

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **3-P-09**

Charles Kujawski & Kari Quirke
ATTN: Sessler Metals Inc
6315 Climax Avenue
Klamath Falls, OR. 97603

Gresdel & Associates
4505 Shasta Way
Klamath Falls, OR 97603

Date: May 11, 2009

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 applicant, Sessler Metals Inc, proposes to partition a 1.85 acre parcel (Parcel 3, Land Partition 43-97) into two parcels. Parcel 1 would be 0.85 acres and Parcel 2 would be 1.00 acre. Proposed Parcel 1 currently has a warehouse building that is 4,500 sq ft (90 ft by 50 ft). There are no plans for development on proposed Parcel 2 at this time. The property is addressed as 2806 Avalon Street and can be found on Klamath County Assessor's Map R-3909-003CC tax lot 00103. The subject property is located on the west side of Avalon Street, directly across from Delaware Avenue. The property in question is zoned Industrial.

AGENCY COMMENTS

Planning – The applicant proposes to partition 1.85 acres into two parcels. The proposed parcels are currently zoned Industrial. The Industrial zone has a minimum lot size of 5,000 square feet. The proposed parcels meet the CDO standard for lot size and shape. Avalon Street is under County jurisdiction and is not developed to full City Street standards.

The Tentative Map properly addresses all of the tentative map requirements outlined in CDO 11.715 (1)(a-s), except the following:

- CDO 11.715 (1)(j) Easement Vol. M97, Page 29569 is not shown on the tentative plan.
- CDO 11.715 (1)(o) Statement of Water Rights is not shown on the tentative plan.
- Change the proposed use and current zoning from General Commercial to Industrial.

Engineering –

1. The existing address 2806 Avalon Street, for this site, is missing from the map.
2. Missing Community Development Ordinance 11.715(1)(o) "Statement of Water Rights".

3. Resubmit tentative plan addressing above items 1 and 2, prior to tentative plan approval.
4. At the time of development, on proposed Parcel 2, the applicant will need to extend the City water main from approximately Boardman Avenue to 20 feet south of the south property line of proposed Parcel 2 to receive water service to this parcel. The water main shall be designed and constructed to the City of Klamath Falls Public Works Engineering Standards.
5. 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.

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

Co. Public Works – “No comments.”

KCFD No.1 – “Klamath County Fire District #1 would require a hydrant be placed at the corner of Delaware and Avalon when proposed Parcel 2 is developed with a building. The building on Parcel 1 is pre-existing and can be served for its current occupancy by the hydrant at Boardman and Avalon.”

PP & L:	No comments were received.
Qwest:	No comments were received.
Avista:	No comments were received.
Co. Surveyor:	No comments were received.
Railroad OC&E:	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.*

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: The tentative partition conforms to CDO 14.050, which requires all lots or parcels to abut an improved street. Both of the proposed

parcels would abut Avalon Street for their entire street frontage, but the Oregon, California & Eastern (OC&E) Railroad spur runs parallel to Avalon Street in-between the Avalon Street right-of-way and the property in question. Both proposed parcels are accessed by a 30' access easement (Volume M97, Page 29720) that crosses the OC&E Railroad spur south of the subject property at Parcel 1 of Land Partition 46-01. Both proposed parcels could possibly get direct access across the OC&E Railroad spur by contacting the Oregon State Parks and Recreation Department and forming/recording driveway access easements. The 20' wide driveways shown on the tentative land partition plat map shall be removed from the map before resubmitting the tentative plan map.

*Findings: The proposed partition is in conformance with all applicable provisions 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 parcels exceed the required minimum 5,000 square foot lot size for Industrial zoning. The size and shape of the proposed parcels are such that they can accommodate the uses permitted within Industrial 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: The two proposed parcels are laid out properly to front Avalon Street (the OC&E rail line sits between the lots and the right-of-way) and are laid out similarly to nearby lots. Infrastructure improvements will be addressed at the time of development on either of the proposed parcels. The improvements will be required to meet City Engineering Standards at the time of development.

At the time of development on proposed Parcel 2, the applicant will need to extend the City water main from approximately Boardman Avenue to 20 feet south of the south property line of proposed Parcel 2 to receive water service for this parcel. The water main shall be designed and constructed to the City of Klamath Falls Public Works Engineering Standards.

*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: Proposed Parcel 1 already has a warehouse building that is 4,500 sq ft (90 ft by 50 ft). There are no plans to develop proposed Parcel 2 at this time. The type and scale of development will determine what improvements/extensions will need to be made to existing infrastructure. Infrastructure improvements will be addressed at the time of development on either of the proposed parcels. All improvements will be required to meet City Engineering Standards at the time of development.

Klamath County Fire District #1 will require the installation of a fire hydrant at the corner of Delaware Avenue and Avalon Street when proposed Parcel 2 is developed with a building. The building on Parcel 1 is pre-existing and can be served for its current occupancy by the hydrant at Boardman Avenue and Avalon Street.

Findings: *The existing sewer and water facilities and fire protection services will be made adequate to serve the proposed development by the conditions placed upon the proposed partition. **This criterion is met with conditions.***

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: CDO 11.805(24) states that each lot/parcel shall abut upon a street, other than an alley, for a minimum of 30'. The two parcels will abut the OC&E Railroad spur for their entire frontage. Both proposed parcels are accessed by a 30' access easement (Volume M97, Page 29720) that crosses the OC&E Railroad spur south of the subject property at Parcel 1 of Land Partition 46-01.

Findings: *Lots or parcels created through the proposed partition do 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: A final subdivision 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.

The tentative land partition plat map shows 20' wide driveway access across the OC&E Railroad spur for each proposed parcel. Neither of these proposed driveways have recorded access deeds. If these driveways are to be used the applicant shall record the necessary access deeds and furnish a copy to the City Community Development Department.

There are two easements shown on the tentative land partition plat map. Deed Volume M97, Page 29720 is a 30' wide access easement across the OC&E Railroad spur to Parcel 1 of Land Partition 46-01. This access easement appears to extend to the proposed Parcel 2. If this easement is intended for access to proposed Parcel 2 then the applicant shall indicate the use of this easement on a revised tentative plan.

Deed Volume M2009, Page 4096 is the second easement which is a 10' wide water utility easement that extends from a meter on Broadmore Street. This utility easement runs east across Parcel 2 of Land Partition 43-97, then north east across Parcel 3 of Land Partition 43-97 to the warehouse building on proposed Parcel 1.

*Findings: The proposed partition will not conflict with legally established easements. Access from Avalon Street to the proposed parcels is established by a 30' access easement (Volume M97, Page 29720) that crosses the OC&E Railroad spur south of the subject property at Parcel 1 of Land Partition 46-01. **This criterion is met.***

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

Facts and Analysis: The proposed partition is between Avalon Street and Broadmore Street and across from Delaware Avenue. There are no plans to extend Delaware Avenue west to Broadmore Street. The portion of Avalon Street in front of the proposed parcels lacks curb, gutter, and sidewalk; however, because it is under the jurisdiction of Klamath County there are no additional street improvement requirements by the City of Klamath Falls.

*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: The two proposed parcels have a 30' wide access agreement that extends over the OC&E Railroad spur. Emergency vehicle apparatuses require at least 20' wide access.

Avalon Street is a Klamath County maintained asphalt paved street identified as a local street in the Klamath Falls Urban Area Transportation Systems Plan. The street is under County jurisdiction and lacks curb, gutter and sidewalk.

*Findings: Emergency vehicle access is adequately addressed because there is a 30' wide recorded access easement. **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. The applicant shall resubmit the tentative plan addressing the following, prior to tentative plan approval:
 - The applicant shall add the existing address of 2806 Avalon Street to the map.
 - The applicant shall add the Easement Vol. M97, Page 29569 as per Community Development Ordinance 11.715(1)(j).
 - The applicant shall add the “Statement of Water Rights” as per Community Development Ordinance 11.715(1)(o).
 - The applicant shall add the 30’ wide access easement that extends from Parcel 1 of Land Partition 46-01 across the entire front of the proposed parcels.
 - The applicant shall remove the two 20’ wide driveways that cross the OC&E Railroad spur.
 - The applicant shall change the proposed use and the current zoning from General Commercial to Industrial.
2. The applicant shall, at the time of development on proposed Parcel 2, extend the City water main from approximately Boardman Avenue to 20 feet south of the south property line of proposed Parcel 2 to receive water service for this parcel. The water main shall be designed and constructed to the City of Klamath Falls Public Works Engineering Standards.
3. The applicant shall have a final land partition plat 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.
4. The approval of the tentative map shall remain valid for twelve months from the date of approval.

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 11 MAY 2009.

KELLY O’NEILL, PLANNER

c: Tom Del Santo, Development Coordinator