

**CITY OF KLAMATH FALLS
PLANNING COMMISSION**

**Staff Report
4-Z-10**

September 27, 2010

I. TITLE

Request to rezone approximately 59.27 acres of land from Industrial to Planned Unit Development and make minor changes in the Harbor Isles Planned Unit Development (PUD) Development Standards.

II. SUMMARY AND BACKGROUND

The applicant, the City of Klamath Falls, proposes to rezone approximately 59.27 acres (2,581,801 square feet) of land from Industrial to Harbor Isles Planned Unit Development with the designation of Golf Course, Open Space, and Recreation. The proposed zone change would also correct some minor errors and clarify omissions with the Harbor Isles Planned Unit Development (PUD) Development Standards. The area proposed for rezoning is comprised of portions of several tax lots, but is owned by a single property owner, Jeld-Wen. The property owner consents to the zone change. The property proposed to be rezoned is addressed as 601 Harbor Isles Boulevard. The property to be rezoned can be found on Klamath County Assessor's map R-3809-01900, tax lots 00100 and 00300 and on map R-3809-019BD, tax lot 00100.

The Harbor Isles PUD was created in November 1979, and was amended in November 1983 and then again in October 1994. Proposed modifications to the Harbor Isles PUD Development Standards will correct some existing errors and add the Golf Course, Open Space, and Recreation land use designation to the Development Standards. While the Golf Course, Open Space, and Recreation land use designation is already present on the PUD map, it has never been added to the Development Standards which is problematic when approving a new use or structure. Additions to the standards include defining standards for Golf Course, Open Space, and Recreation, such as permitted uses, building size, building height, and lot coverage.

The proposed zone change would eliminate the non-conformity for the existing recreational uses on the subject property and make the zone more closely match the existing use on the subject property. The property is currently non-conforming according to use in Industrial. If the zone is changed to Harbor Isles PUD the uses on the subject property would be conforming. This proposal does not include any changes or modifications to the subject properties.

Industrial: Industrial (I) zoning requires a 10' setback from all property lines unless the yard abuts a residential zone. If the yard abuts a residential zone a setback of 25 feet is required. The maximum building height in Industrial zones is 45' and the maximum lot coverage is 100% so long as requirements such as parking, setbacks, and landscaping are met. The minimum required lot size for Industrial zones is 5,000 sq ft. Uses allowed in Public Facility zones include: vehicle sales/service/rental, wholesale, adult businesses, athletic clubs, auto repair/maintenance, auto service stations, business offices, hotels/motels, printers/publishers, professional offices, restaurants, veterinary clinics, public utilities, industrial repair/maintenance, storage/warehousing, manufacturing/assembly, and light industrial. Indoor gun firing ranges and churches are allowed with a conditional use permit.

Planned Unit Development: The individual Planned Unit Development (PUD) development plans define requirements such as setbacks, lot coverage, building height, and minimum required lot size. Uses allowed in PUD include all uses designated on the development plan for the particular Planned Unit

Development. Within the Harbor Isles PUD there are four existing district types and three of those district types have existing defined permitted uses. The four districts are single family residential, single family residential zero setback, multiple family residential and condominiums, and golf course, open space, and recreation. The first three zones all have defined permitted uses, but the golf course, open space, and recreation does not have defined permitted uses. All PUDs allow for public facilities and telecommunication facilities with the approval of a conditional use permit.

Referring Agency Comments:

City Engineering:

“There are no proposed changes to any existing City water or sewer services to the properties shown per this application request. 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.”

Klamath County Building Department:

“The County Building Division has no issues or concerns.”

KCFD #1:

“KCFD#1 has no objection to the proposed zone change.”

Basin Transit:

“No comments.”

Department of Land Conservation and Development:

Email on August 24th, 2010: “Per our conversation earlier this morning, the plan amendment as submitted does not make findings consistent with the law, in particular Goal 9 Division 9 referred to below. Please address how this proposal is consistent with your current comprehensive plan and/or EOA, specifically how does this zone conversion from Industrial to PUD affect your employment land supply.

Our recommendations would be to address division 9 provisions and include them in your final adoption document. If you would like to draft something beforehand and send it to us, we would be more than happy to review it.

Also the city indicates that the proposal would also clarify omissions within the Development Standards for the Harbor Isles PUD, but the submittal does not contain these text amendments.”

Email on September 14th, 2010: “The additional information you submitted makes the necessary findings for the Harbor Link Golf Course non-conforming zone change from Industrial to PUD.”

Avista Utilities:	No comments were received.
Charter Communications:	No comments were received.
Pacific Power and Light:	No comments were received.
USBR:	No comments were received.
Qwest:	No comments were received.
City Manager:	No comments were received.
City Attorney:	No comments were received.
Klamath County Surveyor:	No comments were received.
Opponents:	No comments were received.
Proponents:	No comments were received.

III. RELEVANT REVIEW CRITERIA

11.415 Required Findings. Prior to making a recommendation on the proposed change of zone, the Commission shall analyze the following criteria and incorporate such analysis in their decision:

A. Criterion The change of zone is in conformance with the Comprehensive Plan and all other provisions of Chapters 10 to 14 and any applicable street plans.

Staff Response: The following Comprehensive Plan Policies relate to the proposed zone change:

Policy 20: Manage land uses so as to minimize adverse noise effects, especially industrial situations.

The property which the golf course is located on would be an inappropriate location for industrial enterprise as the golf course provides a buffer between existing industrial operations and single family housing to the west.

Policy 124: A wide range of recreational opportunities will be provided for the urban citizens of all ages including the handicapped and elderly.

Golf courses provide recreational opportunities for people of all ages, including people with handicaps and the elderly. Re-zoning the property enables the golf course facilities to expand.

Policy 129: Support for tourist facilities and accommodations will continue.

Re-zoning the subject property from Industrial to Harbor Isles PUD: Golf Course, Open Space, and Recreation enables the golf course and its amenities to expand, which further ensures the property will remain as a golf course. Maintaining and expanding golf course facilities, increases recreational tourism opportunities in Klamath Falls.

Policy 135: The community will create and maintain a diversified system of recreation lands and facilities that meets the recreation needs of all people, conserves energy, and enhances the environmental quality of the community.

The Klamath Basin has a diversified collection of outdoor recreation opportunities. Ensuring that different recreation opportunities continue is important for meeting the recreation needs of different people.

Policy 197: The extent of continuous, impervious paved surfaces will be minimized, and large parking or paved areas will be subdivided with functional planting strips with exposed soil or proper drains.

Re-zoning the subject property ensures that a majority of the subject property remains pervious surface. If the property remains Industrial zoned then at some point in the future a large impervious structure and a large impervious parking lot could be constructed.

Policy 239: Lands designated for industrial use shall be preserved for that use and protected from incompatible uses.

The proposed zone change will cause the zoning of the subject property to more closely match the existing uses of the property. Re-zoning the property from Industrial to Harbor Isles PUD will clarify that this land has been used and will continue to be used as a golf course or other recreation enterprise. The subject property was not considered as redevelopable industrial land during the Goal 9 (Economic Opportunity Analysis (EOA)) study that was recently completed. When reviewing the redevelopable lands, it was determined that the Harbor Links Golf Course would remain and that an industrial use was not appropriate for that site. Figure 27 from the EOA identifies vacant and potentially redevelopable sites in the Klamath Falls UGB. The subject property was not identified in Figure 27, has not been considered as redevelopable, and thus will not affect the employment land supply.

The primary clubhouse structure is approximately 7,650 square feet, the golf cart storage structure is 4,496 square feet, the driving range shed is 887 square feet, and the event tent is 2,400 square feet. There are other small structures on the 59.27 acres that are used as restrooms and pump houses for irrigation; however, these structures are small in scale and are trivial to the calculations. The structures on the subject property total approximately 15,433 square feet or 1% of the 2,581,801 square feet of property. The closest structure walls are approximately 68 feet from the front yard, 72 feet from the eastern interior side yard, 435 feet from the western interior side yard, and 2,100 feet from the rear yard. All structures meet Harbor Isles PUD setback standards.

The property is currently non-conforming according to use in Industrial. If the zone is changed to Harbor Isles PUD the subject property would meet all setback standards and have use conformance.

Modifications to the Development Standards are necessary per Community Development Ordinance Section 12.380. Additions to the Development Standards include defining standards for Golf Course, Open Space, and Recreation, such as permitted uses, building size, building height, and lot coverage.

Proposed Finding: The change of zone is in conformance with the Comprehensive plan and all other provisions of Chapters 10 to 14 and any applicable street plans. The subject property is considered legal non-conforming. Permitting the change of zone would create use conformance for the subject property. **This criterion is met.**

B. Criterion The property affected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning.

Staff Response: The minimum required lot size for Industrial zones is 5,000 square feet. The minimum required lot size for Harbor Isles Planned Unit Development: Golf Course, Open Space, and Recreation is also 5,000 sq ft based on Public Facility zoning, which is the most related zoning type. The subject property is 2,581,801 square feet which is larger than 5,000 sq ft.

The minimum size for a PUD is 5 acres. The subject property exceeds that minimum requirement and would be added to the existing PUD.

Modifications to the Development Standards does not include the addition of minimum required lot size for land use designations as those are thoroughly covered in Community Development Ordinance Section 12.010 Site Standards by Zone. All of the properties currently regulated by the Harbor Isles PUD Development Standards are adequate in size and shape.

Proposed Finding: The property affected by the change of zone is adequate in size and shape to facilitate the uses normally allowed in conjunction with the proposed zoning. **This criterion is met.**

C. Criterion The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.

Staff Response: The proposed rezone property is bordered by the street right-of-way for Harbor Isles Boulevard. The Klamath Falls Urban Area Transportation System Plan (TSP) identifies Harbor Isles Boulevard as a minor collector street.

Modifications to the Development Standards will not affect the relationship of existing property to existing streets. As the findings stated in the previous Harbor Isles PUD amendment from 1994; “Several different routes are available to access the proposed development – potentially distributing traffic onto several streets instead of just one.”

Proposed Finding: The properties affected by the proposed zone change appear to be properly related to streets that adequately serve the type of traffic generated by the uses permitted in the Planned Unit Development zone. **This criterion is met.**

D. Criterion The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof.

Staff Response: Staff has not received any written comments from neighboring property owners regarding the proposed change of zone from Industrial to PUD or regarding the changes to the Development Standards. Any future use of the subject property or any structural modifications to the existing uses will require a review by City Planning. Future reviews will insure that the site is developed appropriately for the proposed use and any potential adverse effect on abutting properties will be diminished.

Proposed Finding: The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof. **This criterion is met.**

IV. REQUESTED MOTIONS/ACTIONS

- Hold a public hearing and take testimony
- Motion to Accept the Proposed Findings as stated in the Staff Report
- Motion to recommend approval of the zone change and modifications to the Development Standards to City Council based on the proposed findings

V. DOCUMENTS ATTACHED

- Map Showing PUD and Industrial Area
- Legal Description Map
- Proposed PUD Map
- Proposed PUD Standards

VI. PUBLIC NOTICE

Notice of this public hearing was mailed to 225 property owners in the Harbor Isles Planned Unit Development and within 500' of the subject properties in question on August 11, 2010 and published in the Herald and News on September 5, 2010. No written comments were received.

Kelly O'Neill,
Planner

Map Showing PUD and Industrial Area
(No Scale)



Legal Description Map



Proposed PUD Map

ORDINANCE EXHIBIT "A"

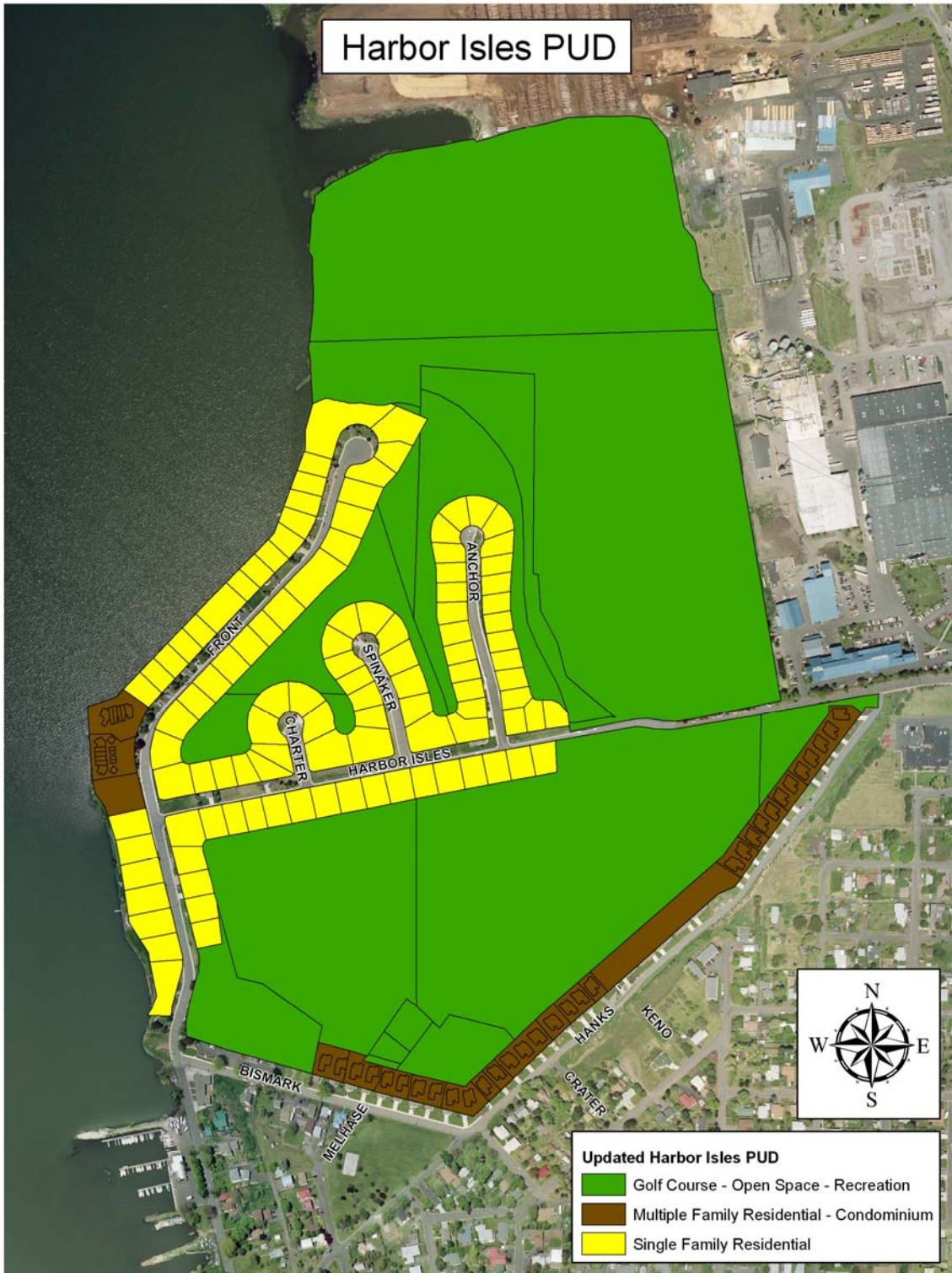


EXHIBIT “B”

DEVELOPMENT STANDARDS

HARBOR ISLES PLANNED UNIT DEVELOPMENT
(Formerly Jeld-Wen Planned Unit Development)

1. PURPOSE: The purpose of the Harbor Isles Planned Unit Development is to provide the citizens of the community, a residential development which allocates land for detached single family homes, multiple family dwellings, condominiums, golf facilities, a water recreational canal system and scenic lake side view. It is further intended that these standards will provide a framework for the review and approval of use permits, restrictive covenants and subdivision maps in the future.
2. LOCATION: The Harbor Isles PUD consists of approximately 108167.27 acres, more specifically described on attached legal description, marked as “Exhibit A” and incorporate herein.
3. LAND USE DESIGNATIONS: Land use designations within the Harbor Isles PUD are outlined as follows and shall be located in conformance with the PUD diagrammatic plan, marked as “Exhibit A” and incorporated herein. All uses shall be conducted in conformance with the applicable sections of the City of Klamath Falls Zoning-Community Development Ordinance, unless otherwise specifically provided herein.

SINGLE FAMILY RESIDENTIAL
SINGLE FAMILY RESIDENTIAL – ZERO SETBACK
MULTIPLE FAMILY RESIDENTIAL (including condominiums)
GOLF COURSE, OPEN SPACE, RECREATION

4. PERMITTED USES: Uses conditionally permitted within the Harbor Isles PUD are as follows:

SINGLE FAMILY RESIDENTIAL & SINGLE FAMILY ZERO SETBACK:

Single family dwelling
Public utilities, including geothermal production & distribution facilities
Residential garage & carport
Noncommercial greenhouse
Home occupation
Storage shed
Noncommercial Sswimming pools

MULTIPLE FAMILY RESIDENTIAL & CONDOMINIUM:

Single family dwellings
Multiple family dwellings
Condominiums
Public utilities, including geothermal production & distribution facilities
Residential garage & carport
Noncommercial greenhouse
Bike paths & pedestrian trails
Storage shed

Noncommercial swimming pool or tennis court
Public building such as fire station, library or museum

GOLF COURSE, OPEN SPACE, RECREATION:

Golf course

Golf course pro-shop and clubhouse

Athletic club

Swimming pools or tennis courts

Restaurant

All uses shall be conducted in accordance with the applicable sections of the [City of Klamath Falls Zoning-Community Development](#) Ordinance in effect at the time of the development. The Planning Commission may permit similar uses provided they are consistent with the intent of these development standards.

5. **BUILDING SIZE:** Specific building size requirements shall include the following:
 - a. **Single Family Residential:** No single family dwelling shall be less than 1,400 square feet for the main structure, exclusive of garages, porches, decks, carports and attached greenhouses. In the Zero Setback Area, no dwelling shall be less than 1,000 square feet for said main structure.
 - b. **Multiple Family Residential:** Each multiple family dwelling unit shall have a minimum of 800 square feet of floor area. No more than eight multiple dwelling units shall be allowed in any one single structure. Condominiums shall have a minimum of 1,000 square feet ~~or of~~ floor area per unit.
 - c. **Golf Course, Open Space, Recreation: Buildings shall be clustered together to preserve large uninterrupted areas of open space.**

6. **BUILDING HEIGHT:** No building shall exceed a height of two stories or 28 feet. The following structures or structural parts are not subject to the provisions of this section:

Fire and hose towers and other exceptions as may be allowed by the Planning Commission.

Notwithstanding the above dimensional requirements, no structure or use shall encroach upon or restrict an adjacent structure's or use's access to incident solar energy.

7. **LOT COVERAGE:** Buildings shall not occupy more than the following ~~per-centums~~ **percentages** of lot areas in the following use categories:
 - a. Single Family Residential – 30%
(including Zero Setback Area)
 - b. Multiple Residential – 50%
(including Condominium)
 - c. **Golf Course, Open Space, Recreation – 10%**

8. **BUILDING SETBACKS:** Building setbacks shall comply with the applicable section of the City of Klamath Falls Zoning-Community Development Ordinance in effect at the time of application for a building permit. Provided however, in the Zero Setback Area, one side yard may be zero, provided the remaining side yard is at least fifteen **(15)** feet and provided further there is maintained a minimum of **fifteen (15)** feet from existing structures. Also, a ten **(10)** foot front yard setback is allowed in the Multiple Family Residential Condominiums land use area, when adjacent to a street constructed to private standards and as long as a **twenty (20)** foot setback remains between the street and the face of the garage, except on Hanks Street, between Scott and Crater Streets.
9. **TEMPORARY STRUCTURES:** No structure of a temporary nature, basement, tent, shack, garage, carport, barn or other outbuildings, shall be used on any lot at any time as a residence, either temporary or permanently. ~~and no old structure shall be moved or placed onto any of said lots.~~
10. **PARKING:** All uses shall provide off street parking in accordance with ~~Article 13, of the~~ City of Klamath Falls Zoning-Community Development Ordinance or such requirements that may be in effect at the time of the application for a Conditional Use Permit for the phase of development being considered. All off street parking areas shall be adequately lighted. Diagrammatic lighting plans shall be submitted with all permit applications.

In Multiple Family Residential land use area, landscaping for parking lots will be required as follows:

- a. Where the provision of off street parking for five **(5) to nineteen (19) or more** vehicles on a given lot is required, the following shall apply:
 1. Parking lots shall have landscaped islands at the ends of parking rows to facilitate movement of traffic and to break large areas of parking ~~space surface~~.
 2. A minimum of ~~three-five (5)~~ **(5)** percent of space provided for vehicular circulations such as driveways, driveway easements or open parking spaces shall be interrupted by a landscaped break. The minimum dimensions of landscape shall cover a surface area of at least ~~one square yard-forty (40) square feet~~ and the landscaping shall be protected ~~from vehicular damages~~ by some form of wheel guard. There shall be at least one tree and two shrubs in each separate landscape area.
- b. Where the provision of off street parking for **twenty (20)** or more vehicles on a given lot is required, there shall be landscaped open space within the perimeter of the parking area or areas, in the minimum amount of **twelve (12)** square feet for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space. The landscaped open space need not be contiguous. There shall be at least one tree and two shrubs in each separate landscape area.

When parking areas project into the front yard, the remaining yard shall be landscaped to provide partial screening of the parking area. When parking areas project into exterior side yards, the remaining yard and the setback area shall be landscaped to provide partial screening of the parking areas. Landscaping shall include plantings and ~~bushes shrubs~~ not to exceed 30 inches in height. Tree limbs in said planting area shall have a clearance of eight feet above grade. Landscaping in such yards shall include trees placed not less than one approved street tree for each **fifty (50)** feet of street frontage.

Diagrammatic landscaping plans for parking areas shall be submitted with all Conditional Use Permit applications for the above noted land use areas.

11. PEDESTRIAN CIRCULATIONS: All uses shall provide adequate pedestrian walk ways in order to ~~afford~~ provide convenience and safe ~~pedestrian~~ pedestrian circulation. Sidewalks shall be constructed as deemed necessary by the Planning Commission.
12. SCREENING: Any exterior storage or refuse areas, utility buildings and structures and similar accessory structures shall be screened by appropriate fences or walls, constructed with materials which are complimentary to adjacent buildings, to a height of not less than five feet nor more than six feet as measured from finished grade to the highest structural component of the fence or wall.
13. UTILITIES: All electric, telephone and other utility lines shall be constructed underground.
14. SIGNS: For Single Family Residential, Single Family Residential with Zero Setback, and Multiple Family Residential No no commercial sign may be displayed to the public view from any parcel, except a "For Sale", "For Rent", a home occupation sign as defined in the Community Development Ordinance, or one used by a builder to advertise that property during the construction and sales period. No sign shall be larger than five (5) square feet, other than that furnished by the subdividers or their agents. One ~~nonecommercial~~ sign will be permitted for each building site. Text shall be limited to the owner's name and/or the name of the residence. Overall dimensions shall be the minimum required to present the text in letters not exceeding four inches (4") in height.
For Golf Course, Open Space, and Recreation the standards shall be as defined in the Community Development Ordinance Chapter 14 for Neighborhood Commercial zoning.
15. EROSION CONTROL: All areas exceeding 5% slope denuded of vegetation shall be mulched or landscaped with pervious material to the approval of the ~~Department of~~ Department of Public Works Department.
16. FENCES AND WALLS: No fences or walls used as fences shall be erected or maintained on any lot or property line within the front setback areas, except around outdoor storage areas or carports. No fence or wall used as a fence on any portion of property shall exceed a maximum height of six feet (6'), at any point. All fencing must match or be compatible with the exterior finish of the structure.
- ~~17. MINOR PARTITION: When contiguous ownership boundaries are not consistent with lot lines, the owners may treat the ownership boundaries as if they were lot lines as long as said act does not create any substandard lots and as long as the owners comply with all other aspects to the property development standards.~~
- ~~18~~17. PUD AMENDMENTS: The PUD, including its diagrammatic plan and this text, may be amended in accordance with ~~Article 11A of the~~ City of Klamath Falls Zoning Community Development Ordinance or with the comparable provisions of any zoning ordinance in existence at the time of the amendment.
- ~~19~~18. MAINTENANCE OF DOCKS & FRONTAGE: This item shall be the responsibility of the homeowners association ~~to be organized~~.

2019. PUBLIC ACCESS TO SHORELINE: The PUD shall include and provide for access by the general public to the shoreline of Upper Klamath Lake at **a** designated point in accordance with such dedications as may be required by the City during plat approval and in accordance with such conditions as may be imposed by the City pursuant to Conditional Use Permit Applications.