

**CITY OF KLAMATH FALLS
PLANNING COMMISSION**

**Staff Report
1-S-09**

September 28, 2009

I. TITLE

Request for recommendation of approval to City Council for Tentative Subdivision Tract 1530 – Cortez Ridge

II. SUMMARY AND BACKGROUND

The applicant, Adkins Consulting Engineers on behalf of Jay Eastwood and Cortez, LLC, proposes to develop a 79 lot single family home, six phase subdivision on 25.66 acres of land. The property is currently undeveloped. The proposed lots range in size from 7,001 sq ft to 86,279 sq ft, with the average lot size being 9,625 sq ft. All lots will have access to one of the five proposed streets.

The area proposed for development is directly west of Highway 140, north of the termini of Butte, Cortez, Diamond and Emerald Streets, and approximately 1,800 feet northwest of the Highway 66 and Highway 140 intersection. The property does not have a situs (physical) address assigned, but can be found on Assessor's Map R-3909-00700, tax lot 00301. Once annexed the property would be zoned Single Family Residential (SF).

City Planning:

1. **Lot Size:** If the annexation is approved, then the zoning for this development would be Single Family Residential (SF), which allows single family dwellings as a permitted use. The minimum lot size is 7,000 square feet in SF zones. Proposed lots range in size from 7,001 square feet to 86,279 square feet. The average lot size for this proposed subdivision is 9,625 square feet.
2. **Access:** All 79 proposed lots abut a proposed street for a minimum of 30' in length.
3. **Street System:** The street system for the proposed subdivision has three access points: Cortez Street, Diamond Street and Emerald Street. City staff recommends a fourth access point from Butte Street. Approximate paved street lengths currently are: Butte – 1,300 feet; Cortez – 1,310 feet; Diamond – 1,310 feet; and Emerald – 1,320 feet. The applicant is proposing to leave Butte Street as a 1,300 foot 'not a thru' street. To conform to the plat of the subdivision to the south and provide alternative routes and connectivity between subdivisions, staff recommends creating the Butte Street extension to a lesser standard than required in the Public Works Engineering Design Standards. The existing width of the terminus of the Butte Street right-of-way is narrower than the standard right-of-way required. Staff recommends the extension

The proposed subdivision only has proposed streets classified as local streets. The cross section of the proposed local streets shows two travel lanes at 14 feet wide each. This meets the Public Works standards for a local street with no parking per Standard Drawing #8-200. The applicant shall place “no parking” signs throughout the subdivision.

The proposed subdivision streets are currently named Hood Street, Rainer Lane, Sue Drive, Bailey Drive, and Diamond Street. The new names have been approved by both the City of Klamath Falls and Klamath County.

Per a City staff request the applicant drafted a proposed street layout for property to the west of the Proposed Cortez Ridge, should it develop (see Attachment 2: Transportation Plan for Land West of Cortez Ridge). This plan depicts how Emerald, Flint, Granite, Helm, and Iron Streets could align and how Sue Drive could extend from its current east terminus to the proposed Sue Drive extension in the proposed Cortez Ridge. This street alignment plan shows that the proposed Cortez Ridge street network, with the exception of not connecting the north terminus of Butte Street to Rainer Lane, can provide for future connectivity.

4. **Street Lights:** Street lights are required for all subdivisions. To avoid conflict with driveways, street lights shall not be located near the centers of lots.
5. **Sidewalks:** The proposed subdivision shall have sidewalks on both sides of the streets as shown on the tentative subdivision plan. The cross section of the proposed local streets shows two sidewalks at 5 feet wide each. This meets the Public Works standards for a local street with per Standard Drawing #8-200. Staff does not recommend the installation of sidewalks for the extension of Butte Street.
6. **Easements:** The proposed subdivision has a 225’ wide power easement that is located on lot 24 and on the large retention/detention pond common area in Deed Volume 288, Page 82.

There is an existing 1,330’ long easement (width varies) granted to Alyson Casey in Deed Volume M00, Page 2006. This easement permits access from Emerald Street to the Casey property. There are 3 proposed private storm easements, each 16’ in width. In addition, there are 2 proposed asphalt multi-use paths, each 10’ in width and one proposed 16’ wide private alley to be paved 12’ wide with asphalt. The multi-use paths offer pedestrian and bicycle connectivity between blocks and the private alley provides access to the property to the west of the subdivision.

7. **Landscaping:** A landscape plan is missing from the proposed subdivision. The CDO requires that street trees are planted within the proposed planter strips at 50 foot

Referring Agency Comments:

Engineering Division:

1. 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 size **filed surveys** and **recorded plats** that are referenced on the final plat.
2. Proposed Local Street Section: The applicant is showing a 60-foot right of way section. The applicant may choose to change that overall width to a 55-foot right of way, which can be accomplished by changing the width of the distance from the back of the sidewalk areas to the right of way lines from 5.5 feet to 3 feet.
3. The north end of existing Diamond Street shall have an approved City barricade installed by this development and shown in detail on the engineering design/construction plans and generally noted on this Tentative Subdivision Plan. ((Revised 9/2/09: The updated Tentative Plan is now showing Diamond Street as being connected to the south boundary of this proposed subdivision. The City barricade is not required per this change.))
4. Define the point location, by lot corner, of the street name change from Rainier Lane to Whitney Avenue. ((Revised 9/2/09: Whitney Avenue was changed to Sue Drive to plan for a future connection with the existing Sue Drive west of this subdivision. Due to the directional changes in the internal streets, the street name changes from Sue Drive to Rainier Lane and Rainier Lane to Hood Street shall be shown on the engineering design construction plans, with the location of the street signs, so it is clearly depicted on those plans for proper addressing of the lots.))
5. Per Community Development Ordinance (CDO) 11.810(5a), the radii of curves of the proposed streets are missing. ((Revised 9/2/09: The radii of the curves at the street intersections are still not shown on the revised Tentative Plan, but shall be shown on the engineering design/construction plans and shall meet our Public Works Engineering Standard 8-5.3.6.))

6. Clarification of existing easement, shown on the west boundary of this proposed subdivision plan, needs to be identified regarding its future status. Will it remain and how will it be used and maintained, or will it be released prior to plat recording of Phase V? The easement encumbers 8 residential lots, an Alley and a Detention Pond. Provide some detailed information. ((Revised 9/2/09: The revised Tentative Plan has properly addressed this item regarding the easement.))
7. Above items 3 through 6 shall be addressed on a revised Tentative Plan before tentative plan approval. The approved tentative plan, along with the conditions, is used as the guide for staff to follow when reviewing and approving the final plats of this subdivision. ((Revised 9/2/09: Items 3 through 6 have either been addressed on the revised Tentative Plan or will be shown on the engineering design/construction plans.))
8. Street lights shall be designed at a location closer to the property corners than shown, and not near the center of a lot frontage.
9. Per our City Street Division Supervisor this development will be directly increasing vehicle traffic on both Emerald Street and Cortez Street. Cortez Ridge will be required to crack seal existing pavement joints immediately followed by a chip seal, on both of those streets from the south boundary of Cortez Ridge to Balsam Drive. Timing of that work will coincide with the first and last phase of this development. Cortez Street with Phase I and Emerald Street with Phase VI, unless Emerald Street is required to be connected and opened for traffic earlier in the development's phasing.
10. In concept, water, sewer, storm drainage, street lights and streets within the public right of way appear to be acceptable per City Public Works standards. Detailed design/construction drawings, depicting the exact horizontal and vertical locations, will be reviewed by City staff at a later date.
11. The applicant has provided City engineering with a water and wastewater Connection Data Report, to analyze the demands placed on our utility systems, by this development at build-out. At this time we do not have the results available to properly respond on water and wastewater serviceability. Those should be available by no later than the week of August 3rd. (Water Revised 8/6/09: After reviewing the Water Connection Report submitted by the applicants engineering consultant it was determined that the report contained errors in the hydraulic calculations and will needed to be resubmitted for a second review by the City.) ((Water Revised 9/2/09: Based on the data provided by the developer, the City modeled the water system and determined that it appears there will be adequate pressure/flow for this proposed subdivision. This of course is based on the developer making the connections to our existing system as shown in the updated water report. Water service can be provided to this proposed subdivision.)) ((Wastewater Revised 9/2/09: There are three sections of sewer pipe upstream from the Stewart/Lenox Wastewater Lift Station that have been identified as over capacity and deficient. Approximately 1,240 LF of pipe would need to be replaced from 8-inch to 10-inch in size with an overall estimated cost of approximately \$229,448. Cortez Ridge contributes to approximately 11.63% of the

12. The applicant has provided Klamath County and City Engineering with a preliminary storm drainage report for our review and comment. Klamath County residents are the down-stream recipients of this storm drainage water. Review comments on this report should be available by no later than the week of August 3rd. (Storm Drainage Revised 8/6/09: Overall the preliminary report prepared by the developer's engineering consultant was acceptable. Detailed comments were submitted directly to the Engineer of record so that they may prepare a final storm drainage report at the time of submitting their engineering design/construction plans to the City Engineering Office.)
13. The applicant has provided City Engineering with a Traffic Analysis Letter, which includes trip generations that ingress and egress the site. The letter was forwarded to our Traffic Engineers who provided the City with a Technical Memorandum, which was adopted by City Council, on the Orindale/Balsam Sub-Area Master Plan & Transportation SDC Methodology. The current (valid through December 31, 2009) Transportation System Development Charge, for single family residential, is \$2,290.00 per dwelling. The City's traffic consultants will evaluate the information provided in the Cortez Ridge letter to determine if they need to amend the sub-area plan and to provide the City with traffic improvement recommendations that are associated with any of this developments phasing. ((Revised 9/2/09: Based on the analysis results presented, the conclusions are reasonable. The City is requesting prior to submitting the initial subdivision plat for review and approval or the initial engineering design/construction plans, whichever occurs first, that: 1) the developer provide a clearly defined phased approach with the necessary street improvements to be constructed during each phase, 2) an intersection evaluation should be conducted for the proposed alterations at the Balsam Drive and Emerald Street intersection addressing intersection sight distance and the associated safety aspects.))
14. Water, sewer, parks and transportation system development charges would get paid at the time of the residential land use application for the individual homes.
15. The applicant/developer shall provide the City Planning Manager and the City Surveyor with a draft copy of the Subdivision Development Agreement prior to recording the first subdivision plat, or submittal of the first design/construction plans; whichever occurs first.
16. Following my 7/14/09 review comments, City staff met with the developer and their Engineering consultant to discuss street connections both, now at the time of development and future connections as property develops to the west. The Community Development Director and the Public Works Director requested two additional southerly connections to avoid existing streets ending in long cul-de-sacs;

Streets Division:

“I have reviewed the last tentative plan for Cortez Ridge. The proposed road system looks better. We would like to see Butte St. continue to Hood St. if possible. If it cannot then a barricade will be needed where it terminates at the property line of lot 10. Emerald St. looks like it will be a ½ street until development occurs to the west. What is the short term design for Emerald? This plan puts the burden to build out Emerald on the next developer while it makes lots 62 – 70 larger for this development. Emerald St. looks like it could have been a shared cost. As far as the maintenance we will be doing in the future here, this plan can work.”

Basin Transit:

“No comments were received.”

Klamath County Building Division:

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

Klamath County Public Works Department:

1. Klamath County requests a drainage plan for our review.
2. Diamond Street should be connected.

Greg Davis, Deputy State Fire Marshal:

“The proposed development shows the phases of the subdivision. According to the fire code a second, separate and approved access road is required where the number of dwelling units exceeds 30. This is required to be installed and accessible once the 31st dwelling is to be constructed. If the dwelling units are to be equipped throughout with an approved automatic sprinkler system access from two directions shall not be required. I understand that the proposed subdivision is land locked which is the reason for not having the required remoteness of the access roads. The roads will be constructed to accommodate a minimum of a 60,000 pound load. During the phases of construction cul-de-sacs and hammer head turnarounds are allowed within the development as long as they meet the requirements of Appendix D of the 2007 Oregon Fire Code.

The minimum road width will be set to Klamath Falls city standards or a minimum of 20 feet in width and 26 feet in width in areas where fire hydrants are located. Fire hydrants will be provided every 500 feet and the required fire flow will be 1,000 gallons per minute for 2 hours at 20 pounds per square inch residual for structures

under 3,600 square feet. For structures exceeding 3,600 square feet the required fire flow is 1,500 gallons per minute for 2 hours at 20 psi residual. Exceptions for fire flow will be made if the residential structures are provided with approved automatic sprinkler systems.

Thank you for the information. I will forward a copy of this letter to Klamath County Fire District No. 4. If you need any further assistance please feel free to contact myself or Klamath County Fire District 4.”

Susan Christenson, DEQ:

“The Oregon Department of Environmental Quality would like to provide comments for inclusion in the City of Klamath Falls, Planning Commission, Subdivision Staff Report for the property located at Assessor’s Map R-3909-00700, tax lot00301. The known property owner in the Department’s records is Jay Eastwood of Eastwood Homes, LLC.

The proposed single family subdivision was brought to my attention through a person who lives in the adjacent neighborhood. This neighbor filed a complaint with DEQ regarding the site being an old dump. DEQ confirmed the site was used as an old dump from a copy of the Phase II Environmental Assessment. This assessment was completed in 2005 and it was completed by Joseph S. McBride of EC & A, a consultant located in Klamath Falls. The site was never a DEQ permitted solid waste disposal facility. The Phase II report findings does state that solid waste was removed in the mid-1990’s, but there is still solid waste on site that needs to be removed. The remaining solid waste has been confirmed by the current owner, Jay Eastwood.

The Department has been in contact with Jay Eastwood since mid-August regarding his responsibility to clean up the property prior to the development of a subdivision. The Department is requesting Eastwood Homes, LLC submit a plan on how they intend to clean up the site. The contents of the plan will contain information such as soil field screening, subsurface soil assessment and asbestos- containing material assessment and test pit excavation. Based on the Phase II report and the age of the solid waste there is potential for environmental contaminants. Therefore, the Department has discussed with Eastwood Homes, LLC the need to include an expert on asbestos and environmental science when they remove the solid waste that is still on site. The consultants will collect soil samples if the soils or bulk waste is suspect. Eastwood Homes, LLC has agreed to this approach when cleaning up the site. The anticipated time frame to begin clean up is November 2009. The Department will review the clean-up plan with Jay Eastwood prior to the start of the work to ensure the Department’s environmental issues are addressed.”

Opponents: See attached letter from Rev. Martin B. Jocks

Avista: No comments were received.

PP & L: No comments were received.

Qwest:	No comments were received.
Charter:	No comments were received.
ODOT:	No comments were received.
Co. Surveyor:	No comments were received.
Co. Planning:	No comments were received.
KCFD #1:	No comments were received.
KCFD #4:	No comments were received.
Airport Manager	No comments were received.
City Manager:	No comments were received.
City Attorney:	No comments were received.
Code Enforcement:	No comments were received.
Police Department:	No comments were received.
City Schools:	No comments were received.
County Schools:	No comments were received.
Waste Management:	No comments were received.
Proponents:	No comments were received.

RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND PROPOSED FINDINGS

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 11.800 – 11.825, regarding Subdivisions

- A. Criterion *No tentative plat shall be approved which bears a name using a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in Klamath County, except the words “town”, “city”, “place”, “court”, “addition” or similar words.***

Staff Analysis: The proposed name for this plat is Tract 1530 Cortez Ridge. This name is unique to Klamath County and has been approved by the Klamath County Surveyor.

Proposed Finding: **This criterion is met.**

- B. Criterion *The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions all ready approved for adjoining property as to width, general direction and all other respects unless the Commission determines it is in the public interest to modify the street or road pattern.***

Staff Analysis: The proposed subdivision road pattern provides connectivity to some of the existing streets in the area (Cortez Street, Diamond Street, and Emerald Street). City staff recommends a fourth access point from Butte Street. Approximate paved street lengths currently are: Butte – 1,300 feet; Cortez – 1,310 feet; Diamond – 1,310 feet; and Emerald – 1,320 feet. The applicant is proposing to leave Butte Street as a

1,300 foot 'not a thru' street. To conform to the plat of the subdivision to the south and provide alternative routes and connectivity between subdivisions, staff recommends creating the Butte Street extension to a lesser standard than required in the Public Works Engineering Design Standards. The existing width of the terminus of the Butte Street right-of-way is narrower than the standard right-of-way required. Staff recommends the extension of Butte Street to Rainer Lane be developed with two 12' travel lanes (for a total of 24' of asphalt) and curb and gutter. No sidewalks are recommended for this extension of Butte Street. Sue Drive is proposed to be stubbed to the west of the subject property, with a hammerhead or cul-de-sac available until the right-of-way is extended. If a subdivision is proposed to the west of Cortez Ridge consideration for Whitney Avenue alignment shall be considered.

Emerald Street appears to be proposed as a half-street until development occurs to the west. The applicant shall identify and receive approval of the short-term design/layout.

Per a City staff request the applicant drafted a proposed street layout for property to the west of the Proposed Cortez Ridge, should it develop (see Attachment 2: Transportation Plan for Land West of Cortez Ridge). This plan depicts how Emerald, Flint, Granite, Helm, and Iron Streets could align and how Sue Drive could extend from its current east terminus to the proposed Sue Drive extension in the proposed Cortez Ridge. This street alignment plan shows that the proposed Cortez Ridge street network, with the exception of not connecting the north terminus of Butte Street to Rainer Lane, can provide for future connectivity.

Staff recommends that the phasing of the subdivision be altered so that proposed Phase III and Phase IV become Phase II and III, respectively. This would improve emergency service and public access to and through the site.

Proposed Finding: This criterion is met with conditions (#4, 7, 18, 22).

C. Criterion Streets for public use are dedicated without any reservation or restriction.

Staff Analysis: Note 2 on the tentative subdivision plat states that all roads will be dedicated to the City of Klamath Falls for public use. The applicant is showing a 60-foot right-of-way section. The applicant may choose to change the overall width to a 55-foot right-of-way, which can be accomplished by changing the width of the distance from the back of the sidewalk areas to the right-of-way lines from 5.5 feet to 3 feet.

Proposed Finding: **This criterion is met.**

D. Criterion Streets held for private uses are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets are set forth thereon.

Staff Analysis: The applicant proposes a 104' long, 16' wide private alley with 12' wide of asphalt. The proposed alley is located on the west side of the subdivision

from Diamond Street to private property. The private property is owned by Yvonne Weiser, has a situs address of 2724 Emerald Street and can be found on Assessor's Map R-3909-00700, tax lot 00400.

Streets/alleys held for private use shall be clearly indicated on the tentative plat and all reservation or restrictions relating to such private streets are set forth thereon by the conditions placed upon this subdivision.

Proposed Finding: **This criterion is met with conditions (#23).**

E. Criterion Streets held for private use and indicated on the tentative plan of such subdivision are approvable by the Public Works Department.

Staff Analysis: The 16-foot wide private alley is less than a standard public alley width. There is 12 feet in width of proposed asphalt. The applicant shall make the private alley 20 feet wide and the proposed asphalt 20 feet wide. The minimum alley width shall be 20 feet per Klamath County Fire District #4 standards.

Proposed Finding: **This criterion is met with conditions (#2).**

F. Criterion The plan contains provisions of the donation to the City of all common improvements, including but not limited to streets, parks, sewage disposal, water and geothermal supply systems, the donation of which may be made a condition of the approval of the tentative plan.

Staff Analysis: All of the common improvements including, but not limited to streets, sewage disposal, and domestic water systems will be donated to the City of Klamath Falls. There is no proposed geothermal supply systems proposed and no City parks are being created. In concept; water, sewer, storm drainage, street lights and streets within the public right of way appear to be acceptable per City Public Works standards. The Engineering Division has accepted the preliminary storm drainage report and plan. The applicant will be required to address further requirements when moving forward with the final report and plan. Since the storm detention areas are also meant for common space area, the applicant/developer shall not use fencing material to restrict access into the detention areas.

Proposed Finding: **This criterion is met with conditions (#8, 9, 10, 11, 12).**

G. Criterion The tentative plan complies with the Comprehensive Plan and Chapter 10 to 14 and all other applicable local and state regulations.

Staff Analysis: State of Oregon Planning Goal #1 states that citizens shall have the opportunity to comment on land use issues. Per the attached letter from Mr. Martin B. Jocks at 2929 Cortez Street, a conversation with the Mitchell's of 2905 Emerald Street, and conversations with other surrounding property owners (unidentified) the proposed location for Cortez Ridge used to be a waste dump site. Shelby and Shirley Mitchell who have lived at 2905 Emerald Street for 41 years were told upon purchasing their home that the caretakers for the dump used to live at their home.

The Mitchell's have also been advised that any proposed development on the Cortez Ridge property should have the top 4 feet of soil replaced. State of Oregon Planning Goal #6 states that land resource quality shall be maintained and/or improved.

DEQ requires the applicant to submit a plan on how they intend to clean up the site. The contents of the plan will contain information such as soil field screening, subsurface soil assessment and asbestos- containing material assessment and test pit excavation. The applicant will include an expert on asbestos and environmental science when they remove the solid waste that is still on site. The consultants will collect soil samples if the soils or bulk waste is suspect. Eastwood Homes, LLC has agreed to this approach when cleaning up the site. The anticipated time frame to begin clean up is November 2009. The Department will review the clean-up plan with Jay Eastwood prior to the start of the work to ensure the Department's environmental issues are addressed.

The minimum road width will be set to Klamath Falls city standards or a minimum of 20 feet in width and 26 feet in width in areas where fire hydrants are located. Fire hydrants shall be provided every 500 feet and the required fire flow shall be 1,000 gallons per minute for 2 hours at 20 pounds per square inch residual for structures under 3,600 square feet. For structures exceeding 3,600 square feet the required fire flow is 1,500 gallons per minute for 2 hours at 20 psi residual. Exceptions for fire flow will be made if the residential structures are provided with approved automatic sprinkler systems.

For the purpose of developing the remainder of the property in phases, the proposal for development will be reviewed on an overall basis. This means parking, signage, driveways and so on will be reviewed as if this property remains intact. This requirement shall be noted on the final plat. **The restriction shall read “for the purposes of Land Use Planning and Transportation Planning, this subdivision shall be treated as one property and shall be developed in accordance with local and state regulations in effect at the time of development.”**

A landscape plan is missing from the proposed subdivision. The CDO requires that street trees are planted within the proposed planter strips at 50 foot intervals along all streets. The landscape plan shall also call out the other vegetation (groundcover) to be planted and any mulch and irrigation within the right-of-way landscape strip. The covenants, conditions, and restrictions shall identify the HOA or adjacent property owner(s) as responsible for the maintenance of the streets trees.

In addition, the covenants, conditions, and restrictions shall be updated to replace the following words with 'Klamath Falls': on page 5 it incorrectly references Grants Pass, on page 6 it incorrectly references Josephine County, and on page 9 it incorrectly references Klamath County. The street trees shall be planted no later than construction of the sidewalks.

Proposed Finding: **This criterion is met with conditions (#1, 5, 6, 7, 13, 14, 15, 17, 20, 21).**

H. Criterion Emergency vehicle access is adequately addressed and complies with the Uniform Fire Codes, as stated in Section 8.600.

Staff Analysis: The proposed development shows the phases of the subdivision. **According to the fire code, a second, separate and approved access road is required where the number of dwelling units exceeds 30.** This is required to be installed and accessible once the 31st dwelling is to be constructed. If the dwelling units are to be equipped throughout with an approved automatic sprinkler system access from two directions shall not be required.

The private driveway shall be widened to 20' to accommodate emergency service vehicles.

Staff recommends that the phasing of the subdivision be altered so that proposed Phase III and Phase IV become Phase II and III, respectively. This would improve emergency service access

Temporary access roads shall be constructed to accommodate a minimum of a 60,000 pound load. **During the phases of construction cul-de-sacs and hammer head turnarounds are allowed within the development as long as they meet the requirements of Appendix D of the 2007 Oregon Fire Code.**

Proposed Finding: **This criterion is met with conditions (#2, 4, 18, 19).**

III. REQUESTED MOTIONS/ACTIONS

- Hold a public hearing and take testimony
- Motion to either accept findings and conditions as proposed or if new findings or conditions relative to the Criteria, Facts and Analysis are created then a motion to accept those findings and conditions
- Motion recommending conditional approval of the tentative subdivision to the City Council, based on the Findings and Conditions.

Proposed Conditions: Tract 1530 – Cortez Ridge

1. The applicant shall have a final subdivision 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 size filed surveys and recorded plats that are referenced on the final plat.
2. The applicant shall make the private alley 20 feet wide and the proposed asphalt 20 feet wide. The minimum alley width shall be 20 feet per Klamath County Fire District #4 standards.

3. The applicant may choose to change the overall width of proposed street right-of-ways from 60 feet in width to 55 feet in width. This can be accomplished by changing the width of the distance from the back of the sidewalk areas to the right of way lines from 5.5 feet to 3 feet.
4. The applicant shall extend Butte Street to connect to Hood Street. This extension and connection shall be shown on the revised Tentative Plan. The Community Development Department and the Public Works Department both support this requirement.
5. The applicant shall show the radii of the curves (per Community Development Ordinance (CDO) 11.810(5a)) of the proposed streets at the street intersections on a revised Tentative Plan. They shall also be shown on the engineering design/construction plans and shall meet the Public Works Engineering Standard 8-5.3.6.
6. The applicant shall crack seal existing pavement joints immediately followed by a chip seal, on both Emerald Street and Cortez Street from the south boundary of Cortez Ridge to Balsam Drive. Per our City Street Division Supervisor this development will be directly increasing vehicle traffic on both Emerald Street and Cortez Street. Timing of that work will coincide with the first and last phase of this development. Cortez Street will be connected during Phase I. Diamond Street shall be connected during Phase II, or when the subdivision exceeds 30 lots. According to the fire code a second, separate and approved access road is required where the number of dwelling units exceeds 30. Emerald Street will be connected during Phase VI, unless Emerald Street is required to be connected and opened for traffic earlier in the development's phasing.
7. The applicant shall define the point location, by lot corner, of the street name change from Sue Drive to Rainier Lane. Due to the directional changes in the internal streets, the street name changes from Sue Drive to Rainier Lane and Rainier Lane to Hood Street shall be shown on the engineering design construction plans, with the location of the street signs, so it is clearly depicted on those plans for proper addressing of the lots.
8. The applicant shall have street lights designated at a location closer to the property corners than shown, and not near the center of a lot frontage.
9. The applicant shall provide detailed design/construction drawings, depicting the exact horizontal and vertical locations for water, sewer, storm drainage, street lights and streets within the public right-of-ways. In concept; water, sewer, storm drainage, street lights and streets within the public right of way appear to be acceptable per City Public Works standards.
10. The applicant shall make water connections to our existing system as shown in the updated water report. The applicant has provided City engineering with a water Connection Data Report, to analyze the demands placed on our utility systems, by this development at build-out. Based on the data provided by the developer, the City

11. Based on the increased demand to the wastewater system from Cortez Ridge development, the applicant will be responsible for an approximately 11.63% increase in the flows associated with the deficient pipes, and for an assessed cost of \$26,685 +/- . The amount shall be collected prior to recording the initial final plat for this subdivision. The applicant provided City Engineering with a wastewater Connection Data Report, to analyze the demands placed on our utility systems, by this development at build-out. There are three sections of sewer pipe upstream from the Stewart/Lenox Wastewater Lift Station that have been identified as over capacity and deficient. Approximately 1,240 LF of pipe would need to be replaced from 8-inch to 10-inch in size with an overall estimated cost of approximately \$229,448. Cortez Ridge contributes to approximately 11.63% of the network overall capacity for the pipes that are deficient.
12. The applicant shall follow the detailed comments from the storm drainage report once City Engineering has commented. Detailed comments were submitted directly to the Engineer of record so that they may prepare a final storm drainage report at the time of submitting their engineering design/construction plans to the City Engineering Office. Overall the preliminary report prepared by the developer's engineering consultant was acceptable.
13. The applicant shall, prior to submitting the initial subdivision plat for review and approval or the initial engineering design/construction plans, whichever occurs first :
 - 1) provide a clearly defined phased approach with the necessary street improvements to be constructed during each phase, 2) conduct an intersection evaluation for the proposed alterations at the Balsam Drive and Emerald Street intersection addressing intersection sight distance and the associated safety aspects. The applicant has provided City Engineering with a Traffic Analysis Letter, which includes trip generations that ingress and egress the site. The letter was forwarded to Traffic Engineers who provided the City with a Technical Memorandum, which was adopted by City Council, on the Orindale/Balsam Sub-Area Master Plan & Transportation SDC Methodology. The current (valid through December 31, 2009) Transportation System Development Charge, for single family residential, is \$2,290.00 per dwelling. Based on the analysis results presented, the conclusions are reasonable.
14. The applicant shall pay the water, sewer, parks and transportation system development charges when residential land use applications are applied for the individual homes.
15. The applicant/developer shall provide the City Planning Manager and the City Surveyor with a draft copy of the Subdivision Development Agreement prior to recording the first subdivision plat, or submittal of the first design/construction plans; whichever occurs first.

16. DEQ requires the applicant to submit a plan on how they intend to clean up the site. The contents of the plan will contain information such as soil field screening, subsurface soil assessment and asbestos- containing material assessment and test pit excavation. The applicant will include an expert on asbestos and environmental science when they remove the solid waste that is still on site. The consultants will collect soil samples if the soils or bulk waste is suspect. Eastwood Homes, LLC has agreed to this approach when cleaning up the site. The anticipated time frame to begin clean up is November 2009. The Department will review the clean-up plan with Jay Eastwood prior to the start of the work to ensure the Department's environmental issues are addressed.
17. The applicant shall add a restriction on the final plat map that reads "for the purposes of Land Use Planning and Transportation Planning, this subdivision shall be treated as one property and shall be developed in accordance with local and state regulations in effect at the time of development."
18. The applicant shall provide a second, separate and approved access road once the number of dwelling units exceeds 30 and/or equip each dwelling unit with an approved automatic sprinkler system. Planning staff recommends that Cortez Ridge is re-phased so that proposed Phase III and Phase VI are phased as Phase II and Phase III respectively.
19. The applicant shall provide cul-de-sacs and hammer head turnarounds during the phases of construction within the development. The cul-de-sacs and hammer head turnarounds shall meet the requirements of Appendix D of the 2007 Oregon Fire Code.
20. The applicant shall submit a landscape plan showing street trees planted within the proposed planter strips at 50 foot intervals along all streets. The landscape plan shall also call out the other vegetation (groundcover) to be planted and any mulch and irrigation within the right-of-way landscape strip. The covenants, conditions, and restrictions shall identify the HOA or adjacent property owner(s) as responsible for the maintenance of the streets trees. The street trees shall be planted no later than construction of the sidewalks.
21. The applicant shall update the covenants, conditions, and restrictions to replace the following words with 'Klamath Falls': on page 5 it incorrectly references Grants Pass, on page 6 it incorrectly references Josephine County, and on page 9 it incorrectly references Klamath County.
22. The applicant shall identify and receive approval of the short-term design/layout of Emerald Street.
23. The applicant shall clearly indicate on the tentative plat all streets/alleys held for private use and indicate all reservations or restrictions relating to such private street or alley

IV. DOCUMENTS ATTACHED

- 1) Tentative Subdivision Plat
- 2) Street Layout for Land West of Cortez Ridge
- 3) Letter of Opposition from Rev. Martin B. Jocks

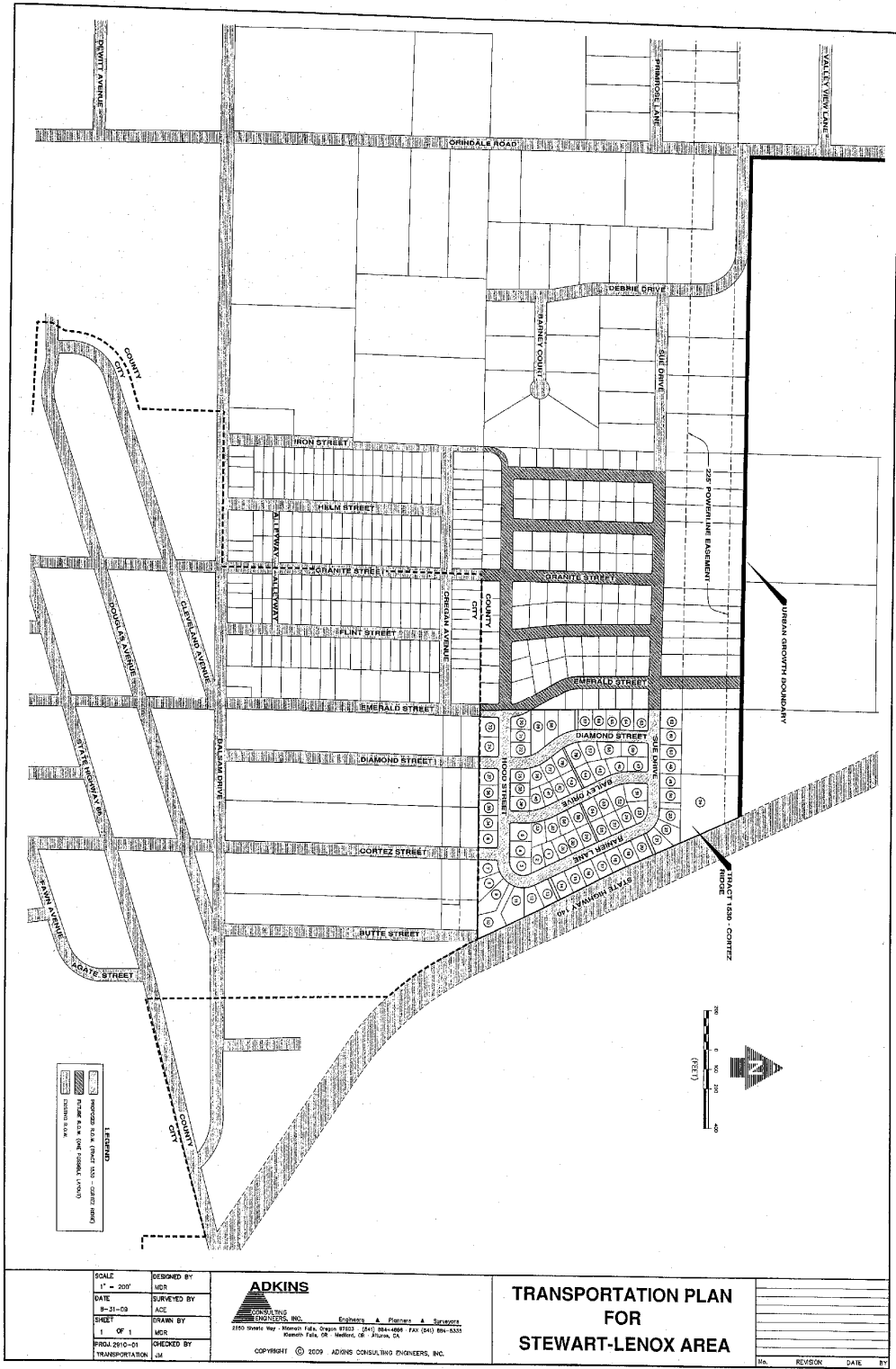
V. PUBLIC NOTICE

Notice of the public hearing held on August 10th, 2009 was mailed to 48 property owners on June 25, 2009 and published in the Herald and News on July 26 and August 2, 2009. No written comments were received. Planning Commission granted a public hearing continuance due to a lack of information, as recommended by staff and the applicant.

Notice of this public hearing for September 28th, 2009 was mailed to 48 adjacent property owners on September 2, 2009, and published in the Herald and News on September 6 and September 13, 2009. All comments received are incorporated into this report.

Kelly O'Neill
Planner

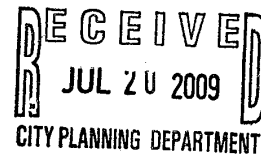
Street Layout for Land West of Cortez Ridge



††† Carol & Rev. Martin Jocks, 2929 Cortez Street, Klamath Falls, OR 97601 †††

07/15/2009

**City of Klamath Falls
Planning Department
Attn: Kelly Oneill
226 So. 5th Street
P.O. Box 237
Klamath Falls, OR 97601**



re: File Number 1-S-09

Dear Mr. Oneill—

Recently my wife and I received in the mail a NOTICE OF PUBLIC HEARING that apprised us of an intent to develop land bordering my property.

The land of proposal is, in fact, the site of the old dump here in Stewart Lennox. In order for this land to be developed, stringent development provisions have to be enforced. Since the proposed site is the old dump, we have a valid reason for concern and demand that very serious precautions be enforced:

1. My wife has severe sinus problems—barriers would have to be placed between my property and the site of development. Either that, or the developer(s) would have to buy my home, so my wife's health is not compromised.
2. There is, no doubt, many dangerous chemicals as well as lead and other toxic materials in the site. This mandates that any would-be-developer(s) must excavate in order to remove any and all contaminants. Again, major safety precautions would dictate in-depth testing on the property. You might be asking yourself how I know about the dump. I have lived in the Klamath Falls area all my life except for my time in Viet Nam and a short stay in the Bend area. I'm very familiar with the Stewart Lennox area.
3. Since I know there are dangerous contaminants buried under the surface, sealant(s) would have to be incorporated, water quality tested, and so on. In order to ensure this will be done, I have alerted the Environmental Protection Agency.
4. All those considering moving into the subdivision, would have to be notified regarding the facts regarding the past use of the property previous to any real estate purchase agreement and/or contract closure(s).
5. Our view of the area would be adversely affected, as would our Orindale breeze that we've enjoyed for many years.
6. The health of my pets would be compromised.
7. Very probably, our water pressure would be diminished and water quality compromised even further than it already has been since the development of much of the land along Highway 140.
8. Legal representation would be mandated and provided for existing landowners at the expense of either the developer(s), the City of Klamath Falls, and/or Klamath County. Since the

(2)

property in question is, at the present, county property, County officials would have to be included in any consideration(s)/deliberation(s) relative to transfer of the land from county to city and any developmental ramifications as far as those residing on the surrounding county properties.

9. A study of the impact to indigenous wildlife would also be necessary. I have notified the applicable agencies regarding the possible adverse affect on wildlife relative to the development of the land in question.

10. Of course, property values and taxes would be impacted either advantageously or adversely in respect to the present landowners.

Many other considerations, laws, and ordinances exist relative to the proposed development of the land described in your notice, and I'm sure you are aware of them.

Finally, I won't stand still for one minute and watch my family harmed or put in harm's way by this pie-in-the-sky land scam. Enough unethical methodology has already been used to seize public property. One example I will mention may be seen above Lakeshore Drive. Other examples include the illegal closure of public access roads both within the city limits and in the county.

Unless the laws have been changed, any highway or road which has been maintained or built with public funds may not be closed off. Unfortunately, money is the only language that has any meaning in this area, whether right or wrong. Barriers across the road to Bear Wallow immediately to the left as one heads west on Highway 140 at the Geary Canal bridge, across access roads on Parker Mountain, and many other such restrictive measures are *illegal*, but then who has the money to baulk the powers-that-be here in Klamath County?

Enough said. I've been very blunt but intend no disrespect. What I'm saying is this: "Let's all reason together, shall we?"

Respectfully,

Rev. Martin B. Jocks