



# ZONE CHANGE APPLICATION DEVELOPMENT SERVICES DEPARTMENT

226 S. 5<sup>th</sup> Street, Klamath Falls, Oregon 97601  
(541) 883-4950

[www.KlamathFalls.city](http://www.KlamathFalls.city)  
[devservices@klamathfalls.city](mailto:devservices@klamathfalls.city)

To be completed by staff:

Project Name: \_\_\_\_\_

From Zone : \_\_\_\_\_ To Zone : \_\_\_\_\_

File No.:	
Received:	

## Property Owner (If a corporation, list all principals)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Applicant (If different than owner)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Surveyor, Engineer, Architect, Other (If applicable)

Name: \_\_\_\_\_ City Business License No.: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Property Information

Site Address(es): \_\_\_\_\_

Assessor's Map & Tax Lot(s): \_\_\_\_\_

Subdivision, Lot & Block(s): \_\_\_\_\_

Current Zone(s): \_\_\_\_\_ Acreage: \_\_\_\_\_

Proposed Zone(s): \_\_\_\_\_

Please address the following items in a separate document titled, “Applicant Zone Change Findings.” Staff highly recommends consulting with a professional familiar with the State of Oregon’s land use planning system for this application.

#### Required Findings

- A. The change of zone is in conformance with the Comprehensive Plan and all other provisions of Community Development Ordinance Chapters 10 to 14 and any applicable street plans.
  1. **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 Comprehensive Plan 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.
  2. **Purpose:** The proposed zone change shall be consistent with the purpose of and uses allowed by the proposed zone.
    - a. The Klamath Falls CDO includes definitions for each zone and lists permitted and conditional uses in each zone.
  3. **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.

4. **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.
5. **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.
6. **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 that 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 street or arterial street; Neighborhood Commercial zoning may also be used as a transition area between General Commercial and Residential zones.
  - c. Downtown Commercial shall be limited to the Downtown Klamath Falls area as defined in the Urban Area Plan.
7. **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.
8. **Contiguity:**
  - a. 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).
9. **Size and Shape:** The subject property is adequate in size and shape to accommodate the proposed use or uses allowed in the proposed zone.
10. **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.
11. **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. Noise sensitive land uses shall be prohibited or limited within noise-affected areas of the Klamath Falls Municipal Airport. (Ref. Goal 6 Policy)

12. **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.
13. **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.
14. **Air/Rail Transportation Zone:** Urban Area Lands proposed for rezoning within the Airport/Transportation Development Zone will be restricted to commercial and industrial development.

## **Zone Change Checklist**

Applications submitted that are missing checklist items will be deemed incomplete.

- ☐ Attend a pre-application meeting with City Staff; the City may waive this requirement
- ☐ Completed Zone Change Application, including Applicant Zone Change Findings
- ☐ Public notice mailing list for all property owners within 500-feet of the property(ies) to be rezoned
- ☐ Completed Acknowledgment of Mailing List Form
- ☐ Completed Applicant and Owner Statement Form and a copy of the property deed
- ☐ Vicinity map
- ☐ Application fee
- ☐ Mailing costs (Current postage rate plus 10 cents multiplied by the number of property owners)

## **Site Plan**

A digital copy (PDF) of all site plan material must be submitted. For lots less than 10,000 sq ft, one additional paper copy on 8½” x 11” sheets must be submitted. For lots 10,000 sq ft or larger, two additional paper copies on 24” x 36” sheets must be submitted.

### The Site Plan must include:

- |  |  |
|--|--|
| <input type="checkbox"/> Date  | <input type="checkbox"/> North arrow                     |
| <input type="checkbox"/> Written & graphic scale   | <input type="checkbox"/> Existing site features          |
| <input type="checkbox"/> Present zoning  | <input type="checkbox"/> Proposed zoning                 |
| <input type="checkbox"/> Location of adjacent streets  | <input type="checkbox"/> All easements and rights-of-way |
| <input type="checkbox"/> Size & location of all existing and proposed public and private utilities (poles, lines, etc.)  |  |
| <input type="checkbox"/> Lot & building dimensions, setback dimensions & height of all existing structures   |  |
| <input type="checkbox"/> Slope and elevation contours  |  |
| <input type="checkbox"/> Location, dimensions, and names of proposed internal streets, if applicable, showing center line radii and curb return radii (location and dimensions of sidewalks shall also be shown) |  |
| <input type="checkbox"/> Site data in tabular form, including as appropriate:<br>Total area of property, building coverage, existing gross floor area, parking lot coverage, landscape coverage                  |  |



# ***Applicant & Owner Statement***

City of Klamath Falls Development Services, 226 South 5<sup>th</sup> Street, Klamath Falls, OR 97601

I (we) the undersigned applicant(s) and/or owner(s) of the parcel of land located at the address listed below; identified as the Tax Account Number(s) also listed below, realize that this application rests upon the above answers and accompanying data and do hereby affirm and certify under penalty of perjury, that the foregoing statements and answers are in all respects true and correct to the best of my/our knowledge. By submission of this application, the owner and developer hereby grant the City permission to erect a public notice sign on the subject property for public information purposes.

Subject Property Address: \_\_\_\_\_

Subject Property Tax Account Number(s): \_\_\_\_\_

## **APPLICANT(S):**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If the applicant listed on this application is not the sole deed holder of the property or properties described above, complete the following or submit a separate written authorization from the owner:

## **AUTHORIZATION TO ACT AS AGENT**

I (we) the undersigned, hereby certify that as deed holder(s) of record of property or properties described above, hereby authorize the person(s) listed as the applicant(s) on this application to act and appear as agent, with respect to this application.

## **LANDOWNER(S):**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# Public Hearing Notice Mailing List

City of Klamath Falls Development Services, 226 South 5<sup>th</sup> Street, Klamath Falls, OR 97601

## INSTRUCTIONS FOR PROVIDING PUBLIC HEARING NOTICE INFORMATION FOR:

Subdivision      Urban Growth Boundary      Zone Change

When applying for any of the above, please provide the information necessary to notify the nearby property owners about all public hearings for your project. This information is to be provided in the following manner:

Obtain a current copy of the County Assessor map (tax maps) that include your project site and all parcels within **500 feet** of any part of the parcel on which your project is located, including public rights-of-way. The exterior property lines of the parcel(s) on which your project is located, even if your project will occupy only a portion of the parcel(s), must be clearly outlined on the map, and another line must be clearly drawn indicating a distance of **500 feet** from all exterior property lines you have outlined. Check the scale shown on each map (they may be different) and use the adjoining maps if necessary to include all property within **500 feet**. **The County Assessor Office may be able to print a list of addresses for you. If interested, you may inquire with them at the County Government Center at 305 Main Street, Klamath Falls, OR 97601.**

Obtain names, addresses and tax lot numbers of all owners of property within 500 feet, as listed on the last preceding tax roll of the Assessor of Klamath County. List the above information in the following order:

- ☐ Tax Account Number
- ☐ Property Owner Name
- ☐ Street Address
- ☐ City, State and Zip Code

NOTE: Type or print labels on the form provided or on a sheet of labels. Print them legibly or the mailing list will be returned. Typed mailing labels will speed the application process.

You are required to pay for the Mailing Notice costs (current postage rate plus 10 cents multiplied by the number of property owners to be notified) with your application fee.

You may also be required to pay for Legal Notice costs. These costs will be billed to you and shall be paid within 30 days of the final decision.

## ACKNOWLEDGMENT OF MAILING LIST

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

I, \_\_\_\_\_, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, I submitted with my application, such names, addresses and Tax Account Numbers as are listed on the last preceding tax roll of the Assessor of Klamath County.

That said list contains a true copy of all property owners within 500 feet of the subject property.

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public for Oregon

THIS MAP WAS PREPARED FOR  
ADJUDICATION PURPOSE ONLY.

KLAMATH COUNTY  
F400

SEE MAP 38 09 33AD

SCALE



NORTH ARROW ↑

ADJOINING MAP

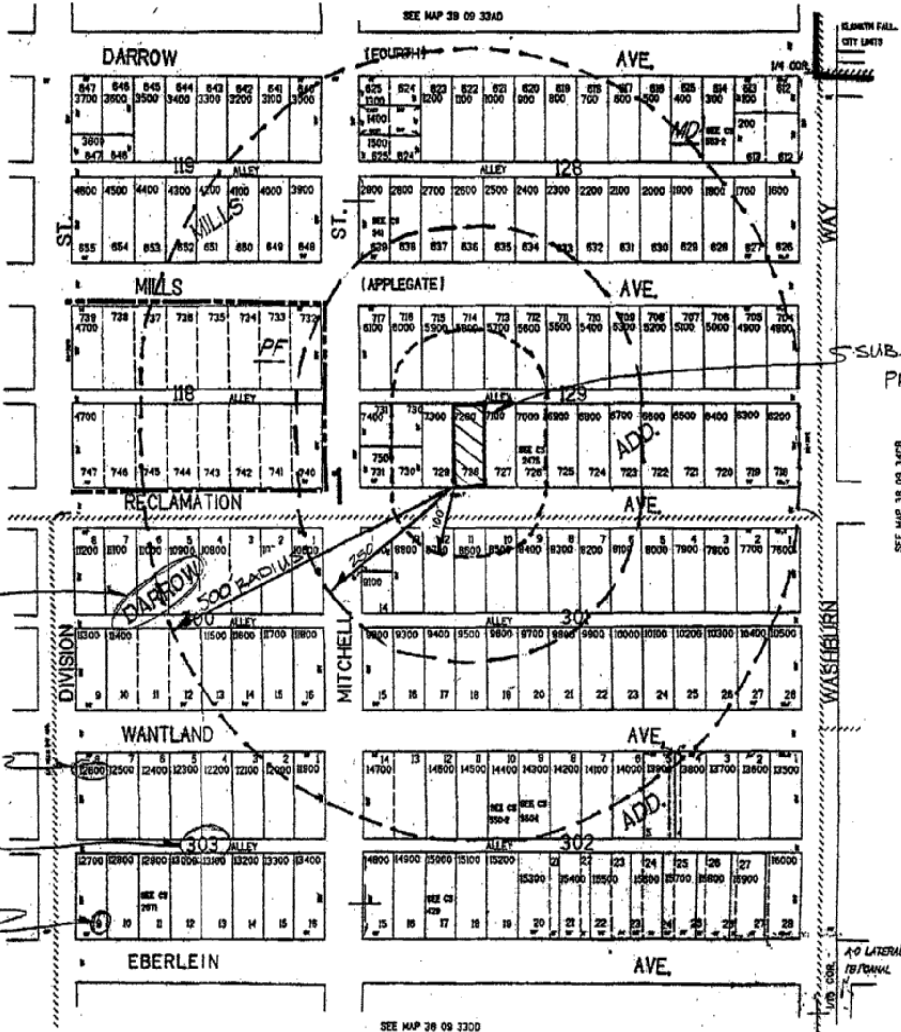
SEE MAP 38 09 3303

SUBDIVISION  
NAME

TAX LOT NUMBER

BLOCK NUMBER

LOT NUMBER



MAP NUMBER 38-09 330A  
KLAMATH FALLS