

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **3-DR-11**

Jeld-Wen Inc.
3250 Lakeport Boulevard
Klamath Falls, OR 97601

Rhine-Cross Group LLC
ATTN: Marc Cross
112 North 5th Street, Suite 200
Klamath Falls, OR 97601

Date: March 14, 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 and landowner Jeld-Wen Inc., proposes to use an existing 2,400 square foot tent to hold special events. While the event tent has existed since April of 1999, the tent never received land use approval before installation. The recent rezoning of the subject property from Industrial to Harbor Isles Planned Unit Development: Golf Course, Open Space, and Recreation allows for the event tent to receive proper land use approval as a permitted use. The site currently has three other structures (excluding golf course pump houses and outhouses) that total approximately 13,033 square feet. The structures house a restaurant, bar, golf pro-shop, locker room, powered golf cart storage area, and a landscaping equipment storage area for maintenance of the golf course. The subject property is approximately 59.27 acres. Harbor Links Golf Course has an address of 601 Harbor Isles Boulevard. The property can be found on Assessor's Map R-3909-01900 tax lot 00300. The property is zoned Harbor Isles Planned Unit Development.

AGENCY COMMENTS

Planning:

1. **Setback & Lot Coverage:** Harbor Isles Planned Unit Development (PUD) zoning with a land use designation of Golf Course, Open Space, and Recreation allows for 10% lot coverage for the entire land use designation area, independent of ownership. The subject property has approximately 15,433 square feet of structures (not including golf course pump houses and outhouses). Adding the existing Harbor Isles Tennis and Fitness Club structure that is 43,125 square feet, the entire land use designation of Golf Course, Open Space, and Recreation has 58,558 square feet of structure. The total footprint of 58,558 square feet of structures covers 1% of the approximately 115.25 acres (5,020,290 square feet) of the entire land use designation of Golf Course, Open Space, and Recreation. **The structures are conforming for lot coverage.**

The PUD states that setback standards shall adhere to Community Development Ordinance (CDO) requirements. Since the land use designation of Golf Course, Open Space, and Recreation is not described in the CDO there are no applicable setback requirements. **All four existing structures are conforming for setback requirements.**

2. **Building Height:** The maximum allowed building height in Harbor Isles PUD is 28 feet. **The peak building height for the tent is 20 feet.** The existing buildings on site vary in height, but no building appears to exceed 28 feet in height.
3. **Parking:** The Harbor Links Golf Course currently has 72 parking spaces in the primary parking lot and another 32 parking spaces in a separate overflow parking area for a total of 104 parking spaces. The Harbor Isles PUD Development Standards states that all parking shall adhere to CDO requirements. CDO Section 14.010 requires 1 off street parking space for every 700 square feet of storage, 1 off street parking space for every 100 feet of restaurant, and 1 off street parking space for every 400 feet of office. The CDO does not have parking space requirements that relate to golf course use or area. Including the event tent the subject property has approximately 7,183 square feet of storage, approximately 6,400 square feet of restaurant, and approximately 1,850 square feet of office (a small portion of which is retail). The storage areas require 11 parking spaces, the restaurant areas require 64 parking spaces, and the office area requires 5 parking spaces. **The entire subject site requires 80 parking spaces.**

The subject site has an additional 24 parking spaces within the overflow parking area across Harbor Isles Boulevard. The additional parking spaces should remain for when the golf course, event tent, and restaurant/bar are at full capacity simultaneously. **The site plan shall be amended to show the number of overflow parking spaces.**

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

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

Access Aisles: CDO 14.040(4) requires that access aisles which provide one-way traffic shall be a minimum of 15 feet in width and access aisles which provide two-way traffic shall be a minimum of 24 feet in width. The primary parking lot is for one-way traffic and has an access aisle width that is approximately 25 feet in width. The overflow parking area is for two-way traffic and has an access aisle width that is approximately 24 feet in width.

Parking for people with disabilities: CDO 14.010(2) requires 1 parking space for people with disabilities for every 25 parking spaces. Parking spaces for people with disabilities shall be at least 9' wide by 19' in length. Since the subject property has 104 parking spaces, 5 parking spaces for people with disabilities is required. **The subject property currently has 3 parking spaces for people with disabilities, but shall add 2 additional spaces. The site plan shall be amended to show 5 parking spaces for people with disabilities.** CDO 14.010(2)(b) requires that parking spaces for people with disabilities be located closest to the nearest accessible entrance.

CDO 14.010(2) a. requires that one in every eight accessible spaces, but no less than one space, shall be van accessible. Van accessible spaces shall have an access aisle at least 8' wide and 19' long. **Since the property shall have 5 parking spaces for people with disabilities, 1 of those spaces shall be van accessible.** Per ORS 447.233(2)d. the access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.

Bicycle parking: CDO 14.046(1) requires a minimum of 1 bicycle space for every 12 required vehicle parking spaces and CDO 14.046(2) requires the bicycle parking facility to be located no further than 50 feet from a public entrance. CDO 14.047(4) requires that the bicycle rack(s) be anchored to the ground. **Based on 80 parking spaces, the applicant shall provide 7 bicycle spaces.** The bicycle rack(s) shall not interfere with ADA access.

The approved vehicle parking layout shall be striped according to a parking plan approved by the Planning Division, with four inch-wide painted lines. Wheel stops or curbing shall be installed (CDO 14.040(3)) to prevent vehicles from driving over landscaping, unpaved areas, and sidewalks, and the ADA van accessible space shall be constructed to meet all requirements of the Oregon Department of Transportation Disabled Parking Standards for width, location, striping and signage.

4. **Access and Driveways:** There are three existing driveways at this site. The primary parking area eastern driveway is approximately 50 feet in width, the primary parking area western driveway is approximately 158 feet in width, and the overflow parking driveway is approximately 34 feet in width. City Code Section 8.570 does not allow driveways to exceed 24 feet in width for commercial uses. The applicant would like the driveways to remain at the existing widths as the site was designed when Harbor Isles Boulevard was a private street and City Code driveway width standards were not applicable. **The applicant shall submit an administrative variance request addressed to the Public Works Director and Community Development Director to keep the existing driveways at 50 feet, 158 feet, and 34 feet in width. The applicant shall modify the driveways to the specifications as listed in the administrative variance findings; however, if no modifications are required per the administrative variance findings then the driveways shall remain as is. Any proposed driveways shall conform to the City of Klamath Falls Code 8.570 for width and number of driveways, and to section 8-5.3.8 of the City of Klamath Falls Public Works Engineering Standards (CKFPWES) current edition for location and design criteria.**
5. **Sidewalks:** CKFPWES requires that sidewalks or curb ramps are installed in any areas within the City right-of-way adjacent to this site that are missing sidewalks or public sidewalk curb ramps (ADA ramps). The primary parking area is accessible by an asphalt walking path from the east and from the west. The two asphalt paths are connected via an asphalt area that is separated from vehicles at the northern edge of the primary parking area. To the south of Harbor Isles Boulevard there is a concrete sidewalk that traverses the entire length of the subject site. **The applicant does not have to install any additional sidewalks or paths as the pedestrian pathways are adequate.**
6. **Landscaping:** CDO 14.405(6) requires mulch consisting of wood chips, bark, or similar organic materials, to be installed and maintained no less than three inches in depth within the drip-line of required trees. CDO 14.405(3) requires that a minimum of one tree be planted for every 50 feet of frontage along each street. The subject golf course site has approximately 834 feet of street frontage to the north of Harbor Isles Boulevard and approximately 1,264 feet of street frontage to the south of Harbor Isles Boulevard. The 834 feet of frontage requires the planting of 17 street trees and the 1,264 feet of frontage requires the planting of 26 street trees. **Trees shall be approved trees from the City Street Tree List and shall be planted within 10 feet of the curb per CDO 14.405(2). The applicant shall install additional street trees as required and amend the site plan to show the placement of all the required trees.**

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

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

footage or the landscaping square footage information, the 3% requirement appears to be satisfied.

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

The site plan does not show an irrigation method; however, the subject site is a golf course with more than adequate irrigation. **The applicant shall install and maintain the required landscaping as part of this Design Review. This requires that any existing lawn areas shall be brought into compliance or replaced. This also requires that all weeds and grasses that exceed 8 inches in height shall be removed.**

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

The subject property contains a 6 foot high chain link fence with dark brown slats that borders the eastern side of the subject property. The existing chain link fence was approved on July 26, 2006 through Fence Permit 114-F-06. Approval of this Design Review does not constitute approval of future fence placement. **A fence permit (no fee) must be submitted, reviewed, and approved prior to installation of any fence, including fences screening the trash and recycle.**

8. **Signs:** At least a 5 foot setback is required for any proposed freestanding signs. Proposed signs shall not be located within the street right-of-way of Harbor Isles Boulevard nor within the required sign setbacks. The Harbor Isles PUD Development Standards state that all sign standards for Golf Course, Open Space, and Recreation shall adhere to CDO Chapter 14 Neighborhood Commercial zoning requirements. Neighborhood Commercial zoning allows for properties to have an unlimited number of freestanding signs so as long as they are spaced 175 feet apart along the street frontage. Within Neighborhood Commercial the maximum free-standing sign square footage allowed is 32 square feet. The subject site has one small conforming incidental wall sign that says 'Pro Shop' and an exempt window sign due to its small size that says 'Nibbley's On The Green'. The subject site also has two free-standing 'Harbor Links Golf Course' signs that measure approximately 30 square feet each and are at least 300 feet apart from one another. According to staff approximations, it appears the westernmost sign at the east side of the 158 foot driveway is partially within the Harbor Isles Boulevard 60 foot right-of-way. The sign at the easternmost driveway may be entirely within the street right-of-way. **The site plan shall be amended to show the location of the existing free-standing signs in relationship to the property lines, or the applicant shall remove the existing free-standing signs. Once the sign locations can be accurately determined the appropriate review process and findings shall be followed.**

The two vinyl 'Nibbley's Restaurant and Bar Open' signs placed on top of the free-standing signs are not permitted. The vinyl signs are temporary in nature, and the CDO only allows one temporary sign per business license holder for a period of 30 days in a calendar year. **The applicant shall remove the temporary vinyl signs. A sign permit (\$25) must be submitted, reviewed, and approved prior to the installation or change of any signs.**

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: 1) We recommend that

the applicant obtain an administrative variance for the two existing driveways that do not comply with City code pertaining to driveway width and, 2) Further recommend that a sidewalk be constructed across the frontage of this site from the east side of the “Entrance” driveway, shown on the site plan, west to the existing sidewalk on the east side of the bridge. A City Engineering Site Construction Permit will be required for the construction of the sidewalk on the north side of Harbor Isles Boulevard (\$75 fee).”

Building Department:

“No issues or concerns identified.”

KCFD#1:

“The existing tent does not meet current code. However, I discussed the deficiencies with the County Building Official and our Operations Chief and we will not require any upgrades given that it is pre-existing non-conforming structure.”

Basin Transit:

“No comments.”

USBR:

“In response to the City of Klamath Falls Planning Department’s administrative review request for the subject applicant’s proposal to use an existing 2,400 square foot tent to hold special events, 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 tent as a place to hold special events will have no negative effects on Upper Klamath Lake, 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.”

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

DECISION

After consideration of all staff, agency and citizen comments, and reviewing various data, the application is **approved** as presented subject to the following conditions:

CONDITIONS

1) Conditions prior to obtaining a Development Permit:

- a) The applicant shall submit a revised site plan to City Planning for review and approval showing the following:
 - Number of parking spaces in the overflow parking area

- Access aisle widths for both parking areas
 - The two additional parking spaces for people with disabilities
 - Driveway widths for all three driveways
 - Location and species of current and additional street trees to be planted
 - Location of existing free-standing signs
- b) The applicant shall obtain approval for the existing non-conforming free-standing signs to remain –OR– remove the signs prior to May 1, 2011.
- c) The applicant shall remove the temporary vinyl signs prior to May 1, 2011.
- d) The applicant shall either obtain approval from the Public Works and Community Development Directors for the three non-conforming driveways to remain (through the administrative variance process) –OR– bring the driveways into compliance by September 1, 2011. The driveways are out of compliance according to City Ordinance 8.570(2). City Engineering has a \$75 plan review and inspection fee for driveway reconstruction, if applicable. The applicant’s engineering consultant and contractor can refer to City Engineering Drawings 8-100, 8-210 and 8-245. These shall be referenced on the updated site plan drawing, if applicable.

2) **General Conditions:**

- a) All contractors working on this job shall maintain a valid city business license.
- b) The applicant shall modify the existing driveways to the specifications as listed in the administrative variance findings by the date as listed and City Engineering Drawings 8-100, 8-210 and 8-245. If no modifications are required per the administrative variance findings then this condition is null and void.
- c) The applicant shall install additional trees to satisfy that 17 street trees are installed to the north of Harbor Isles Boulevard and 26 street trees are installed to the south of Harbor Isles Boulevard. The street trees shall be from the approved street tree list and shall be installed prior to September 1, 2011.
- d) The applicant shall submit for review and approval a fence permit (no fee) prior to installation of any fence or any stand alone trash enclosure.
- e) The applicant shall modify the existing permanent free-standing signs to the specifications as listed in the applicable findings. If no modifications are required per the findings then this condition is null and void.
- f) The applicant shall submit for review and approval, a sign permit prior to the installation of any signs.

This **Design Review** has met the condition and scope of the City of Klamath Falls Comprehensive Plan, acknowledged by the Oregon State Land and Conservation Development Commission on May 31, 1984. In doing so, this **Design Review** does address the appropriate policies encompassed in the Comprehensive Plan.

APPLICANTS ARE ADVISED THAT THIS DECISION IS FINAL AS OF THE DATE OF MAILING THIS DECISION (MARCH 14, 2011), UNLESS WRITTEN APPEAL AND A \$200 APPEAL FEE IS FILED WITH THE CITY PLANNING DEPARTMENT WITHIN 12 DAYS OF THE DATE OF MAILING.

DATED THIS 14TH OF MARCH 2011.

Kelly O'Neill
Planner

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