

**CITY OF KLAMATH FALLS  
PLANNING COMMISSION**

**Staff Report  
4-DR-11**

**March 28, 2011**

**I. TITLE**

Request for Approval to Use the Property at 505 North 9<sup>th</sup> Street as an Extension of the Residential Facility, Dragonfly Transitions, Located at 919 High Street.

**II. SUMMARY AND BACKGROUND**

The applicants, Glenn White and Mona Treadway, propose to use the property at 505 North 9<sup>th</sup> Street as an extension of their Residential Facility (Dragonfly Transitions) located at 919 High Street. The new location will be converted into an area for program residents to meet with councilors/therapists. The property will be used exclusively by program residents and will not be open to the public. There will be as many as 5 or 6 employees at the site at a time.

The City of Klamath Falls Community Development Ordinance (CDO) defines a residential facility as: “A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the facility.” The proposed facility will be used only for the treatment and training of residents of the Dragonfly Transitions program; it will not be used for housing the residents. The hours of operation for this facility will be from 8:00 a.m. to 6:00 p.m.

The site plan includes paved on-site parking, the replacement/reconstruction of an existing driveway on N 9<sup>th</sup> Street, landscaping, and the construction of the public sidewalk curb ramp on the corner of N 9<sup>th</sup> Street and Jefferson Street. The subject property is zoned Apartment Residential (A) and the proposed use of the property as a Residential Facility is a permitted use in the A zone.

The property can be found on Assessor’s Map 3809-29DC Tax Lot 13300. The property can also be described as Lot 4, Block 56, Nichols Addition.

**Referring Agency Comments:**

**Planning –**

1. Uses Permitted by Zone: CDO Section 12.05 lists which uses are permitted, conditionally allowed, and prohibited in each of the City zoning types. The proposed use, Residential Facility, is a permitted use in the A zone. This site has not been reviewed or approved for use as an office open to the general public. *The use of this*

*property will be restricted to the use proposed in the application i.e. counseling and training for residents of the Dragonfly Transitions residential facility.*

2. Lot Coverage: CDO Section 12.010 allows for a maximum lot coverage of 60% for A zones. The applicant does not plan to add any new structures or add onto any existing structures at this time. The existing structure has a footprint of approximately 1,539 square feet. The existing structure covers approximately 20% of the 7,800 square foot (65' x 120') subject property.
3. Setbacks: CDO Section 12.010 requires all properties zoned Apartment Residential to have the following minimum setback distances: 20' for front yards, 5' for rear and interior side yards, and 10' for exterior side yards. The applicant does not plan to add any new structures or add onto the existing structure at this time. The existing structure has the following setback distances: Approximately 12' front yard (N 9<sup>th</sup> Street) , approximately 5' exterior side yard (Jefferson Street), approximately 9' rear yard (east), and approximately 71' interior side yard (north). Both the front yard setback and the exterior side yard setback are below the minimums allowed by the CDO. Both of these setback distances are existing conditions and the nonconformity will not be increased or expanded by the proposed change of use.
4. Parking: CDO Section 14.010 requires 1 parking space for every 4 beds for Residential Facilities. The proposed facility will be an extension of the Dragonfly Transitions Residential Facility but it will not be used for living space. The existing structure has approximately 3,300 square feet of usable space. Approximately 2,000 square feet of that area will be used for office/counseling space and the remaining 1,300 square feet will be used for storage. The CDO requires 1 parking space for every 400 square feet of office space and 1 parking space for every 700 square feet of storage area. The total number of parking spaces required for this use is 7. The applicant has stated that there will be no more than 5 to 6 employees at the site at any one time and that program residents will walk to this site from the Residential Facility located at 919 High Street, approximately 2 blocks away.

CDO Section 14.040(3) requires parking spaces along the outer boundaries of a parking area to be contained by a bumper rail or curb at least four inches high and setback a minimum of four feet from the property line. The proposed site plan shows the parking lot being constructed up to the northwest property line. The parking lot will need to be shifted away from the property line a minimum of 4', keeping the 19' parking space depth and a minimum of 24' between the back of the spaces. All parking spaces shall have curbing or wheel stops to prevent vehicles from driving over landscaping or walkways.

CDO Section 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces. The 7 required vehicle parking spaces require a total of 1 bicycle space to be provided for the site. The proposed site plan does not show the placement of bicycle parking spaces.

Parking areas with 1-25 parking spaces require 1 van accessible parking space for people with disabilities. The proposed site plan shows the placement of 1 ADA van accessible space.

*The applicant shall submit a revised site plan to the City Planning Division showing the following additions/modifications:*

- *A minimum of one bike rack to be placed within 50' of the main entrance of the building.*
- *At least 4' between the parking lot and all property boundaries.*
- *Curbing or wheel stops placed in front of all parking spaces.*

*The 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 van accessible space for people with disabilities 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 lot improvements shall be completed prior to occupancy or prior to July 1, 2011, whichever occurs first.*

5. Sidewalks: City Code Enforcement inspected the sidewalks adjacent to the site on N 9<sup>th</sup> Street and Jefferson Street. The sidewalk panels that need to be replaced are marked with white paint. The site plan shows the replacement of the public sidewalk curb ramp on the corner of N 9<sup>th</sup> Street and Jefferson Street. City Code Enforcement will pay to replace this curb ramp if funds are available in the budget.

*The applicant shall replace all portions of the public sidewalk adjacent to the site that are identified as needing to be replaced by Code Enforcement. Replaced portions of the sidewalk shall be constructed to the standards of the City of Klamath Falls Public Works Engineering Standards (CKFPWES) Section 11, Drawing 8-209. Sidewalk replacement shall be coordinated with the Code Enforcement Division to avoid conflicts with replacing the corner curb ramp.*

6. Signs: Approval of this Design Review does not constitute approval of future sign placement or size. All signs shall conform to the uniform sign code found in CDO 14.300-14.368. No signs, including traffic control signs, shall be installed in or painted on the public right of way.

*A sign permit must be reviewed and approved for each sign prior to the placement of any new sign on the property.*

7. Landscaping: CDO Section 14.410(3)(c) requires a minimum of 3% of the space provided for vehicular circulation to be landscaped and in no case shall there be less than 200 sq ft of landscaped area. The site plan shows a total of approximately 3,400 square feet of new asphalt paving to be installed. The total parking and maneuvering area requires a minimum of 102 square feet of landscaped area which is less than the minimum of 200 square feet required by the CDO. The proposed site plan shows approximately 1,200 square feet of new landscaping to be installed. The plan shows the general location of trees and shrubs but it does not provide details about the plants. The 120' of frontage along N 9<sup>th</sup> Street requires a minimum of 3 street trees and the 65' of frontage along Jefferson Street requires a total of 2 street trees. The proposed site plan does not show the placement of any existing or proposed street trees. A detailed landscaping plan was not provided with this application.

*The applicant shall submit a detailed landscaping plan, for review and approval, showing the following details:*

- *All areas devoted to landscaped space shall have a minimum of one tree and two shrubs with at least one tree and two shrubs provided for every 1,000 sq ft of the total landscaped area.*
- *All landscaped areas not covered with trees or other vegetation shall be covered with bark mulch a minimum of 3” deep.*
- *Three street trees along N. 9<sup>th</sup> Street.*
- *Two street trees along Jefferson Street.*
- *A minimum of 50% of the landscaping area shall be covered by vegetation.*
- *All required trees will be a minimum of 2” caliper in size.*
- *Irrigation method.*
- *The species names of all plants.*

*All landscaping shown on the detailed landscaping plan, once approved, shall be installed by the applicant prior to November 1, 2011 and maintained in perpetuity by the property owner.*

8. Fences: All trash/recycling containers larger than 50 gallons in size are required to be screened to a height of at least 6’. A fence permit will need to be submitted to the Planning Division for review and approval prior to construction of a trash enclosure. Approval of this Design Review does not constitute approval of fence/gate placement, materials, or height. *A fence permit shall be submitted, reviewed, and approved prior to installation of any fence/gate.*
9. Validity Period of Approvals: Per CDO Section 11.094 Design Review approvals shall be valid for a period of one year. If substantial site excavation has not begun after one year the approval becomes void. Per CDO Section 11.850 the tentative subdivision plan approval shall be valid for a period of 18 months.

#### Engineering –

1. There are no proposed changes to any existing City water or sewer services to the property shown per this application request. A small site grading and erosion plan will need to be implemented as a part of the improvements being made and shown on the revised site plan. The applicant can refer to the City of Klamath Falls Public Works Engineering Standards (CKFPWES) Section 3 current edition. The Engineering Division Plan Review and Inspection Fee (EDPRIF) is \$250.
2. The applicant did not provide sufficient data to determine if a storm water drainage plan is required for the improvements being made to this site. Private storm water detention will also be determined once the applicant has followed the storm drainage flow chart and submitted their findings to City Engineering. The EDPRIF for a storm water drainage plan is \$600. The local office of the United States Bureau of Reclamation (USBR) is also 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.

3. The EDPRIF for the driveway on No. 9<sup>th</sup> Street is \$75. The site plan is missing the reference to the CKFPWES Section 11, Drawings 8-105 & 8-245.
4. The site plan is not showing sidewalk across the driveway on Jefferson. The revised site plan shall clearly show the existing conditions of the driveway and any proposed improvements required to bring that driveway into compliance with City Code and Engineering Standards.
5. The EDPRIF for the public sidewalk curb ramps at No. 9<sup>th</sup> Street and Jefferson is \$75. The site plan is missing the reference to CKFPWES Section 11, Drawings 8-105 & 8-245.

#### USBR –

In response to the City of Klamath Falls Planning Department’s administrative review request for the subject applicant’s proposal to use the property at 505 North 9<sup>th</sup> Street as an extension of their residential facility (Dragonfly Transitions) located at 919 High Street, the Bureau of Reclamation has reviewed the plans and specifications attached to your request. As the plans and specifications indicate, since the use of the area as a place for program residents to meet with their therapists would have no negative impact on the A-Canal, or any other facilities under Reclamation’s jurisdiction adjacent to or within the construction area, Reclamation has no comments at this time.

However, if the plans were to be revised in any way, we reserve the right to be supplied the additional information for review and approval to determine if there would be any impacts to facilities under Reclamation’s jurisdiction.

#### Building Dept. –

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. Requirements for a design professional may be waived, however, the project is a change of occupancy classification from current use as residential and therefore requires a building permit inspection(s) for suitability of new use.
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.
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.

#### KCFD No1 –

KCFD1 has no objection to the applicant's proposed change of use for the property located at 505 North 9<sup>th</sup> Street provided: a code analysis and any required code upgrade is completed with the necessary permits and inspections from the Klamath County Building Department and the applicant obtains the required Certificate of Occupancy prior to occupy of the building for the stated purpose.

SPOKES: No comments were received.  
Avista: No comments were received.  
Qwest: No comments were received.  
Charter: No comments were received.  
PP&L: No comments were received.

Proponents: No comments were received.  
Opponents: See letters attached.  
- Letter from Mary Dixon  
- Letter from Don Dumbeck  
- Letter from Raymond Miller

### III. 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 11.050 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.*

Facts and Analysis – The comments from Planning and Engineering listed in the Agency Comments section of this report 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 meets the requirements. The application meets many of the requirements of the CDO as submitted and can be made to meet the remainder of the requirements with the conditions listed below.

Proposed Findings – This proposed development has met or will meet all applicable City ordinances with the conditions as outlined. **This criterion is met with conditions.**

*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.*

Facts and Analysis – Portions of the comments from all of the agencies who responded to this proposal (listed in the Agency Comments section of this report) address Criterion 2. All concerns presented by each of the agencies have been addressed in the Conditions section of this report.

Proposed Findings – There is no evidence at this time that there is an inadequate capacity of City facilities for water, sewer, paved access to the development, electricity, storm drainage and adequate transportation. These facilities can and will be provided to and through the

subject property so long as the conditions listed below in the Conditions section are met.  
**This criterion is met with conditions.**

## **CONDITIONS**

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

- 1) The applicant shall submit for review and approval to City Engineering:
  - A small site grading and erosion plan which will need to be implemented as a part of the improvements being made and shown on the revised site plan. The applicant can refer to the City of Klamath Falls Public Works Engineering Standards (CKFPWES) Section 3 current edition for details. The Engineering Division Plan Review and Inspection Fee (EDPRIF) is \$250.
  - A completed storm drainage flowchart which will be used to determine if a storm water drainage plan is required for the improvements being made to this site. Private storm water detention will also be determined. The EDPRIF for a storm water drainage plan is \$600.
- 2) The applicant shall submit a revised site plan (3 copies) to the City Planning Division showing the following additions / modifications:
  - A at least one bike rack to be placed within 50' of the main entrance of the building.
  - At least 4' between the parking lot and all property boundaries.
  - Curbing or wheel stops placed in front of all parking spaces.
  - A reference to the CKFPWES Section 11, Drawings 8-105 & 8-245 for the driveway on N 9<sup>th</sup> Street. The EDPRIF for the driveway on N 9<sup>th</sup> Street is \$75.
  - A sidewalk across the driveway on Jefferson (either existing, to be replaced, or to be constructed). The revised site plan shall clearly show the existing conditions of the driveway and any proposed improvements required to bring that driveway into compliance with City Code and Engineering Standards.
  - A reference to CKFPWES Section 11, Drawings 8-105 & 8-245 for the public sidewalk curb ramp at N 9<sup>th</sup> and Jefferson. The EDPRIF for the public sidewalk curb ramps at No. 9<sup>th</sup> Street and Jefferson is \$75.
  - The portions of the sidewalk to be replaced. Replaced portions of the sidewalk shall be constructed to the standards of CKFPWES Section 11, Drawing 8-209.
- 3) The applicant shall submit a detailed landscaping plan (2 copies), for review and approval, showing the following details:
  - All areas devoted to landscaped space shall have a minimum of one tree and two shrubs with at least one tree and two shrubs provided for every 1,000 sq ft of the total landscaped area.
  - All landscaped areas not covered with trees or other vegetation shall be covered with bark mulch to a minimum depth of 3".

- Three street trees along N. 9<sup>th</sup> Street.
- Two street trees along Jefferson Street.
- A minimum of 50% of the landscaping area shall be covered by vegetation.
- All required trees will be a minimum of 2” caliper in size.
- Irrigation method.
- The species names of all plants.

➤ **General Conditions:**

- 4) The applicant shall replace all portions of the public sidewalk adjacent to the site that have been identified as needing to be replaced by Code Enforcement.
- 5) The use of this property will be restricted to the use proposed in the application; i.e., counseling and training for residents of the Dragonfly Transitions Residential Facility located at 919 High Street.
- 6) The 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, and the van accessible space for people with disabilities 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 lot improvements shall be completed prior to building occupancy or prior to July 1, 2011, whichever occurs first.
- 7) All landscaping shown on the detailed landscaping plan, once approved, shall be installed by the applicant prior to November 1, 2011 and maintained in perpetuity by the property owner.
- 8) All trash/recycling containers larger than 50 gallons in size are required to be screened to a height of at least 6’.
- 9) A fence permit shall be submitted, reviewed, and approved prior to installation of any fence/gate.
- 10) 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. Requirements for a design professional may be waived, however, the project is a change of occupancy classification from current use as residential and therefore requires a building permit inspection(s) for suitability of new use.
- 11) 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).
- 12) No work shall commence prior to plan review and issuance of the appropriate building and trade permits.

- 13) 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.
- 14) All contractors working on this job shall maintain a valid city business license.
- 15) A sign permit must be reviewed and approved for each sign prior to the placement of any new sign on the property. No signs, including traffic control signs, shall be installed in or painted on the public right of way.
- 16) The applicant shall coordinate sidewalk improvements with the City Code Enforcement Division prior to sidewalk replacement.

#### **IV. REQUESTED MOTIONS/ACTIONS**

- Hold a public hearing and take testimony relative to the Criteria
- If desired, motion to modify the Proposed Findings and/or Conditions as stated in the Staff Report based on testimony received
- Motion to accept the Findings and Conditions
- Motion to approve or deny the Design Review based on the approved Findings and Conditions

#### **V. DOCUMENTS ATTACHED**

- Opposition letters from neighbors
- Site Plan
- Vicinity Maps

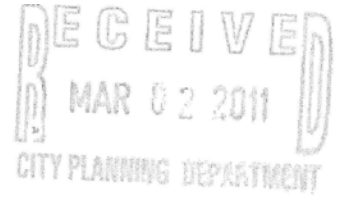
#### **VI. PUBLIC NOTICE**

Notice of this public hearing was mailed to 16 adjacent property owners (100' radius from the property in question) on March 1, 2011 and published in the Herald and News on March 6, 2011. Comments received are attached.

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Joe Slaughter,  
Associate Planner

**Opposition letters from neighbors**



**RE:** Administrative Review  
**Dated:** February 23, 2011  
**File Number:** Design Review 4-DR-11  
**Planner:** Joe Slaughter

March 2, 2011

To the above named addressee:

I am filing this letter in response to the document I was sent regarding the above design proposal at 505 North 9<sup>th</sup> Street. The current owners of this residence, (currently zoned as residential) would convert this location to a residential drug rehabilitation facility, similar to their existing business at 919 High Street. My objections to the construction of this type of business in such close proximity to my own residence are the following:

- 1) The existence of this kind of facility directly across the street from *my* residence will reduce the value of my property, (verified upon consultation with a local realtor).
- 2) The area is zoned residential for several blocks in all directions. In a residential neighborhood such as mine - potential buyers, specifically families, would be disinterested in purchasing a home across from a drug rehabilitation facility.

Based upon these objections I am requesting a public hearing to participate in the review process.

Sincerely,

A handwritten signature in cursive script that reads "Mary Dixon". The signature is written in black ink and is positioned above the typed name and address.

Mary Dixon  
500 North 9<sup>th</sup> Street  
Klamath Falls, Oregon 97601

Re: Design Review 4-DR-11

City of Klamath Falls Planning Department  
236 South 5<sup>th</sup> St.  
P.O. Box 237  
Klamath Falls, OR 97601

To Whom It May Concern:

I disagree with the proposal for the use of the property at 509 North 9<sup>th</sup> St. to be offices. I don't understand how an "area for program residents to meet with therapist" can be considered in a Apartment Residential area. Dragonfly Transitions is a business not just a residential facility. No one will be residing at these offices.

I notice that Dragonfly Transitions is requesting this change. Dragonflyadventures.com lists there offices as 919 High Street They offer a wide variety of services including inpatient and out patient therapy, outdoor adventures and residential short term services. All this is done at a 919 High St., an Apartment Residential zoned location. I have walked by their High Street location many a time. It is congested and there is inadequate parking. Dragonfly Transitions is a large company with offices in an apartment residential area.

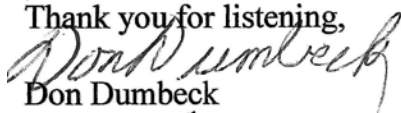
I have talked to counselors, residents, and out patients of the Dragonfly Program. The main offices are at 919 High St. (Not as the business plan shared with the Planning Department states, a building on Pine St.)

Bottom line, Dragonfly is not being completely honest about their business plan and services.

I would like to request that Dragonfly either remove their offices from 919 High St. or request a zoning variance for that location. It is especially a concern that Dragonfly vehicles and employee vehicles are using a large amount of parking in that area. I commonly see around that location 5 to 8 Dragonfly related vehicles. I have also talked to several young people who are out patients receiving services and "visiting" therapists at that location.

I would like to see a public hearing on the 509 North 9<sup>th</sup> St. location. I don't think it is a proper use for a apartment/residential location and I believe that there is inadequate parking.

Thank you for listening,



Don Dumbeck  
332 North 9<sup>th</sup> St.  
Klamath Falls, OR 97601

To whom it may concern,  
As the property owner ( 512 and 514 N9th st ) I strongly oppose the conversion of 509 and 505 N 9<sup>th</sup> to a rehabilitation center for these reasons.

This will decrease the value of my property that has went through a major remodel very recently. Code enforcement officer Rick Bowman can attest to the extent of the remodel of my property

I also feel this would reduce the amount my homes could be rented for.

This part of the city is zoned for residential use only.

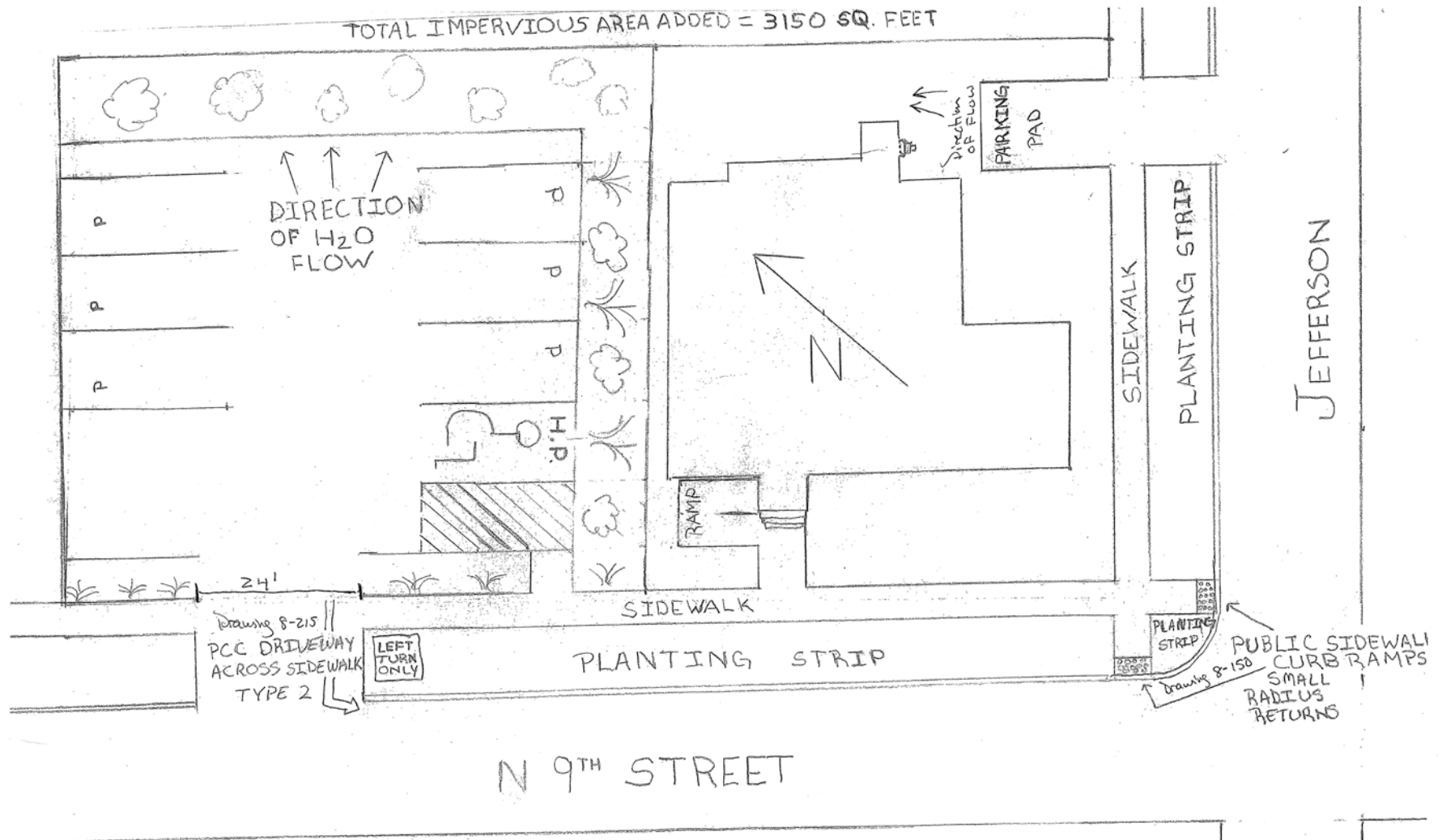
For these reasons I am requesting to have a public hearing to stop the use of this house for a business.

Thank you Raymond Miller  
3730 Homedale Road  
Klamath Falls Or  
541-850-8043

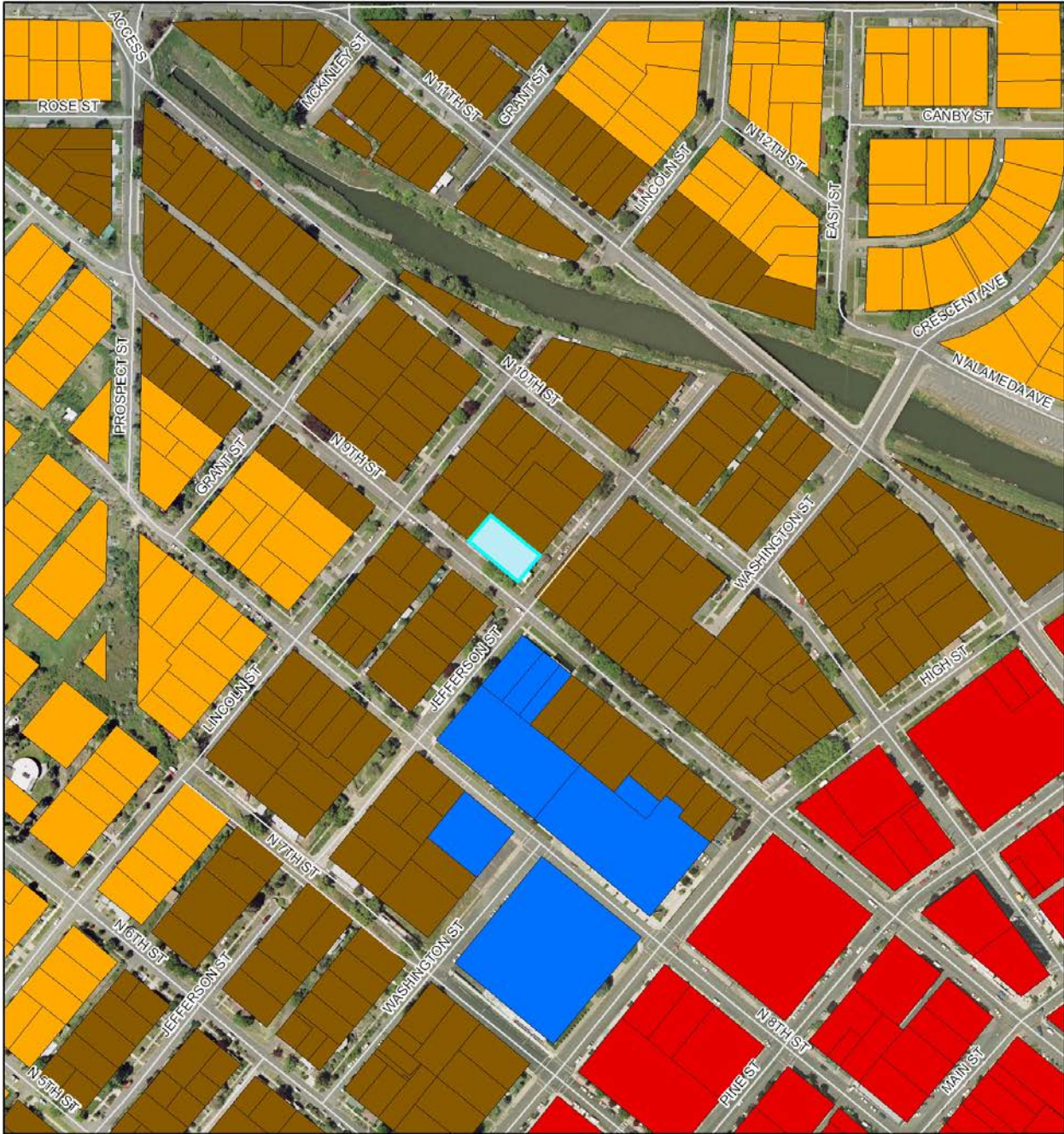
*Raymond Miller* 2-25-11



**Site Plan  
(No Scale)**



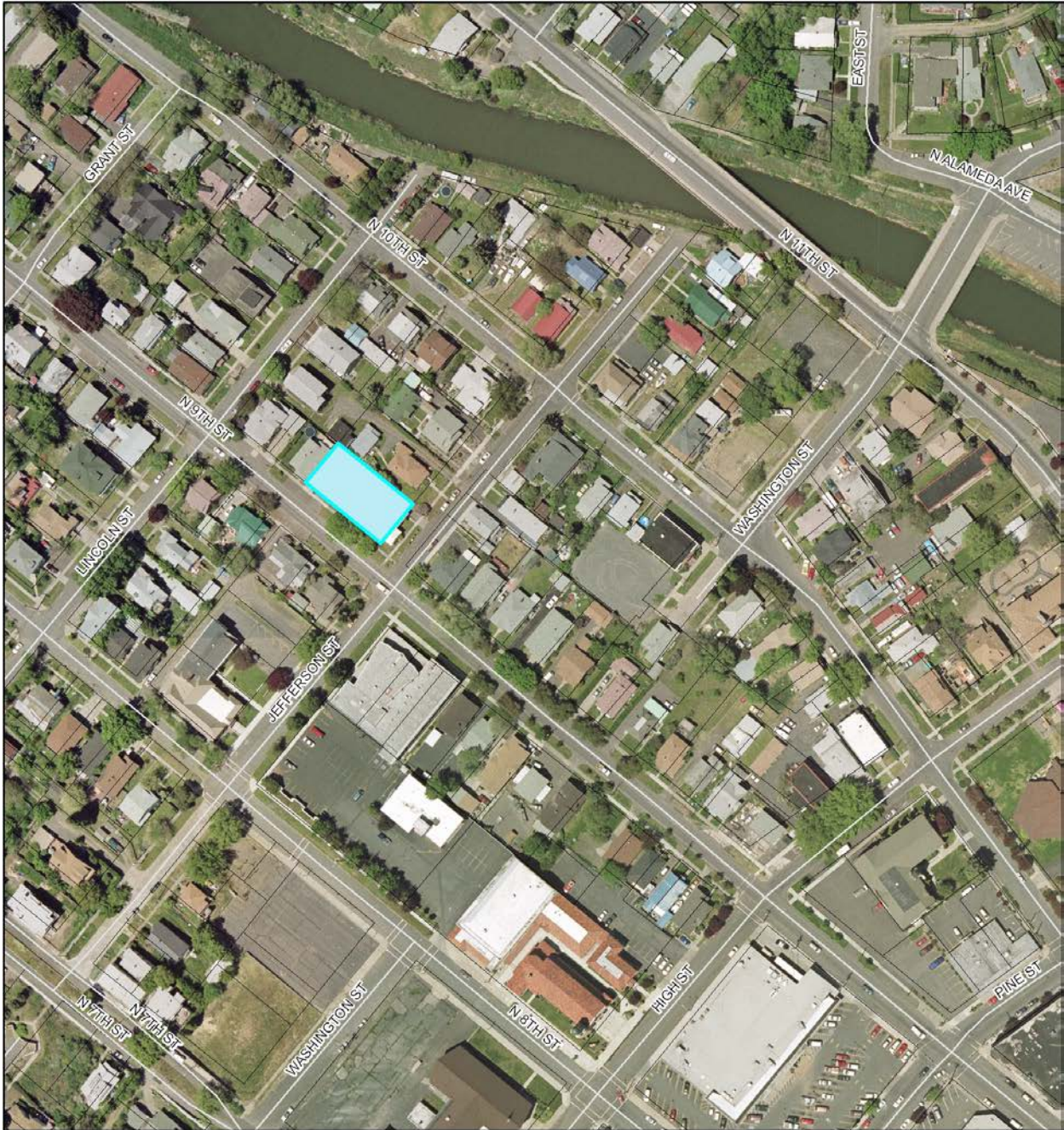
**Vicinity Maps**  
(No Scale)



**Legend**

-  Subject Property
-  Medium Density Residential
-  Apartment Residential
-  General Commercial
-  Public Facility





**Legend**

 Subject Property

