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ORDINANCE NO. 22-14

10/06/2022 03:15:36 PM

Fee: \$172.00

**A SPECIAL ORDINANCE REZONING PARCEL 1 OF LAND PARTITION 38-10
AND A PORTION OF PARCEL 1 OF LAND PARTITION 39-10 FROM THE SF TO MD
RIDGEWATER PLANNED UNIT DEVELOPMENT (PUD) ZONING DESIGNATION;
AND REZONING LOTS 1 THROUGH 33 OF TRACT 1506, THE TIMBERS, PHASE 1
FROM THE MD TO SF RIDGEWATER PUD ZONING DESIGNATION;
AND THE MODIFICATION OF THE RIDGEWATER PUD DEVELOPMENT
STANDARDS TO INCLUDE THE 'SINGLE FAMILY RESIDENTIAL AND THE
TIMBERS' DEVELOPMENT DESIGNATION**

WHEREAS, there has been submitted to the City of Klamath Falls a written request for a change of zone of certain real property, which property is hereinafter depicted and described;

WHEREAS, there has been submitted to the City of Klamath Falls a written request for a modification to the Ridgewater PUD Development Standard, of which modification is hereinafter described;

WHEREAS, a public hearing was held on August 22, 2022 pursuant to applicable laws, at which time all evidence with reference to said proposed change of zone and development standard modification was considered by the Planning Commission;

WHEREAS, the City Council, hearing notices having been duly given, held a public hearing on September 19, 2022, on the recommendation of and including the summary record of the Planning Commission concerning the change of zone and development standard modification;

WHEREAS, pursuant to such record and hearing, the City Council has determined the zone change and development standard modification to be in compliance with the Community Development Ordinance (CDO) and to have met the criteria of the Urban Area Comprehensive Plan (Comprehensive Plan);

WHEREAS, the City Council adopted the Recommended Findings of the Planning Commission, attached hereto and incorporated by this reference as Exhibit C; and NOW THEREFORE,

THE CITY OF KLAMATH FALLS HEREBY ORDAINS AS FOLLOWS:

The zoning designation of Parcel 1 of Land Partition 38-10 is hereby changed from Ridgewater Planned Unit Development – Single Family Residential to Ridgewater Planned Unit Development – Medium Density Residential.

The zoning designation of a portion of Parcel 1 of Land Partition 39-10, as shown and described on the map and description attached hereto as Exhibit A, is hereby changed from Ridgewater Planned Unit Development – Single Family Residential to Ridgewater Planned Unit Development – Medium Density Residential.

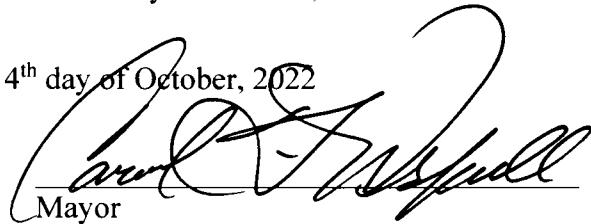
The zoning designation of Lots 1 – 33 of Tract 1506, The Timbers, Phase 1, is hereby changed from Ridgewater Planned Unit Development – Medium Density Residential to Ridgewater Planned Unit Development – Single Family Residential

The Ridgewater Planned Unit Development Standards are hereby modified as attached hereto as Exhibit B to create a new development standard designation titled Single Family Residential, The Timbers. The new Single Family Residential, The Timbers development standard designation is hereby applied to Lots 1 – 33 of Tract 1506, The Timbers, Phase 1.

This Ordinance shall become effective 30 days from enactment

Passed by the Council of the City of Klamath Falls this 3rd day of October, 2022

Presented to the Mayor, approved and signed this 4th day of October, 2022



Mayor

ATTEST:



City Recorder

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

I, _____, City Recorder for the City of Klamath Falls, Oregon do hereby verify 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 3rd day of October, 2022 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder

Ordinance Exhibit "A"

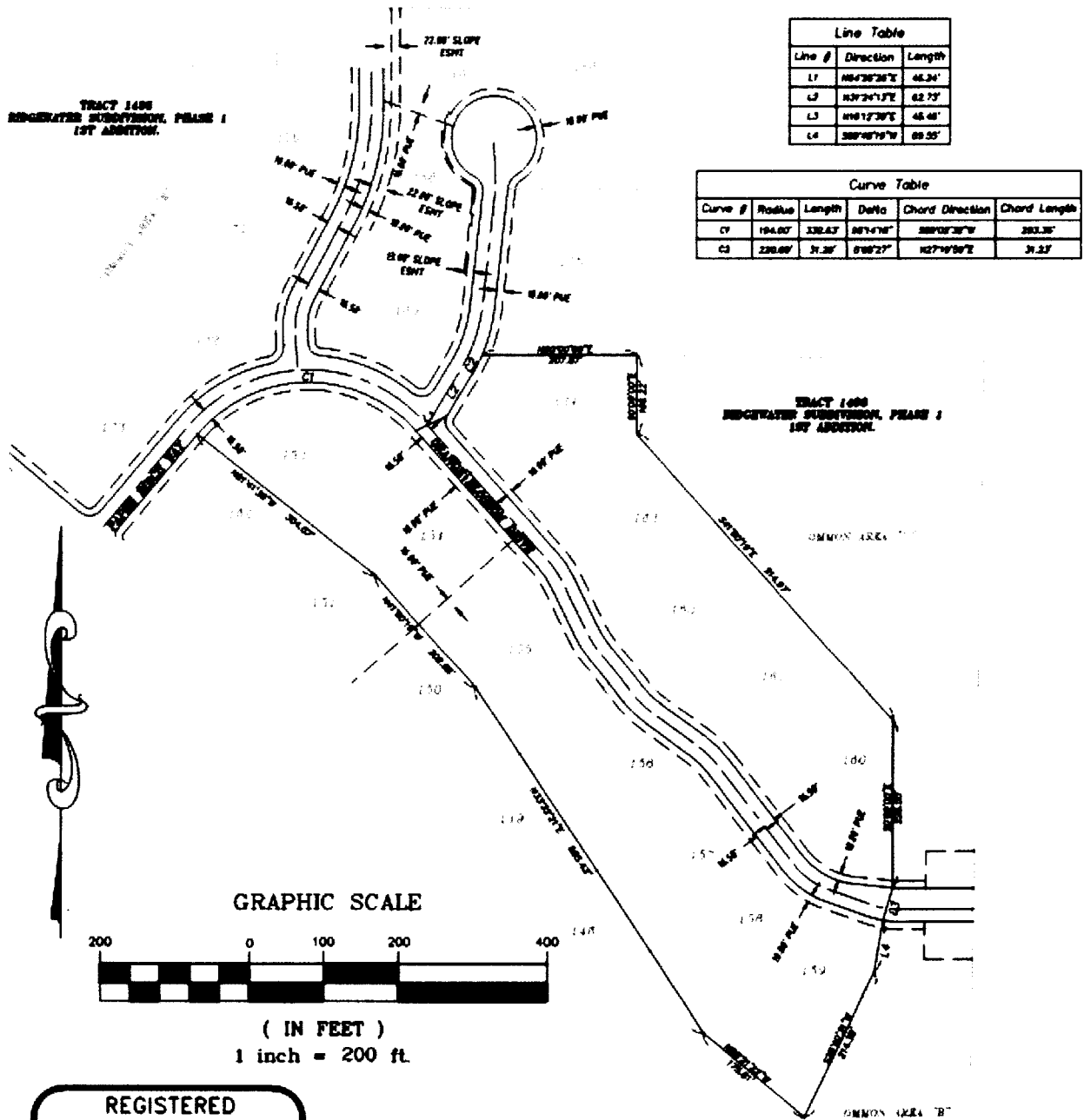
Description and Map - A portion of Parcel 1 of Land Partition 39-10

A Parcel of land situated in the SE1/4 NW1/4 of Section 36, Township 38 South, Range 08 East of the Willamette Meridian and being Parcel 1 of Land Partition 39-10, as recorded in the Klamath County Clerk's Office in Klamath County Oregon, being more particularly described as follows:

Beginning at the Northerly 5/8" iron rod of lot 152 of "Tract 1496, Ridgewater Subdivision, Phase 1, 1st Addition", as recorded in the Klamath County Clerk's Office; thence along the South right-of-way line of Paper Birch Way, along an arc of a 194.00 foot radius curve to the right, through a central angle of 98°14'18" (the long chord of which bears North 89°02'32" East, 293.36 feet) an arc distance of 332.63 feet; thence leaving said right-of-way, North 64°26'26" East, 46.24 feet to the Easterly right-of-way line of Noble Fir Court; thence along said right-of-way, North 31°24'13" East, 62.73 feet; thence along an arc of a 220.00 foot radius curve to the left, through a central angle of 8°08'27" (the long chord of which bears North 27°19'59" East, 31.23 feet) an arc distance of 31.26 feet; thence leaving said right-of-way, North 90°00'00" East, 207.87 feet, to the East line of said Land Partition; thence along the East line of said Land Partition, South 00°00'00" East, 106.22 feet; thence leaving said East line, along the Northeasterly line of said Land Partition, South 41°50'19" East, 514.97 feet, to the Easterly line of said Land Partition; thence along said Easterly line, South 00°00'00" East, 225.00 feet, to the North right-of-way line of Orange Blossom Drive, South 16°12'39" West, 45.46 feet, to the South right-of-way line of Orange Blossom Drive; thence leaving said right-of-way, South 09°48'19" West, 69.55 feet; thence South 25°40'31" West, 214.35 feet, to the Southerly line of said Land Partition; thence leaving said Easterly line, along the Southerly line of said Land Partition, following the next four courses, North 50°21'22" West, 175.61 feet; thence North 33°32'21" West, 555.43 feet; thence North 41°50'19" West, 202.86 feet; thence North 51°41'38" 304.07 feet, to the True Point of Beginning.

Basis of Bearing is Land Partition 39-10
Containing 9.55 acres, more or less

Ordinance Exhibit "A" (continued)
Description and Map - A portion of Parcel 1 of Land Partition 39-10



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Marcus D. Cross

**OREGON
JULY 6, 2010
MARCUS D. CROSS
55506PLS**

RENEWS. 12-31-2023

**R-C
GROUP**

RHINE-CROSS GROUP, LLC

ENGINEERING - SURVEYING - PLANNING
112 N 5th ST - SUITE 200 - P.O. BOX 909
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Ordinance Exhibit “B”
Ridgewater PUD Development Standards

| | SINGLE FAMILY RESIDENTIAL | <u>PROPOSED NEW CATEGORY</u> SINGLE FAMILY RESIDENTIAL “THE TIMBERS” | MEDIUM DENSITY | COMMERCIAL |
|--------------------------------|--|---|---------------------------|-----------------------|
| Roof Height | 28’ | 35’ | 45’ | 45’ |
| Max. enclosed area | 35% | 40% | 100% | 100% |
| Min. square footage | 2,000 sq ft | 1,000 sq ft | 1,000 sq ft | 1,000 sq ft |
| Front/Rear Setbacks | 25’ | 10 ft front/5 ft rear | 10 ft front/5 ft rear | 10 ft front/5 ft rear |
| Side Setbacks | 10’ | 5’ | 0 | 0 |
| Minimum Lot size | 22,000 sq ft | 7,000 sq ft | 2,500 sq ft | 2,500 sq ft |
| Parking Min | Min. 2, Max 8 | 2 spaces per unit | 2 spaces per unit | 1 space per 200 sq ft |
| RESIDENTIAL | | | | |
| Single Family Detached | P | P | P | |
| Duplex | | P | P | |
| Tri Plex | | | P | |
| Four Plex | | | P | |
| Apartment | | | | |
| Manufactured Home | | | | |
| Prefabricated Home | | | | |
| Accessory (private use) | | | | |
| Boat Facilities | | | | |
| Fence | | | | |
| Carport | | | P | |
| Garage | P | P | P | P |
| Greenhouse | P | P | | |
| Parking Lot | | | P | P |
| Playhouse | | | | |
| Satellite Dishes | P | P | P | P |
| Signs | | | P | P |
| Storage Shed | P | P | P | P |
| Swimming Pool | P | P | P | P |
| Tennis Court | | | P | P |
| TRADE | | | | |

| | | | | |
|------------------------|---|---|---|---|
| Antique Store | | | | |
| Retail Indoor | | | | P |
| Retail Outdoor | | | | P |
| Resale/Thrift store | | | | |
| Vehicle sales | | | | |
| Service rentals | | | | P |
| Wholesale | | | | |
| SERVICES | | | | |
| Adult business | | | | |
| Athletic Club | | | P | P |
| Auto repair/maint | | | | |
| Auto service station | | | | |
| Bed & Breakfast | | | | |
| Business office | | | | P |
| Childcare facility | | | | P |
| Child treatment ctr. | | | | |
| Gun firing range | | | | |
| Hotel/Motel | | | | |
| Personal services | | | | P |
| Printers/Publishers | | | | |
| Private school | | | | P |
| Professional office | | | | P |
| Residential facility | | | | |
| Restaurant | | | | P |
| Meeting Space | | | | P |
| RV Space | | | | |
| Telecomm Facility | | | | P |
| Veterinary Clinic | | | | |
| PUBLIC USE | | | | |
| Cemetery | | | | |
| Church | | | | |
| Crematory | | | | |
| Government office | | | | |
| Hospital | | | | |
| Fraternal Lodge | | | | |
| Mortuary | | | | |
| Parks and Rec Facility | P | P | P | P |
| Public Utilities | P | P | P | P |
| School | | | | P |
| INDUSTRIAL | | | | |
| Repair/Maintenance | | | | |
| Storage/warehousing | | | P | P |
| Manufacturing/assembly | | | | |

| | | | | |
|------------------|--|--|--|--|
| Light Industrial | | | | |
|------------------|--|--|--|--|

Ordinance Exhibit “C”
Approval Criteria and Findings

The application under review, 2-Z-22, is a request for a Zone Change and modification to an approved Planned Unit Development (PUD). The criteria for a Zone Change are contained in both the Urban Area Comprehensive Plan (Comprehensive Plan) and CDO Chapter 11, Article 7 (Change of Zone), CDO Chapter 12, Article 12 (Planned Unit Development), and more specifically CDO Sections 11.400-11.435 and 12.360-12.395.

Urban Area Comprehensive Plan Review Criteria

1. Procedural Requirements:

- a. The Department of Land Conservation and Development (DLCD) shall receive notification at least 35 days in advance of the first planning commission hearing for a zone change application in accordance with ORS 197.610 et seq. Post-Acknowledgment Procedures.*
- b. If a wetland is located on the subject property, the Department of State Lands shall be notified of the zone change proposal pursuant to ORS 227.030 Notice of proposed wetland development and ORS 215.418(5) Approval of development on wetlands, notice.*
- c. Local public notice for quasi-judicial map amendments shall be provided as set forth in ORS 197.763 Conduct of local quasi-judicial public hearings; notice requirements – and in relevant sections of the Klamath County LDC or the Klamath Falls CDO, depending on the location of the proposed zone change.*

Discussion

- a. Notice of the zone change request was provided to DLCD on July 14, 2022.
- b. Inventoried wetlands are not located on the subject property.
- c. Local public notice has been issued per State and local regulations. Notice to all property owners within 500’ of the subject lots and/or parcels under zone change consideration was mailed on August 5, 2022.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria for Procedural Requirements have been satisfied. **This criterion is met.**

2. Public Need:

To address Statewide Planning Goals 9 (Economic Development), 10 (Housing) and 11 (Public Facilities and Services), the applicant must demonstrate public need for the zone change by considering applicable relevant Volume II background studies and/or Volume III facility master plans as indicated below.

- a. For small-scale zone changes in developed areas: The proposal must result in a more logical and coherent land use pattern, as determined by the review authority.*
- b. For a zone change that would decrease the supply of buildable residential land: If the proposal would rezone buildable land (as defined in the Residential BLI) from a residential zone to a non-residential zone, or result in decreased residential densities, then the HNA found in Volume II: Background Plans and Studies must be consulted to*

ensure that the rezone does not result in a shortage of buildable land for a needed housing type. This analysis is necessary to demonstrate compliance with Statewide Planning Goal 10: Housing. For example, if there is a documented shortage in the supply of High-Density Residential land in the Urban Area, then the proposed zone change cannot make this shortage worse. To compensate for the loss of land for needed housing, other Urban Area land may be rezoned for comparable residential use, so as to result in “no net loss” of buildable land for the needed housing type.

- c. For a zone change that would increase the supply of suitable commercial or industrial land: the proposal must meet a need for a targeted employment opportunity identified in the Economic Opportunities Analysis (EOA) using the medium growth scenario. The EOA is found in Volume II: Background Plans and Studies. Alternatively, the review body may rely on a written commitment to purchase the subject property for a specific employment opportunity to justify the need for an industrial zone change proposal.*
- d. For a Public Facilities rezone proposal: The property in question must be owned by a public or non-profit corporation and the project should be referenced in the relevant facility master plan found in Volume III: Facility Master Plans.*

Discussion

- a. The subject properties are currently zoned Single Family Residential (SF) and Medium Density Residential (MD) within the Ridgewater PUD. Locations 1 and 3 (see Locator Map) are currently zoned SF and proposed for rezone to MD. Location 2 is currently zoned MD and proposed for rezone to SF. Each of the locations can be considered a cluster area within the broader Ridgewater PUD. Location 1 is on a closed-loop road, and it is logical for the area to have its own zoning designation as it not bordered by any other residential zoning but rather by designated open space within the PUD. Location 2 is similarly clustered on its own and has been developed exclusively with single family residences to-date which is in-line with the requested zone change. All property surrounding Location 3 is presently undeveloped and Location 3 is along the eastern boundary of the Ridgewater PUD, bordered by designated open space and the Southview PUD. The current and proposed zoning mix within the Ridgewater PUD is somewhat unique (which is expected of a PUD) and not typical of other City neighborhoods that have largely been platted and developed in more grid or block-like fashions. Staff determines the requested zone change areas to be logical and coherent given Ridgewater’s looped and curved road systems, the large areas of designation open space separation, and the individual cluster settings of each area.
- b. The requested zone change would neither increase nor decrease the available supply of residential land. All land is currently zoned residential and is to remain within the residential category. The applicant has requested re-zones from SF to MD and from MD to SF in what is being described as a lot for lot zone transfer pending subdivision approval. As Location 2 is presently developed solely with single-family residences though zoned MD, re-zoning undeveloped lands in Locations 1 and 3 from SF to MD could in theory allow for the construction of additional housing units and types. The 2019 Klamath Falls Housing Needs Analysis (HNA) documented land surpluses within all residential zone categories. The smallest land surplus by a wide margin was however within Apartment Residential (A) zoning which the proposed re-zone to MD closely aligns with. As the acreage requested for rezone to MD exceeds the acreage requested for

rezone to SF, a greater number of multifamily units could in theory be constructed within the residential land category with the lowest available supply.

- c. Not applicable – not commercial or industrial zoning.
- d. Not applicable – not public facility zoning.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria for Public Need has been satisfied. **This criterion is met.**

3. Purpose

The proposed zone change shall be consistent with the purpose of and uses allowed by the proposed zone.

Discussion

The proposed zone change is consistent with the purpose of and uses allowed by the proposed zone change. Both SF and MD zoning were previously approved and presently exist within the Ridgewater PUD and the remainder of the City (A small variation is requested to). Low and medium density residential zones are typical. Per the applicant, the proposal is a balanced lot-lot exchange in zoning and therefore meets this criterion with no loss in either SF or MD zoning. The proposal consists of 66+/- prior approved lots, the applicant is requesting an exchange between the 33+/- residential lots be rezoned Medium Density and 33+/- lots rezoned Single Family Residential resulting in no gain or loss of buildable lots. Note, no subdivision is presently requested for Location 3 and any future subdivision request will require separate application and approval. The proposed lot configuration for Location 1 follows original subdivision approvals. All future uses within Locations 1, 2, and 3 will be subject to development review and be required to comply with their applicable zoning designations and CDO standards.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Purpose, has been satisfied. **This criterion is met.**

4. Transportation

The subject property is properly related to transportation facilities to adequately serve the range of uses allowed in conjunction with such zoning and is consistent with the Urban Area Transportation System Plan. The proposed rezone must also meet Transportation Planning Rule (TPR) OAR 660-012-0060 requirements. To demonstrate compliance with the TPR, the applicant may be required to submit a Traffic Impact Study that meets local and Oregon Department of Transportation requirements. The zone change proposal may be conditioned to include demand management strategies that limit peak hour trips to achieve consistency with the TPR.

Discussion

Per the applicant, the Traffic Impact was analyzed by the Kittelson & Associates Memorandum dated April 2022, Project “Ridgewater PUD Residential Unit Reallocation”. Based on the findings of the analysis, the proposed reallocation of units within the Ridgewater PUD approved in April 2006 will not add additional demand to the transportation system beyond what was previously allowed via the platted units.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Transportation, has been satisfied. **This criterion is met with conditions – See Conditions of Approval, Item A, specifically those comments submitted by ODOT.**

5. Adequate Public Facilities

The subject property has adequate sanitary sewer, storm drainage and domestic water service to serve the range of uses allowed by the proposed zone.

- a. To make this adequacy finding, the subject property must be served or serviceable within the next 10 years as determined by the city, district and/or county engineer with jurisdiction.*
- b. The engineer's determination must consider the Urban Area Public Facilities Plan, and relevant facility master plans and capital improvement programs.*

Discussion

- a. The Ridgewater PUD is provided water service through a private well managed by Oregon Water Utilities, Mountain Lakes. That company provided an email contained within the submitted application material indicating there is sufficient water supply to service the proposed replat area (Location 1) along with existing Ridgewater lots. Note, no subdivision is presently requested for Location 3. Additional findings will be required for Location 3 at the time of any future subdivision. Sanitary sewer is collected privately within the Ridgewater PUD before discharging into the City's sewer mainline within Highway 140. In advance of receiving the subdivision and zone change applications, the City Sewer Division contracted with SHN Engineering to model available sewer system capacity within the vicinity. Adequate current capacity was determined for the requested application areas. Stormwater comments were submitted by the Oregon Department of Transportation (ODOT) and Klamath County Public Works.
- b. There are no deficiencies identified in the vicinity of the subject parcel based on review of the Klamath Falls Wastewater Collection System Master Plan Update (2014) and the Klamath Falls Capital Improvement Program (2018).

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Adequate Public Facilities, has been satisfied. **This criterion is met with conditions - See Conditions of Approval, Item A, specifically in reference to stormwater comments.**

6. Residential Zoning Location

The following locational guidelines shall be considered by the review body for rezoning proposal to the following residential zones:

- a. High Density Residential should be located within 1000 feet of transit service or should have frontage along a collector or arterial street.*
- b. Medium Density Residential should be located within a half mile of transit service and should have frontage along a collector street or higher classification.*
- c. Zone changes to Low Density Residential and Suburban Residential should not be allowed adjacent to an arterial street.*

Discussion

The proposed zone change areas are uniquely located within the Ridgewater PUD and not connected to public roadways but for the primary ingress/egress point at Highway 140 – an ODOT state highway facility. All streets located within Ridgewater PUD are private and all lots within the PUD are accessed from local private streets. The subject zone change request transfers existing and approved SF and MD zoning, and does not result in a net gain in either zoning category in theory. Future subdivision requests will be separately evaluated.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Residential Zoning Location, has been satisfied. **This criterion is met.**

7. Commercial Zoning Location

The following locational guidelines shall be considered in the review of the following commercial rezoning proposals:

- a. General Commercial and Transportation Commercial shall have frontage along an arterial street; exclusive use of local streets the travel through existing single-family neighborhoods in Low Density Residential or Suburban Residential zones shall not be permitted.*
- b. Neighborhood Commercial should be located to serve existing or planned residential neighborhoods and shall have frontage along a collector or arterial street; Neighborhood Commercial zoning may also be used as a transition area between General Commercial and Residential areas.*
- c. Downtown Commercial shall be limited to the Downtown Klamath Falls area as identified in the Urban Area Plan.*

EXCLUDED – DOES NOT APPLY – no commercial zoning.

8. Topographical Constraints

- a. Areas with slopes that are predominantly 25 percent or greater and land within the 100-year floodplain should not be rezoned for High or Medium Density Residential uses.*
- b. Areas with substantial topographic constraints, such as predominant slopes of 15% or greater, or substantial floodplain or wetland limitations, are not considered suitable for industrial or commercial development. To demonstrate suitability, the review authority may require engineering and mitigation studies that result in an effective mitigation plan.*

Discussion

The areas proposed for home development within the zone change request are not located within the 100-year flood plain and do not have predominantly 25% or greater slopes in development areas. Small portions of Location 1 have slopes in excess of 25% which are to be accommodated through slope easements which have been included on the tentative subdivision plat and though front and e=rear-yard setback standards.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Topographical Constraints, has been satisfied. **This criterion is met.**

9. Contiguity

- c. In situations where up-zoning is proposed, the subject property should have comparable or more intensive zoning on at least one side to minimize incompatible land uses, and to restrict "spot-zoning".*
- b. The contiguity requirement shall not apply to Neighborhood Commercial or Mixed-Use zones, or to rezoning of 20 acres or more or contiguous land (where adequate buffers can be provided to mitigate potential adverse impacts from the rezoning).*

Discussion

Not readily applicable to the requested rezone as a balanced lot for lot exchange between SF and MD zoning is proposed (pending future subdivision of Location 3 of which separate review will be required for). No higher up-zone is requested than currently exists within the Ridgewater PUD. The two locations requested for MD zoning are largely within their own area clusters as further reviewed in Zone Change Criteria 2 above.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Contiguity, has been satisfied. **This criterion is met.**

10. Size and Shape

The subject property is adequate in size and shape to accommodate the proposed use or uses allowed in the proposed zone.

Discussion

Concurrent with the zone change request, a subdivision application was submitted to create 21 residential lots that range in-size from 24,000 sq ft to 37,000 sq ft and follow the same configuration of those lots created through Tract 1496, Ridgewater Subdivision, Phase 1, 1st Addition. All existing lots and those lots to be created through the proposed subdivision exceed minimum lot size requirements within both the Ridgewater PUD and the city at-large for their respective zones. All lots should be able to accommodate those uses permitted within SF and MD zoning subject to future Residential Review application submission and confirmation of structure setbacks, lot coverage, and like standards. Any future subdivision of Location 3 will need to be separately reviewed.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Size and Shape, has been satisfied. **This criterion is met.**

11. Historic Sites and Structures

Rezoning of land will identify potential impacts on designated historic sites and structures and mitigate such impacts to the extent feasible.

Discussion

There are no known designated historic sites or structures that would be impacted by the requested rezone. All areas requested for rezone are currently undeveloped but for a small

collection of single-family homes within Location 2 that were constructed post 2007.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Historic Sites and Structures, has been satisfied. **This criterion is met.**

12. Noise Sensitive Uses

Based on DEQ rules (OAR Chapter 340, Division 35):

- a. Zone changes that allow uses that generate substantial noise should not be located next to noise-sensitive uses unless noise attenuation measures are assured.*
- b. EXCLUDED – DOES NOT APPLY. (Airport related)*

Discussion

The requested re-zone is between existing SF and MD zoning and vice-versa. All zoning is to remain within the residential zoning category. Uses allowed within residential zoning are not substantial noise generators and future noise that will be generated will be typical of residential uses.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Noise Sensitive Uses, has been satisfied. **This criterion is met.**

13. Neighborhood Impacts

The review body shall consider impacts on uses allowed by zoning for properties within 500 feet of the proposed zone change.

- a. Where substantial adverse impacts are identified, the review body may condition the zone change to mitigate identified impacts.*
- b. Where substantial adverse impacts are identified but cannot be reasonably mitigated, the review body should deny the zone change.*

Discussion

Notice of the Planning Commission hearing was mailed to all property owners within 500' of all requested rezone areas (Locations 1, 2, and 3). No comments, either positive or negative, have been received from property owners within the notice area, and no substantial adverse impacts that would be expected from uses allowed within the SF or MD zones have been identified by staff or our partner reviewing agencies.

Per the applicant, the proposed zone changes and PUD Amendment was approved by the Homeowners Association on November 15, 2021. The voting process was conducted via electronic communication and mail. Total votes received were 218, with 215 voting yes for the zone change and 3 voting against, 81% of all residents who responded were in favor of moving the Medium Density Lots to a more suitable location within the Community. This is assuming those who did not respond were a no vote. The percentage of votes received allows this zone change to move forward. The minimum required to pass the zone change is 70% of the residents within the PUD Community. Having broad community support helps show staff that adverse neighborhood impacts aren't expected.

While all ownership within Location 1 (Parcel 1 of Land Partition 38-10) and Location 2 (a portion of Parcel 1 of Land Partition 39-10) voted affirmatively for the zone change and PUD development standard amendment, one property owner vote is missing from Location 2 (Lots 1-33 of Tract 1506, The Timbers, Phase 1). There are 12 separate property owners within Location 2 while 11 affirmative votes were shown within the submitted zone change application packet.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Neighborhood Impacts, has been satisfied. **This criterion is met with conditions - See Conditions of Approval, Item F.**

14. Planned Unit Development

The PUD zone shall not be applied to allow uses or densities that are inconsistent with uses and densities allowed in the applicable base zone. PUDs shall comply with applicable City and County Engineering Standards unless the relevant Public Works Director approves a modification. However, permitted uses and densities allowed in the base zones may be permitted to cross zoning lines if there is compensating public benefit in terms of preserved natural areas and open space.

Discussion

The Ridgewater PUD currently exists with the SF and MD subzones which re-zoning is requested between also being in-place. Permitted uses are not changing except as required by state law. The section more applies to the establishment of new PUDs which are considered a zone.

Finding

The City Council finds the Comprehensive Plan Zone Change Criteria, Planned Unit Development, has been satisfied.

15. Air/Rail Transportation Zone

EXCLUDED – DOES NOT APPLY – not located within the Air/Rail Transportation Zone.

Community Development Ordinance (CDO) Zone Change & PUD Amendment Review Criteria

Chapter 11. Article 7. Change of Zone

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:

Chapter 12. Article 12. Planned Unit Development (PUD)

12.385 Amendments.

Any proposed amendment to an adopted final PUD plan shall be accomplished by following the procedures and meeting the criteria of Chapter 11, Article 7 (Change of Zone), Section 12.380

(Final PUD plan submittal requirements), and Section 12.383 (Criteria of approval for final PUD plan)

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.

Discussion

The Comprehensive Plan zone change criterion are addressed through the findings above. Conformance with the Comprehensive Plan was met with conditions. Full conformance with the CDO will be determined through future development review and the submission of required applications such as a Residential Review application for new residences. No street plans are proposed to be modified.

Finding

The City Council finds the CDO Change of Zone Criteria, Required Finding A., has been satisfied. **This criterion is met.**

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.

Discussion

This item is addressed under Urban Area Comprehensive Plan Review Criteria 10, Size and Shape, above. The proposed PUD amendment to create a new development standard designation within the Ridgewater PUD titled Single Family Residential, The Timbers, is meant to reflect the smaller existing lot sizes within the Timbers (Location 2) than other Ridgewater SF zoning.

The proposed zone changes and PUD Amendment was approved by the Homeowners Association on November 15, 2021. The voting process was conducted via electronic communication and mail. Total votes received were 218, with 215 voting yes for the zone change and 3 voting against, 81% of all residents who responded were in favor of moving the Medium Density Lots to a more suitable location within the Community. This is assuming those who did not respond were a no vote. The percentage of votes received allows this zone change to move forward. The minimum required to pass the zone change is 70% of the residents within the PUD Community.

Finding

The City Council finds the CDO Change of Zone Criteria, Required Finding B., has been satisfied. **This criterion is met.**

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.

Discussion

This item is addressed under Comprehensive Plan Review Criteria 4, Transportation, above. For the proposed PUD amendment to create a new development standard designation for the Timbers, there should be no effect on traffic generation.

Per the applicant, Land Partition 39-10 (Location 3) previously Tract 1469, Ridgewater

Subdivision, Phase 1, 1st addition was platted and approved using the criteria in the City of Klamath Falls Land Development Ordinance in 2006. The site is currently vacant and undeveloped and upon submission of a new subdivision plat these criteria will be met at the time of subdivision approval. The traffic generated from this proposed zone change will not impact the traffic due to the balanced lot-lot approach proposed. This is noted in the Trip Generation Assessment Letter dated 2022, by Kittelson & Associates, Project #24020.

Two subdivisions under Tract 1496 were replaced with Land Partition 38-10 and Land Partition 39-10 due to the economic downturn in home sales. This was done to reduce taxes until the housing market turned around. Current trends show homes are in high demand in Oregon and more specifically Klamath Falls with buildable lots in high demand. The applicant now sees the need for homesites to meet these needs. This zone change will help fill these needs with the Land Partitions being returned to subdividable lots under the new proposed zoning.

Ridgewater, The Timbers Phase 1, Tract 1506 is currently developed and zoned as Medium Density Residential and is proposed to be re-zoned as Single Family Residential. Land Partitions 38-10 and 39-10 are currently zoned Single Family and would be re-zoned Medium Density upon approval by the City of Klamath Falls Planning Commission. This balanced lot-lot zone change will not impact traffic generated. As noted in the Summary of Findings in the Trip Generation Assessment Letter completed by Kittelson & Associates, the proposed changes in unit type to the platted units within Ridgewater PUD would reduce the overall trip generation potential of the site. Also, the OR 140 site access has been constructed to the recommended configuration as documented by the 2005 Traffic Impact Analysis (TIA).

Finding

The City Council finds the CDO Change of Zone Criteria, Required Finding C., has been satisfied. **This criterion is met with conditions – See Conditions of Approval, Item A, specifically those comments submitted by ODOT.**

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

Discussion

This item is addressed under Comprehensive Plan Review Criteria 13, Neighborhood Impacts, above. The proposed PUD amendment to create a new development standard designation for the Timbers provides additional clarification and implementing detail for the zone change request and should create no adverse impact.

Per the applicant, the proposed zone change will fit nicely with the surrounding uses of the prior approved Ridgewater Master Plan. The proposed zone change is a balanced lot-lot exchange from Ridgewater, The Timbers Phase, Tract 1506 and Tract 1496, Ridgewater Subdivision, Phase 1 (Land Partitions 38-10 and 39-10) which will have no adverse effect on abutting properties or the permitted uses thereof.

The property to the east of Land Partition 39-10 and the Ridgewater PUD is developed as the Southview PUD and the proposed zone change will have no impact of the existing Southview

PUD. Highway 140 W abuts the property to the southwest, with Forestry Range to the northeast. North of the Ridgewater PUD is Lakeshore Drive and Upper Klamath Lake. There will be no impact resulting from this zone change to any abutting properties. The Ridgewater PUD was previously approved, and no changes are proposed beyond the zone change in this application.

The difference resulting from the zone change will be to move the MD zoned lots within The Timbers Subdivision to the area east of Ridgewater Blvd. along Bryant Butte Loop and Hillman Peak Loop (Location 1) which currently is surrounded by open space. The other area for the proposed re-zoning (Location 3) is located on the east side of the Ridgewater PUD at Orange Blossom Drive which borders the eastern property line. There will be no change of use from residential resulting in no impact to the development. The Timbers is currently single-family residences and rezoning this portion of the PUD is more in line with how it is currently being utilized.

Finding

The City Council finds the CDO Change of Zone Criteria, Required Finding D., has been satisfied. **This criterion is met.**

11.435 Required findings.

Prior to rendering a decision on a change of zone, the Council shall make such written findings as required in Section 11.415 (Required findings). (Ord. 17-10, 2017)

Discussion

This criterion does not apply at the Planning Commission hearing.

Finding

No finding is required.

12.385 Amendments.

Any proposed amendment to an adopted final PUD plan shall be accomplished by following the procedures and meeting the criteria of Chapter 11, Article 7 (Change of Zone), Section 12.380 (Final PUD plan submittal requirements), and Section 12.383 (Criteria of approval for final PUD plan).

Discussion

The criteria for Change of Zone are addressed above for the proposed PUD amendment. The CDO's 'Final PUD plan submittal requirements' and 'Criteria of approval for final PUD plan' are not wholly applicable to a development standard modification as they're geared towards the initial submission and establishment of a new PUD where the Ridgewater PUD has been previously approved. One item within the 'Final PUD plan submittal requirements' is however a written statement of development standards that, "Shall define permitted uses and shall contain information concerning requirements for building site coverage, setbacks, building and structure heights, building line designations, off-street parking, vehicular access, signing, lighting, storage, screening and landscaping and any other standard pertinent to the development."

These listed standards for allowable uses, site coverage, setbacks, heights, and similar are contained within the submitted Proposed Amendment to the PUD Development Standards with additional development review processes contained within existing Ridgewater Covenants, Conditions, and Restrictions (CC&Rs) which apply to the Timbers (Location 2) which is to be covered by the PUD amendment. No other portions of the approved Ridgewater PUD are proposed for modification other than the concurrent zone change request.

Finding

The City Council finds that the CDO PUD Amendments criteria has been satisfied. **This criterion is met.**