

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **23-DR-10**

Klamath County Mental Health
ATTN: Ann Lynn
3314 Vandenberg Road
Klamath Falls, OR 97603

Date: December 16, 2010

In accordance with the provisions of Sections 11.050-11.094 of the Community Development Ordinance (CDO), the City of Klamath Falls Planning Department has reviewed this request for a Design Review.

NATURE OF THE PROPOSAL

The applicant Ann Lynn, on behalf of landowner Klamath County Mental Health, proposes to construct a 75 square foot gazebo and a 104.4 square foot plastic garden shed. Both structures are proposed to be constructed on the east side of the current mental health facility on Parcel 2 of LP 69-07. The site currently has a new mental health facility on the eastern half of Parcel 2 of LP 69-07 that was completed in spring of 2009 and a decommissioned mental health facility on Parcel 1 and the western half of Parcel 2 of LP 69-07 which is currently vacant. The site is approximately 80,586 square feet and the three adjoining lots owned by Klamath County Mental Health total approximately 162,479 square feet. The newer structure on the site is 10,895 square feet and the decommissioned facility is approximately 29,029 square feet. Klamath County Mental Health has an address of 725 Washburn Way. The property can be found on Assessor's Map R-3809-034BC, tax lots 00700, 00701, and 00702 (Parcels 1, 2, and 3 of LP 69-07). The subject property fronts approximately 285 feet of Washburn Way right-of-way. The property is zoned Medium Density Residential.

AGENCY COMMENTS

Planning:

1. **Setback & Lot Coverage:** Medium Density Residential (MD) zoning allows for 40% lot coverage, 20 foot front yard setbacks, 5 foot rear yard setbacks, 5 foot interior side yard setbacks, and 10 foot exterior side yard setbacks. The new mental health structure has approximately a 417 foot front yard (west) setback, a 42 foot rear yard (east) setback (12 feet from a canal easement), a 110 foot interior side yard (north) setback, and a 13 foot 6 inch interior side yard (south) setback. The proposed gazebo would have a 34 foot 5 inch rear yard setback (4 foot 5 inches from a canal easement), but would not encroach closer to any other property lines. The proposed shed would have a 33 foot 5 inch rear yard setback (3 foot 5 inches from a canal easement) and a 3 foot 10 inch interior side yard setback, but would not encroach closer to any other property lines. CDO Section 12.915 allows for accessory structures that are less than 15 feet in height to be located no less than 3 feet from a rear yard property line, but does not include side yard setbacks at that distance. **The proposed rear yard setbacks for both structures are in conformance with the CDO, but the shed shall be placed at least 5 feet from the interior side yard (south) property lines.**

The two proposed structures total 179.4 square feet. Including the new facility and the decommissioned structure the structures on the subject properties would have a total footprint of 40,103.40 square feet and cover 25% of the 162,479 square feet of subject property. **The structures are conforming for lot coverage.** The northerly 10 feet of the subject property is unbuildable per Klamath County Clerk recording M82-9447 for a right-of-way easement for a

natural gas line. The westerly 25 feet and the easterly 30 feet of the subject property are also unbuildable per Klamath County Clerk recording M68-3092 for an irrigation and waterway easement for the United States Bureau of Reclamation.

2. **Building Height:** The maximum allowed building height in Medium Density Residential zones is 28 feet. The current peak building height for the new facility is approximately 24 feet. **The proposed peak building height for the gazebo is 11 feet 4 inches and the proposed peak building height for the shed is 9 feet 4 inches.**
3. **Parking:** The new facility currently has 40 parking spaces designated in close proximity to the structure. Community Development Ordinance (CDO) 14.010 requires 1 off street parking space for every 4 beds for residential facilities. The new facility has 16 beds for patients, but a considerable portion of the facility is designated for short term day visits which require no overnight accommodations. The entire facility has 22 employees at maximum capacity. According to the CDO the facility would only be required 4 parking spaces; however, with the use of the building including day visit patients the facility obviously needs additional parking spaces. The current parking arrangement allows for approximately 14 parking spaces above and beyond overnight patients and employees. It is safe to assume the 14 additional parking spaces are sufficient for day visit patients and overnight patient visitors.

CDO 10.010 Parking Space Standards requires that all standard parking spaces shall have a minimum width of 9' and minimum length of 19'. Small vehicle parking spaces shall have a minimum width of 8'6" and minimum length of 14'6".

CDO 14.040(1) requires that all areas used for parking and maneuvering of vehicles, including driveways and truck loading areas, to have either a concrete or asphalt surface. An asphalt area is currently installed.

Access Aisles: CDO 14.040(4) requires that access aisles which provide two-way traffic for 90 degree parking spaces shall be a minimum of 24 feet in width. Since the new facility was approved under Klamath County jurisdiction the access aisle widths were constructed to meet Klamath County Code. Per Klamath County Code 68.070(B) access aisle widths are calculated based on angle of parking spaces. Since all parking spaces on the subject property are at 90 degrees Klamath County Code 68.070(B)(3) states that access aisle width shall be 25 feet.

Parking for people with disabilities: CDO 14.010(2) requires 1 parking space for people with disabilities for every 25 parking spaces. Parking spaces for people with disabilities shall be at least 9' wide by 19' in length. Since the subject property has 40 parking spaces, 2 parking spaces for people with disabilities is required. **The subject property currently has 2 parking spaces for people with disabilities.** CDO 14.010(2)(b) requires that parking spaces for people with disabilities shall be located closest to the nearest accessible entrance.

CDO 14.010(2) a. requires that one in every eight accessible spaces, but no less than one space, shall be van accessible. Van accessible spaces shall have an access aisle at least 8' wide and 19' long. Since the property has 2 parking spaces for people with disabilities, 1 of those spaces shall be van accessible. Per ORS 447.233(2)d. the access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.

Bicycle parking: CDO 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces and CDO 14.046(2) requires the bicycle parking facility to be located no further than 50 feet from a public entrance. CDO 14.047(4) requires that the bicycle rack(s) be anchored to the ground. **Based on 40 parking spaces, the applicant shall provide 4 bicycle spaces.** The bicycle racks shall not interfere with ADA access.

The vehicle parking layout shall be striped according to a parking plan, with four inch-wide painted lines. This area shall have asphalt or concrete.

4. **Access and Driveways:** There is one existing driveway at this site that was approved by City Engineering in accordance to City of Klamath Falls Public Works Engineering Standards (CKFPWES) standard drawing 8-210. The existing driveway on Washburn Way has full access turning movements. **Any proposed driveways shall conform to the City of Klamath Falls Code 8.570 for width and number of driveways, and to section 8-5.3.8 of the CKFPWES current edition for location and design criteria.**
5. **Sidewalks:** CKFPWES requires that sidewalks or curb ramps are installed in any areas within the City right-of-way adjacent to this site that are missing sidewalks or public sidewalk curb ramps (ADA ramps). **The applicant installed sidewalks in 2009 that meet CKFPWES.**
6. **Landscaping:** CDO 14.405(6) requires mulch consisting of wood chips, bark, or similar organic materials, to be installed and maintained no less than three inches in depth within the drip-line of required trees. CDO 14.405(3) requires that a minimum of one tree be planted for every 50 feet of frontage along each street. While the subject site only has 50 feet of street frontage, the entire contiguous land owned by Klamath County Mental Health is currently tied together through a deed restriction. The 285 feet of frontage for all contiguous land along Washburn Way right-of-way requires the planting of 6 street trees. **Trees shall be approved trees from the City Street Tree List and shall be planted within 10 feet of the curb per CDO 14.405(2).**

CDO 14.405 requires that for each 1,000 sq ft of landscaped open space or fraction thereof, a minimum of 1 tree and 2 shrubs shall be planted. **CDO 14.405 is satisfied for the subject property.** The City does not support placing rock in the right-of-way. Also, rock placed around lawn areas can create problems with properly maintaining and grooming those lawns.

CDO 14.410 (4)(c) requires a minimum of 3% of the space provided for vehicular circulation such as driveways, driveway easements or open parking areas shall be landscaped which shall be evenly distributed throughout when the parking area contains five or more spaces. **While the City of Klamath Falls does not have the paved parking and maneuvering surface square footage or the landscaping square footage information, the 3% requirement appears satisfied.**

CDO 14.410(1) requires all areas set aside for landscaping to have a minimum vegetative cover of at least 50%. **The applicant shall ensure the vegetative cover requirement is being met and if the quantity of landscaping is insufficient the problem shall be remedied.**

The site plan does not show an irrigation method. There is no landscaping data provided on the site plan. **The applicant has existing landscaping and does not have to submit any additional details regarding landscaping on the subject property.**

The applicant shall install and maintain the required landscaping as part of this Design Review. This requires that any existing lawn areas shall be brought into compliance or replaced. This also requires that all weeds and grasses that exceed 8 inches in height shall be removed.

7. **Trash Enclosures and Fences:** All trash containers greater than 50 gallons in capacity shall be screened to a height of six feet by a sight-obscuring fence per CDO 14.150(1). If a solid waste receptacle is provided an equal area shall be provided for recycling adjacent to or within the trash enclosure.

The subject property contains a 6 foot high chain link fence that encloses a backyard space behind the new facility that was approved on 08/19/09 through application 80-F-09. The subject

property is bordered to the north by a fence; however, the City does not have information regarding the fence ownership or approval dates. The City does not have any information regarding the fences to the south of the property as those fences are located in County jurisdiction. Approval of this Design Review does not constitute approval of future fence placement. **A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence, including fences screening the trash and recycle.**

8. **Signs:** At least a 5 foot setback is required for any proposed freestanding signs. Proposed signs shall not be located within the street right-of-way of Washburn Way nor within the required sign setbacks. According to staff measurements the old facility has one freestanding sign that is 32 square feet in area. The property also has a total of two wall mounted signs on the old facility that total 30.25 square feet. These signs were approved under Klamath County jurisdiction. **The wall signs shall be removed to decrease confusion as to what facility is open. A sign permit (\$25) must be submitted, reviewed, and approved prior to the installation or change of any signs.**
9. **Restrictive Covenant and Cross Access Agreement:** The decommissioned facility currently crosses over property lines for Parcel 1 and Parcel 2 that were created as part of Land Partition 69-07, which was processed by the Klamath County Planning Department. As a condition of Land Partition 69-07 the applicant was required to do the following: “Prior to final plat approval, applicant or owner shall record a deed restriction prohibiting sale of one or all parcels for which a structure may be sited over a property line; a copy of said recording shall be provided to the Klamath County Planning Department.” **A restrictive covenant was recorded with the Klamath County Clerk as M08-5256 specifying that Parcels 1, 2, and 3 cannot be sold separately until the structure straddling Parcels 1 and 2 is removed.** The decommissioned facility currently blocks the legal access for the subject property (Parcel 2 of LP 69-07) to Washburn Way. The subject property currently uses another lot (Parcel 3 of LP 69-07) to access Washburn Way. Although all three parcels are owned by Klamath County Mental Health the potential sale of Parcel 3, even with the removal of the structure that straddles Parcels 1 and 2, would leave Parcel 2 without legal access to a street right-of-way as there is no driveway constructed on Parcels 1 or 2. **The applicant shall record a cross access agreement that allows for legal access from the subject property being Parcel 2 across Parcel 3 for driveway access to Washburn Way.**

Engineering:

1. There are no proposed changes to any existing City water or sewer services to the properties shown per this application request. A site grading erosion plan and storm drainage site plan will not be required since there is less than 5,000 square feet of impervious area being added, less than 50 cubic yards of fill and excavation being moved at this site, and clearing and grading will occur more than 25 feet from the actual drainage course; although the applicant should be aware that their construction activity will be as close as 3.5 feet to the 30-foot wide Canal easement line, as shown on one of the submitted site maps provided by the applicant. City Engineering does not anticipate any increases to existing traffic counts that would warrant a traffic analysis. From a public works position we have no concerns at this time.
2. The local office of the United States Bureau of Reclamation (USBR) is reviewing the site plan and application to determine if there are any concerns they may have, or conditions that they may place on this design review due to the close proximity to the USBR “A” Canal.

Building Department:

“The proposed structures appear to meet exception criteria and will not require building structural permits.”

KCFD#1:

“KCFD#1 has no comments on this project.”

SPOKES:

“These two structures need to be accessible to and useable by people with disabilities.”

Avista: No comments were received.
Basin Transit: No comments were received.
Charter: No comments were received.
Pacific Power: No comments were received.
Qwest: No comments were received.
USBR: No comments were received.
Proponents: No comments were received.
Opponents: No comments were received.

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) Condition prior to obtaining a Development Permit:

- a) The applicant shall submit a revised site plan to City Planning for review and approval showing the following:
- Shed placed at least 5 feet from the interior side yard property line
 - 6 street trees located along Washburn Way

2) General Conditions:

- a) All contractors working on this job shall maintain a valid city business license.
- b) The applicant shall verify the gazebo is accessible for people with disabilities.
- c) The applicant shall record a cross access agreement that allows for legal access from the subject property being Parcel 2 across Parcel 3 for driveway access to Washburn Way. A copy of the recorded agreement shall be submitted to the City of Klamath Falls Planning Division by March 31st, 2011.
- d) The applicant shall install 6 approved street trees along Washburn Way by March 31st, 2011.
- e) The applicant shall install 4 bicycle spaces by March 31st, 2011. The bicycle rack shall not interfere with ADA access and be located no further than 50 feet from a public entrance.
- f) The applicant shall submit for review and approval a fence permit (no fee) prior to installation of any fence or any stand alone trash enclosure.
- g) The wall signs on the decommissioned facility shall be removed by January 31st, 2011.
- h) The applicant shall submit for review and approval, a sign permit prior to the installation of any signs.

This **Design Review** 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 IS FINAL AS OF THE DATE OF MAILING THIS DECISION (DECEMBER 16, 2010), UNLESS WRITTEN APPEAL AND A \$200 APPEAL FEE IS FILED WITH THE CITY PLANNING DEPARTMENT WITHIN 12 DAYS OF THE DATE OF MAILING.

DATED THIS 16TH OF DECEMBER 2010.

Kelly O'Neill
Planner

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