



City of Klamath Falls
Development Services Department
PO Box 237, Klamath Falls, OR 97601
226 S. 5th St., Klamath Falls, OR 97601
TEL (541) 883-4950

<Date>

<Business Name>

<Applicant Name>

<Address>

<City, State, Zip>

In an effort to support downtown restaurants impacted by state mandated restrictions to indoor dining space, the City of Klamath Falls has agreed to grant you non-exclusive, limited duration use of public property to expand the footprint of your business. The primary activity within the expanded area is for patrons consuming food. This access encroachment is granted for a period up to 60 days of the date of this notice or until such time state mandates are lifted allowing normal operation of indoor dining space, whichever is sooner. Extensions beyond 60 days may be considered up to 180 days maximum, per Oregon Administrative Rule 845-005-0331.

Your business, located at the address noted above, is authorized under the following terms & conditions:

1. Access is granted only to the expansion area (hereinafter "Area") defined in the attached exhibit. Unless otherwise noted in the exhibit, the Area is to be located on the sidewalk abutting the business's physical location, and nearest the building, and shall be no wider than four feet.
2. The City may require written permission from the building owner and/or adjoining businesses if circumstances warrant. In such case, a copy of the written permission will be attached to this approval record.
3. Use of the Area is authorized only during normal business hours, days/times as noted in the attached exhibit.
4. Applicants shall provide all furniture and fixtures (hereinafter "Equipment") used within the Area or to delineate and decorate the Area. Equipment must be identified in the attached exhibit.
5. During Applicants' regular business hours, their customers shall have the exclusive right to use the Equipment.
6. Applicants shall be responsible for the securing and maintenance of their Equipment. Broken, damaged, or otherwise non-functional Equipment shall be removed and replaced promptly at Applicant's expense. Penetrating anchorage to the concrete and /or brick paver surface is not permitted.
7. Any Equipment utilized to delineate pedestrian separation from traffic within the adjacent parking lane must be removed from the roadway surface when not in use and/or outside of normal business hours.
8. Applicants, at their option, may remove Equipment located on sidewalk at the end of each business each day. In the event Applicant chooses to leave Equipment on sidewalk in place outside of their regular business hours, then the public may use Equipment.
9. The City shall not be responsible for any loss or damage to any Equipment, regardless of such loss or damage occurring during normal business hours or outside of such hours.
10. Applicant shall maintain a five-foot (5') minimum clear area along the sidewalk for pedestrian passage.

11. ADA access must always be maintained within the Area and along any adjoining paths of pedestrian travel.
12. Use of the Area may not block, interfere with, or in any other way limit access to adjoining businesses.
13. Applicants shall comply with all relevant local, state, and federal regulations pertaining to Applicants' use of the Area, including, but not limited to, OLCC regulations.
14. If alcohol will be served in the expansion area, the business is solely responsible for regulating consumption and service in accordance with their OLCC license. Only OLCC licensed businesses are authorized to serve alcohol in approved expansion areas.
 - Additional detail is available in the amended administrative rule here:
<http://bit.ly/ExpansionOfPremises>
15. The business is responsible for upkeep of the Area so as to maintain the welcoming appearance of downtown Klamath Falls' public spaces. This includes cleaning up spills, retrieving debris that is blown from the area, sweeping, etc. Area shall be restored to its original condition upon the termination of the permitted encroachment.

This authorization may be revoked at any time by the City for any reason, including but not limited to:

- COVID-19 business restrictions related to Oregon's risk-level framework are lifted, and businesses are no longer restricted in their capacity.
- The business is observed operating outside of the authorized Area.
- The business fails to maintain the appearance of the expansion area in a manner consistent with the expectation of downtown Klamath Falls' public spaces.
- Issues arise related to the Equipment provided by the business in the Area.
- Operation of the business in the Area is found to negatively impact adjoining businesses.
- Operation of the business in the Area negatively impacts ADA and/or pedestrian use of public rights-of-way.
- A non-licensed business is observed serving alcohol.
- Issues arise related to the service of alcohol in the Area.

You are hereby authorized to proceed with use of the Area under the terms and conditions set forth above and further defined on the approved site exhibit attached. Please contact the Development Services Department should you have any questions or require further assistance.

Scott Souders, PE
Development Services Director

Cc: Nathan Cherpeski – City Manager
Mike Swanson – City Attorney
Mark Willrett, PE – Public Works Director
Joe Wall – Planning Manager
Darin Rutledge – Klamath Falls Downtown Association

SITE PLAN CHECKLIST

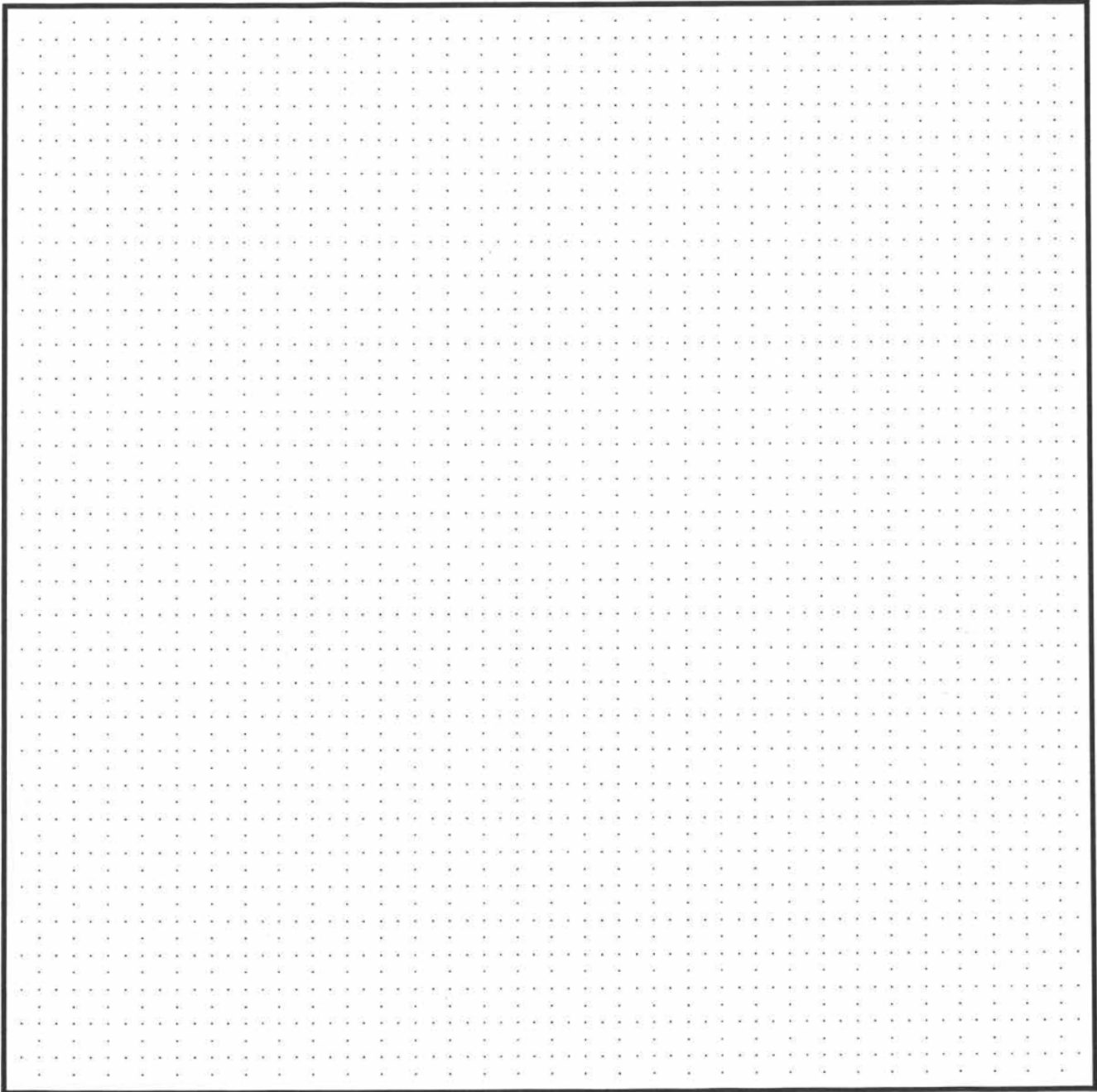
Note: The following are basic items that need to be shown on a site plan. Depending on the circumstances of your proposal, additional attributes may be required.

- ☐ FILL OUT ALL INFORMATION BELOW THE DRAWING FIELD (GRID)
 - ☐ Name of Applicant(s)
 - ☐ Site Address (if an address has not yet been assigned for this site, leave blank)
 - ☐ Scale. The default scale is 1 inch (or four squares) is equal to 20 feet. The scale is flexible depending on the circumstances of your proposal. A different scale may be used as long as it is identified in the space provided. **The site plan needs to be drawn to the scale indicated.**
 - ☐ Date of the site plan. Each revised site plan needs to also have a revised date. If the map is a revision and an earlier version, please check the appropriate box.
 - ☐ Draw an arrow in the box provided that indicates true north.
- ☐ External property boundaries/dimensions shall be shown
- ☐ Clearly illustrate the Expansion Area to be used
- ☐ Note days and hours of operation
- ☐ Illustrate and identify the location of all “equipment” (tables, chairs, umbrellas, general decorations, delineation, pedestrian ramps, etc.)

LIMITED DURATION SIDEWALK USE - SITE PLAN FORM

City of Klamath Falls Planning Division

The site plan is required prior to approval for limited sidewalk use. Business and/or property owners are responsible for accurately documenting the configuration of the expanded area, and are responsible to maintain use of the area in accordance with this plan.



Please draw arrow in
box below to indicate
true NORTH:



Applicant Name(s): _____

Site Address: _____

Scale 1 in = 20 feet (or alternative scale): _____

Date: _____

Please note above: Days and hours of operation; intended use of sidewalk space; and location of all tables, displays, furniture, plants, decorations, etc.