

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

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

Klamath Cascade Group
P.O. Box 7765
Klamath Falls, OR 97602

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

Date: April 27, 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 applicant, Rhine-Cross Group, LLC for Klamath Cascade Group, proposes to partition approximately 21.7 acres into three parcels with Parcel 1 being approximately 2.7 acres, Parcel 2 being approximately 8.3 acres, and Parcel 3 being approximately 10.7 acres. The proposed land partition is a re-plat of Parcel 2 of LP 20-08. Parcel 1 will be fronted by New Way and ESI Way. Parcel 2 will be fronted by New Way and ESI Way. Parcel 3 will be fronted by ESI Way. The property in question can be found on Klamath County Assessor's Map R-3809-01800 tax lot 00700. The property is zone Industrial (I).

AGENCY COMMENTS

Planning –

The applicant proposes to partition approximately 21.7 acres into three parcels. The proposed parcels are currently zoned industrial. The proposed parcels meet the CDO standard for lot size and shape in the Industrial zone. The industrial zone has a minimum lot size of 5,000 square feet. The proposed parcels front two streets: ESI Way and New Way. None of the streets which border the subject property are developed to full City Street standards. At the time of development, the applicant will be required to bring the abutting streets to the City's standards.

Engineering –

1. Water and Sewer data connection reports were submitted as part of the Harbor View Rezone (aka. Harbor View PUD). Public Works response, to those reports, will be made a part of City Administrative Planning Review 5-Z-09.
2. A Traffic Impact Study report was submitted as part of the Harbor View Rezone (aka. Harbor View PUD). ODOT and the City reviewed that study and requested a revised

report addressing a list of concerns and missing items. To date a revised report has not been returned for further review.

3. 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.

Klamath County Fire District No. 1 –

“KCFD#1 would like to reserve comments for when these lots are being developed into a specific occupancy.”

Avista:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
ODOT:	No comments were received.
Co. Surveyor:	No comments were received.
Co. Public Works:	No comments were received.
KCEDA:	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.

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, CDO 11.715(1k), CDO 11.715(1o) and all other state and federal and county ordinances.

Findings: *The proposed partition will be 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.*

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. 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 driveways and infrastructure. All utilities exist in the surrounding right a ways. No development is proposed at this time.

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*

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

Facts and Analysis: At this time, no development is being proposed for any of the parcels. Depending on the use, there may be some off site capacity issues with both water and sewer. The sewer and water infrastructure in the right of way should be adequate to serve the uses allowed in the Industrial zone. 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. 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:

Northern Heights Blvd., Dan O'Brien Way, Harbor View Drive, ESI Way, and New Way are public streets by use that are maintained by the City Street Division and are under City jurisdiction. Street improvements will be required to be made by the developers, on these contiguous streets, as the parcels come in for design review or other related land development application. Street improvements may include curb/gutter, sidewalk, street trees, landscaped planting strips and storm drainage per City Engineering and CDO standards. The language of this condition shall appear in the declaration on the final plat.

Findings: *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 proposed partition will not conflict with the legally established easement. The established easements will be in effect after the property is partitioned.

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 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: Hydrants exist in the right of ways surrounding the proposed partition and the surrounding streets are adequate for emergency vehicular traffic.

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

➤ **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. Add language to the declaration on the final plat that street improvements will be required to be made by the developers, on the streets contiguous to these parcels, as the parcels come in for design review or other related land development application. Street improvements may include curb/gutter, sidewalk, street trees, landscaped planting strips and storm drainage per City Engineering and CDO standards.

➤ **General (comments)**

3. Water and Sewer data connection reports were submitted as part of the Harbor View Rezone (aka. Harbor View PUD). Public Works response, to those reports, will be made a part of City Administrative Planning Review 5-Z-09.
4. A Traffic Impact Study report was submitted as part of the Harbor View Rezone (aka. Harbor View PUD). ODOT and the City reviewed that study and requested a revised report addressing a list of concerns and missing items. To date a revised report has not been returned for further review.

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 27 APRIL 2010

JOE SLAUGHTER,
ASSOCIATE PLANNER

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