



**Oregon**

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



**NOTICE OF ADOPTED AMENDMENT**

12/17/2010

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** City of Klamath Falls Plan Amendment  
DLCD File Number 007-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Wednesday, December 29, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Kelly O'Neill, City of Klamath Falls  
Gloria Gardiner, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Urban Planner  
Thomas Hogue, DLCD Regional Representative  
Jon Jinings, DLCD Regional Representative

<paa> YA

FORM **2**

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person  electronic  mailed

**DEPT OF**

**DEC 10 2010**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **City of Klamath Falls**

Local file number: **4-Z-10**

Date of Adoption: **12/07/10**

Date Mailed: **12/08/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **YES** Date: **08/11/10**

- |  |   |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> New Land Use Regulation           | <input type="checkbox"/> Other:                           |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

**The applicant, City of Klamath Falls, rezoned the front nine holes of the Harbor Links Golf Course, driving range, and clubhouse facilities which are approximately 59.27 acres, from Industrial (I) to Harbor Isles Planned Unit Development (PUD). The zone change also corrected some minor errors and clarified omissions within the Development Standards for the Harbor Isles PUD. These changes eliminated the non-conformity of the golf course.**

Does the Adoption differ from proposal? **NO**

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **Public Facility (PF)**

to: **Neighborhood Commercial (NC)**

Location: **East of Upper Klamath Lake, north of Hanks Street, west of JELD-WEN Corporate**

Acres Involved: **59.27 acres**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                           | <b>11</b>                           | <b>12</b>                | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

**DLCD file No.** 007-10 (18462) [16446]



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

**Avista Gas, Basin Transit Service, Charter Communications, Klamath County Building Department, Klamath County Surveyor, Klamath County Fire District #1, Pacific Power & Light, Qwest, USBR, City of Klamath Falls**

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Local Contact: **Kelly O'Neill**

Phone: **(541) 883-5360** Extension: **369**

Address: **226 S. 5<sup>th</sup> Street**

Fax Number: **541-883-5390**

City: **Klamath Falls**

Zip: **97601**

E-mail Address: **koneill@ci.klamath-falls.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **[larry.french@state.or.us](mailto:larry.french@state.or.us)**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **[larry.french@state.or.us](mailto:larry.french@state.or.us)** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

**A SPECIAL ORDINANCE REZONING APPROXIMATELY 59.27 ACRES OF LAND FROM INDUSTRIAL TO PLANNED UNIT DEVELOPMENT AND AMENDING THE HARBOR ISLES PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN DEVELOPMENT STANDARDS**

**WHEREAS**, the applicant, City of Klamath Falls, submitted a written proposal for zone change for 59.27 acres of real property; the acreage is hereafter described in Section 1 and shown on Exhibit A; and

**WHEREAS**, the real property in the written proposal is land within the Harbor Isles Planned Unit Development (PUD), and is proposed to have the land use designation of "Golf Course, Open Space, and Recreation" as shown on Exhibit B; and

**WHEREAS**, the written proposal includes the adoption of minor changes in the Harbor Isles Planned Unit Development (PUD) Master Plan Development Standards as shown on Exhibit C; and

**WHEREAS**, the zone change and the amendment to the Master Plan must follow the procedures and requirements of Sections 11.400 to 11.440 and Section 12.375 of the Community Development Ordinance; and

**WHEREAS**, the Community Development Director determined that the documents listed in Section 12.375 of the Community Development Ordinance were not necessary to determine that the proposed Amendments to the Harbor Isles Planned Unit Development are in compliance with the requirements set forth in the Community Development Ordinance; and

**WHEREAS**, the Planning Commission held a public hearing on September 27, 2010, pursuant to applicable laws, at which time all evidence relevant to said proposed zone change and amendments to the Harbor Isles PUD Master Plan Development Standards was considered by the Planning Commission; and

**WHEREAS**, hearing notices were duly given and the City Council held a public hearing on November 15, 2010, on the recommendation of and including the record of the Planning Commission concerning the zone change and amendments to the Harbor Isles PUD Master Plan Development Standards; and

**WHEREAS**, pursuant to such record and hearing the City Council has determined the zone change and amendment to the Harbor Isles PUD Master Plan Development Standards to be in compliance with the Community Development Ordinance and the Comprehensive Plan; and

**WHEREAS**, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit D; NOW, THEREFORE,

**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**

**Section 1**

The zoning designation for one parcel of property (totaling approximately 59.27 acres) as shown on the map attached hereto as Exhibit A, and legally described below, is hereby changed from Industrial to Planned Unit Development with a land use designation of "Golf Course, Open Space, and Recreation."

LEGAL DESCRIPTION:

A parcel of land in Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at point on the north right of way line of Harbor Isles Boulevard, said point being the intersection of said north line and the southerly extension of the west line of Parcel 3, Land Partition No. 12-08, according to the official plat thereof on file in the office of the Klamath County Clerk; thence North 09°34'39" West, 1432.74 feet, to the northwest corner of said Parcel 3; thence continuing North 09°34'39" West, 158.53'; thence North 35°57'36" West, 79.22 feet; thence North 09°01'35" West, 107.59 feet; thence North 23°13'11" West, 46.40 feet; thence North 36°34'07" West, 56.40 feet; thence North 10°16'39" West, 346.70 feet; thence North 44°32'28" West, 104.51 feet; thence North 83°55'31" West, 75.90 feet; thence South 87°27'22" West, 241.59 feet; thence South 77°28'31" West, 187.47 feet; thence South 71°02'46" West, 195.37 feet; thence North 56°07'31" West, 19.48 feet to the high water line of Klamath Lake; thence, along said high water line the following twenty-five (25) courses, South 77°55'23" West, 85.73 feet; thence South 80°24'08" West, 150.54 feet; thence South 76°52'23" West, 84.56 feet; thence South 61°39'54" West, 59.37 feet; thence South 68°29'31" West, 95.36 feet; thence South 62°27'48" West, 104.88 feet; thence South 52°48'42" West, 44.70 feet; thence South 01°54'40" West, 67.58 feet; thence South 19°50'42" West, 19.71 feet; thence South 04°17'02" East, 28.61 feet; thence South 04°56'42" West, 70.51 feet; thence South 02°18'55" West, 35.94 feet; thence South 36°41'48" East, 25.61 feet; thence South 13°00'23" East, 22.37 feet; thence South 03°31'30" West, 54.87 feet; thence South 00°35'53" West, 32.53 feet; thence South 14°02'59" East, 10.90 feet; thence South 03°26'13" West, 39.72 feet; thence South 07°46'19" East, 31.79 feet; thence South 07°22'13" West, 35.79 feet; thence South 26°17'36" East, 9.96 feet; thence South 12°48'43" West, 31.21 feet; thence South 09°42'32" West, 53.31 feet; thence South 05°52'27" West, 54.24 feet; thence South 00°32'15" East, 72.33 feet; thence South 04°04'21" East, 153.04 feet to the north line of Block 1, Harbor Isles - Tract 1209; thence North 63°44'56" East, 51.75 feet to the northwest corner of Lot 19, said Block 1; thence North 85°44'25" East, 139.16 feet to the northwest corner of Lot 20, said Block 1; thence South 76°48'08" East, 139.12 feet to the northwest corner of Lot 21, said Block 1; thence South 68°10'19" East, 128.15 feet to the most easterly corner of said Lot 21; thence North 00°00'00" East, 117.90 feet across the waterway to a point on the northerly high water line; thence, along said high water line the following fifteen (15) courses, South 73°36'45" East, 7.80 feet; thence North 75°08'08" East, 9.84 feet; thence South 67°55'22" East, 42.17 feet; thence South 62°39'41" East, 99.81 feet; thence South 53°53'33" East, 75.45 feet; thence South 39°52'38" East, 98.97 feet; thence South 38°11'40" East, 83.21 feet; thence South 25°51'11" East, 92.08 feet; thence South 14°09'56" East, 64.78 feet; thence South 14°00'21" East, 46.87 feet; thence South 08°44'04" East, 27.76 feet; thence South 03°38'23" East, 56.08 feet; thence South 23°18'25" East, 14.02 feet; thence South 03°34'53" West, 134.47 feet; thence South 00°04'37" West, 142.52 feet to a point of non-tangential curvature; thence along the arc of a 575.79 foot radius curve to the left, through a central angle of 34°03'41" (the long chord of which bears South 26°06'55" East, 337.28 feet) an arc distance of 342.30 feet to a point on said high water line at the intersection with the northerly extension of the easterly line of Lot 97, 4th Addition to Harbor Isles - Tract 1347; thence South 11°15'55" East, 184.73 feet along said extension and easterly line of Lot 97, to a point on the north line of Harbor Isles Boulevard; thence, along the north right of way line of Harbor Isles Boulevard, the following three (3) courses North 78°44'05" East, 209.45 feet to a point of non-tangential curvature; thence along the arc of a 254.96 foot radius curve to the right, through a central angle of 23°30'04" (the long chord of which bears South 89°32'04" East, 103.85 feet) an arc distance of 104.58 feet to a point of compound curvature; thence along the arc of a 225.00 foot radius curve to the left, through a central angle of 23°26'23" (the long chord of which bears South 89°30'20" East, 91.41 feet) an arc distance of 92.05 feet; thence North 78°46'29" East, 393.48 feet to the point of beginning.

The above described parcel contains 59.27 acres, more or less.

The property 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.

**Section 2**

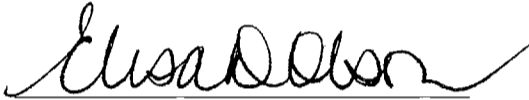
The Harbor Isles Planned Unit Development (PUD) Master Plan Development Standards are hereby amended as shown on Exhibit C.

Passed by the Council of the City of Klamath Falls, Oregon, the 6<sup>th</sup> day of December, 2010.

Presented to the Mayor, approved and signed this 7<sup>th</sup> day of December, 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

STATE OF OREGON            }  
COUNTY OF KLAMATH    }ss.  
CITY OF KLAMATH FALLS  }

I, Elisa D. Olson, Recorder (~~Deputy Recorder~~) for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon at the meeting on the 6<sup>th</sup> day of December, 2010 and therefore approved and signed by the Mayor and attested by the City Recorder.

  
\_\_\_\_\_  
City Recorder (~~Deputy Recorder~~)



Exhibit A  
Legal Description Map





Exhibit B  
Proposed PUD Map





**Exhibit C**

**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 **167.27** acres, more specifically described on attached PUD Map, marked as "Exhibit B" 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 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** swimming pools

**MULTIPLE FAMILY RESIDENTIAL & CONDOMINIUM:**

Single family dwellings  
Multiple family dwellings  
Condominiums  
Public utilities, including geothermal production & distribution facilities  
Residential garage & carport  
Noncommercial greenhouse  
  
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 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 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 **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% for entire land use designation area, independent of ownership**
  
8. **BUILDING SETBACKS:** Building setbacks shall comply with the applicable section of the **City of Klamath Falls 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.
10. **PARKING:** All uses shall provide off street parking in accordance with the **City of Klamath Falls 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)** 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 **surface**.
  2. A minimum of **five (5)** percent of space provided for vehicular circulation 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 **forty (40) square feet** and the landscaping shall be protected 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 **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 **provide** convenience and safe **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 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 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 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. **PUD AMENDMENTS:** The PUD, including its diagrammatic plan and this text, may be amended in accordance with the City of Klamath Falls Community Development Ordinance or with the comparable provisions of any zoning ordinance in existence at the time of the amendment.
18. **MAINTENANCE OF DOCKS & FRONTAGE:** This item shall be the responsibility of the homeowners association.
19. **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.



**Exhibit D**  
**FINDINGS**

**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 Harbor Isles PUD Master Plan Development Standards are necessary to correct some minor errors and clarify omissions. These modifications will amend Development Standards that have not been updated since 1994. 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 Harbor Isles PUD Master Plan 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 Harbor Isles PUD Master Plan 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.**

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