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ORDINANCE NO. 23-15

**A SPECIAL ORDINANCE REZONING APPROXIMATELY
6.21 ACRES OF LAND WITHIN THE ADJUSTMENT AREA
OF PROPERTY LINE ADJUSTMENT 11-19 FROM
COPPER VALLEY PLANNED UNIT DEVELOPMENT
TO PUBLIC FACILITY**

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

WHEREAS, a public hearing was held on October 22, 2023 pursuant to applicable laws, at which time all evidence with reference to said proposed zone change was considered by the Planning Commission;

WHEREAS, the City Council, hearing notices having been duly given, held a public hearing on November 20, 2023, on the recommendation of and including the record of the Planning Commission concerning the zone change;

WHEREAS, pursuant to such record and hearing the City Council has determined the zone change 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 accepted 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 ORDAINS AS FOLLOWS:

The zoning designation of approximately 6.21 acres of land, as shown on the maps attached hereto as Exhibit A and as described below, is hereby changed from Copper Valley Planned Unit Development (PUD) to Public Facility (PF).

The property, identified as the adjustment area of Property Line Adjustment 11-19, is a tract of land being a portion of Tracts 20 and 21 of Enterprise Tracts, situated in the SW ¼ NE ¼ of Section 34, T38S, R9EWM, Klamath County, Oregon, being more particularly described as follows:

Beginning at the center 1/4 of said Section 34 from which the W 1/4 corner of said Section 34 bears S89°41'49"W 2648.47 feet; Thence N00°05'53"W, along the west line of said Tracts 20 and 21, 893.26 feet to a point on the southerly right of way line of Foothills Boulevard; Thence along the said southerly right of way line S73°27'00"E 329.14 feet and S62°24'28"E 5.26 feet;

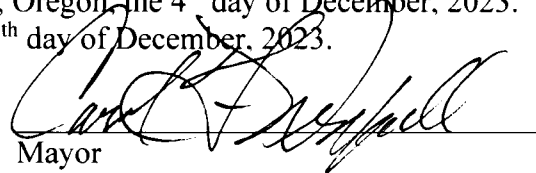
City of Klamath Falls
Returned at Counter

Thence leaving said southerly right of way line S00°05'53"E 795.38 feet to a point on the east-west center section line of said Section 34, thence S89°41'49"W, along the said east-west center section line 320.00 feet to the point of beginning; containing 6.21 acres more or less and with bearings based upon the Oregon Coordinate Reference System (ORCS) for the Bend-Klamath Falls Zone.

The property is additionally identified as Klamath County Assessor Map Tax Lot R-3809-03400-00301.

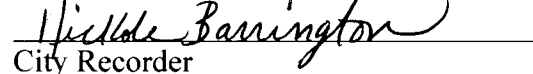
This Ordinance shall become effective 30 days from enactment.

Passed by the Council of the City of Klamath Falls, Oregon, the 4th day of December, 2023.
Presented to the Mayor, approved and signed this 5th day of December, 2023.



Mayor

ATTEST:



City Recorder

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

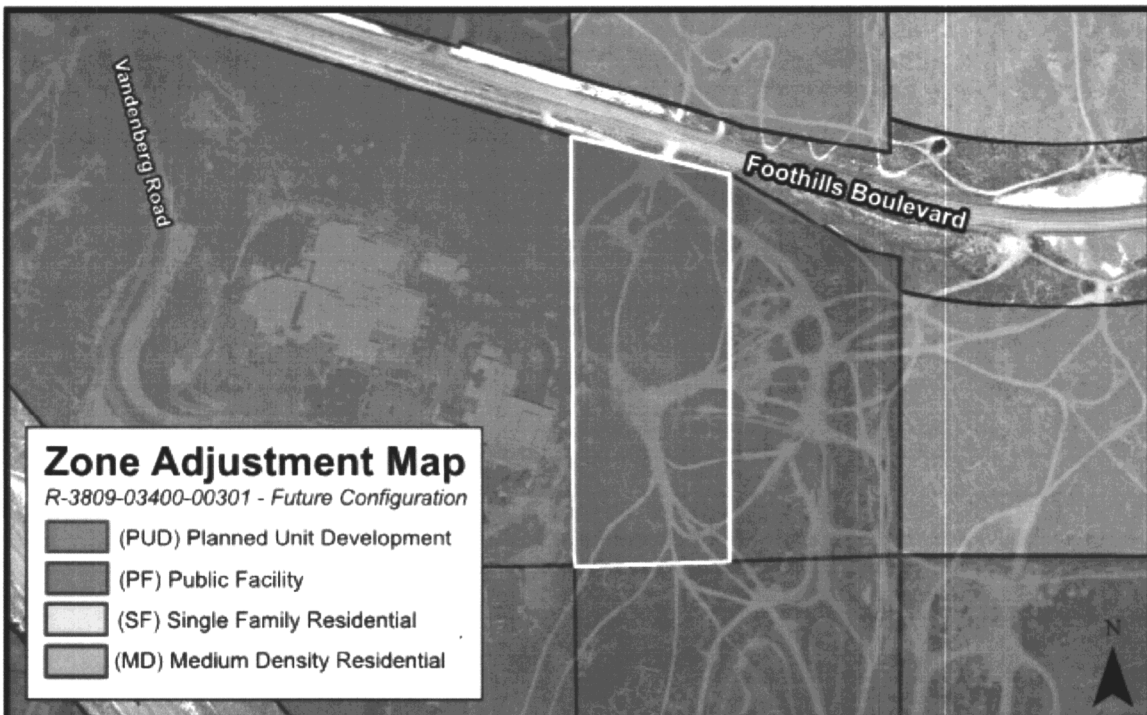
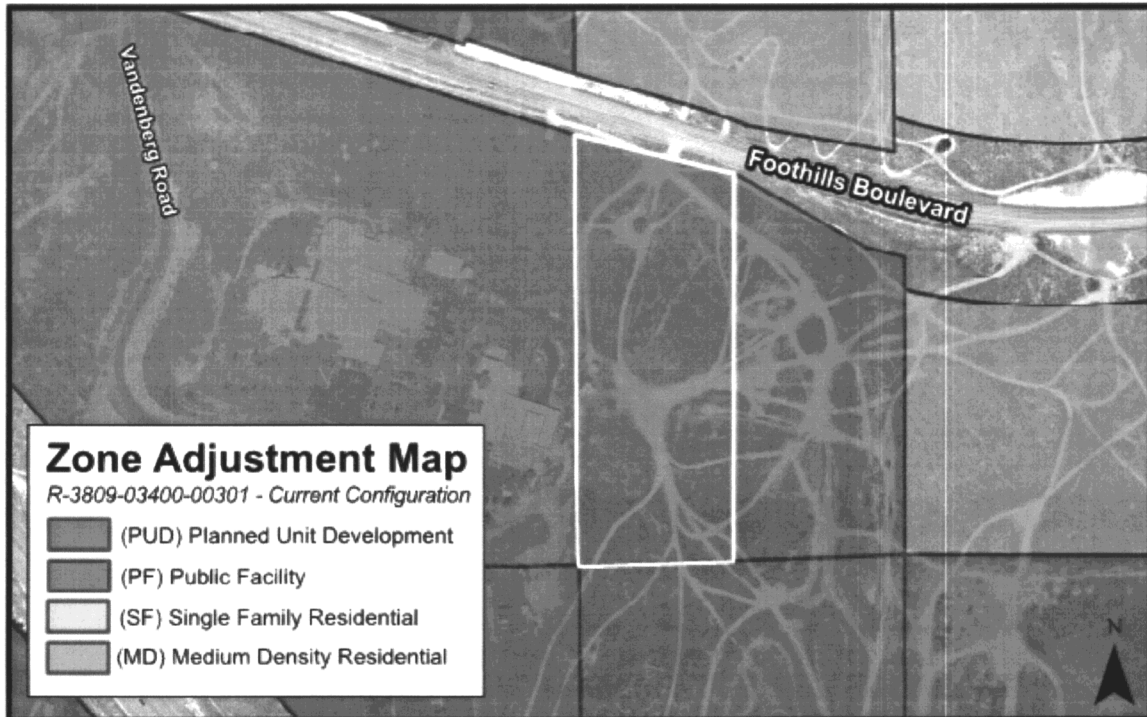
I, _____, City Recorder for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon at the meeting on the 4th day of December, 2023 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder

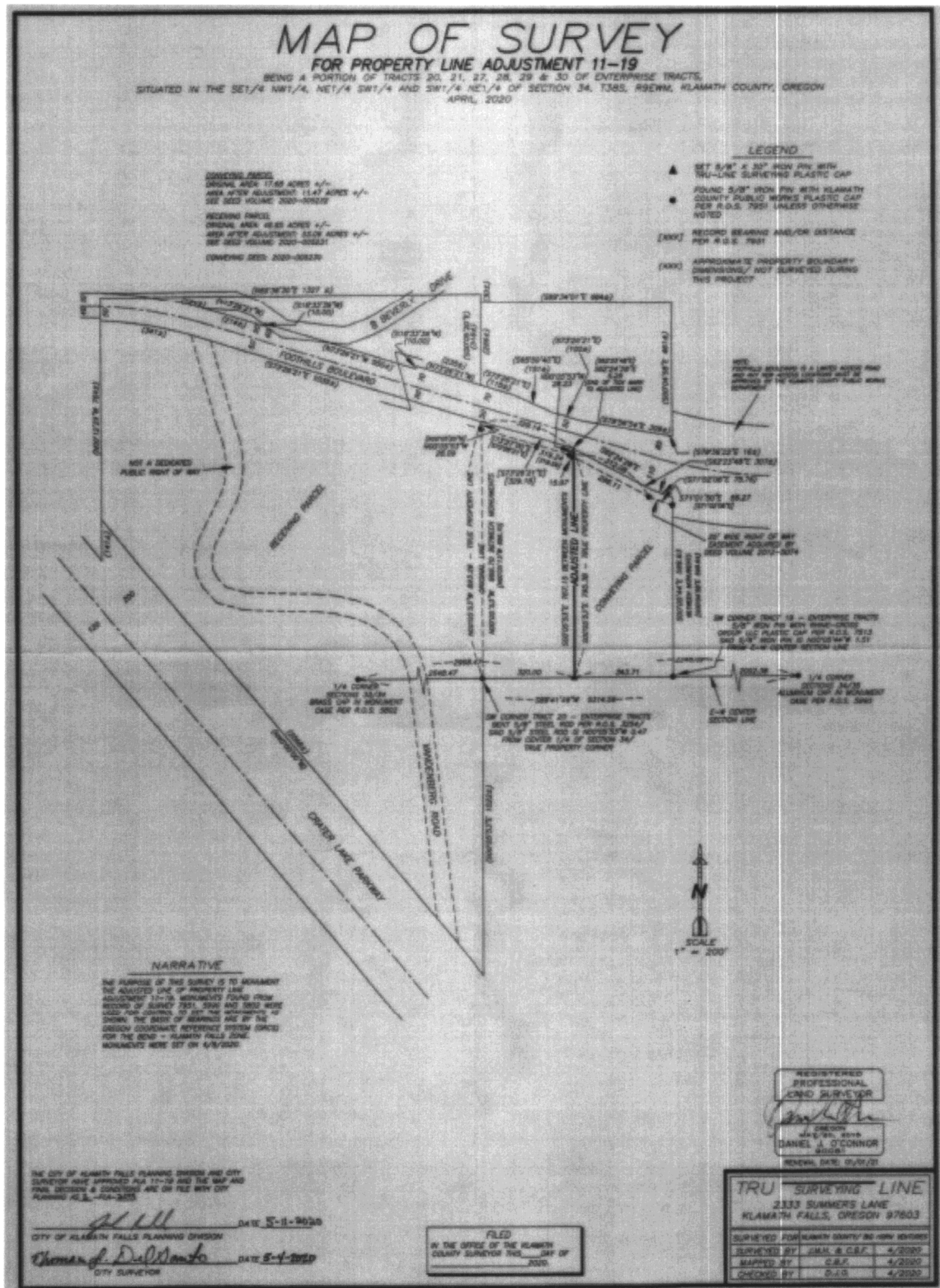
Ordinance Exhibit "A"

Zone Change Map 1

*Showing Copper Valley Planned Unit Development (PUD) Zoning prior to Zone Change
Showing Public Facility (PF) Zoning after Zone Change*



Ordinance Exhibit "A" cont'd
Zone Change Map 2
Property Line Adjustment 11-19 – Map of Survey



Ordinance Exhibit “B”
Approval Criteria and Accepted Findings

Because the application under review is requesting a change of zone from Copper Valley Planned Unit Development (PUD) to Public Facility (PF), 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 August 24, 2023.
- b. Inventoried wetlands are not located on the subject property.
- c. Local public notice has been issued per State and local regulations for both the Planning Commission and City Council public hearings. Notice to all property owners within 500’ of the subject lot under zone change consideration was mailed on September 29, 2023, while notice was published in the Herald and News, the local newspaper of public circulation on September 30, 2023.

Recommended Finding

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.

- 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

Staff has reviewed the applicant’s submitted findings and accepts them as their own for criteria a through d below.

- a. The subject property is currently zoned ‘Planned Unit Development (PUD)’. The applicant seeks to rezone the property to ‘Public Facility (PF)’ to be contiguous with existing uses to the west and southwest. Specifically, zoning is ‘PF’ to the northwest, west, and southwest. Klamath County completed Property Line Adjustment 11-19 with the adjacent property owner Big Horn Ventures Group to receive the 6.20 acres for the proposed use.
- b. All properties adjacent to the subject property are vacant and not currently developed. All existing development within a 500 ft radius of the site can either be classified as Public Facility (northwest, west, and southwest), Medium Density Residential (north and east), Single Family Residential (northeast), or Planned Unit Development (east and south). Currently, only two (2) residences exist within the 500 ft radius. The remaining undeveloped parcels in the vicinity would be most logically developed as residential 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 ‘Planned Unit Development’ facilities, representing an overall surplus area of 2,080 acres (Exhibits 2 and 3). As such, rezoning of the subject parcel from ‘PUD’ to ‘PF’ will not result in a shortage of buildable land for the needed building type.
- c. Proposed rezoning of the subject property to allow for development of the Shasta House will generate new jobs for the area, thereby enhancing economic opportunities in the area.
- d. The property is owned by Klamath County.

Recommended Finding

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

Staff has reviewed the applicant's submitted finding below and accepts it as its own.

Applicable zone descriptions per CDO Table 2.4 are described below. Based on these designations, the proposed use of 'government office' is a permitted use in areas.

- (Current Zone) PUD – Planned Unit Development: (Not explicitly listed in Table 2.4 of CDO): A zone for a land area designed to include various types of land uses, such as single-family residential, professional and administrative offices, commercial centers, industrial parks, any public or quasi-public use or combination of uses.
- (Proposed Zone) PF – Public Facility: A zone that provides for projects, activities and facilities deemed to be necessary for the maintenance of the public health, safety and welfare, and other public purposes consistent with Comprehensive Plan policies, including non-public activities permitted by government agencies. Public facilities include any activity undertaken or structure held, used or controlled for public or quasi-public purposes including churches, fraternal organizations or clubs, hospitals, schools, Federal, State, County or municipal offices or facilities, recreation facilities and public utilities. Determination shall be made without reference to the ownership of the structure or the property upon which it is situated.

Recommended Finding

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

Staff has reviewed the applicant's submitted finding below and accepts it as its own. The applicant's submitted Transportation Planning Rule evaluation is made part of the record.

Kittelson & Associates have prepared a Transportation Planning Rule (TPR) analyses (March 2023) to evaluate how proposed rezoning and development of Klamath County Juvenile

Department's Shasta House may impact traffic in the surrounding area. Baser on the findings outlined in Kittelson & Associates report it can be anticipated that proposed development will not have significant effect on the transportation system, as defined by the TPR.

Recommended Finding

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

Staff has reviewed the applicant's submitted findings and accepts them as their own for criteria a and b below.

- a. The subject property is located with a developed portion of the City with existing public utilities available to the site. Water is provided to the County's property via a service meter located at the intersection of Eberlein Avenue and Vandenberg Road that serves a private water system for the County Jail, Sheriff's office, Juvenile office, Public Health, Veterans Service and Crimson Rose; sanitary sewer is available south of Vandenberg Road; and storm sewer discharges to the adjacent hillside and ditch along Vandenberg Road.
- 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 (2021-2027).

Recommended Finding

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. Rezone from Planned Unit Development (PUD) to Public Facility (PF).

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. Rezone from Planned Unit Development (PUD) to Public Facility (PF).

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

Staff has reviewed the applicant's submitted findings and accepts them as their own for criteria a and b below.

- a. Not applicable.
- b. Existing topography of the subject property slopes northwest to southeast at approximately 30%. The site has already been graded during Phase I of the project and will be further graded during Phase II to provide buildable space for the proposed Shasta House building and associated parking lot. No wetlands or floodplains exist on the subject parcel.

Recommended Finding

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

Contiguity

- b. 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".

- c. *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

Staff has reviewed the applicant's submitted findings and accepts them as their own for criteria a and b below.

- a. If rezoned PF, the subject property will be contiguous with adjacent parcels to the northwest, west, and southwest.
- b. Not applicable.

Recommended Finding

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

Staff has reviewed the applicant's submitted finding below and accepts it as its own.

Per Table 12.005 of the CDO, properties zoned PF must be a minimum of 5,000 sf. The subject parcel is +- 270,000 sf (6.20 ac), thereby meeting the minimum lot size. Preliminary site programming indicates it is feasible to construct a +- 5,400 sf building and meet minimum parking requirements for a correctional institution (beds) and professional office as described in Table 14.005 of the CDO.

Recommended Finding

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

Staff has reviewed the applicant's submitted finding below and accepts it as its own.

The subject property is partially developed, and no known historical structures exist on site or in the immediate vicinity based on a review of the National Register of Historic Places. Therefore, no impact to historic sites or structures are anticipated as a result of rezoning to PF.

Recommended Finding

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

Staff has reviewed the applicant's submitted finding below and accepts it as its own.

- a. Rezoning of the subject property should not be expected to generate substantial noise as a result of PF development. Furthermore, adjacent parcels to the northwest, west, and southwest are currently zoned PF, which will not be impacted by the proposed development. Existing parcels to the east and south will remain as PUD.

Recommended Finding

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

Staff has reviewed the applicant's submitted findings and accepts them as their own for criteria a and b below.

- a. Rezoning of the subject parcel to PF to accommodate the proposed Shasta House is not anticipated to result in adverse impacts to surrounding properties zoned MD and PUD within a 500 ft radius. All other parcels within 500 feet are zoned PF and will not be impacted.
- b. Not applicable (see response to 'a').

Recommended Finding

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:

- A. 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

Staff has reviewed the applicant's submitted finding below and accepts it as its own. Staff adds the following sentence to precede the accepted finding: The Urban Area Comprehensive Plan requirements are addressed through the findings above. Conformance with the Comprehensive Plan has been demonstrated.

Proposed development of the subject property to accommodate the future development of the juvenile department with Shasta House, associated parking lot, sidewalks, maintenance road, garden area, and solar array on a 6.20 ac parcel situated east of the existing juvenile department building meets minimum design requirements as listed in CDO Chapters 10 through 14, including minimum lot size, building height/setback, parking, landscaping, and access.

Recommended Finding

The CDO Change of Zone Criteria, required finding A., has been satisfied. **This criterion is met.**

- B. 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

Staff has reviewed the applicant's submitted finding below and accepts it as its own.

Proposed development of the subject property for the Shasta House and associated infrastructure meets minimum CDO design requirements for this type of facility; therefore, the site is of adequate size/shape to facilitate normally allowed uses in the PF zone.

Recommended Finding

The CDO Change of Zone Criteria, required finding B., has been satisfied. **This criterion is met.**

- C. 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

Staff has reviewed the applicant's submitted finding below and accepts it as its own.

The subject property has frontage along Vandenberg Road, which is an improved County road. Based on Transportation Planning Rule (TPR) evaluation conducted by Kittelson & Associates (March 2003), the proposed development/rezone does not represent a significant effect per the TPR.

Recommended Finding

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

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

Discussion

Staff has reviewed the applicant's submitted finding below and accepts it as its own.

Proposed development of the Shasta House on the subject property will complement adjacent uses of the PF properties.

Recommended Finding

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)

EXCLUDED – DOES NOT APPLY TO PLANNING COMMISISON RECOMMENDATION.