

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **6-CUP-09**

Cynthia Eddy
2604 Autumn Ave
Klamath Falls, OR 97601

April 13, 2010

In accordance with the provisions of Sections 10.805, 11.100-11.120, 12.010 and 12.100 of the Community Development Ordinance (CDO) the City of Klamath Falls Planning Division has reviewed this request for a Conditional Use Permit.

NATURE OF THE PROPOSAL

The applicant, Cynthia Eddy, proposes to re-develop a portion of the existing Klamath View Estates manufactured home park by removing old mobile homes and improving the interior streets, utilities, and lighting. The proposal also includes a reconfiguration of the previously approved layout for residential lots and streets. The subject property is zoned Medium Density Residential and Neighborhood Commercial. The portion of the property zoned Neighborhood Commercial is described as space number 40 and shown as a storage area on the proposed site plan. This portion of the property has been used as storage for the park and as a site for RV sales and repairs. The applicant proposes to “clean up” this portion of the property and continue to use it for storage (for park residents) and RV sales and repair. The remainder of the property, including all portions used for residential spaces, is zoned Medium Density Residential. The property address is 1663 Greensprings Drive and the property can be found on Assessor’s Map R-3909-005D0 tax lot 00800. The property is owned by Eddy Living Trust with Daniel Eddy as trustee.

AGENCY COMMENTS

Planning –

The most recently approved layout for the existing park, Klamath View Estates, showed a total of 81 spaces. The plan did not delineate which spaces would be used for residential spaces, which would be used as storage, and which would be used as park/recreation space. The revised plan, submitted along with this application, shows a park layout that will occupy the same property boundaries as the previous plan. The revised plan shows a total of 78 spaces. The plan also identifies the proposed use of each space that is not intended for residential use. Space #40, in the southwest corner of the property, and space #62, on the east side of the property, are labeled as storage areas. Space #57, on the east side of the property is labeled as a “future playground” and space #63, near the center of the property is labeled as a “future recreation room”.

The revised plan shows existing private streets and utility infrastructure within the park along with future streets and utilities to be placed. The portion of the park where spaces 53-61 and Street 6 are located on the plan is currently vacant, with existing utility infrastructure but lacking improved streets. The portion of the park where spaces 64-78, Street 5, and a portion of Street 1 are located on the plan is a semi-developed area containing 5 mobile homes used as residences, 2 mobile homes used for storage, unpaved streets, and a number of stored vehicles. This section of

the park is currently out of compliance with both the City Code and the Community Development Ordinance (CDO). CDO Section 14.040 (1) requires all areas used for parking and maneuvering vehicles to have either an asphalt or concrete paved surface.

The remainder of the park shown on the plan is currently developed although not all of the residential spaces have homes placed on them and there are no existing recreation facilities; including a club house or playground area. This section of the park contains a total of 42 dwellings. The spaces intended for residential use but not currently containing a dwelling are spaces 4, 14, 45, 46, 47, 49, 50 and 51. Residential Reviews have been submitted, reviewed, and approved for spaces 45 and 51 but homes have not been permanently placed on these spaces yet. The homes are present on (or near) the spaces but they have not been properly installed.

The applicant does not intend to develop the remainder of the park all at once and has not identified a clear phasing plan for future improvements. It is understood that streets and utilities as shown on the plan, once approved, will need to be extended into any currently undeveloped or underdeveloped portions of the park prior to placing any new homes in those areas.

Setbacks: The proposed park layout shows all spaces having the following minimum setback distances from all internal/private streets: 20' front yard and 5' for rear and side yards. Many of the existing homes are out of compliance with the proposed setbacks shown on the site plan. The CDO does not regulate setback distances between private streets and homes or between structures in parks. The applicant has stated the desire to keep a 10' front yard setback requirement between the internal streets in the park and new homes that are placed in the park. This front yard setback will help to preserve space behind the street for the placement of utilities. Side yard and rear yard setbacks between residential spaces will be addressed by the building department to insure they meet the separation requirements of the Oregon Manufactured Dwelling and Park Specialty Code. The proposed site plan does not adhere to CDO Section 12.100 (5) which requires all manufactured homes and other buildings in parks to be setback a minimum of 25' from all public rights-of-way and a minimum of 10' from the park's property boundary.

Fences: CDO Section 12.100 (10) requires all manufactured home parks to have a sight obscuring planting, fence or wall not less than 6' or more than 7' in height surrounding the park. A perimeter fence is not provided for the majority of the existing park. The only portions of the park that have a 6' fence around the perimeter are the storage area in the southwest corner of the property and the boundary between the developed portions of the park and the portions that have yet to be fully developed.

Utilities: CDO 12.100 (2) requires each space to be served by public facilities such as water supply, surface water drainage, sewers, sidewalks and improved access ways in conformance with the standards of the Public Works Department. Each manufactured home shall be provided with a water, sewer and electrical connection. All utilities shall run underground. Spaces 64-78 as shown on the plan do not have water, sewer and electrical connections which satisfy the requirements of this code.

Parks and Recreation: The proposed site plan shows a space dedicated as a future playground and another space dedicated as a future recreation room. Currently there are no parks, open space or recreational facilities located within the existing park. CDO Section 14.420 requires all multifamily dwellings to provide a recreational area and suitable playground.

Parking: CDO Section 12.100 (3) requires a minimum of two off street parking spaces for every manufactured home. Such spaces shall be paved with asphalt, concrete or similar materials. Tandem spaces will count toward the parking requirement for individual spaces.

Storage: Commercial storage is not an allowed use in either the Neighborhood Commercial or Medium Density Residential zones. The storage areas shown on the site plan shall be used only as storage areas for residents' recreational vehicles, boats, trailers, etc. No storage of materials belonging to non-residents shall be permitted.

Klamath View Estates Rules and Regulations: The Klamath View Estates Rules and Regulations, on file with the City Planning Division, list the following requirements:

- Skirting must match the exterior siding of home and be of the same material throughout.
- Deck package required must be installed by park contractor or owner of home.
- Carport: A minimum 11x20 painted to match exterior of home or treated clear to match cedar porches. The applicant has requested that the CDO requirement of a minimum 180 sq ft carport for each home become the new minimum standard for Klamath View Estates.
- All treatments and painting must be complete within 60 days of placement of home.
- All structures must be composition roofed to match home.

Engineering –

1. All water, sanitary, storm drainage and street light utilities, including the street network, within the boundaries of this development are private and not maintained by the City.
2. The applicant is current with their Sewer System Development Charges (SDC's), which is based on 45 units only. Once the 46th unit is placed that will trigger sewer SDC's to be charged for that unit and the others that follow.
3. Prior to the Planning Division issuing approval of a Conditional Use Permit, the applicant shall submit a current map of this development showing the unit (lot) numbers and any structures that currently exist, those scheduled to be remove per this application, and new manufactured homes that are to be placed per this application. The applicant or the applicant's Engineer/Surveyor may contact the City Surveyor/Development Supervisor at 541.883.5365 for clarification if needed. The City Surveyor's office will require two copies of that map to review and determine if there are any sewer SDC's that need to be paid per this Conditional Use Permit.
4. If any sewer SDC's are determined to be required; they shall get paid prior to the approval of the Conditional Use Permit.

USBR –

In response to the City of Klamath Falls Planning Review request for the subject applicant to re-develop the manufactured mobile home park by removing the old mobile homes and improving the interior streets, utilities, and lighting, as well as reconfiguring the previously approved layout for the residential lots and streets, 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 proposed re-development.

Avista:	No comments were received.
Charter:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
County Building:	No comments were received.
KCFD No 1:	No comments were received.
SPOKES:	No comments were received.
Code Enforcement:	No comments were received.
Waste Management:	No comments were received.
Proponents:	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 (CDO Chapters 10-14), specifically Sections 11.100 to 11.120 regarding Conditional Use Permits:

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.

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 subject property is approximately 12.5 acres in total area. The proposed park layout is currently approximately 75% constructed and occupied. The park will be required to meet CDO setback and fencing requirements. The addition of the park and recreation areas shown on the site plan will help to insure there is adequate playground and open space provided.

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: The proposed reconfiguration of this previously approved manufactured home park is not expected to increase the amount of traffic generated by the park. The park currently abuts Greensprings Drive to the west and Mallard Lane to the south. Both

Greensprings Drive and Mallard Lane are under Klamath County jurisdiction. Both streets are improved with asphalt surfaces but have not been improved to current City Public Works standards; lacking sidewalks, planting strips, curb/gutter, etc.

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.***

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

Facts and Analysis: CDO Section 12.100 (10) requires all manufactured home parks to have a sight obscuring planting, fence or wall not less than 6' or more than 7' in height surrounding the park. A perimeter fence is not provided for the majority of the existing park. The only portions of the park that have a 6' fence around the perimeter are the storage area in the southwest corner of the property and the boundary between the developed portions of the park and the portions that have yet to be fully developed. A sight obscuring planting, fence or wall not less than 6' or more than 7' in height shall be placed along the outside perimeter of the future portions of the park. This fence shall run from the northeast corner of space 62, along portions of spaces 62, 57, 73, 72, 70 and 64 to the west edge of space 64. A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence. This condition shall be addressed prior to the placement of any homes on lots 53-78.

Commercial storage is not an allowed use in either the Neighborhood Commercial or Medium Density Residential zones. The storage areas shown on the site plan shall be used only as storage areas for residents' recreational vehicles, boats, trailers, etc. No storage of materials belonging to non-residents shall be permitted.

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: All water, sanitary, storm drainage and street light utilities, including the street network, within the boundaries of this development are private and not maintained by the City. The applicant is current with their Sewer System Development Charges (SDCs), which is based on 45 units only. Once the 46th unit is placed payment of sewer and park SDCs will be required for that unit and the others that follow. Spaces 53-78 shall be served by public facilities such as water supply, surface water drainage, sewers, and improved access ways in conformance with the standards of the Public Works Department prior to the placement of any home in any of these spaces.

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: The subject property is approximately 12.5 acres in size. There will be a total of 78 spaces including those used for storage and recreation. It is generally assumed that 20% of the gross property area will be used for streets, stormwater detention, and other infrastructure; 80% of 12.5 acres is 10 acres or 435,600 sq ft. The average space size for all spaces is approximately 5,585 sq ft (435,500 / 78). Both Medium Density Residential and Neighborhood Commercial zones allow for a minimum lot size of 5,000 sq ft. The density within the park will be consistent with the densities allowed in the underlying zones.

Commercial storage is not an allowed use in either the Neighborhood Commercial or Medium Density Residential zones. The storage areas shown on the site plan shall be used only as storage areas for residents' recreational vehicles, boats, trailers, etc. No storage of materials belonging to non-residents shall be permitted.

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: All water, sanitary, storm drainage and street light utilities, including the street network, within the boundaries of this development are private and not maintained by the City. The applicant is current with their Sewer System Development Charges (SDCs), which is based on 45 units only. Once the 46th unit is placed payment of sewer SDCs will be required for that unit and the others that follow. Spaces 53-78 shall be served by public facilities such as water supply, surface water drainage, sewers, and improved access ways in conformance with the standards of the Public Works Department prior to the placement of any home in any of these spaces.

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 **Conditional Use Permit** is **approved with the following conditions:**

CONDITIONS

➤ **Conditions to be addressed by a date certain:**

- 1) Prior to June 15, 2010 and prior to placing any new structures within the park the applicant shall submit a current map of this development showing the unit (space)

numbers and any structures that currently exist, those scheduled to be removed per this application, and new manufactured homes that are to be placed per this application. The applicant or the applicant's Engineer/Surveyor may contact the City Surveyor/Development Supervisor at 541.883.5365 for clarification if needed. A total of 4 copies of this map shall be submitted to City Planning. The City Surveyor's office will review the map and determine if there are any sewer SDCs that need to be paid per this Conditional Use Permit.

- 2) Any/all manufactured homes and mobile homes used for storage shall be removed from the property prior to November 1, 2011.
- 3) Parking and maneuvering vehicles on unpaved surfaces is prohibited by CDO Section 14.040 (1). All parking and storage of vehicles on unpaved surfaces within the area of spaces 64-78 as shown on the site plan shall cease by November 1, 2011. The parking and storage of vehicles on unpaved surfaces shall continue to be prohibited within the remainder of the park from today's date forward.
- 4) Any/all manufactured homes and mobile homes located in the area of spaces 64-78 as shown on the site plan that do not meet the requirements of this Conditional Use Permit approval shall be removed prior to November 1, 2013.

➤ **Prior to the placement of new structures within the park:**

- 5) A Residential Review shall be submitted to City Planning, reviewed and approved, prior to the placement of any new structure on the subject property.
- 6) The applicant is current with their Sewer System Development Charges (SDCs), which is based on 45 units only. Once the 46th unit is placed payment of sewer and park SDCs will be required for that unit and the others that follow.
- 7) All required building permits shall be obtained from the Klamath County Building Department prior to the placement of any new structure on the subject property.

➤ **Prior to the placement of new structures within the new portions of the park:**

- 8) A sight obscuring planting, fence or wall not less than 6' or more than 7' in height shall be placed along the outside perimeter of the future portions of the park. This fence shall run from the northeast corner of space 62, along portions of spaces 62, 57, 73, 72, 71, 70 and 64 to the west edge of space 64. A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence. This condition shall be addressed prior to the placement of any homes on lots 53-78.
- 9) Spaces 53-78 shall be served by public facilities such as water supply, surface water drainage, sewers, and improved access ways in conformance with the standards of the Public Works Department prior to the placement of any home in any of these spaces.
- 10) Either the future recreation room shown on space 63 or the future playground shown on space 57 shall be fully developed prior to placing a home on spaces 53-61 or 64-78. Both the recreation room and the playground shall be developed prior to the placement of homes on spaces 53-61 and 64-78.

➤ **General Conditions:**

- 11) The placement of each manufactured home within the park shall be consistent with the Klamath View Estates Rules and Regulations including, but not necessarily limited to the following:
 - Skirting must match the exterior siding of home and be of the same material throughout.
 - Deck package required must be installed by park contractor or owner of home.
 - A minimum 180 sq ft carport painted to match exterior of home or treated clear to match cedar porches to be installed prior to occupancy.
 - All treatments and painting must be complete within 60 days of placement of home.
 - All structures must be composition roofed to match home.
- 12) Prior to modifying the Klamath View Estates Rules and Regulations the applicant shall obtain City approval to insure they meet the City's requirements.
- 13) Each space shall have a minimum of two off street parking spaces for every manufactured home. Such spaces shall be paved with asphalt, concrete or similar materials. Tandem spaces will count toward the parking requirement for individual spaces.
- 14) All new structures shall be setback a minimum of 10' from all internal (private) park streets. All manufactured homes and other buildings in the park shall be setback a minimum of 25' from all public rights-of-way and a minimum of 10' from the park's property boundary.
- 15) Commercial storage is not an allowed use in either the Neighborhood Commercial or Medium Density Residential zones. The storage areas shown on the site plan shall be used only as storage areas for residents' recreational vehicles, boats, trailers, etc. No storage of materials belonging to non-residents shall be permitted.
- 16) A sign permit must be reviewed and approved for each sign prior to the placement of any new sign on the property.
- 17) All contractors working on any job within the park shall maintain a valid city business license.

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 13TH DAY OF APRIL, 2010.

Joe Slaughter
Associate Planner

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