

City of Klamath Falls  
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ORDINANCE NO. 22-11

**A SPECIAL ORDINANCE REZONING APPROXIMATELY 0.90 ACRES OF LAND  
WITHIN THE CAMPUS VIEW SUBDIVISION FROM CAMPUS PLANNED UNIT  
DEVELOPMENT APARTMENT/MEDICAL PROFESSIONAL TO CAMPUS PLANNED  
UNIT DEVELOPEMNT NEIGHBORHOOD COMMERCIAL**

**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**, a public hearing was held on April 25, 2022 pursuant to applicable laws, at which time all evidence with reference to said proposed change of zone was considered by the Planning Commission;

**WHEREAS**, the City Council, hearing notices having been duly given, held a public hearing on June 6, 2022, on the recommendation of and including the summary record of the Planning Commission concerning the change of zone;

**WHEREAS**, pursuant to such record and hearing, the City Council has determined the zone change 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 B; and NOW THEREFORE,

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

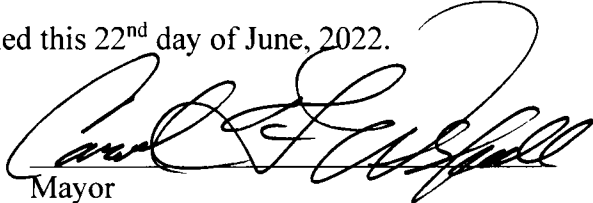
The zoning designation of approximately 0.90 acres of land, as shown on the map attached hereto as Exhibit A, is hereby changed from Campus Planned Unit Development Apartment/Medical Professional to Campus Planned Unit Development Neighborhood Commercial.

The property is identified as Lot 7 and the southern half of Lot 6 of Block 5 of the Campus View Subdivision and further identified as Klamath County Assessor Map Tax Lot R-3809-020BD-02300. The subject property is located immediately north of the Almond Street and Dahlia Street intersection.

This Ordinance shall become effective 30 days from enactment

Passed by the Council of the City of Klamath Falls this 21<sup>st</sup> day of June, 2022.

Presented to the Mayor, approved and signed this 22<sup>nd</sup> day of June, 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 21<sup>st</sup> day of June, 2022 and therefore approved and signed by the Mayor and attested by the City Recorder.

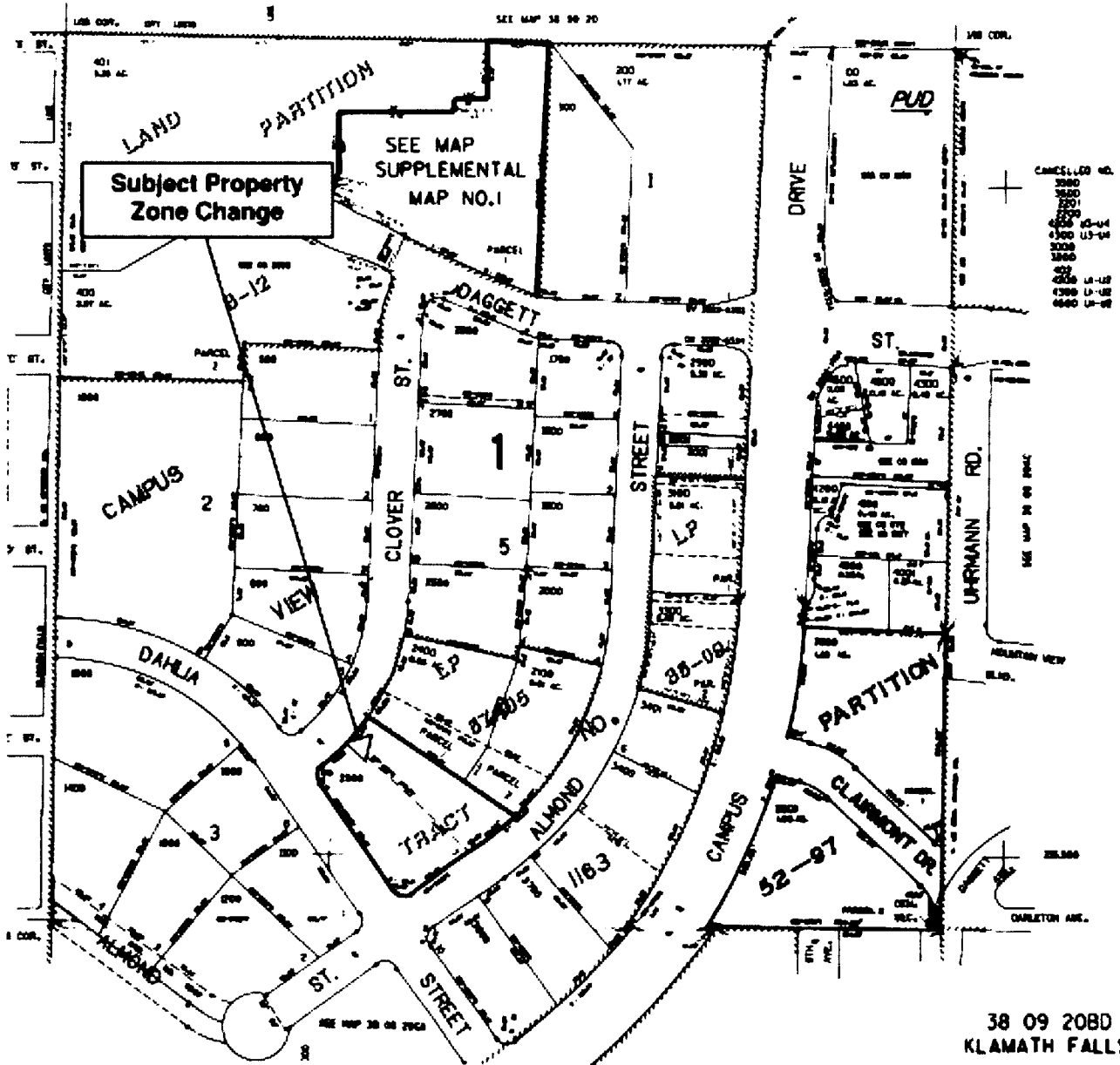
\_\_\_\_\_  
City Recorder

# Ordinance Exhibit "A" Map

REVISED 09-19-2002  
THIS MAP HAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SE1/4 NW1/4 SEC. 20 T.38S. R.09E. W.M.  
KLAMATH COUNTY

38 09 2080  
KLAMATH FALLS



**Ordinance Exhibit “B”**  
**Approval Criteria and Recommended Findings**

Because the application under review is requesting a change of zone from Campus Planned Unit Development (PUD) Apartment/Medical Professional to Campus PUD Neighborhood Commercial, the criteria for a Change of Zone in both the Urban Area Comprehensive Plan and the Community Development Ordinance (CDO) apply.

**Urban Area Comprehensive Plan Review Criteria**

Urban Area Zone Change Criteria

***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 March 5, 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 lot under zone change consideration was mailed on April 4, 2022.

**Recommended Finding**

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

***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.*

- d. *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.*
- e. *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

Staff has reviewed the applicant’s submitted findings and accepts them as their own for items a, b, and d, which are presented below. Staff does not find applicant’s findings for item c. sufficient and has replaced that finding with their own.

- a. The subject property is currently zoned ‘Apartments/Medical Professional (A/MP)’ as part of the larger ‘Campus PUD’. The applicant seeks to rezone the property to ‘Neighborhood Commercial (NC)’ which is contiguous with existing uses to south, northeast, south, and southwest. Specifically, zoning is ‘NC’ to the northeast and east, with ‘Highway Commercial (HC)’ kitty-corner to the site at the south, southwest. ‘A/MP’ zoning extends north, northwest, as well as two parcels to the southwest across Dahlia Street, though these parcels are developed as parking for Shilo Inn within the ‘HC’ zone.
- b. Most properties adjacent to the subject property are fully developed, excluding the property immediately to the northwest (A/MP) and northeast (NC) of the site. All existing development within a 500-ft radius of the site can either be classified as ‘Medical Professional’ or ‘Commercial’. Currently, no residential facilities exist within the 500-ft radius. The remaining undeveloped parcels in the vicinity would be most logically developed as Medical Professional and/or Commercial to align with surrounding uses. Per the 2019 ‘City of Klamath Falls Housing Needs Analysis’ prepared by Eco Northwest, the City currently has a surplus of capacity for ‘apartment’ residential

facilities, representing an overall surplus area of 59-acres (Exhibits 2 and 3, ix-xi). As such, rezoning of the subject parcel from 'A/MP' to 'NC' will not result in a shortage of buildable land for the needed building type.

- c. The 2009 Klamath Falls EOA identifies that the vacant supply of small, medium, and large-site commercial land is deficient in all growth scenarios (using the methodology for the 2058 planning window as the 2028 planning window is out of date and must be revised). Under the medium growth scenario, the EOA projects a need for an additional 69.9 acres of small-site commercial land beyond the 73.8-acre vacant supply.
- d. Not applicable

Note: The HNA considers all residential land within Planned Unit Districts as single-family residential, of which there is an even greater surplus during the plan window than apartment residential land. Further, because of the significant excess of needed residential land relative to the deficiency of needed commercial land, staff strongly supports transitioning some excess residential acreage to commercial to meet the overwhelming need. However, staff also strongly advises Planning Commission and Council, in reviewing future zone changes, to consider preserving or increasing the availability of high-density residential zoning adjacent to major traffic routes to ensure easier residential access to commercial facilities.

#### Recommended Finding

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

#### ***Purpose***

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

#### Discussion

Because the property is currently undeveloped, the proposed zone change will have no effect on existing uses. Future uses will be subject to development review and be required to comply with the new zoning designation if approved.

#### Recommended Finding

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

#### ***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

The proposed change in zoning designation would not require offsite analysis per application of the Klamath Falls Public Works Engineering Standards due to expected increases in daily, weekday AM or weekday PM peak hour trips during a typical weekday. Thus, the action is not expected to degrade the performance of the existing or planned transportation system. Further, no changes to the City's functional street classification designations or standards are warranted by the change in designation. For these reasons, no significant affect would result from the proposed change.

#### Recommended Finding

The City Council finds the Urban Area Zone Change Criteria, Transportation, has been satisfied. **This criterion is met.**

#### ***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 subject property is located with a developed portion of the City with existing public utilities available along all streets fronting the site. Water is available in Clover and Dahlia Streets; sanitary sewer is available in Clover, Dahlia, and Almond Streets; and storm sewer is available in Dahlia and Almond Streets, with additional tie-in availability at the south end of Clover Street.
- b. There are no deficiencies identified in the vicinity of the subject parcel based on review of available sanitary sewer (2014) and water (2020) master plans, as well as Capital Improvement Program (2018).

#### Recommended Finding

The City Council finds the Urban Area Zone Change Criteria, Public Facilities, has been satisfied. **This criterion is met.**

### ***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.*

**EXCLUDED – DOES NOT APPLY.**

### ***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.*

### **Discussion**

Items a. and c. are not applicable as the proposed zone is Campus PUD NC.

Regarding item b., while the site does not have frontage along a collector or arterial street, it would continue to act as a transition area between the Campus PUD A/MP zone and the nearby Campus PUD Highway commercial zone and serve any apartment residential uses that develop in the nearby Campus PUD A/MP zones.

### **Recommended Finding**

The City Council finds the Urban Area Zone Change Criteria, Commercial Zoning Location, has been satisfied. **This criterion is met.**

### ***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

Item a. is not applicable as the proposed zone does not include allowance for high- nor medium-density residential.

Regarding Item b., there are no slopes greater than 15%, wetlands, or floodplains on the subject property.

#### Recommended Finding

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

#### ***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

Per item b., the contiguity requirement does not apply.

#### Recommended Finding

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

#### ***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

The subject 0.91 property is of a typical shape and exceeds the 5,000 sq ft minimum size requirement of the Campus PUD NC, which is derived from the base City NC zone.

### Recommended Finding

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

### ***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

No known designated historic sites or structures would be impacted by the requested rezone, and property is currently undeveloped.

### Recommended Finding

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

### ***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

No uses allowed within the Campus PUD NC zone typically exceed DEQ noise-control regulations.

### Recommended Finding

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

### ***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

No comments, either positive or negative, were received from property owners within the 500' zone change notice area, and no substantial adverse impacts that would be expected from any use allowed within the CPUD NC zone have identified by staff or any of our partner agencies.

## Recommended Finding

The City Council finds the Urban Area Zone Change Criteria, Neighborhood Impacts, has been satisfied. **This criterion is met.**

## ***Planned Unit Development***

EXCLUDED – DOES NOT APPLY. This section applies to new PUD zones.

## ***Air/Rail Transportation Zone***

EXCLUDED – DOES NOT APPLY.

## **Community Development Ordinance (CDO) Review Criteria**

### *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:*

***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 Urban Area Comprehensive Plan requirements are addressed through the findings above. Conformance with the Comprehensive Plan was met. Complete CDO conformance will be determined through any future subsequent development review.

## Recommended 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.

### Recommended 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 Urban Area Comprehensive Plan Review Criteria 4, Transportation, above.

### Recommended Finding

The City Council finds the CDO Change of Zone Criteria, required finding C., has been satisfied. **This criterion is met.**

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

### Discussion

This item is addressed under Urban Area Comprehensive Plan Review Criteria 13, Neighborhood Impacts, above.

### Recommended 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

Written findings for CDO Section 11.415 are contained immediately above with criteria being met.

### Recommended Finding

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

#### *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). (Ord. 17-10, 2017)*

### Discussion

This document incorporates the criteria from Chapter 11, Article 7.

### Recommended Finding

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