

**CITY OF KLAMATH FALLS  
PLANNING COMMISSION**

**Staff Report  
16-DR-10**

**August 23, 2010**

**I. TITLE**

Request for approval to develop a residential facility to provide care for up to 12 residents on a 6,000 sq ft lot zoned Medium Density Residential (MD)

**II. SUMMARY AND BACKGROUND**

The applicants, Sigimond and Ecaterina Kabi, propose to construct an approximately 1,102 sq ft addition, remove an existing shed, and convert an existing single family home to a Residential Facility. The facility will provide care for up to 12 residents at a time. Staff will be added as residents are added with the maximum number of caregivers per shift being between 2 ½ and 3 when the facility is operating at full capacity. The applicants/owners plan to live at the facility and are included in the total number of caregivers.

The property is located at 2241 Applegate Avenue and can be found on tax assessor's map R-3809-0332DB tax lot 01100. The property is also described as Mills Addition, Block 116, Lot 666. The subject property is zoned Medium Density Residential and the proposed use of the property as a Residential Facility is a permitted use in the existing zone.

The Community Development Ordinance 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 residential facility.

**Referring Agency Comments:**

Planning –

1. Lot Coverage: Community Development Ordinance (CDO) Section 12.010 allows for a maximum lot coverage of 40% for Medium Density zones. The subject property is 6,000 sq ft in size (50' x 120'). The existing home is approximately 1,196 sq ft, and the proposed addition is approximately 1,102 sq ft (plus 100 sq ft for wheelchair ramps); for a total building area of 2,398 sq ft. The existing 200 sq ft (20' x 10') shed will be removed as part of this proposal. The resulting lot coverage will be 40%.
2. Setbacks: Medium Density zoning allows for the following minimum setback distances: 20' front yard, 10' exterior side yard, 5' rear yard, and 5' interior side yard. The existing house and shed have the following setback distances: Approximately 10.5' front (south) (to the front porch), approximately 4' interior side yard (west), approximately 4' interior side yard (east), and approximately 11.5' rear yard (north). Once the shed is removed the east interior side yard setback will be increased to

approximately 16'. The building addition will be constructed approximately 5' from the west property line and approximately 23' from the rear (north) of the property resulting in the following final setback distances: Approximately 10.5' front (south) (to the existing front porch), approximately 4' interior side yard (west) (to the existing portion of the house), approximately 23' rear yard setback (north), and approximately 16' side yard setback (east). Both the front yard setback and the west 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 through the proposed expansion.

3. Parking: CDO Section 14.010 requires 1 parking space for every 4 beds for Residential Facilities. The proposed facility will have a total of 12 beds requiring a total of 3 parking spaces. The proposed site plan shows an existing asphalt driveway but it does not show the location of the three required parking spaces.

*The applicant shall submit a revised site plan showing the following details:*

- *3 parking spaces to be provided*
- *An accessible route from the parking area into the building*

*All required parking shall be provided on improved (concrete or asphalt paved) surfaces. All required parking lot improvements shall be completed prior to occupancy.*

4. 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 is required to have a minimum of 200 sq ft of landscaping. A landscaping plan was not provide with this application.

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

- *A minimum of 200 sq ft of landscaping; and*
- *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; and*
- *all landscaped areas not covered with trees or other vegetation shall be covered with bark mulch; and*
- *a minimum of 50% of the landscaping area shall be covered by vegetation; and*
- *all required trees will be a minimum of 2" caliper in size; and*
- *irrigation method; and*
- *the species names of all plants.*

*All landscaping shown on the detailed landscaping plan, once approved, shall be installed by the applicant prior to October 1, 2010 and maintained in perpetuity by the property owner.*

5. Signs: The site plan does not show the placement of any new signs on the subject property. Approval of this Design Review does not constitute approval of sign

placement, size, or height. *A sign permit shall be submitted, reviewed, and approved prior to installation of any sign.*

6. Fences: The site plan does not show the placement of any new fences on the subject property. Approval of this Design Review does not constitute approval of fence placement, materials, or height. *A fence permit shall be submitted, reviewed, and approved prior to installation of any fence.*

#### Engineering –

1. City water and sewer service: Overall the plans are incomplete for City Engineering to comment on City utility service and any associated System Development Charges (SDC's). The Engineering design/construction plans shall show the location of the existing water meter and indicate if there will be any request to upgrade (increase the size) the water meter. A Fire Hydrant Test Form was completed and submitted to the applicant for fire flow determination. The make and model of the proposed irrigation backflow is required as part of the design review to obtain City approval. The applicant has not submitted the Sewer System Development Charge Calculation Sheet to determine the SDC at this time. The design/construction plans shall show the location of the existing sewer service connection.
2. The sidewalk on Applegate Avenue that is contiguous with this site is out of code compliance and a new Portland Cement Concrete (PCC) sidewalk shall be constructed. The Engineering Division (ED) plan review and inspection for that improvement will be \$75.
3. The existing driveway on site is partially asphalt and gravel. At a minimum the driveway will require asphalt overlay unless the Planning Division determines differently.
4. The Alley adjacent to this site, which is immediately north of the property, is currently dirt. The Alley is partially graveled from Division Street 100 feet (+/-) west. The applicant shall be responsible in grading and rocking (City approved gravel type and thickness) the remainder of the dirt Alley to Martin Street. The ED plan review and inspection for that improvement will be \$75.
5. The grading and erosion for this proposed development is considered a small site. ED grading/erosion plan review and inspection for that work will be \$250.
6. A preliminary review of the proposed impervious areas does not appear to trigger a private storm drainage plan being required.
7. A minimum of four copies of the Engineering design/construction plan set is required for the initial review. The plans shall comply with the City of Klamath Falls Public Works Engineering Standards manual for the Public Works Engineering related areas, along with the Planning Division improvement requirements.
8. A Site Construction Permit (SCP) plan set signed by City Engineering and Planning, an Engineering Division Site Construction Permit (SCP), and the Planning Division Development Permit are required prior to any work commencing on this site. The SCP application can be picked up at the City Engineering office during normal work days and hours between 7:30 Am to 4:30 PM.

#### Building Division –

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.
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.

Fire District # 1 –

“KCFD no1 has no comments for this proposal”

USBR –

“In response to the City of Klamath Falls Planning Departments administrative review request for the subject applicant’s proposal to construct an approximately 1,196 sq ft addition, remove an existing shed, and convert an existing single family home to a Residential Home live in care facility, the Bureau of Reclamation has no comments and/or concerns at this time. There are no Reclamation facilities adjacent to or in the vicinity of the proposed construction site.”

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

### 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 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 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 can and will be provided to and through the subject property given the conditions listed below in the Conditions section. **This Criterion is met with conditions.**

## CONDITIONS

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

1. The Engineering design/construction plans shall show the location of the existing water meter and indicate if there will be any request to upgrade (increase the size of) the water meter. The applicant is responsible for paying the SDC and other costs associated with increasing meter size (if applicable) prior to receiving permits. The make and model of the proposed irrigation backflow is required as part of the design review to obtain City approval.
2. The applicant shall submit the Sewer System Development Charge Calculation Sheet to determine the SDC. The applicant is responsible for paying any SDC prior to receiving permits.
3. The sidewalk on Applegate Avenue that is contiguous with this site is out of code compliance and a new Portland Cement Concrete (PCC) sidewalk shall be constructed. The Engineering Division (ED) plan review and inspection for that improvement will be \$75.
4. The existing driveway on site is partially asphalt and gravel. At a minimum the driveway will require asphalt overlay.
5. The Alley adjacent to this site, which is immediately north of the property, is currently dirt. The Alley is partially graveled from Division Street 100 feet (+/-) west. The applicant is responsible for grading and rocking (City approved gravel type and thickness) the remainder of the dirt Alley to Martin Street. The ED plan review and inspection for that improvement will be \$75.
6. The applicant shall submit a minimum of four copies of the Engineering design/construction plan set to the Engineering Division, showing the details mentioned in the conditions above, for initial review. The plans shall comply with the City of Klamath Falls Public Works Engineering Standards manual for the Public Works Engineering related areas, along with the Planning Division improvement requirements.
7. The applicant shall submit a detailed landscaping plan, for review and approval, showing the following details:

- A minimum of 200 sq ft of landscaping; and
  - 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; and
  - all landscaped areas not covered with trees or other vegetation shall be covered with bark mulch; and
  - a minimum of 50% of the landscaping area shall be covered by vegetation; and
  - all required trees will be a minimum of 2” caliper in size; and
  - irrigation method; and
  - the species names of all plants.
8. The applicant shall submit a revised site plan showing the following details:
- 3 parking spaces to be provided
  - An accessible route from the parking area into the building

➤ **General Conditions:**

9. All required parking shall be provided on improved (concrete or asphalt paved) surfaces. All required parking lot improvements shall be completed prior to occupancy.
10. All landscaping shown on the detailed landscaping plan, once approved, shall be installed by the applicant prior to November 1, 2010 and maintained in perpetuity by the property owner.
11. A sign permit shall be submitted, reviewed, and approved prior to installation of any sign.
12. A fence permit shall be submitted, reviewed, and approved prior to installation of any fence.

➤ **General Comments:**

13. The grading and erosion for this proposed development is considered a small site. ED grading/erosion plan review and inspection for that work will be \$250.
14. A Site Construction Permit (SCP) plan set signed by City Engineering and Planning, an Engineering Division Site Construction Permit (SCP), and the Planning Division Development Permit are required prior to any work commencing on this site. The SCP application can be picked up at the City Engineering office during normal work days and hours between 7:30 Am to 4:30 PM.

**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 the Design Review based on the approved Findings and Conditions

**DOCUMENTS ATTACHED**

- Vicinity Map
- Site Plan
- Hearing Request Letter

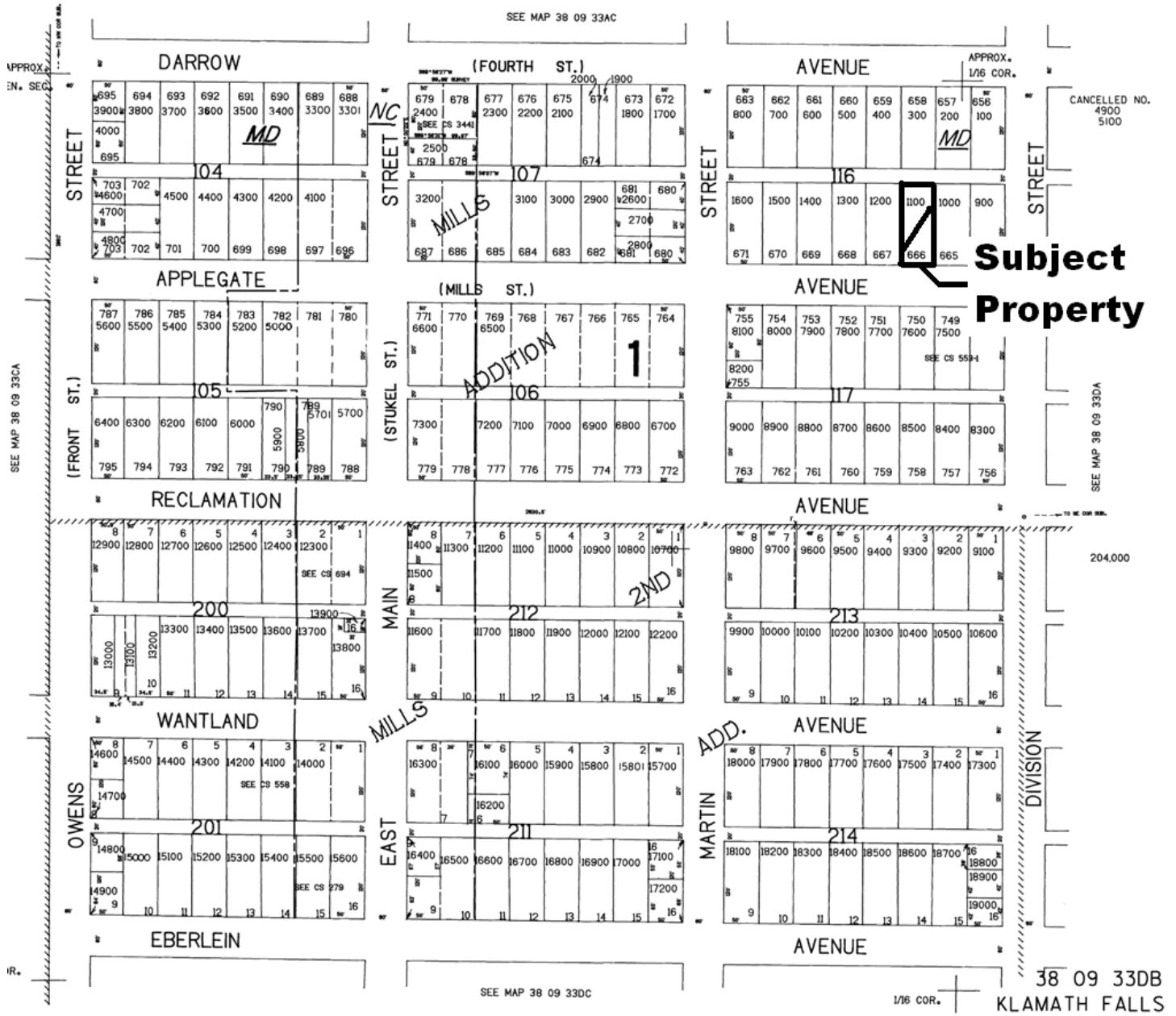
**V. PUBLIC NOTICE**

Notice of this public hearing was mailed to 17 adjacent property owners (100' radius from the property in question) on July 28, 2010 and published in the Herald and News on August 1, 2010. All comments received are attached.

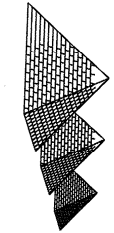
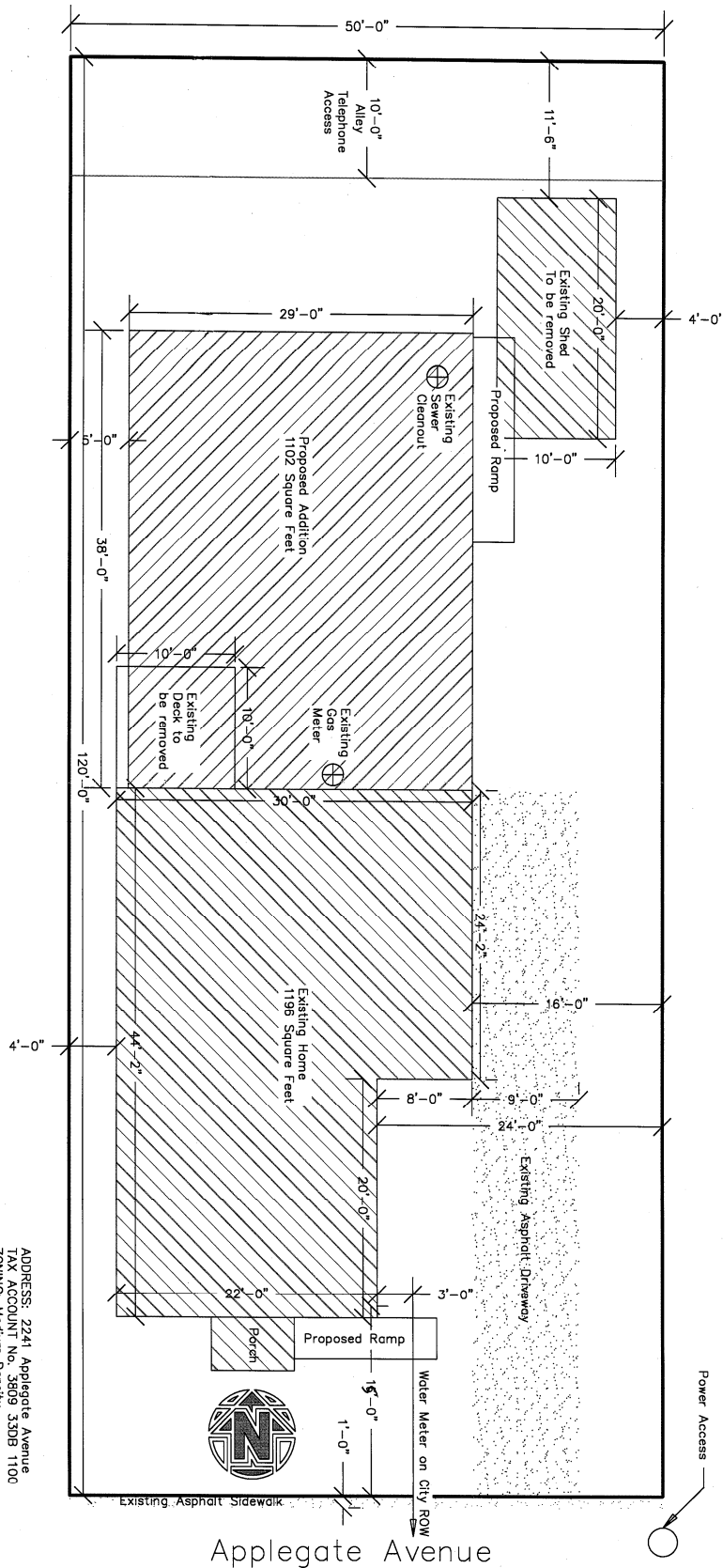
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Joe Slaughter,  
Associate Planner

**Vicinity Map  
(No Scale)**



# Site Plan (No Scale)



**Precision Structural Engineering, Inc.**  
 250 Main Street  
 Klamath Falls, Oregon 97601  
 Phone: (541) 850-6300  
 Fax: (541) 850-6233

Date: 07-15-2010	<b>A-1</b>
Scale: 1/8"=1'-0"	
Project: K.F.206-1308	
Title: Site Plan	

ADDRESS: 2241 Applegate Avenue  
 TAX ACCOUNT No. 3809 330B 1100  
 ZONING: Medium Density  
 PROPERTY AREA: 6000 Sq. Ft.  
 FOOTPRINT AREA:  
 Existing Home: 1196 Sq. Ft.  
 Proposed Addition: 1102 Sq. Ft.  
 Total: 2398 Sq. Ft.  
 LOT COVERAGE: 40% (2398/6000)  
 SET BACKS: 5' Min (all sides)  
 HEIGHT: 14' (28' Max.)  
 Other: green to inst. concrete sidewalk adjacent to Applegate Ave.

**Hearing Request Letter**

*Karen Foster*  
*1420 Pacific Terrace*  
*Klamath Falls, OR 97601*  
*541.884.1696*

July 26, 2010

Mr. Joe Slaughter, Planner  
City of Klamath Falls  
226 S. 5<sup>th</sup> St.  
Klamath Falls, OR 97601

Dear Mr. Slaughter,

I am in receipt of your letter dated July 20, 2010 regarding the administrative review to convert an existing single family home to a Residential Home live-in care facility, located at 2241 Applegate Ave. (File #Design Review 16-DR-10). We also spoke on the phone last week regarding some of my concerns.

I own the property directly across the street (2240 Applegate Ave.), which is presently used as a rental property.

I would like to request a public hearing to voice these numerous concerns.

Thank you for your time and kind assistance.

Respectfully,



Karen Foster  
Owner/Landlord