

**CITY OF KLAMATH FALLS
PLANNING COMMISSION**

**Staff Report
11-DR-11**

October 10, 2011

I. TITLE

Appeal of an Administrative Decision conditionally approving a change of use at 2225 N. Eldorado Avenue; specifically regarding conditions to make public improvements on streets adjacent to the subject property.

II. SUMMARY AND BACKGROUND

The Applicant, Campus Investments, LLC (with ZCS Engineering, Inc. as engineer of record), is appealing a portion of the Administrative Decision for Design Review File Number 11-DR-11 conditionally approving the construction of tenant improvements within the 12,930 square feet of former grocery store space for the relocation of the Veteran Affairs Medical Clinic. The property is currently developed with three individual structures. The structures include the Campus Drug Retail multi-tenant building (5,150 square feet), Abby's Pizza (4,050 square feet), and the former Campus Market Basket multi-tenant building (20,085 square feet). The former Campus Market Basket building currently contains approximately 7,155 square feet of general leasable retail/food service space and the other 12,930 square feet of former grocery store space is currently unoccupied.

Of the approximately 12,930 square feet of building area that is currently unoccupied approximately 9,987 square feet will be used for the Veterans Affairs Medical Clinic and the remaining 2,943 square feet is expected to be occupied by some other medical use.

The Applicant is appealing the following conditions:

1. The placement of sidewalks, public curb ramps, and street lights on all portions of Dahlia, Eldorado, and Dagget that abut the subject property.
2. The applicant shall record a Local Improvement Contract for the future improvements on Shallock Ave that abut the subject property.

The Applicant feels that the costs associated with the construction of sidewalk and street light public improvements along the perimeter of the subject property causes a disproportionate financial burden on the developer when compared to the overall costs of the proposed tenant improvements. The Applicant does not object to constructing the above listed improvements on all portions of Dahlia and Eldorado that abut the subject property. The Applicant does however object to constructing the improvements along the entirety of Dagget that abuts the subject property. In lieu of constructing the improvements required for Dagget Street, the Applicant is willing to construct approximately an additional 100' of sidewalk improvements along Dahlia Street, abutting the property owned and occupied by South Valley Bank & Trust. An ADA curb ramp would be constructed at the southeast corner of the Dahlia Street and Shallock Avenue intersection. Landscape grade separation walls will be constructed to accommodate the

installation of the new sidewalk and curb ramp (see attached letter from Applicant for detailed description of the compromise the Applicant proposes).

The Applicant objects to Condition 2 in its entirety. The Applicant is unwilling to sign the proposed Local Improvement Contract, due to the financial burden previously imposed by Condition 1.

On September 22, 2008 the Planning Commission held a public hearing concerning the redevelopment of the subject property, 2225 N. Eldorado. At that time the applicant proposed to add an approximately 15,000 square foot second floor to the former Market Basket building. At that time Staff recommended that public sidewalk, curb-ramp, and street light improvements on all street frontages along the subject property (Dahlia, Eldorado, Dagget and Shalock) be required as a condition of approval. At the public hearing the applicant's representative asked the Commission to revise the proposed condition, and to not require sidewalks along Dagget Street. The Commission voted to approve the Conditional Use Permit and all associated Variances with the condition as written by Staff, requiring public street improvements along Dahlia, Eldorado, Dagget and Shalock.

The proposed uses of this property, retail/restaurant space, office space, and medical space, are appropriate for the Neighborhood Commercial portions of the Campus Planned Unit Development (PUD). The subject property is located at 2225 N. Eldorado Blvd and can be found on Klamath County Assessor's Map R-3809-020CA Tax Lots 01900 & 02000. The property is approximately 4.2 acres in size.

Referring Agency Comments:

Planning-

The requirement for public improvements adjacent to the subject property to be completed at the time of development or change of use is supported by CDO Section 14.050, which states:

(1) Each lot and parcel shall abut upon an improved street for the entire length of the lot frontage. A lot or parcel which abuts only the end of a public street, not terminating in a cul de sac, shall not be considered as having access, nor shall an alley be considered as sufficient access.*

* A lot or parcel abutting a dedicated but unimproved street in a subdivision platted prior to 1980 and adjacent to an improved portion of the street, shall not be required to improve the abutting portion of the street, provided that the property owner execute a recordable nonremonstrance agreement toward the formation of a Local Improvement District to construct the street.

Undeveloped streets (streets that have not been improved to minimum emergency standards) are not required to be improved to current City standards as a condition of development. However, undeveloped streets are required to be improved to minimum emergency standards and the property owner is required to sign a nonremonstrance agreement (Local Improvement Contract) for the future improvement of the street.

All streets that are not undeveloped (streets that have been improved to or beyond minimum emergency standards) are required to be improved to current City standards as a condition of development.

Engineering:	No comments were received.
County Building:	No comments were received.
KCFD #1:	No comments were received.
Avista:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
Charter:	No comments were received.
USBR:	No comments were received.
Opponents:	No comments were received.
Proponents:	No comments were received.

III. RELEVANT REVIEW CRITERIA

The site plan proposal was reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 11.050 to 11.094, regarding Design Reviews. The following criteria shall be used to approve or deny an application for Design Review:

Criterion 1 – All applicable City ordinances have been met or will be met by the proposed development.

The comments from Planning and Engineering listed in the Agency Comments section of the Administrative Decision for 11-DR-11, dated September 7, 2011 identify relevant sections of the CDO, City of Klamath Falls Public Works Engineering Standards (CKFPWES), and Klamath Falls City Code, and address whether or not the application met the requirements. The application met many of requirements of the CDO as submitted and conditions of approval were able to be fashioned to insure the remainder of the requirements would be met through the conditions listed in the Administrative Decision for 11-DR-11, dated September 7, 2011.

The requirement for public improvements adjacent to the subject property to be completed at the time of development or change of use is supported by CDO Section 14.050, which states:

(1) Each lot and parcel shall abut upon an improved street for the entire length of the lot frontage. A lot or parcel which abuts only the end of a public street, not terminating in a cul de sac, shall not be considered as having access, nor shall an alley be considered as sufficient access.*

* A lot or parcel abutting a dedicated but unimproved street in subdivision platted prior to 1980 and adjacent to an improved portion of the street, shall not be required to improve the abutting portion of the street, provided that the property owner execute a recordable nonremonstrance agreement toward the formation of a Local Improvement District to construct the street.

Undeveloped streets (streets that have not been improved to minimum emergency standards) are not required to be improved to current City standards as a condition of development. However, undeveloped streets are required to be improved to minimum emergency standards and the property owner is required to sign a nonremonstrance agreement for the future improvement of the street.

All streets that are not undeveloped (streets that have been improved to or beyond minimum emergency standards) are required to be improved to current City standards as a condition of development.

The proposed development was found to meet all applicable City ordinances with the conditions as outlined.

Criterion 2 – Adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, storm drainage and adequate transportation can and will be provided to and through the subject property.

Portions of the comments from all of the agencies who responded to the original proposal address Criterion 2. All concerns presented by each of the agencies were addressed in the Conditions section of the Administrative Decision for 11-DR-11, dated September 7, 2011.

There was no evidence at the time of review that there was an inadequate capacity of City facilities for water, sewer, paved access to the development, electricity, storm drainage and adequate transportation or that it couldn't be provided to and through the subject property given the conditions listed in the Administrative Decision for 11-DR-11, dated September 7, 2011.

IV. REQUESTED MOTIONS/ACTIONS

- Hold a public hearing and take testimony relative to the Criteria.
- Motion to accept or modify the Proposed Findings as stated in the Staff Report
- Motion to amend, rescind or affirm the appealed decision based on the Findings.

V. DOCUMENTS ATTACHED

- Ortho Photo / Vicinity Map
- Appeal Letter dated September 12, 2011
- Further Explanation of Appeal dated September 29, 2011
- Site Plan
- Administrative Decision for 11-DR-11, dated September 7, 2011 with original Decision and Conditions

VI. PUBLIC NOTICE

Notice of this public hearing was published in the Herald and News on September 18, 2011 and mailed to 11 neighboring property owners on September 15, 2011. No comments had been received at the time this report was written.

Joe Slaughter
Senior Planner

Ortho Photo / Vicinity Map



Appeal Letter



September 12, 2011

Mr. Joe Slaughter – Associate Planner
City of Klamath Falls – Community Development
226 South 5th Street
Klamath Falls, Oregon 97601

Reference: Final Decision and Conditions: 11-DR-11

Subject: Formal Appeal of Final Decision and Conditions: 11-DR-11


On behalf of Campus Investments, LLC (Applicant), ZCS Engineering, Inc. (Agent) wishes to formally appeal the following conditions listed in Final Decision and Conditions: 11-DR-11 dated September 7, 2011 for the tenant improvements associated with the relocation of the VA Clinic project at 2225 North Eldorado Avenue:

Condition 1 – *The placement of sidewalks, public curb ramps, and street lights on all portions of Dahlia, Eldorado, and Daggett that abut the subject property.*

Condition 2 – *The applicant shall record a Local Improvement Contract for the future improvements on Shallock Ave that abut the subject property.*

Please contact my office if you have any questions or require additional information.

Thank you,


D. Scott Souders, PE
ZCS Engineering, Inc. (Agent)
900 Klamath Avenue
Klamath Falls, OR 97601


Mark Wendt
Campus Investments, LLC (Applicant)
PO Box 223
Klamath Falls, OR 97601

Further Explanation of Appeal



September 29, 2011

Mr. Joe Slaughter – Associate Planner
City of Klamath Falls – Community Development
226 South 5th Street
Klamath Falls, Oregon 97601

Reference: Final Decision and Conditions: 11-DR-11

Subject: Formal Appeal for Final Decision and Conditions: 11-DR-11
Supplementary Information

Please find the requested supplementary information that describes the position of Campus Investments, LLC (Applicant) with respect to the above listed conditions and associated appeal. These conditions were formally appealed with a letter dated September 12, 2011. The costs associated with the construction of sidewalk and street light public improvements along the perimeter of the subject site causes a disproportionate financial burden on the developer when compared to the overall costs of the proposed tenant improvements. The following items are outlined for each appealed condition:

- Description of City Condition,
- Inclusions (work specified in Condition that the Applicant has no objection to performing),
- Exclusions (work specified in Condition that the Applicant objects to performing),
- Proposed Compromise (additional work the Applicant is willing to complete in lieu of the listed Exclusions).

Condition 1 – *The placement of sidewalks, public curb ramps, and street lights on all portions of Dahlia, Eldorado, and Daggett that abut the subject property.*

The Applicant does not object to constructing the above listed improvements on all portions of Dahlia and Eldorado that abut the subject property. The Applicant does however object to constructing the improvements along the entirety of Daggett that abuts the subject property. A detailed description of what the Applicant is willing to do (included items), what the applicant is not willing to do (excluded items), and a description of a proposed compromise follows:

Condition 1 – Inclusions

The Applicant has no objection to performing the following work to satisfy the requirements of Condition 1:

- Construct concrete sidewalks in conformance with City of Klamath Falls Standard Drawing 8-200 and Standard Drawing 8-209 from the northwest corner of the subject property abutting Dahlia Street to the southeast corner of the subject property at the intersection of Eldorado Boulevard and Daggett

Street. Approximately a total of 650' of sidewalks would be constructed along the Dahlia and Eldorado frontages.

- Construct landscaping grade separation walls to accommodate the installation of the sidewalks and street lights along Eldorado Boulevard. The landscaping grade separation walls are required due to the existing topography of the site. The landscaping walls will be constructed of large boulders in lieu of large concrete blocks to improve the overall aesthetics of the vicinity.
- Construct a parallel ADA curb ramp similar to City of Klamath Falls Standard Drawing 8-155 at the intersection of Eldorado Boulevard and Daggett Street.
- Install five street lights at approximately 150' on center conforming to City of Klamath Falls Standards along the Dahlia and Eldorado frontages. Approximately 650' of electrical conduit will be installed to feed the new street lights.

Condition 1 – Exclusions

The Applicant objects to performing the following work to satisfy the requirements of Condition 1:

- Construct concrete sidewalks in conformance with City of Klamath Falls Standard Drawing 8-200 and Standard Drawing 8-209 from the intersection of Eldorado Boulevard and Daggett Street to the northeast corner of the subject property abutting Daggett Street. Construction of these sidewalks would require the relocation of a large power transformer that services the Campus Square development and the construction of landscape grade separation walls along the entire length Daggett Street.
- Install three street lights at approximately 150' on center conforming to City of Klamath Falls Standards along the Daggett frontage. Approximately 450' of electrical conduit would need to be installed to feed the new street lights.

Condition 1 – Proposed Compromise

In lieu of constructing the improvements required for Daggett Street, the Applicant is willing to construct approximately an additional 100' of sidewalk improvements along Dahlia Street, abutting the property occupied by South Valley Bank & Trust. An ADA curb ramp would be constructed at the southeast corner of the Dahlia Street and Shallock Avenue intersection. Landscape grade separation walls will be constructed to accommodate the installation of the new sidewalk and curb ramp.

Construction of these improvements would provide pedestrian connectivity from Eldorado Boulevard to Campus Drive. Without these improvements, pedestrians will be forced to walk within the travel lane of Dahlia Street from northwest corner of the Campus Square property to the intersection of Dahlia Street and Shallock Avenue.

Condition 2 – *The applicant shall record a Local Improvement Contract for the future improvements on Shallock Ave that abut the subject property.*

Condition 2 – Inclusions
None.

Condition 2 – Exclusions
The Applicant objects to Condition 2 in its entirety. The Applicant is unwilling to sign the proposed Local Improvement Contract, due to the financial burden previously imposed by Condition 1.

Condition 2 – Proposed Compromise
None.

Please contact my office if you have any questions or require additional information.

Thank you,

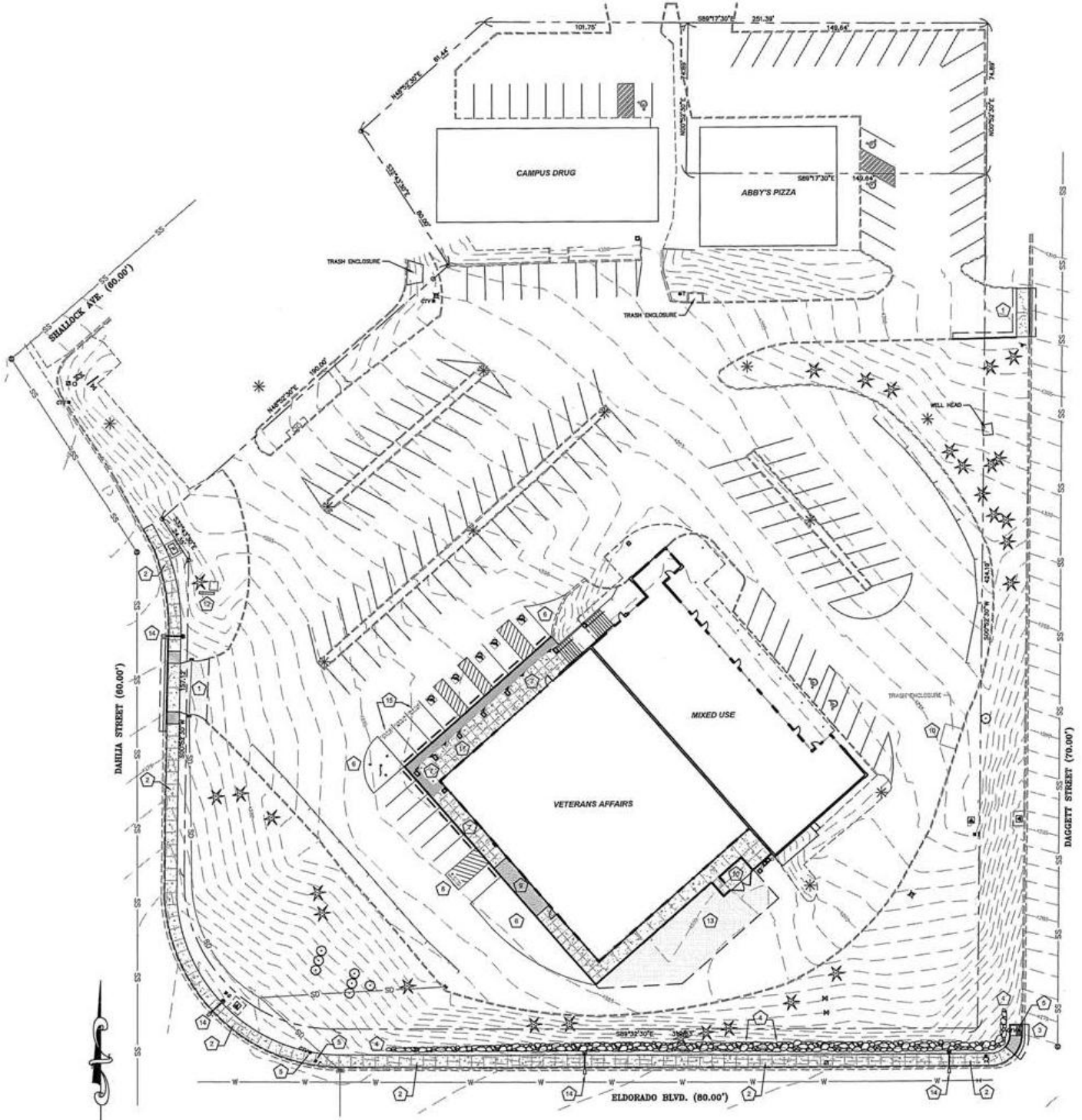


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900 Klamath Avenue
Klamath Falls, OR 97601

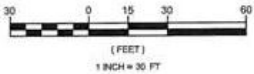


Brad Mason on behalf of Mark Wendt
Campus Investments, LLC (Applicant)
PO Box 223
Klamath Falls, OR 97601

Site Plan



**CAMPUS SQUARE
PROPOSED SITE LAYOUT**
1" = 30'



Administrative Decision and Conditions

City of Klamath Falls Planning Division

Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **11-DR-11**

Campus Investments, LLC
P.O. Box 223
Klamath Falls, OR 97601

ZCS Engineering
Scott Souders
900 Klamath Ave
Klamath Falls, OR 97601

Date: September 7, 2011

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, Campus Investments, LLC (with ZCS Engineering, Inc. as Engineer of record), proposes to construct tenant improvements within the 12,930 square feet of former grocery store space for the relocation of the Veteran Affairs Medical Clinic. Limited sidewalk improvements along Dahlia Street and North Eldorado Avenue are being proposed. The property is currently developed with three individual structures. The development includes existing paved parking areas and mature landscaping. The structures include the Campus Drug Retail multi-tenant building (5,150 square feet), Abby's Pizza (4,050 square feet), and the former Campus Market Basket multi-tenant building (20,085 square feet). The former Campus Market Basket building currently contains approximately 7,155 square feet of general leasable retail/food service space and the other 12,930 square feet of former grocery store space is currently unoccupied.

Of the approximately 12,930 square feet of building area that is currently unoccupied approximately 9,987 square feet will be used for the Veterans Affairs Medical Clinic and the remaining 2,943 square feet is expected to be occupied by some other medical use.

The proposed uses of this property, retail/restaurant space, office space, and medical space, are appropriate for the Neighborhood Commercial portions of the Campus Planned Unit Development (PUD). The subject property is located at 2225 N. Eldorado Blvd and can be found on Klamath County Assessor's Map R-3809-020CA Tax Lots 01900 & 02000. The property is approximately 4.2 acres in size.

AGENCY COMMENTS

Planning –

1. Lot Coverage: The Campus PUD Development Standards (PUDDS) allow for a maximum lot coverage of 70% for Neighborhood Commercial properties. The three buildings have a 5,150 square foot footprint, a 4,050 square foot footprint, and a 20,085 square foot footprint. The combined building footprint of 29,285 square feet will cover approximately 16% of this 182,952 square foot property.
2. Building Height: The Campus PUDDS list a maximum height of 30' for buildings in Neighborhood Commercial zones. The highest point on the renovated structure will be approximately 23' above ground level.
3. Setbacks: The Campus PUDDS require a minimum 20' setback for all street frontages and a minimum 10' setback for all side and rear yards. The existing building setbacks will not be changed by the proposed tenant improvements. The Abby's Pizza building has the following setbacks: approximately 75' from Daggett Street (east), approximately 53' from Shallock Avenue (north), approximately 130' from neighboring property to the west, and approximately 390' from Eldorado Blvd (south). The Campus Drug building has the following setbacks: approximately 165' from Daggett Street (east), approximately 54' from Shallock Avenue (north), approximately 5' from neighboring property to the west, and approximately 400' from Eldorado Blvd (south). The former Market Basket building has the following setbacks: approximately 53' from Daggett Street (east), approximately 163' from neighboring property to the north, approximately 118' from Dahlia Street (west), and approximately 28' from Eldorado Blvd (south).
4. Parking: The Campus PUDDS require all uses within the Campus PUD to provide off street parking in accordance with the requirements of Chapter 14 of the CDO. CDO Section 14.010 requires 1 space for every 250 sq ft for retail, 1 space for every 200 sq ft for medical office space, and 1 space for every 100 sq ft for restaurants. The three buildings as proposed will provide a total of 12,305 sq ft of retail space (50 parking spaces), 12,830 sq ft of medical office space (65 parking spaces), and 4,050 sq ft of restaurant space (41 parking spaces). The total number of vehicle parking spaces required for this development is 156. The site plan shows a total of 156 parking spaces to be provided.

CDO Section 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces. The 156 required vehicle parking spaces require a total of 13 bicycle spaces to be provided for the entire development site. The proposed site plan shows a total of 16 bike spaces to be provided and the approximate location of the bike parking.

Parking lots for outpatient care facilities are required to provide 10% of the parking spaces for ADA parking. The proposed VA clinic requires a total of 50 parking spaces and is required to make 5 of these spaces ADA. Parking areas with 101-150 parking spaces require 5 ADA spaces. The total number of ADA spaces required for this site is 10 and the proposed site plan shows a total of 10 ADA spaces distributed appropriately throughout the site.

Although all three buildings (Abby's, Campus Drug and the former Market Basket) are located on the same property, the current proposal does not affect the portions of the property that contain Abby's Pizza or Campus Drug. Because these portions of the property are not being changed through this proposal this review is focused primarily on those portions of the property containing the former Market Basket building and associated parking, but all of the subject property is still subject to the requirements of this review. The parking lot around the Abby's Pizza building does not function as designed; with one way traffic heading north to

south from Shallock Ave and one-way traffic heading south to north from Daggett Ave. While the applicant will not be required to address this problem as a condition of this review it is recommended that the parking lot be redesigned and re-striped to make it function properly. Access aisles designated for two-way traffic should be a minimum of 24' wide and aisles designed for one-way traffic should be a minimum of 15' wide. If the revised design includes one-way only traffic the parking lot shall be signed and striped accordingly.

The portion of the parking lot immediately east of the former Market Basket building, and a portion of the parking lot north of that building are designed for one way traffic. These areas shall be painted with directional arrows and signed appropriately. Signage shall include directional signs and "Do Not Enter" signs.

The approved vehicle parking layout shall be striped with four inch-wide painted lines, wheel stops or curbing shall be installed to prevent vehicles from driving over landscaping, unpaved areas, and sidewalks. The ADA accessible spaces shall be constructed to meet all requirements of the Oregon Department of Transportation Disabled Parking Standards for width, location, striping and signage. All required parking shall be completed prior to occupancy of the portion of the building that is currently vacant.

5. Signs: Approval of this Design Review does not constitute approval of current or future sign placement or size. The existing multitenant sign near the Daggett Street driveway appears to be placed within the street right-of-way. All signs shall be made to conform to the uniform sign code found in CDO 14.300-14.368 and Section 10 of the Campus PUDDS. A sign permit must be submitted, reviewed, and approved prior to installation or modification of any sign.
6. Driveways: City Code Section 8.570 allows a maximum width of 24' for commercial driveways. The existing driveway on Dahlia Street appears to be approximately 30' wide. CDO Section 14.040(4) requires access aisles which provide two way traffic to be a minimum of 24' wide and those which provide one way traffic to be a minimum of 15' wide. The existing driveway on Daggett Street appears to be approximately 22' wide. The proposed site plan shows the reconstruction of both of these driveways to meet the requirements of Section 8.570.
7. Landscaping: The subject property has existing mature landscaping. The existing landscaping meets the landscaping requirements found in CDO sections 14.400-14.430 for total area, placement, coverage, etc. *A detailed landscape plan shall be submitted to City Planning for review and approval prior to modifying existing landscaping and/or installing new landscaping.*

The applicants have proposed to place required sidewalks adjacent to the existing curbs along some of the adjacent streets. This "curb tight" placement of sidewalks will eliminate the planter strip area between the curb and the sidewalk, however, the applicant will be responsible for landscaping the remainder of the street rights-of-way between the sidewalks and the property lines. *This area shall be included in any landscape plan and shall be the responsibility of the property owner to maintain in an appropriate manner. All landscaping shown on the approved landscape plan shall be installed prior to occupancy of any of the new tenant space.*

8. Fences, Trash Enclosures and Recycling: Commercial developments having a solid waste receptacle shall provide a site of equal or greater size adjacent to or with access comparable to, the common solid waste receptacle to accommodate materials collected by local solid waste franchise under its residential route collection program for purposes of recycling. Both the recycle site and the solid waste receptacle shall be screened to a height of six feet with sight obscuring fence or vegetation (CDO 14.180 (1)).

The site plan shows the placement of a trash enclosure south of the former Market Basket building. The site plan does not show the placement of any other new fences on the subject property. 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. Maximum fence heights cannot be exceeded without an approved variance.

9. Public Sidewalk Improvements: The submitted plans show the construction of new sidewalks meeting Klamath Falls Standard 8-209 to be constructed on Dahlia from the north property line, south to the corner of Eldorado, and then east along Eldorado to the corner of Daggett Ave. The plans do not show the construction of sidewalks along either the portions of Daggett Ave or Shallock Ave that abut the subject property. Although all three buildings (Abby's, Campus Drug and the former Market Basket) are located on the same property the current proposal does not affect the portions of the property that contain Abby's Pizza or Campus Drug. Because these portions of the property are not being changed through this proposal this review is focused primarily on those portions of the property containing the former Market Basket building and associated parking, but all of the subject property is still subject to the requirements of this review. The owners of the subject property are responsible for constructing necessary public improvements, including sidewalks, adjacent to all portions of the subject property. The subject property was most recently reviewed in 2008 through Conditional Use Permit application 8-CUP-08 and Variance application 6-V-08. As conditions of approval for those applications the applicant was required to install sidewalks, public sidewalk curb ramps, and street lights on any areas within the City rights-of-way adjacent to the site that were lacking these improvements. At the Planning Commission hearing, the applicant objected to having to place sidewalks on the portions of Daggett Ave or Shallock Ave that abut the subject property and the Planning Commission upheld staff's recommendation to retain the condition as written, requiring these improvements on all portions of the rights-of-way adjacent to the subject property. Since this proposed redevelopment/reuse of the subject property is of a much smaller scale than what was reviewed through 8-CUP-08 and 6-V-08 Staff feels it is appropriate to require sidewalk, public curb ramp, and street light improvements to the portions of Dahlia, Eldorado, and Daggett that abut the subject property at this time and the improvements that need to be made to Shallock Ave can be covered under a Local Improvement Contract for the property or when the Abby's or Campus Drug's building or lot is reviewed for a land use application, whichever occurs first.

The engineering design/construction plans submitted by the applicant shall show the placement of sidewalks, public curb ramps, and street lights on all portions of Dahlia, Eldorado, and Daggett that abut the subject property. The applicant shall record a Local Improvement Contract for the future improvements on Shallock Ave that abut the subject property.

Engineering –

1. In August of 2008, this site was reviewed under land use applications 6-V-08 & 8-CUP-08. It was determined at that time that “any areas within the City right of way adjacent to this site that are missing sidewalks or public sidewalk curb ramps (ADA ramps) shall be installed to City Engineering Standards by the applicant per this development review. ADA ramps, which do not meet current specifications, shall be brought into compliance”. That statement was further supported by a site review made by City Engineering detailed in an e-mail to the Planner of record Joe Slaughter dated September 22, 2008. Sidewalk construction was further supported by the City of Klamath Falls Planning Commission decision. To date, no new sidewalks have been constructed. Sidewalk widths shall conform to section 8-10 of the City of Klamath Falls Public Works Engineering Standards (CKFPWES). The plan review and field inspection fees for the new sidewalks and any ADA ramps, which are conducted by City Engineering, are: \$75 per individual Street frontage for sidewalks and \$75 per street corner for ramps.
2. The site plan is indicating the reconstruction of two driveways per City Engineering Standard Drawing 8-210. The driveways shall conform to the City of Klamath Falls Code 8.570 for width, and to section 8-5.3.8 of the CKFPWES for location and design criteria.
3. Small Site Grading w/Erosion & Sediment Control measures will be determined by City Engineering throughout the site during various construction activities. The contractor shall comply with City Engineering’s request, prior to the issuance of a Site Construction Permit. The overall review and inspection fee conducted by City Engineering, for those activities, will be \$250.
4. The detailed location and type of the proposed Street Lights shall be shown on the Engineering design/construction plans and meet the design criteria in section 9 of the CKFPWES. The estimated Public Works street light review and inspection fee, from what is shown on the conceptual site plan, is \$450.
5. The applicant shall submit two plumbing fixture plans, a Sewer System Development Charge Calculation Information Sheet, and a Sewer Use Evaluation form to City Engineering on or before their submittal of the Engineering design/construction plans. Any sewer System Development Charges calculated from that information will be forwarded to the applicant. The site plan is not showing any changes to the existing sewer service to this site.
6. The site plan is not showing any City water service changes or additions to this site. The Engineering design/construction plans shall show the irrigation back-flow device location/make/model.
7. The applicant’s Engineer of record will be submitting a Traffic Analysis Letter (TAL), to the City, following the final decision on this design review. Four copies of the TAL will be required along with the review and comment fee of \$500.
8. The site plan is not indicating any significant changes to the site that would warrant a Storm Drainage plan and report.
9. Engineering design/construction plans will be required for project review and acceptance. The plans shall be in compliance with the CKFPWES 4/1/11 edition. An Engineering Site Construction Permit will be required, on this proposed development, prior to the start of any construction activity. Based on detailed information that is shown on the Engineering

design/construction plans; additional review and inspection fees may be determined at that time.

County Building –

1. Building permit submittal shall include a comprehensive code evaluation, drawings, calculations, and specifications for the project. Unless waived by Building Official, all design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such.
2. Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering Divisions. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
3. No work shall commence prior to plan review and issuance of the appropriate building and trade permits; and facility shall not be occupied until a Certificate of Occupancy is issued.
4. Phased construction and/or deferred submittals require approval of the Building Division and submittals for such work shall follow established policy for plan review. No work shall commence prior to review and approval of the associated project phase.

ODOT –

“ODOT has no comments regarding the Design Review.”

USBR –

“In response to the City of Klamath Falls Planning Department’s administrative review request for the subject applicant’s proposal to construct tenant improvements within the 12,068 square feet of former grocery store space for the relocation of the Veteran Affairs Medical Clinic, the Bureau of Reclamation has no comments and/or concerns at this time. There are no Reclamation facilities adjacent or in the vicinity of the proposed construction site.”

Charter –

“We (Charter) currently have a mainline feeder entering into the building from the South and East side. It goes into a chase way which gives access to all business contain therein. If further location of this feeder is required at any time, please let me know.”

Avista:	No comments were received.
Qwest:	No comments were received.
KCFD No.1:	No comments were received.
PP&L:	No comments were received.
SPOKES:	No comments were received.
Opponents:	No comments were received.
Proponents:	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

➤ **Prior to the issuance of the Development Permit:**

1. All public improvements, City utility service connections and grading/erosion control shall be shown on a set of engineering design/construction plans (EDCP) that meet the requirements of the City of Klamath Falls Public Works Engineering Standards (CKFPWES) 4/1/11 edition. Following the pre-design meeting please submit 4 sets of the plans to City Engineering Division (ED) for review. (The applicant will be required to have a signed set of the Site Construction Permit set of drawings, from City Engineering office, prior to the issuance of the City Engineering Site Construction Permit). The plans shall include the following:
 - The placement of sidewalks, public curb ramps, and street lights on all portions of Dahlia, Eldorado, and Daggett that abut the subject property.
 - The irrigation back-flow device location/make/model.
 - The detailed location and type of the proposed Street Lights shall be shown and meet the design criteria in section 9 of the CKFPWES. The estimated Public Works street light review and inspection fee, from what is shown on the conceptual site plan, is \$450.
 - The applicant shall submit two plumbing fixture plans, a Sewer System Development Charge Calculation Information Sheet, and a Sewer Use Evaluation form to City Engineering on or before their submittal of the Engineering design/construction plans. Any sewer System Development Charges calculated from that information will be forwarded to the applicant. The site plan is not showing any changes to the existing sewer service to this site.
2. The applicant shall record a Local Improvement Contract for the future improvements on Shallock Ave that abut the subject property.
3. The applicant's Engineer of record will be submitting a Traffic Analysis Letter (TAL), to the City, following the final decision on this design review. Four copies of the TAL will be required along with the review and comment fee of \$500.

➤ **General Conditions:**

4. The portion of the parking lot immediately east of the former Market Basket building, and a portion of the parking lot north of that building are designed for one way traffic. These areas shall be painted with directional arrows and signed appropriately. Signage shall include directional signs and "Do Not Enter" signs.
5. The approved vehicle parking layout shall be striped with four inch-wide painted lines, wheel stops or curbing shall be installed to prevent vehicles from driving over landscaping, unpaved areas, and sidewalks. The ADA accessible spaces shall be constructed to meet all requirements of the Oregon Department of Transportation Disabled Parking Standards for width, location, striping and signage. All required parking shall be completed prior to occupancy of the portion of the building that is currently vacant.

6. A Site Construction Permit (SCP), issued by City Engineering, will be required prior to any work commencing at this site. The SCP application will be provided to the developer at the conclusion of the first Engineering design/construction plan review.
7. The driveways shown on the site plan shall conform to the City of Klamath Falls Code 8.570 for width, and to section 8-5.3.8 of the CKFPWES for location and design criteria.
8. Small Site Grading w/Erosion & Sediment Control measures will be determined by City Engineering throughout the site during various construction activities. The contractor shall comply with City Engineering's request, prior to the issuance of a Site Construction Permit. The overall review and inspection fee conducted by City Engineering, for those activities, will be \$250.
9. A detailed landscape plan shall be submitted to City Planning for review and approval prior to modifying existing landscaping and/or installing new landscaping.
10. The area from behind the sidewalk to the edge of the right-of-way/property line shall be included in any landscape plan and shall be the responsibility of the property owner to maintain in an appropriate manner. All landscaping shown on the approved landscape plan shall be installed prior to occupancy of any of the new tenant space.
11. A sign permit shall be submitted, reviewed, and approved prior to installation of any sign. All signs shall conform to the Uniform Sign Act found in CDO Sections 14.300 – 14.368.
12. A fence permit shall be submitted, reviewed, and approved prior to installation of any fence/gate.
13. All trash//recycling containers larger than 50 gallons in size are required to be screened to a height of at least 6'.
14. All contractors working on or at the subject property shall maintain a valid City Business License.
15. Building permit submittal shall include a comprehensive code evaluation, drawings, calculations, and specifications for the project. Unless waived by Building Official, all design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such.
16. Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering Divisions. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
17. No work shall commence prior to plan review and issuance of the appropriate building and trade permits; and facility shall not be occupied until a Certificate of Occupancy is issued.
18. Phased construction and/or deferred submittals require approval of the Building Division and submittals for such work shall follow established policy for plan review. No work shall commence prior to review and approval of the associated project phase.

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 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 7 SEPTEMBER 2011

Joe Slaughter
Associate Planner

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