

City of Klamath Falls Planning Department  
Administrative Review

In the matter of an  
Administrative Review for:

Yuri & Irina Puchkov  
2051 Erie Street  
Klamath Falls, OR 97601

True-Line Surveying  
2333 Summers Lane  
Klamath Falls, OR 97603

Final Decision and Conditions: **1-P-11**  
Land Partition 42-10

Matt Mc Vay  
525 Mesa Street  
Klamath Falls, OR 97601

Date: February 3, 2011

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

### NATURE OF THE PROPOSAL

The applicant, Matt Mc Vay for Yuri & Irina Puchkov (with True-Line Surveying as surveyor of record), proposes to partition two subdivided lots into a total of two parcels of almost equal size. The common property line would run generally east-west as proposed instead of the current common property line between the existing lots which runs north-south. The recorded information shows each of the existing lots to be 7,000 sq ft (140' x 50') but the actual dimensions for each lot are 50' x 139.53' (6,976.5 sq ft). Proposed Parcel 1 and proposed Parcel 2 will be approximately 0.16 acres (6,976.5 square feet) each. The existing residence located on Lot 15, Block 46, Hillside Addition, and addressed as 2051 Erie Street will occupy a portion of proposed Parcel 2 with access from either Erie Street or Newcastle Avenue. There will be no existing structures on the proposed Parcel 1 and access will be off of Newcastle Avenue. The subject property includes Lots 15 & 16, Block 46, Hillside Addition which is addressed as 2051 Erie Street and can be found on Klamath County Tax Assessor's Map and Tax Lots R-3809-028CA-08900 & 09000. The subject property is zoned Single Family Residential (SF) and is surrounded by SF properties.

### AGENCY COMMENTS

Engineering:

1. A final land partition plat shall be prepared by a Professional Surveyor registered in the state of Oregon. The property shall be surveyed and mapped in accordance with the City of Klamath Falls Community Development Ordinance (CDO) 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. Per CDO 11.715(e): missing estimated courses/bearings.
3. Per CDO 11.715(o): missing water rights statement.
4. Prior to Tentative Plan approval, above items 2 and 3 shall be addressed on a revised plan.

5. The applicant needs to be aware; that although existing Lot 16 would need to extend the City water main to receive water services the main line extension is now increased due to the reconfiguration of the Lots into Parcels. Water main extensions are required along the entire frontage (plus 20 feet) of the lot or parcel requesting that service. For Parcel 1 to receive water service the property owner will need to: 1) extend an 8-inch water main easterly, from the end of the existing water main on Erie Street, to Newcastle Avenue; 2) thence continuing the 8-inch water main northerly on Newcastle Avenue to 20 feet past the north property line of proposed Parcel 1. The cost of any main line extension is the responsibility of the applicant/property owner.
6. Newcastle Avenue shall have minimum street improvements made as a condition of this land partition approval. The improvements shall be: 1) Asphalt pavement 20 feet wide from the north edge of the existing paved portion of Erie Street to 20 feet north of the north right of way line of Erie Street all being centered within the Newcastle Avenue right of way; 2) thence continuing north and centered within the Newcastle right of way with a compacted gravel base and surface 20 feet wide capable of supporting a fire department vehicle per fire code to the Alley at the north end of Parcel 1; 3) including an approved fire code turn-around. The roadway section shall be designed by an Oregon licensed Professional Engineer and the plans reviewed by Fire District 1 Fire Marshall and City Engineering.

County Building:

“No comments.”

Opponents:

Four letters in opposition to this proposal were received. These letters are on file with the Planning Division. The concerns raised in these letters included: Proposed Parcel 1 having its only access off of Newcastle Avenue, the poor condition of Newcastle Avenue, the size of the proposed parcels, and the existing density of the neighborhood. These items are addressed by the criteria below.

Avista:	No comments were received.
Charter:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
KCFD No 1:	No comments were received.
County Surveyor:	No comments were received.
Proponents:	No comments were received.

### **RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND FINDINGS:**

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 11.705-11.725, regarding Land Partitioning.

#### **A. Criterion: The proposed partition is in conformance with the City Comprehensive Plan.**

Facts and Analysis: The following Comprehensive Plan Policies relate to the proposed land partition:

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

Policy 100: The development of smaller, isolated vacant lands already available within the City limits will be encouraged.

Policy 144: Transportation improvements will, wherever possible, utilize existing rights-of-way rather than acquiring new ones.

Policy 222: Land development will be in a systematic manner which contributes to the efficient use of public facilities, quality of the project, and livability of the community as a whole.

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

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

Policy 258: Various criteria will be used to evaluate livability including: privacy, attractiveness, aesthetic contribution, and neighborhood character.

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

The proposed land partition will promote in-fill on this smaller, vacant land, inside an existing residential neighborhood by allowing the applicant to reconfigure the existing lots to better suit the intended development of the property. Any required and/or proposed street improvements necessary to access the proposed parcels will be limited to the existing rights-of-way. The proposed land partition will meet all CDO requirements for land partitions within the City, insuring that the development is done in a systematic manner. The proposed land partition will allow in-fill to occur in this well established residential neighborhood without undue restrictions or aggressive promotion. The proposed land partition, along with any future development of the property, will be required to meet all CDO requirements to protect and enhance the livability of the neighborhood.

*Proposed Findings: The proposed partition is in conformance with the City Comprehensive Plan. This Criterion in 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 recorded plat for the Hillside Addition shows each of the existing lots (Lots 15 & 16) to be 7,000 sq ft (140' x 50') but the actual dimensions for each lot are 50' x 139.53' (6976.5 sq ft). Proposed Parcel 1 and proposed Parcel 2 will be approximately 0.16 acres (6,976.5 square feet) each. The site standards by zone found in CDO 12.010 require a minimum lot size of 7,000 sq ft for all SF lots. These are legal lots non-conforming to size; the new parcels will not increase the non-conformity of the lots. The proposed land partition will create two lots of equal size which will be identical to the size of the two existing lots.

SF zoning requires the following setback distances: 20' front yard, 5' rear yard, 5' interior side yard, and 10' exterior side yard. The existing Lot 15 has a front yard setback of approximately 19' (south), a rear yard setback of approximately 80' (north), an interior side yard setback of approximately 18' (west), and another interior side yard setback of approximately 4' (east). Lot 16 does not contain any structures. The proposed Parcel 1 will not contain any structures. Proposed Parcel 2 will have a front yard setback of approximately 19' (south), a rear yard setback of approximately 11' (north), an interior side yard setback of approximately 18' ( west), and an exterior side yard setback of approximately 33' (east). The

proposed land partition will have no effect on the non-conforming front yard setback of the existing residence and would eliminate the non-conforming side yard (east) setback of that residence. All other setback distances would meet or exceed CDO requirements.

The tentative map submitted addressed the requirements of CDO 11.715 with the exception of subsection (e) (missing estimated courses/bearings) and subsection (o) (missing water rights statement).

*Proposed Findings: The proposed partition is in conformance with all applicable provision of this Ordinance and other federal, state and county ordinances and regulations with the exception of minimum lot size and front yard setback requirements. The subject property is currently non-conforming in both aforementioned exceptions and the proposed land partition will not change either of these non-conforming items while eliminating the currently non-conforming east side yard setback. **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 recorded plat for the Hillside Addition shows each of the existing lots (Lots 15 & 16) to be 7,000 sq ft (140' x 50') but the actual dimensions for each lot are 50' x 139.53' (6976.5 sq ft). Proposed Parcel 1 and proposed Parcel 2 will be approximately 0.16 acres (6,970 square feet) each. The site standards by zone found in CDO 12.010 require a minimum lot size of 7,000 sq ft for all SF lots. The proposed land partition will create two lots of equal size which will be identical to the size of the two existing lots.

*Proposed Findings: The proposed land partition is a re-plat of two existing lots, which are slightly undersized for the current zone type, and will not reduce the size of the lots. Although the proposed parcels will not meet the minimum lot size required for SF zones the subject property is physically suitable for the type and proposed density of development. **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 layout of the proposed parcels relates well to the existing rights-of-way, water, sewer, and other utilities. Any required infrastructure improvements will be addressed at the time of development (residential review) on any of the proposed parcels. The improvements will be required to meet City Engineering Standards at the time of development and related system development charges (water, sewer and parks) will need to be paid. Each Parcel will require individual water and sewer connections from the City dedicated main lines. Water main extensions are required along the entire frontage (plus 20 feet) of the lot or parcel requesting that service. For Parcel 1 to receive water service the property owner will need to: 1) extend an 8-inch water main easterly, from the end of the existing water main on Erie Street, to Newcastle Avenue; 2) thence continuing the 8-inch water main northerly on Newcastle Avenue to 20 feet past the north property line of proposed Parcel 1. The cost of any main line extension is the responsibility of the applicant/property owner.

Parcel 1 of the proposed land partition will front Newcastle Avenue which is currently unimproved. Any dwelling constructed on proposed Parcel 1 will require a Newcastle address. The existing residence on proposed Parcel 2 will continue to have its address and access off of Erie Street.

*Proposed 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: The proposed land partition is situated in an established residential neighborhood with existing sewer and water facilities. At this time there is adequate availability of both water and sewer in the area. Any required infrastructure improvements will be addressed at the time of development (residential review) on any of the proposed parcels. The improvements will be required to meet City Engineering Standards at the time of development and related system development charges (water, sewer and parks) will need to be paid. Availability of water for fire-fighting purposes along with emergency access will also be addressed at the time of development. Each Parcel will require individual water and sewer connections from the City dedicated main lines. Water main extensions are required along the entire frontage (plus 20 feet) of the lot or parcel requesting that service. For Parcel 1 to receive water service the property owner will need to: 1) extend an 8-inch water main easterly, from the end of the existing water main on Erie Street, to Newcastle Avenue; 2) thence continuing the 8-inch water main northerly on Newcastle Avenue to 20 feet past the north property line of proposed Parcel 1. The cost of any main line extension is the responsibility of the applicant/property owner.

*Proposed 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: Parcel 1 of the proposed land partition will front Newcastle Avenue which is currently unimproved. Any dwelling constructed on proposed Parcel 1 will require a Newcastle address. The existing residence on proposed Parcel 2 will continue to have its address and access off of Erie Street which is an asphalt paved street with extruded curbs and no sidewalks along the majority of the street. Prior to final plat approval the owner(s) shall sign a Local Improvement Contract for Parcel 2 for future improvements on Erie Street. Newcastle Avenue shall have minimum street improvements made prior to final plat approval as a condition of this land partition approval. The improvements shall be: 1) Asphalt pavement 20 feet wide from the north edge of the existing paved portion of Erie Street to 20 feet north of the north right of way line of Erie Street all being centered within the Newcastle Avenue right of way; 2) thence continuing north and centered within the Newcastle right of way with a compacted gravel base and surface 20 feet wide capable of supporting a fire department vehicle per fire code to the Alley at the north end of Parcel 1; 3) including an approved fire code turn-around. The roadway section shall be designed by an Oregon licensed Professional Engineer and the plans reviewed by Fire District 1 Fire Marshall and City Engineering.

*Proposed Findings: Lots or parcels created through the proposed partition can be made to abut an improved street for the length of the lot frontage. **This criterion is met with conditions.***

**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 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.

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

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

Facts and Analysis: The proposed land partition is a replat of Lots 15 & 16, Block 46, Hillside Addition to Klamath Falls and Parcels 1 & 2 will be contained by the outer boundaries of the previous lots. The Proposed land partition will cause a currently undeveloped section of platted street to be improved.

Proposed 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: Parcel 1 of the proposed land partition will front Newcastle Avenue which is currently unimproved. Any dwelling constructed on proposed Parcel 1 will require a Newcastle address. The existing residence on proposed Parcel 2 will continue to have its address and access off of Erie Street which is an asphalt paved street that adequately serves the residence with emergency vehicle access. Newcastle Avenue will need to be improved to allow for emergency vehicle access and turn around prior to the finalization of the proposed land partition in order to meet this criterion.

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

## 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. A revised tentative map shall be submitted to the Planning Division to address the following:
  - Per CDO 11.715(e): add missing estimated courses/bearings.
  - Per CDO 11.715(o): add missing water rights statement. (Criterion B)
2. Any required infrastructure improvements will be addressed at the time of development (residential review) on any of the proposed parcels. The improvements will be required to meet City Engineering

Standards at the time of development and related system development charges (water, sewer and parks) will need to be paid. (Criteria D & E)

3. Prior to final plat approval the owner(s) shall sign a Local Improvement Contract for Parcel 2 for future improvements on Erie Street. (Criterion F)
4. The applicant shall make the following minimum street improvements on Newcastle Avenue prior to final plat approval: 1) Asphalt pavement 20 feet wide from the north edge of the existing paved portion of Erie Street to 20 feet north of the north right of way line of Erie Street all being centered within the Newcastle Avenue right of way; 2) thence continuing north and centered within the Newcastle right of way with a compacted gravel base and surface 20 feet wide capable of supporting a fire department vehicle per fire code to the Alley at the north end of Parcel 1; 3) including an approved fire code turn-around. The roadway section shall be designed by an Oregon licensed Professional Engineer and the plans reviewed by Fire District 1 Fire Marshall and City Engineering. (Criteria D, F, H & I)
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. (Criterion G)
6. Any dwelling constructed on proposed Parcel 1 shall have a Newcastle address. (Criteria D, F & I)
7. Each Parcel will require individual water and sewer connections from the City dedicated main lines. Water main extensions are required along the entire frontage (plus 20 feet) of the lot or parcel requesting that service. For Parcel 1 to receive water service the property owner will need to: 1) extend an 8-inch water main easterly, from the end of the existing water main on Erie Street, to Newcastle Avenue; 2) thence continuing the 8-inch water main northerly on Newcastle Avenue to 20 feet past the north property line of proposed Parcel 1. The cost of any main line extension is the responsibility of the applicant/property owner. (Criteria D & E)

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 3 FEBRUARY 2011

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JOE SLAUGHTER,  
ASSOCIATE PLANNER

c: Tom Del Santo, Development Coordinator