



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/27/2011

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 002-11

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: Thursday, June 09, 2011

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: Joe Slaughter, City of Klamath Falls
Gloria Gardiner, DLCD Urban Planning Specialist
Jon Jinings, DLCD Regional Representative
Jon Jinings, DLCD Community Services Specialist

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAY 23 2011

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: *City of Klamath Falls*

Local file number: *2-2-11*

Date of Adoption: *May 17, 2011*

Date Mailed: *May 19, 2011*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: *1/12/11*

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: *Change to existing PUD standards*

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

Revised Development standards and Diagrammatic Plan for the Camans Planned Unit Development (PUD). The proposed changes are intended to clarify which uses are allowed in each of the districts within the PUD, make the standards easier to understand and apply, make the development process within the PUD simpler and to modernize certain aspects of the standards.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: *PUD* to: *PUD*

Zone Map Changed from: *PUD* to: *PUD*

Location: *Northeast of the intersection of Hwy 97 and Crater Lake* Acres Involved: *395*

Specify Density: Previous: *No Change* New: *No Change*

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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. 002-11 (18675) [16654]

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

Klamath County, Oregon Dept of Transportation, Klamath County Fire Dist. No. 1

Local Contact: *Joe Slaughter*

Phone: *(541) 883-5361* Extension:

Address: *226 S 5th St*

Fax Number: *541 - 883-5390*

City: *Klamath Falls*

Zip: *97601*

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

Ordinance No. 11-05

**A SPECIAL ORDINANCE REZONING THE CAMPUS PLANNED UNIT
DEVELOPMENT (PUD) TO AMEND THE MASTER PLAN DEVELOPMENT
STANDARDS AND THE DIAGRAMMATIC PLAN**

WHEREAS, the applicant, City of Klamath Falls, submitted a written proposal for a zone change; and

WHEREAS, the written proposal includes the adoption of changes in the Campus Planned Unit Development (PUD) Master Plan Diagrammatic Plan as shown on Exhibit A and Development Standards as shown on Exhibit B; and

WHEREAS, 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 Campus 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 March 14, 2011, pursuant to applicable laws, at which time all evidence relevant to said proposed zone change and amendments to the Campus PUD Master Plan Development Standards and Diagrammatic Plan were considered by the Planning Commission; and

WHEREAS, hearing notices were duly given and the City Council held a public hearing on May 2, 2011, on the recommendation of and including the record of the Planning Commission concerning the zone change and amendments to the Campus PUD Master Plan Development Standards and Diagrammatic Plan; and

WHEREAS, pursuant to such record and hearing the City Council has determined the amendment to the Campus PUD Master Plan Development Standards and Diagrammatic Plan 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 C; NOW, THEREFORE,


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

Section 1

The Campus Planned Unit Development (PUD) Master Plan Diagrammatic Plan is hereby amended by this change of zone as shown on Exhibit A and the Development Standards are hereby amended as shown on Exhibit B.

Passed by the Council of the City of Klamath Falls, Oregon, the 16th day of May, 2011.

Presented to the Mayor, approved and signed this 17th day of May, 2011.



Mayor

ATTEST:



City Recorder

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

I, _____, 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 16th day of May, 2011 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

EXHIBIT "A"
CAMPUS PUD DIAGRAMMATIC PLAN

CAMPUS PLANNED UNIT DEVELOPMENT

EXHIBIT A
DIAGRAMMATIC PLAN

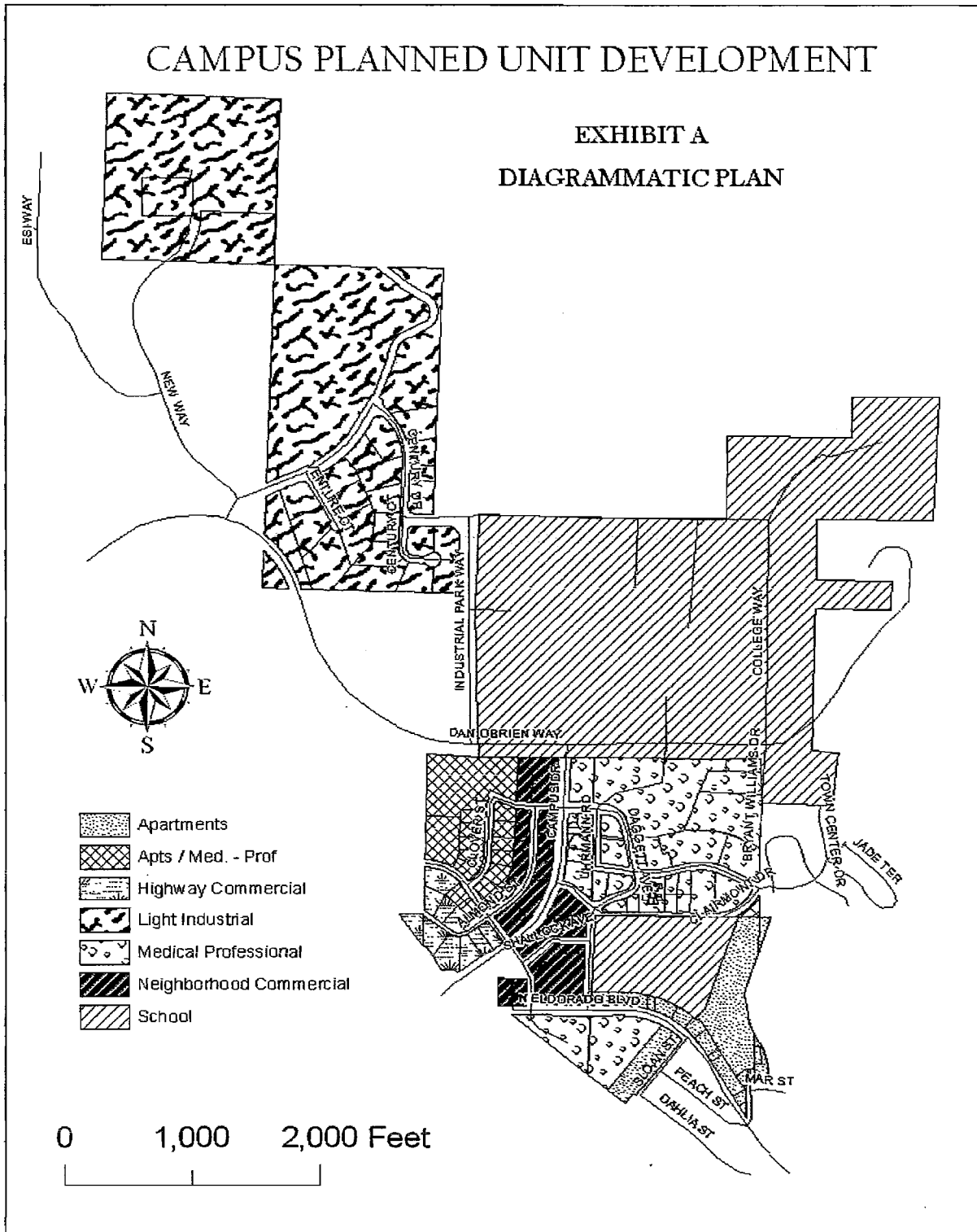


EXHIBIT "B"

DEVELOPMENT STANDARDS

CAMPUS PLANNED UNIT DEVELOPMENT

1. PURPOSE: The purpose of the Campus Planned Unit Development (PUD) is to provide superior environmental controls for the community's unique complex of educational and medical assets. It is intended to allow for a diversity of complimentary uses, in a manner keeping with the professional qualities of education and medicine.
2. LOCATION: The Campus consists of approximately 395 acres, more specifically described on attached PUD diagrammatic plan marked "Exhibit A".
3. LAND USE DESIGNATIONS: Land use designations within the Campus PUD are outlined as follows and shall be located in conformance with the PUD diagrammatic plan marked as "Exhibit A". All uses shall be conducted in conformance with the applicable sections of the City of Klamath Falls Community Development Ordinance.

APARTMENT
APARTMENT/MEDICAL PROFESSIONAL
MEDICAL PROFESSIONAL
NEIGHBORHOOD COMMERCIAL
HIGHWAY COMMERCIAL
LIGHT INDUSTRIAL
SCHOOL

4. PERMITTED USES: Uses permitted within the Campus PUD are grouped under the following categories and shall be located in conformance with the PUD diagrammatic plan marked Exhibit A.

APARTMENT

Duplex Dwelling
Three and Four-plex Dwelling
Apartment Dwelling

APARTMENT/MEDICAL PROFESSIONAL

Apartment Dwelling
Architect
Accountant
Chiropractor
Convalescent Facility
Dentist
Doctor
Duplex Dwelling
Engineer & Surveyor
Heliport (with a conditional use permit)
Hospital

Lawyer
Medical Laboratory
Medical School
Medical Therapist
Optometrist
Pharmacy (prescription only)
Three and Four-plex Dwelling
Utility Substation

MEDICAL PROFESSIONAL

Architect
Accountant
Chiropractor
Convalescent Facility
Dentist
Doctor
Engineer & Surveyor
Heliport (with a conditional use permit)
Hospital
Lawyer
Medical Laboratory
Medical School
Medical Therapist
Optometrist
Pharmacy (prescription only)
Utility Substation

NEIGHBORHOOD COMMERCIAL

Any Medical-Professional Use
Art Shop and Studio
Bakery
Bank & Loan
Barber & Beauty Shop
Book Store
Business Machine Sales
Clothing Store
Confectionery
Delicatessen
Drug & Variety Store
Dry Cleaning
Duplicating Service
Florist
Grocery
Insurance
Jewelry & Repair
Laundry (self service)
Medical Equipment
Multiple Family Dwelling
Real Estate Sales
Private Athletic

Restaurant
Scientific Instruments
Service Station
Stationery Supplies
Tailor
Theater
Travel Agency

HIGHWAY COMMERCIAL

Cocktail Lounge
Meeting & Banquet Facilities
Motel
Restaurant
Service Station
Specialty Shops (accessory only to above uses)

LIGHT INDUSTRIAL

Limited Manufacturing & Related Recreation, Storage
Research & Development Units
Headquarter Offices of Companies
Administrative/Professional Office
Warehouse & Transfer Units
Incubator Buildings
Retail Commercial or Commercial Services (Provided it is secondary to a Light Industrial Use as amended by Ordinance #6538)

SCHOOL

College, including Student Convention Housing
Elementary School
Junior High / Middle School
High School
University

5. BUILDING SIZE: Structures shall be related harmoniously to the terrain and to existing buildings in the PUD. Specific size requirements shall include the following:

- a. Apartment: Each apartment dwelling unit shall have a minimum of 750 square feet of floor area. No more than 40 apartment dwelling units shall be allowed in one single structure.
- b. Apartment/Medical Professional: Each apartment dwelling unit shall have a minimum of 750 square feet of floor area. No more than 40 apartment dwelling units shall be allowed in one single structure.
- c. Neighborhood Commercial: No single use shall be allowed to occupy more than 10,000 square feet of building area, including storage and mechanical space. No single building shall have a total area in excess of 20,000 square feet.

6. LOT COVERAGE: Buildings shall not occupy more than the following percentages of lot areas in the following use categories:

- a. Apartment: 60%
- b. Apartment/Medical Professional: 60%
- c. Medical Professional: 60%
- d. Neighborhood Commercial: 70%
- e. Highway Commercial: 70%
- f. Light Industrial: 70%
- g. Schools: 50%

7. BUILDING HEIGHT: Buildings shall not exceed the following heights in the following use categories:

- a. Apartment: 30 feet
- b. Apartment/Medical Professional: 30 feet
- c. Medical Professional (office use only): 30 feet
- d. Neighborhood Commercial: 30 feet
- e. Highway Commercial: 30 feet
- f. Light Industrial: 45 feet
- g. Schools: 70 feet

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.

8. BUILDING SETBACKS: All structures in all use categories shall be setback from property lines the following minimum distances:

- a. Street Frontages: 20 feet
- b. Sides & Rear: 10 feet

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.

- 9. OFF STREET PARKING: All uses shall provide off street parking in accordance with the requirements of Chapter 14 of the City of Klamath Falls Community Development Ordinance (CDO). All off street parking areas shall be adequately lighted. Diagrammatic lighting plans shall be submitted with all permit applications.

[Amended by Ordinance 97-9, enacted April 21, 1997]

- 10. PARKING LOT INGRESS & EGRESS: Access to parking lots shall be limited to curb cuts no wider than 24 feet. Curb cuts shall be no closer to street intersections than 50 feet. Parking lots shall have no more than one curb cut per each side of street frontage. Driving aisles within parking lots shall be in accordance with the requirements of Chapter 14 of the City of Klamath Falls Community Development Ordinance (CDO).

- 11. PEDESTRIAN CIRCULATIONS: All uses shall provide adequate pedestrian walkways in order to afford convenient and safe pedestrian circulation. Sidewalks shall be constructed adjacent to all streets and shall be constructed within properties as deemed necessary by the City reviewing authority.

[Amended by Ordinance 97-9, enacted April 21, 1997]

- 12. SIGNS: All signs within the Campus PUD shall be constructed in accordance with the requirements of Chapter 14 of the City of Klamath Falls Community Development Ordinance (CDO). The size, location, design, lighting and material of all exterior signs and outdoor advertising structures shall not detract from proposed or existing buildings. Diagrammatic sign plans shall be submitted with all permit applications.

[Amended by Ordinance 97-9, enacted April 21, 1997]

- 13. LANDFORM & LANDSCAPING: The land shall be preserved in its natural form, insofar as practicable, by minimizing soil removal and any grade changes shall be in keeping with the general appearance of neighboring properties. No soil excavations or fill of any type shall be permitted without the approval of the City reviewing authority. All property areas remaining unbuilt upon, after construction of a permitted use, shall within six months from the date of occupancy of said constructed use, be landscaped in an adequate and thorough manner; including, but not limited to, evergreen ground cover, evergreen shrubbery and evergreen trees; and in a density sufficient to erosion control, in that all cuts, embankments and slopes greater than 5% shall be planted with sufficient plant materials to prevent detrimental erosion. Diagrammatic landscaping plans shall be submitted to the Planning Department with all permit applications.

[Amended by Ordinance 97-9, enacted April 21, 1997]

- 14. SCREENING: Any exterior storage or refuse areas, exposed machinery, service areas, truck loading 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 (5) feet; nor more than seven (7) feet as measured from finished grade to the highest structural component of the fence or wall.

- 15. UTILITIES: All electric, telephone and other utility lines shall be constructed underground.

16. STORM DRAINAGE: Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties or the City storm sewer system. Diagrammatic drainage plans shall be submitted to the Planning Department with all permit applications and shall be approved only when found in compliance with the Public Works Director's drainage plan for the area.

17. APARTMENT RECREATION SITES: All apartment residential proposals shall be submitted with plans that designate sufficient and suitable outdoor recreation areas for the property's tenants and their guests. Such recreation areas shall contain a minimum of 40 square feet per dwelling unit.

18. TRAFFIC POLICY: All development proposals shall be made in consideration of the poor traffic conditions in the PUD, including streets carrying excess vehicle counts and street and intersection congestion and hazards. All proposals shall be designed wherever possible, to mitigate these poor conditions and wherever possible, to alleviate them including agreement to participate in area wide plans and improvement districts designed to address the traffic problem.

[Amended by Ordinance 97-9, enacted April 21, 1997]

19. DEVELOPMENT PROCEDURE: No use of structure of any type shall be permitted or constructed until all applicable plans have been approved through a Design Review pursuant to the applicable sections of the CDO. In addition to notice required by the CDO, notice of a pending Design Review within the Campus PUD shall also be provided to all Planning Commission members. Any such member or any person receiving notice may request a public hearing and review before the Planning Commission.

[Amended by Ordinance 97-9, enacted April 21, 1997]

20. PUD AMENDMENTS: The PUD, including its diagrammatic plan and this text, may be amended in accordance with Chapter 10 of the CDO.

[Amended by Ordinance 97-9, enacted April 21, 1997]

EXHIBIT "C"

RELEVANT REVIEW CRITERIA AND PROPOSED FINDING

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 89: In an effort to lessen the energy expenditures for service provision, the utilization of the maximum usable building area on each lot will be encouraged, thereby resulting in an energy-efficient building configuration with minimum street frontage.

Policy 97: The interrelationship of transportation, job sites, shopping sites, recreation, open space and scenery, education, and similar activities will be emphasized to provide maximum and efficient use of public facilities and services.

Policy 222: Land development will be in a systematic manner which contributes to the efficient use of public facilities, quality of the project, and livability of the community as a whole.

Policy 223: Standards for urbanization will encourage flexibility and innovation in development, permitting mixtures of land uses and intensities which contribute to the quality of the community.

Policy 244: In-filling of developable lands will be encouraged to minimize sprawl and take advantage of existing facilities and services.

Policy 248: The existing imbalance of predominate southern and eastern urbanization, with its adverse effects on facilities and services, transportation, and energy consumption, will be corrected by promotion of urbanization to the north and west, thereby establishing geographically a "balanced" urban form.

Policy 254: Allow growth to occur as naturally as possible without undue restrictions, or conversely, aggressive promotion.

Policy 259: Public and private actions will result in a net benefit for existing City residents and will contribute to the improvement of the local economy.

The proposed changes to the Campus PUD Development Standards and Diagrammatic Plan are intended to clarify which uses are allowed in each of the districts within the PUD, make the standards easier to understand and apply, make the development process within the PUD simpler and to modernize certain aspects of the standards. The proposed changes include: adding a list of permitted uses for the Apartment district, reordering the zoning districts, reducing required setback distances, changing the sign requirements to eliminate conflict with Community Development Ordinance (CDO) requirements, and changing the process for development (in most cases) from a Conditional Use Permit to a Design Review. The

proposed changes are being initiated by the City to address concerns that have been raised by a number of property owners within the PUD. These changes are expected to make the development process for properties within the Campus PUD less complicated thereby encouraging additional development within the PUD.

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. **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 proposed changes to the Campus PUD Development Standards and Diagrammatic Plan are intended to clarify which uses are allowed in each of the districts within the PUD, make the standards easier to understand and apply, make the development process within the PUD simpler and to modernize certain aspects of the standards. The proposed changes will not change the uses allowed in each of the zoning districts and in most cases the proposed changes will not alter the look of development within the PUD. One of the proposed changes will reduce the required setback distances from 30 feet for street frontages, 20 feet for rear and side yards, and 30 feet from existing structures to 20 feet for street frontages, 10 feet for rear and side yards, and 0 feet from existing structures. The reduction in required setback distances has been proposed in response to numerous requests from property owners to vary setback requirements during development. In the past years the Planning Division has approved several variances for reduced setbacks. These variances have generally met little or no opposition from owners in the PUD.

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 changes to the Campus PUD Development Standards and Diagrammatic Plan are intended to clarify which uses are allowed in each of the districts within the PUD, make the standards easier to understand and apply, make the development process within the PUD simpler and to modernize certain aspects of the standards. The proposed changes will not change the uses allowed in each of the zoning districts and should not have an effect of the existing street system. When specific development proposals are submitted additional traffic information will be required.

Finding: The property affected by the proposed zone change appears to be properly related to streets to adequately serve the type of traffic generated by the uses permitted in the Campus PUD; however, when specific development proposals are submitted further traffic information will be required. **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: The proposed changes to the Campus PUD Development Standards and Diagrammatic Plan are intended to clarify which uses are allowed in each of the districts within the PUD, make the standards easier to understand and apply, make the development process within the PUD simpler and to modernize certain aspects of the standards. The proposed changes include: adding a list of permitted uses for the Apartment district, reordering the zoning districts, reducing required setback distances, changing the sign requirements to eliminate conflict with CDO requirements, and changing the process for development (in most cases) from a Conditional Use Permit to a Design Review. The proposed changes are being initiated by the City to address concerns that have been raised by a number of property owners within the PUD. These changes are expected to make the development process for properties within the Campus PUD less complicated. These changes will have no adverse effect on abutting property or the permitted uses thereof.

Finding: The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof. **This criterion is met.**



CITY OF KLAMATH FALLS, OREGON

P.O. BOX 237 - ZIP CODE 97601-0361

RETURN SERVICE REQUESTED

DEPT OF

MAY 23 2011

LAND CONSERVATION
AND DEVELOPMENT



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US P

Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
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