehicle access will be limited to Almond Street only. The parcels both have more than 30' of street frontage exceeding the minimum amount of street frontage required by the Community Development Ordinance (CDO).

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.

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

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

Facts and Analysis: The proposed land partition is a re-plat that will consolidate 3 subdivided lots along with a portion of a 4<sup>th</sup> lot into a total of two lots. The resulting lots will each be larger than any of the lots they will replace. The proposed lots are each roughly a half acre in size. As discussed under criterion B, the existing and proposed use of the property will fit on the subject property without any additional variances. The size and shape of both proposed parcels are such that they can accommodate the uses permitted within their respective zones.

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 Both proposed parcels as proposed abut Campus Drive and Almond Street. Vehicle access will be limited to Almond Street only. The parcels both have more than 30' of street frontage exceeding the minimum amount of street frontage required by the Community Development Ordinance (CDO). The proposed lots are roughly rectangular, abut streets on two sides, have common property lines that are almost parallel to other lots/parcels within the block, and have side property lines that are roughly perpendicular to the existing streets.

Proposed Parcel 1 is already serviced by utilities and utilities are available in the rights-of-way adjacent to 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. 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: Serviceability of the site for sewer, water, and fire protection was reviewed during the recently completed Design Review (8-DR-09) for the expansion of the existing medical office on proposed Parcel 1. No shortages for sewer, water, or fire protection services to the site were identified at that time. Any expansion of the use on proposed Parcel 1 or any new use of proposed Parcel 2 will require a review of service to the site to insure that adequate service is still available to the site at that time.

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

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

Facts and Analysis: Both proposed parcels as proposed abut Campus Drive and Almond Street for their entire frontages. Vehicle access will be limited to Almond Street only. Both Campus Drive and Almond Street are improved City streets with

asphalt paved surfaces, curb/gutters, sidewalks, street lights, and planter strip landscaping. The only portion of either of these streets along block 6 that lacks sidewalks or landscaping is that portion which abuts proposed Parcel 2. Improvements to both Campus Drive and Almond Street will be required at the time of development of proposed Parcel 2.

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

**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 tentative partition map shows an existing 16' utility easement along the east side of a portion of proposed Parcel 2. The partition as proposed will not conflict with this easement. The map also shows a 16' sewer and utility easement along a portion of the east side of proposed Parcel 2 and a 28' access easement for Parcel 1 and Parcel 2 along the south side of proposed Parcel 1 to be created by this partition. The proposed partition will not effect the existing easement.

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

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

Facts and Analysis: Proposed Parcels 1 & 2 are bounded on two sides by existing rights-of-way which adequately serve the properties located in block 6. There is an existing network of streets in and around the area. A need to extend a right-of-way through the subject property has not been identified. The proposed partition does not prohibit the extension of dedicated streets or roads.

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

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

Facts and Analysis: Both proposed parcels as proposed abut Campus Drive and Almond Street for their entire frontages. Vehicle access will be limited to Almond Street only but access along Campus Drive can be utilized by emergency service personnel for the purpose of firefighting. Both Campus Drive and Almond Street are improved City streets with asphalt paved surfaces.

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

## 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 Final Approval**

- 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. General**

- The engineering construction plans show multiple driveways to be constructed. If any of the driveways are planned to be shared by the two proposed Parcels; an access easement should be created on the final Land Partition plat.

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 13 OCTOBER 2009

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JOE SLAUGHTER,  
ASSOCIATE PLANNER

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