



To: City of Klamath Falls Development Services

Applicant/Owner: David Panossian  
[REDACTED]  
[REDACTED]

Representative: Jonathan Moritz  
Adkins Engineering & Surveying, Inc.  
1435 Esplanade Avenue  
Klamath Falls, OR 97601

Project Location: 2682 & 2684 Campus Drive  
Klamath Falls, OR 97601

Reference: Urban Area Zone Change Application for David Panossian  
Applicant Burden of Proof

### **Project Overview**

The request seeks to transition the parcels from Campus Planned Unit Development Medical Professional (CPUDMP) to Campus PUD Neighborhood Commercial (CPUDNC) to allow for a broader range of service-oriented uses that are compatible with the adjacent commercial corridor. The subject property is designated as 'Commercial' (CPUDMP) on the Comprehensive Plan Map. The CPUDNC zone is a functional classification that implements this designation by providing for low-intensity commercial services and additional multi-family residential opportunities as envisioned in Goal 9 and 10.

There is an existing adjacent parking lot with 47 parking stalls, including 4 ADA accessible spaces, that is currently shared between the subject property (2682 & 2684 Campus Drive) and Sky Lakes Pediatric Therapy (2688 Campus Drive). The parking lot has vehicle maneuvering areas and sidewalks and access to the site is provided via Campus Drive, Daggett Avenue and Uhrmann Road.

Our analysis shows that the proposed zone change for the subject property does not require a full TPR compliance review per Oregon Administrative Rule (OAR) 066-012-060. The highest trip generation potential of the proposed CPUDNC zone will **not** result in a net increase of 400 or more daily trips, and therefore, will not trigger a requirement for a Traffic Impact Analysis (TIA). Based on this analysis (included within this submittal package), proposed re-development will not have a significant effect on the transportation system.

### **Urban Area Comprehensive Plan Review Criteria**

#### Urban Area Zone Change Criteria

##### **1. Procedural Requirements:**

- a. The Department of Land Conservation and Development (DLCD) shall receive notification at least 35 days in advance of the first planning commission hearing for a zone change application in accordance with ORS 197.610 et seq. Post-Acknowledgment Procedures.

1435 Esplanade Ave, Klamath Falls, OR 97601

o 541.884.4666 / f 541.884.5335 / w AdkinsEngineering.com

- 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.

Applicant Response:

(a,c) Notice of the zone change request documentation has been provided to City of Klamath Falls (City) with zone change application package.

b) No wetlands are located on the site.

**2. Public Need:**

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

- a. For small-scale zone changes in developed areas: The proposal must result in a more logical and coherent land use pattern, as determined by the review authority.
- b. For a zone change that would decrease the supply of buildable residential land: If the proposal would rezone buildable land (as defined in the Residential BLI) from a residential zone to a non-residential zone, or result in decreased residential densities, then the HNA found in Volume II: Background Plans and Studies must be consulted to ensure that the rezone does not result in a shortage of buildable land for a needed housing type. This analysis is necessary to demonstrate compliance with Statewide Planning Goal 10: Housing. For example, if there is a documented shortage in the supply of High-Density Residential land in the Urban Area, then the proposed zone change cannot make this shortage worse. To compensate for the loss of land for needed housing, other Urban Area land may be rezoned for comparable residential use, so as to result in “no net loss” of buildable land for the needed housing type.
- c. For a zone change that would increase the supply of suitable commercial or industrial land: the proposal must meet a need for a targeted employment opportunity identified in the Economic Opportunities Analysis (EOA) using the medium growth scenario. The EOA is found in Volume II: Background Plans and Studies. Alternatively, the review body may rely on a written commitment to purchase the subject property for a specific employment opportunity to justify the need for an industrial zone change proposal.
- d. For a Public Facilities rezone proposal: The property in question must be owned by a public or non-profit corporation and the project should be referenced in the relevant facility master plan found in Volume III: Facility Master Plans.

Applicant Response:

- (a) The subject property is currently zoned CPUDMP. The applicant seeks to rezone the property to CPUDNC which is contiguous with adjacent uses to the west (separated by Campus Drive centerline). Specifically, zoning is MP to the north, east and south and NC to the west.
- (b) The rezone does not reduce the City's employment land supply because both CPUDMP and CPUDNC are commercial/professional classifications; however, the CPUDNC zone provides greater flexibility to meet documented needs for neighborhood-scale services and 'needed housing' types identified in the City's Housing Needs Analysis.
- (c) Proposed rezoning of the subject property to allow for a broader range of service-oriented uses that are compatible with the adjacent commercial corridor.
- (d) Not applicable

**3. Purpose:**

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

- a. Klamath County LDC describes the purpose of each zone and lists permitted and conditional uses in each zone. Table 2.3 lists each applicable base zone and its corresponding purpose.
- b. Descriptions of most city zones have been brought forward from the old Comprehensive Plan (p.10). The Klamath Falls CDO includes definitions for each zone table listing permitted and conditional uses in each zone. Table 2.3 describes the purposes of city zones based on these documents.

Applicant Response:

- (a) Not applicable
- (b) Applicable zone descriptions per CDO Table 2.4 and Campus PUD Development Standards are described below. The subject property is designated as 'Commercial' (CPUDMP) on the Comprehensive Plan Map. The CPUDNC zone is a functional classification that implements this designation by providing for low-intensity commercial services and additional multi-family residential opportunities as envisioned in Goal 9 and 10.
  - (Current Zone) CPUDMP – Medical Professional: (Not explicitly listed in Table 2.3 or Chapter 12 of CDO, instead listed in the Campus PUD Development Standards): A zone that allows for professional service offices and medical service facilities/offices.

- (Proposed Zone) CPUDNC – Neighborhood Commercial: General commercial enterprises operating in a limited scale, compatible with surrounding neighborhood conditions, and intended to principally serve neighborhood residents. A zone that allows for a limited number of retail commercial uses which serve the day-to-day needs of the residents from surrounding neighborhoods.

#### 4. Transportation:

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

#### Applicant Response:

Our analysis shows that the highest trip generation potential of the proposed Campus PUD Neighborhood Commercial (CPUDNC) zone will **not** result in a net increase of 400 or more daily trips, and therefore, will not trigger a requirement for a Traffic Impact Analysis (TIA), confirming no significant effect on the transportation system, based on the following rationale:

1. **TPR Threshold:** Per CDO § 14.051.A.6, a TIA is only required if the zone change results in an increase of 400 or more daily trips.
2. **Highest Generating Allowed Use:** The highest practical trip-generating use allowed under the Campus PUD Development Standards is a Coffee/Donut Shop without Drive-Through (ITE Trip Generation Manual 11<sup>th</sup> Edition, ITE Land Use Code 936).
3. **ITE Calculation:** ITE Land Use Code 936 generates an average of approximately 108.38 daily trips per 1,000 square feet of Gross Floor Area (GFA). To meet the 400 daily trip minimum threshold, the store would need to be at least 3,690 square feet of GFA.
4. **Feasibility Constraint:** Given the existing constraints, specifically the approximately 6,480 sq ft lot size, the allowed 70% lot coverage in CPUDNC, the lot shape by the reduction in area due to the roundabout's right-of-way acquisition (~920 sq ft), a 3,690 sq ft building is not a feasible development scenario for this parcel.
5. **Net Trip Conclusion:** Assuming the current parcel use generates a minimal or zero-trip increase, the highest feasible use allowed by the proposed zone change still falls substantially below the 400 daily trip threshold.

Therefore, the proposed zone change for this lot does not require a full TPR compliance review and the proposed re-development will not have a significant effect on the transportation system.

**5. Adequate Public Facilities:**

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

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

Applicant Response:

- (a) The subject property is located within a developed portion of the City with existing public utilities available along all streets fronting or nearby proximity to the site. Water is provided to the property via a water service located off the water main in Uhrmann Road (water service to the subject property is located within a waterline service easement across adjacent properties); sanitary sewer is provided to the property via the sanitary sewer main in Campus Drive; and storm sewer runoff discharges into the existing storm sewer in Campus Drive.
- (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).

**6. Residential Zoning Location:**

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

- a. High Density Residential should be located within 1,000 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.

Applicant Response:

- (a, b, c) Not applicable

**7. Commercial Zoning Location:**

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

- a. General Commercial and Transportation Commercial shall have frontage along an arterial street; exclusive use of local streets the travel through existing single-family neighborhoods in Low Density Residential or Suburban Residential zones shall not be permitted.

- b. Neighborhood Commercial should be located to serve existing or planned residential neighborhoods and shall have frontage along a collector or arterial street; Neighborhood Commercial zoning may also be used as a transition area between General Commercial and Residential areas.
- c. Downtown Commercial shall be limited to the Downtown Klamath Falls area as identified in the Urban Area Plan.

Applicant Response:

- (a) Not applicable
- (b) In line with contiguous CPUDNC zoned properties, the proposed zoning will allow for a mix of small-scale commercial and residential uses consistent with the Comprehensive plan.
- (c) Not applicable

**8. Topographical Constraints:**

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

Applicant Response:

- (a) Not applicable
- (b) Existing topography of the subject property slopes east to west at approximately 7%. The site is already fully developed with an existing building and an adjacent parking lot located on the property to the south. No wetlands or floodplains exist on the subject property.

**9. 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).

Applicant Response:

- (a) If rezoned CPUDNC, the subject property will be contiguous with adjacent NC-zoned parcels to the west (separated by Campus Drive centerline).
- (b) Not applicable

**10. Size and Shape:**

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

Applicant Response:

Per Table 12.005 of the CDO, properties zoned NC must be a minimum of 5,000 sf. The subject parcels are 0.06 ac (2682 Campus Drive) and 0.09 ac (2684 Campus Drive) for a total of 0.15 acres ( $\pm 6,480$  sf), with the reduction in area due to the roundabout's right-of-way acquisition ( $\sim 920$  sq ft), thereby meeting the minimum lot size. The subject property currently has a 2,600-sf building constructed on it. The minimum parking requirements for the proposed apartment building are met with the existing joint use parking lot shared by the adjacent medical office as described in Table 14.005 of the CDO.

**11. Historic Sites and Structures:**

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

Applicant Response:

The subject property is currently 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 CPUDNC.

**12. Noise Sensitive Uses:**

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

- a. Zone changes that allow uses that generate substantial noise should not be located next to noise-sensitive uses unless noise attenuation measures are assured.
- b. Noise sensitive land uses shall be prohibited or limited within noise-affected areas of the Klamath Falls Municipal Airport (Ref Goal 6 Policy).

Applicant Response:

- (a) While the CPUDNC zone allows for retail uses, any future development would be subject to CDO buffering standards. Because the parcel is small and located on a major collector (Campus Drive), the impacts of CPUDNC uses will be similar in scale to the existing medical office uses.
- (b) Not applicable

### 13. Neighborhood Impacts:

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

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

Applicant Response:

- (a) Rezoning the subject parcel to CPUDNC to allow for a broader range of service-oriented uses that are compatible with the adjacent commercial corridor is not anticipated to result in adverse impacts to surrounding properties zoned CPUDMP, CPUDA, CPUDMP and School (Oregon Tech) within a 500-ft radius. All other parcels within 500 feet are zoned CPUDNC and will not be impacted.

While the CPUDNC zone allows for retail uses, any future development would be subject to CDO buffering standards. Because the parcel is small and located on a major collector (Campus Drive), the impacts of CPUDNC uses will be similar in scale to the existing medical office uses.

- (a) Not applicable (see response to 'a').

### 14. Planned Unit Development:

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

Applicant Response:

Not applicable. Subject property is contained within the previously established Campus PUD.

### 15. Air/Rail Transportation Zone:

Urban Area Lands proposed for rezoning within the Airport/Transportation Development Zone will be restricted to commercial and industrial Development.

Applicant Response:

Not applicable. Subject parcel is not contained within the Airport/Transportation Development Zone.

## **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.

Applicant Response:

Proposed development of the subject property to allow for a broader range of service-oriented uses that are compatible with the adjacent commercial corridor meets minimum design requirements as listed in CDO Chapters 10 through 14, including minimum lot size, building height/setback, parking, landscaping, and access.

- 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.

Applicant Response:

Proposed development of the subject property to allow for a broader range of service-oriented uses that are compatible with the adjacent commercial corridor meets minimum CDO/PUD design requirements associated with small-scale commercial and residential uses; therefore, the site is of adequate size/shape to facilitate normally allowed uses in the CPUDNC zone.

- 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.

Applicant Response:

The subject property has frontage along Campus Drive and Daggett Avenue, all of which are improved City streets. Our analysis shows that the proposed zone change for the subject property does not require a full TPR compliance review per Oregon Administrative Rule (OAR) 066-012-060. The highest trip generation potential of the proposed CPUDNC zone will not result in a net increase of 400 or more daily trips. Based on this analysis (included within this submittal package), proposed re-development will not have a significant effect on the transportation system.

- D. The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof. (Ord. 17-10, 2017)

Applicant Response:

- (a) The proposed rezoning of the subject property from CPUDMP to CPUDNC will allow for a broader range of service-oriented uses that are compatible with the adjacent commercial corridor.