



Oregon

Theodore R. Kubongoski, 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

12/21/2009

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 010-09

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: Monday, January 04, 2010

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).

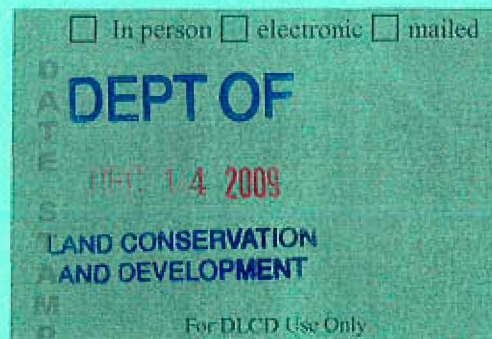
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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: Kelly O'Neill, 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: **4-Z-09**

Date of Adoption: **12/08/09**

Date Mailed: **12/11/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **08/06/09**

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".

The applicants, Bonnie Cuadra, Ole & Valerie Opgrand, and Ralph Opp, propose to rezone approximately 4,541 sq ft of land from Public Facility (PF) to Single Family Residential (SF). The proposed zone change would eliminate the split zoning of the parcels and make the zone more closely match the existing uses on the subject properties. All three of the properties are used for single family homes. This proposal does not include any changes or modifications to the subject properties.

Does the Adoption differ from proposal? Please select one

Not at all

Plan Map Changed from: **N/A**

to: **N/A**

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

to: **Single Family Residential (SF)**

Location: **West of Memorial Drive, north of Southside Expressway, and south of Greensprings Drive**

Acres Involved: **0.10 acres (4,541 sq ft)**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

| | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <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 checked="" 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 Governments or Special Districts:

City of Klamath Falls, Qwest, Pacific Power & Light, Klamath County Fire District #1, Charter Communications, Basin Transit, Avista Gas

Local Contact: **Kelly O'Neill**

Phone: **(541) 883-5360** Extension: **369**

Address: **226 S. 5th Street**

Fax Number: **541-883-5390**

City: **Klamath Falls**

Zip: **97601**

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

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, or by emailing **larry.french@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 **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

Planning

Ordinance No. 09-14

A SPECIAL ORDINANCE REZONING THREE PARCELS OF PROPERTY ABUTTING KLAMATH MEMORIAL PARK CEMETERY AND MEASURING APPROXIMATELY 0.10 ACRES (4,541 SQUARE FEET) FROM PUBLIC FACILITY TO SINGLE FAMILY RESIDENTIAL

WHEREAS, the applicants, Bonnie Cuadra, Ole and Valerie Opgrand, and Ralph Opp, have submitted a written proposal for zone changes for three parcels of real property which are hereafter described and shown on Exhibit A; and

WHEREAS, a public hearing was held on October 26, 2009, pursuant to applicable laws, at which time all evidence and objection with reference to said proposed zone changes were considered by the Planning Commission; and

WHEREAS, hearing notices were duly given and the City Council held a public hearing on November 16, 2009, on the recommendation of and including the record of the Planning Commission concerning the zone changes; and

WHEREAS, pursuant to such record and hearing the City Council has determined the zone changes 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 designations for three parcels of property (totaling approximately 0.10 acres) as shown on the map attached hereto as Exhibit A, and described below as property descriptions for Cuadra, Opgrand, and Opp are each hereby changed from Public Facility to Single Family Residential.

Property Description for Cuadra, PLA 07-09 for tax lot 01100:

Beginning at the northwest corner of that property described in Deed Volume M00, Page 4227; South 66°06'20" West, 15.00 feet; thence, parallel with the southwesterly right-of-way line of Memorial Drive, North 23°53'40" West, 70.00 feet; thence North 66°06'20" East, 115.00 feet; to said southwesterly right-of-way line; thence, along said southwesterly right-of-way line, South 23°53'40" East, 20.00 feet; thence, along the northwesterly line of that property described in Deed Volume 2006-018291, South 66°06'20" West, 100.00 feet; thence, along the southwesterly line of said Deed Volume, South 23°53'40" East, 50.00 feet to the point of beginning.

Property Description for Opgrand, PLA 08-09 for tax lot 01200:

Beginning at the northwest corner of that property described in Deed Volume M00, Page 4227; thence, along the southwesterly line of that property described in said Deed Volume. South 23°53'40" East, 74.40 feet to the southwest corner of said Deed Volume; thence South 66°06'20" West, 15.00 feet; thence, parallel with the southwesterly right-of-way line of Memorial Drive, North 23° 53' 40" West, 74.40 feet; thence North 66°06'20" East, 15.00 feet to the point of beginning.

Property Description for Opp, PLA 09-09 for tax lot 01300:

Beginning at the most northwesterly corner of that property described in Deed Volume M92, Page 12957, thence, along the southwesterly line of said Deed Volume, South 23°53'40" East, 25.00 feet; thence, along the northwesterly line of said Deed Volume, South 66°06'20" West, 15.00 feet; thence, parallel with Memorial Drive, North 23°53'40" West, 25.00 feet; thence North 66°06'20" East, 15.00 feet to the point of beginning.

The property in question can be found on Klamath County Assessor's map R-3909-008BA tax lots 01100, 01200, and 01300.

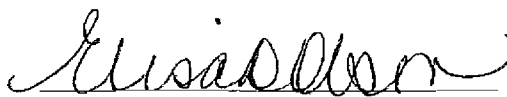
Passed by the Council of the City of Klamath Falls, Oregon, the 7th day of December, 2009.

Presented to the Mayor, approved and signed this 8th day of December, 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 7th day of December, 2009 and therefore approved and signed by the Mayor and attested by the City Recorder.

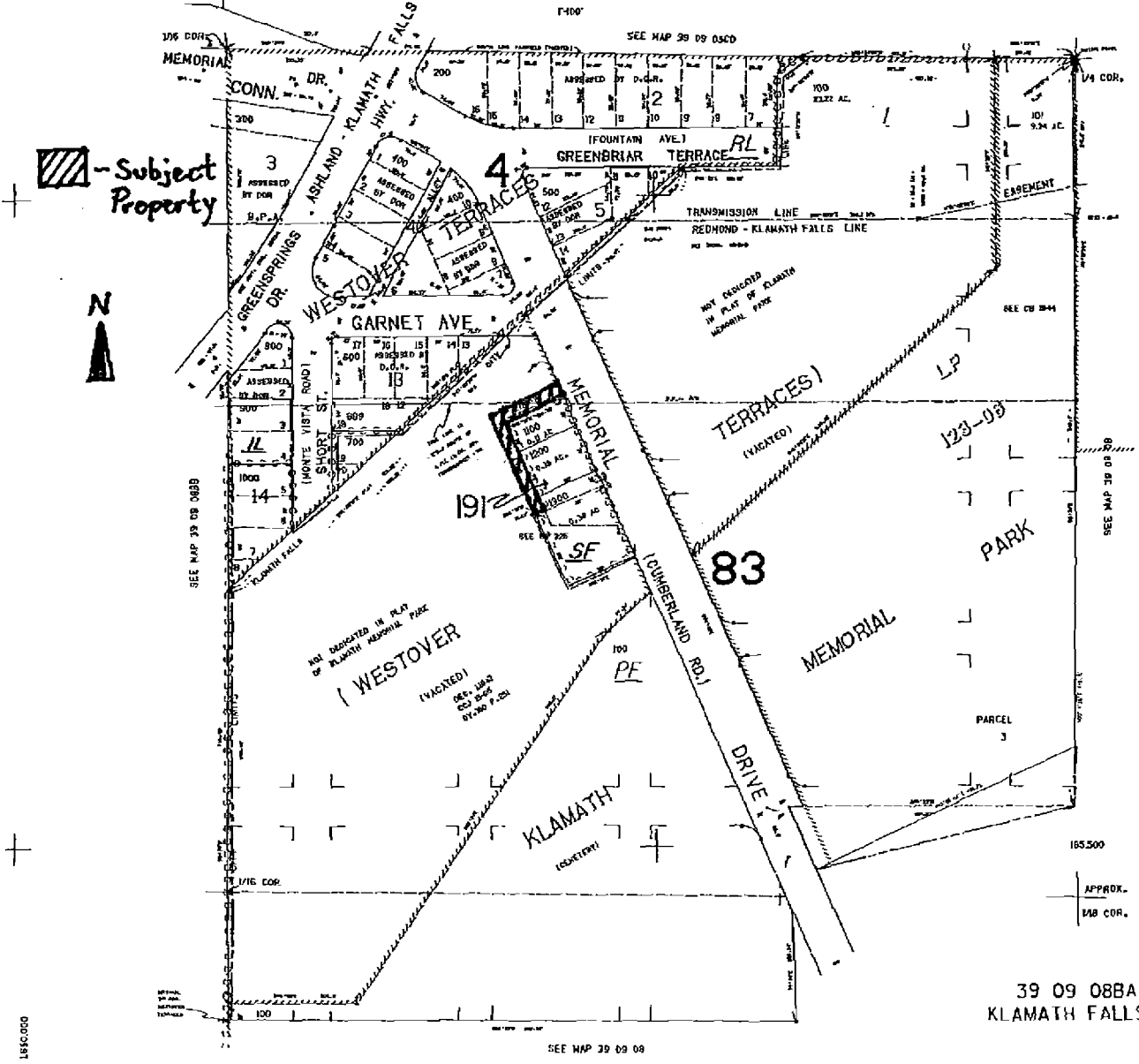
City Recorder (Deputy Recorder)

**Exhibit A
VICINITY MAP
NO SCALE**

REVISED 9-19-07
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE1/4 NW1/4 SEC. 08 T.39S. R.09E. WM.
KLAMATH COUNTY

39 09 088A
KLAMATH FALLS



39 09 088A
KLAMATH FALLS

**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 151: Adequate off-street parking will be provided wherever possible to avoid street congestion and hazards.

Policy 224: Public facility capacity and expansion scheduling will be a key factor in land use planning.

The proposed zone change will cause the zoning of the subject property to more closely match the existing and proposed uses of the property. The expansion and proper re-zoning of portions of these lots will help alleviate potential off-street parking issues, especially for 2620 Memorial Drive (owned by Cuadra), thus supporting Comprehensive Plan Policy 151. Re-zoning the property from Public Facility to single Family Residential will remove property that would otherwise be reserved for public facility related uses, thus supporting Comprehensive Plan Policy 224.

The proposed zone change will not create any nonconformity.

Proposed 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 minimum required lot size for Public Facility zones is 5,000 sq ft. The minimum required lot size for Single Family Residential is 7,000 sq ft. The portion of 2620 Memorial Drive, owned by Cuadra is 5,000 sq ft which is smaller than the required lot size in Single Family Residential zones. The portion of 2624 Memorial Drive, owned by Opgrand is 7,440 sq ft which is larger than the required lot size in Single Family Residential zones. The portion of 2650 Memorial Drive owned by Opp is 16,300 sq ft which is larger than the required lot size in Single Family Residential zones. If the portion of the three properties currently zoned Public Facility is re-zoned to Single Family Residential then all three of the properties will be larger than the minimum lot size of 7,000 sq ft and will be conforming lots.

Proposed 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 properties are bordered by Memorial Drive to the east. The Klamath Falls Urban Area Transportation System Plan (TSP) identifies Memorial Drive as a local street.

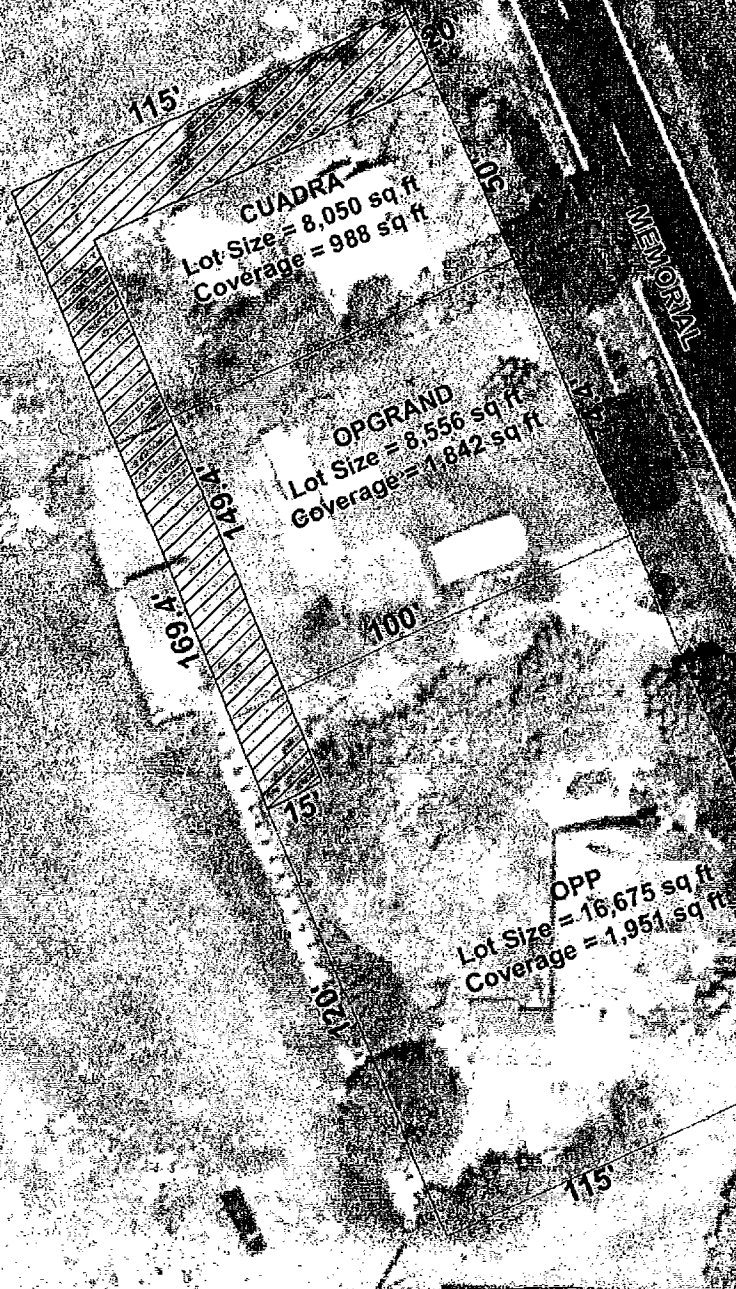
Proposed Finding: The properties affected by the proposed zone change appear to be properly related to streets that adequately serve the type of traffic generated by the uses permitted in the Single Family Residential zone. **This criterion is met.**

Change of Zone 4-Z-09

0 25 50 100 Feet


Date: August 5th, 2009

N



Total Property for Change of Zone = 4,541 sq ft
Cuadra Property = 3,050 sq ft
Opgrand Property = 1,116 sq ft
Opp Property = 375 sq ft

Legend

- Lines that Separate Properties
-  Property Proposed for Change of Zone
- Parcels

Memorial Cemetery

LEGAL DESCRIPTION OF: PLA 7-09

A Parcel of land situated in the NE1/4 of the NW1/4 of Section 8, Township 39 south, Range 9 East of the Willamette Meridian, Klamath County, being more particularly described as follows:

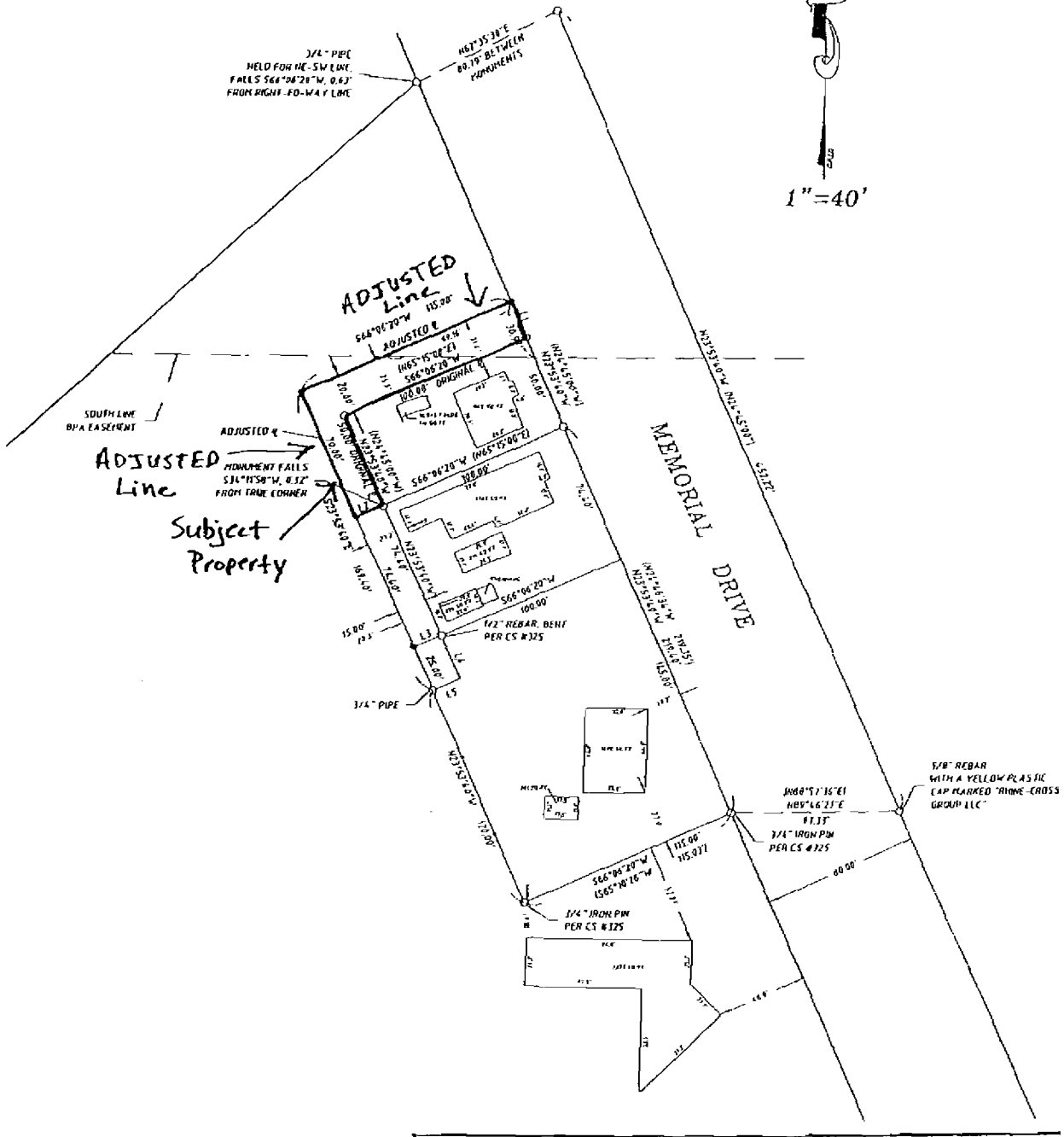
Beginning at the northwest corner of that property described in Deed Volume M00, Page 4227; South $66^{\circ}06'20''$ West, 15.00 feet; thence, parallel with the southwesterly right-of-way line of Memorial Drive, North $23^{\circ}53'40''$ West, 70.00 feet; thence North $66^{\circ}06'20''$ East, 115.00 feet; to said southwesterly right-of-way line; thence, along said southwesterly right-of-way line, South $23^{\circ}53'40''$ East, 20.00 feet; thence, along the northwesterly line of that property described in Deed Volume 2006-018291, South $66^{\circ}06'20''$ West, 100.00 feet; thence, along the southwesterly line of said Deed Volume, South $23^{\circ}53'40''$ East, 50.00 feet to the point of beginning.

Containing 3050 square feet, more or less.

Exhibit B



1" = 40'



LEGAL DESCRIPTION OF: PLA 8-09

A Parcel of land situated in the NE1/4 of the NW1/4 of Section 8, Township 39 south, Range 9 East of the Willamette Meridian, Klamath County, being more particularly described as follows:

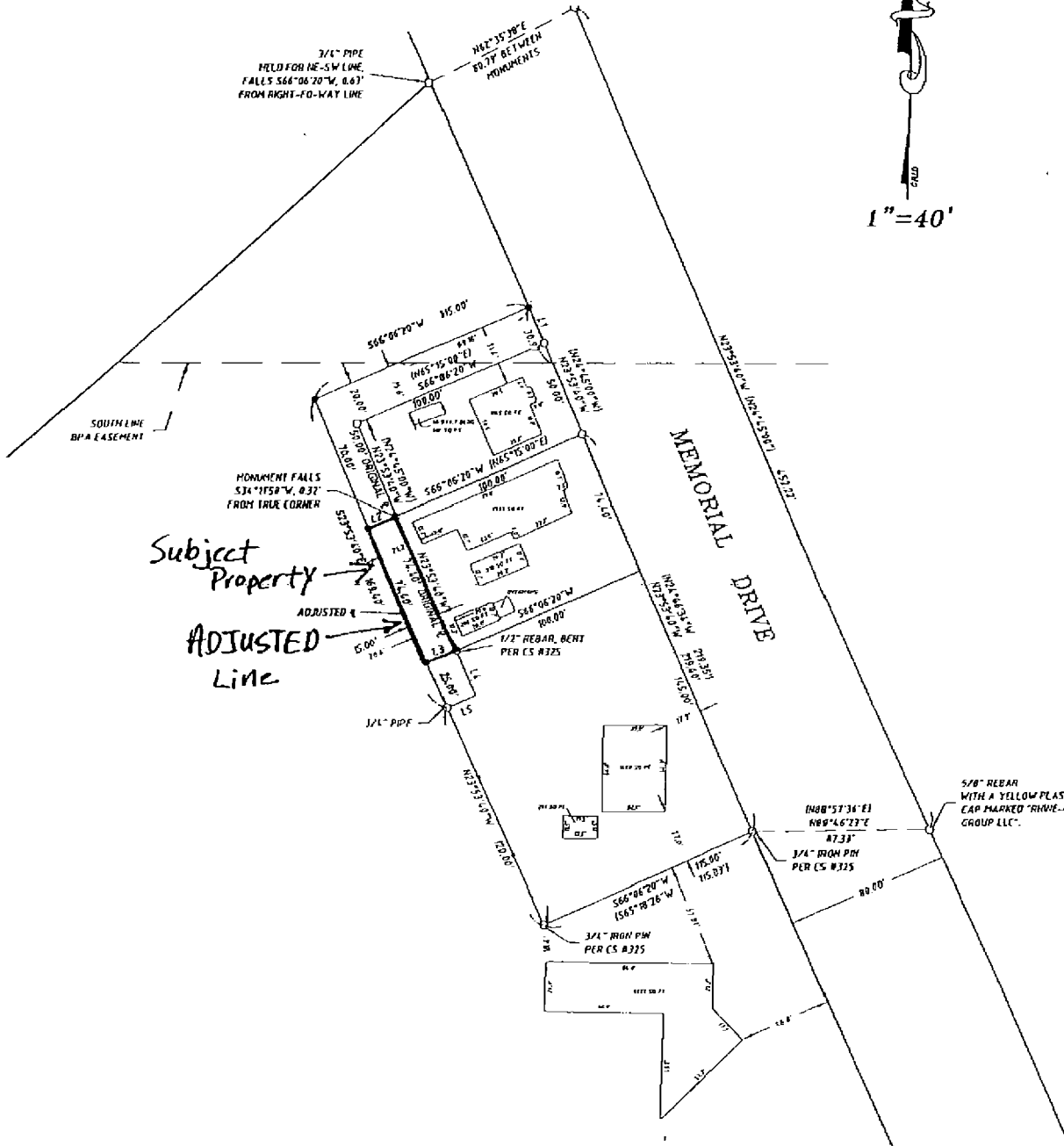
Beginning at the northwest corner of that property described in Deed Volume M00, Page 4227; thence, along the southwesterly line of that property described in said Deed Volume. South $23^{\circ}53'40''$ East, 74.40 feet to the southwest corner of said Deed Volume; thence South $66^{\circ}06'20''$ West, 15.00 feet; thence, parallel with the southwesterly right-of-way line of Memorial Drive, North $23^{\circ}53'40''$ West, 74.40 feet; thence North $66^{\circ}06'20''$ East, 15.00 feet to the point of beginning.

Containing 1116 square feet, more or less.

Exhibit B



1" = 40'

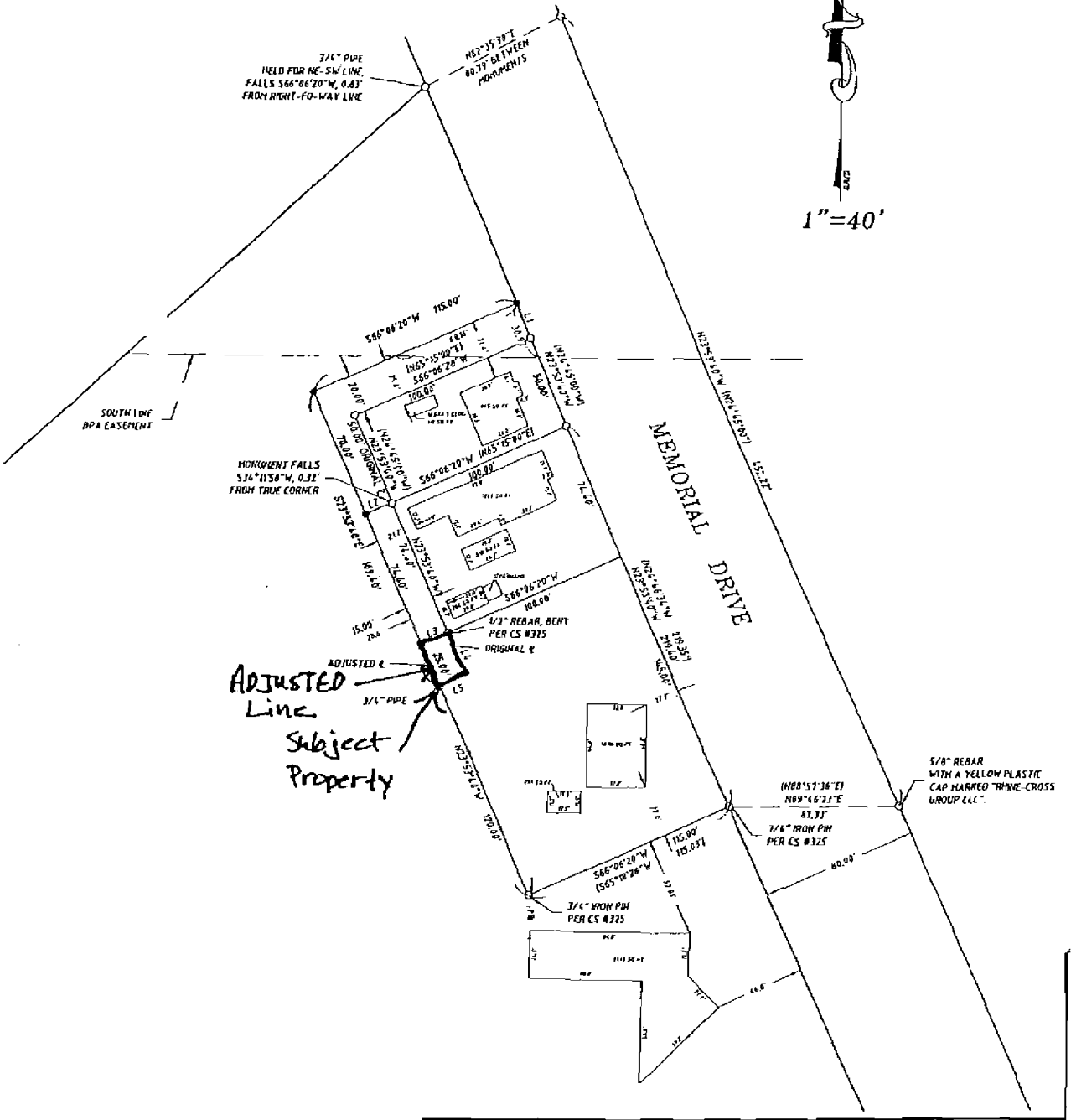


LEGAL DESCRIPTION OF: PLA 9-09

A Parcel of land situated in the NE1/4 of the NW1/4 of Section 8, Township 39 south, Range 9 East of the Willamette Meridian, Klamath County, being more particularly described as follows:

Beginning at the most northwesterly corner of that property described in Deed Volume M92, Page 12957, thence, along the southwesterly line of said Deed Volume, South 23°53'40" East, 25.00 feet; thence, along the northwesterly line of said Deed Volume, South 66°06'20" West, 15.00 feet; thence, parallel with Memorial Drive, North 23°53'40" West, 25.00 feet; thence North 66°06'20" East, 15.00 feet to the point of beginning.

Containing 375 square feet, more or less.



CITY OF KLAMATH FALLS
PLANNING DEPARTMENT
P.O. Box 237
Klamath Falls, OR 97601

012-H6209577

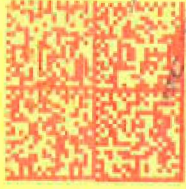
\$0 1.90

12/11/2009

Mailed From 97601

US POSTAGE

Hasler



ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION & DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540