



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

08/31/2009

**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 007-09

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:** Friday, September 11, 2009

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).

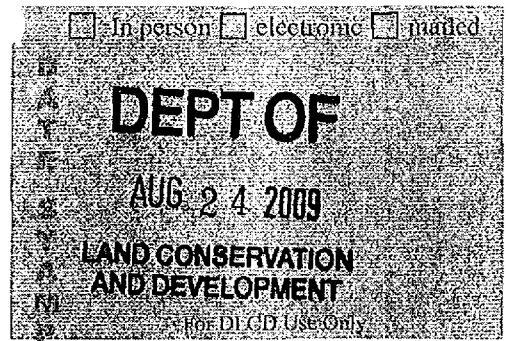
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Joe Slaughter, City of Klamath Falls  
Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative

<paa> YA

# Notice of Adoption



**THIS FORM MUST BE MAILED TO DLCD  
 WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: *City of Klamath Falls*

Local file number: *1-2-09*

Date of Adoption: *8/19/09*

Date Mailed: *8/21/09*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

*Rezoning of approximately 0.20 acres of land from Public Facility to Medium Density Residential to make the zone match the existing use of the subject property as a single family residence.*

Does the Adoption differ from proposal? Please select one

*Yes. Slight change in area 0.19 acres to 0.20 acres*

Plan Map Changed from: *Public Facility*

to: *Residential*

Zone Map Changed from: *Public Facility (PF)*

to: *Medium Density Residential (MD)*

Location: *1203 Carlyle Street, North side of Carlyle between Worden Ave and Lancaster Ave. Klamath Addition, Block 33, lots 13-15 and portion of vacated Alley*

Specify Density: Previous: *5,000 sq ft*

New: *5000 sq ft*

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                          |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                           | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

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

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Local Contact: *Joe Slaughter*

Address: *226 S. 5th Street*

City: *Klamath Falls*

Zip: *97601*

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

Fax Number: *541-883-5390*

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

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## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - **ATTENTION: PLAN AMENDMENT SPECIALIST**.

Planning

Ordinance No. 09-12

**A SPECIAL ORDINANCE REZONING APPROXIMATELY 0.20 ACRES (8,812 SQUARE FEET) OF LAND FROM PUBLIC FACILITY TO MEDIUM DENSITY RESIDENTIAL.**

**WHEREAS**, the applicants, Daniel & Mali Perriton, have submitted a written proposal for a zone change for certain real property which is hereafter described and shown on Exhibit A; and

**WHEREAS**, a public hearing was held on July 13, 2009, pursuant to applicable laws, at which time all evidence and objection with reference to said proposed zone change were considered by the Planning Commission; and

**WHEREAS**, hearing notices were duly given and the City Council held a public hearing on August 3, 2009, on the recommendation of and including the record of the Planning Commission concerning the zone change; and

**WHEREAS**, pursuant to such record and hearing the City Council has determined the zone change 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 B;

**NOW THEREFORE**

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

The zoning designation of approximately 0.20 acres as shown on the map attached hereto as Exhibit A, and described as Second Klamath Addition, Block 33, Lots 13-15 and a portion of the vacated alley immediately east of these lots is hereby changed from Public Facility to Medium Density Residential.

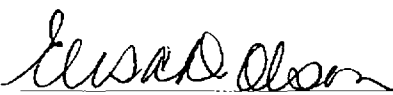
The property in question can be found on Klamath County Assessor's map R-3809-029AC tax lot 10800.

Passed by the Council of the City of Klamath Falls, Oregon, the 17<sup>th</sup> day of August, 2009.

Presented to the Mayor, approved and signed this 19<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
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 17<sup>th</sup> day of August, 2009 and therefore approved and signed by the Mayor and attested by the City Recorder.

\_\_\_\_\_  
City Recorder (Deputy Recorder)

**Exhibit A  
VICINITY MAP  
NO SCALE**

**PRESCOTT**

24	2800	1
23	3800	2
22	SEE CS 3209	3
21		4
20	3100	5
19	3700	6
18	3600	7
17		8
16	3500	9
15	3400	10
14	3300	11
13	3200	12

24	2700	2100	1
23			2
22			3
21		2200	4
20			5
19	2600		6
18	2500		7
17			8
16	2400		9
15			10
14	2300		11
13			12

24	2000	1300	1
23			2
22	1900	1300	3
21	1800	1400	4
20			5
19			6
18	1700		7
17			8
16		1500	9
15			10
14		1600	11
13			12

**SHELLEY**

24	5300	5400	1
23			2
22	5500		3
21			4
20	5200		5
19	5600		6
18	5100	5700	7
17	5000		8
16	4900	5800	9
15			10
14	4800	5900	11
13			12

24	6500	6600	1
23			2
22	6400		3
21		6700	4
20	6300		5
19	6800		6
18	6200		7
17			8
16	6100		9
15		6900	10
14	6000		11
13			12

24	7200	7201	1
23			2
22			3
21			4
20			5
19			6
18			7
17			8
16	7000		9
15			10
14			11
13			12

**ADDISON**

24	12100	11100	1
23			2
22	12000	11200	3
21			4
20	11900		5
19	11300		6
18	11600	11400	7
17		SEE CS 303	8
16		11500	9
15	11700		10
14		11600	11
13			12

24	11000	11000	1
23			2
22			3
21			4
20			5
19			6
18			7
17			8
16			9
15			10
14			11
13			12

24	10900	10700	1
23	PE		2
22			3
21			4
20			5
19			6
18		10702	7
17			8
16		10701	9
15	10800		10
14	Subject Property	10703	11
13			12

**CARLYLE**

8	13200	13300	1
7			2
6	13100	13400	3
5			4

1	13600	13700	1
2	38	39	2
3	13500	13800	3
4			4

8	13900	14000	1
7			2
6			3
5			4

**Exhibit B  
FINDINGS**

**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 88: Energy-efficient residential densities will be promoted relative to work sites and transportation planning.

Policy 99: A maximum priority will be given to maintaining and rehabilitating, where possible, existing housing units.

Policy 234: Maintenance and improvement of established residential areas will be promoted.

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 zone change will make it easier for the property owner to continue to use the property as a single family residence. The proposed zone change will allow the residential use to be altered or expanded and will help to facilitate the sale/purchase of the property as a single family residence. The house is located in a residential neighborhood situated near schools, parks, and businesses that provide opportunities for work and shopping. These conditions are encouraged by Comprehensive Plan Policies 88, 99 & 234 which encourage maintaining and improving established residential areas and promoting residential neighborhoods located in close proximity to work sites.

Public Facility zoning requires a 10' setback from all property lines unless the yard abuts a residential zone. If the yard abuts a residential zone a setback of 15 feet (plus one foot for every foot the proposed nonresidential structure exceeds 28' in height) is required. Medium Density Residential setback requirements are 20' for front yards, 10' for exterior side yards, and 5' for all rear and interior side yards. The existing structures have the following setbacks: approximately 5' rear yard (north), approximately 5' interior side yard (east), approximately 28' interior side yard (west), and approximately 22' front yard (south). Two of the existing setbacks do not meet the setback requirements of the Public Facility zone but all will meet the setback requirements of the Medium Density Residential zone.

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 if a variance is granted for the structure. **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 minimum required for both Public Facility and medium Density Residential zones is 5,000 sq ft. The subject property has an area of approximately 8,812 sq ft. The property is rectangular in shape with approximately 117 feet of frontage along Carlyle Street.

Although the whole subject property is currently developed as a single family residence the subject property is comprised of three separate subdivided lots (Second Klamath Addition, Block 33, Lots 13-15). These lots if sold separately would not meet Community Development Ordinance requirements for street frontage or minimum lot size. In order to meet this criterion a deed restriction shall be recorded for the subject property to prohibit the individual sale of any of the subject lots independent of the rest.

Any future use of the subject property will require a residential review or conditional use permit application be submitted to and reviewed by City Planning. This review will insure that the site is developed appropriately for the proposed use.

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 with conditions.**

Condition: The applicant shall file a deed restriction with the Klamath County Clerk's office which prohibits the individual sale of any of the subject lots independent of the rest. A copy of this recorded document shall be provided to the City Planning Division.

**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 subject property has approximately 117 feet of frontage along Carlyle Street. The portion of Carlyle Street adjacent to the subject property is a semi-improved street with an asphalt surface and extruded concrete curbs on both sides of the street. There are no sidewalks on either side of Carlyle Street and the existing curbs do not include gutter plates. Other streets in the area are improved to a similar standard with asphalt paved surfaces and no sidewalks. The proposed zone change is not expected to generate any additional vehicle or pedestrian traffic in the area as there are no plans to alter the property at this time. Public Facility zoning allows for more intense uses with the potential to generate more traffic than those uses allowed in Medium Density zones.

Finding: The property affected by the proposed zone change is properly related to streets to adequately serve the type of traffic generated by the uses permitted in the medium Density Residential zone. **This criterion is met.**

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

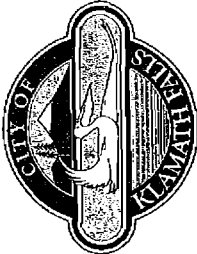
Staff Response: The subject property is located in a neighborhood comprised almost entirely of Medium Density Residential zoning. The three exceptions are Fairview Elementary School, Fairview Park, and Linkville Pioneer Cemetery; which are all zoned Public Facility. The proposed zone change will have no immediate effect on the neighborhood and will mitigate future impacts of having privately owned Public Facility property in a residential neighborhood.

Any future use of the subject property will require a residential review or conditional use permit application be submitted to, and reviewed by, City Planning. This review will insure that the site is developed appropriately for the proposed use and any potential adverse effect on abutting properties will be mitigated.

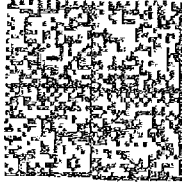
Finding: The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof. **This criterion is met.**







CITY OF KLAMATH FALLS, OREGON  
P.O. BOX 237 • ZIP CODE 97601-0361



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08/21/2009

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Plan Amendment Specialist  
DLCD  
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Salem, OR 97301-2540

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