



# 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

10/18/2010

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 006-10

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: Thursday, October 28, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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).

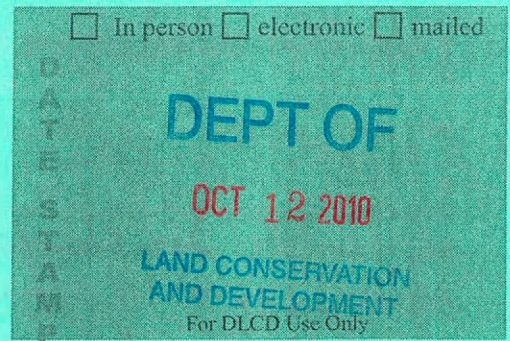
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Joe Slaughter, City of Klamath Falls  
Gloria Gardiner, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Urban Planner  
Bill Holmstrom, DLCD Transportation Planner  
Jon Jinings, 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: *3-2-10*

Date of Adoption: *October 5, 2010*

Date Mailed: *October 6, 2010*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: *July 8, 2010*

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".

*Calvin and Edith Douglas propose to rezone approximately 6,000 sq ft of land from Public Facility, to Apartment Residential so that the zoning more closely matches the existing use of the property as a single family residence. The City of Klamath Falls proposes to rezone approximately 24,000 sq ft of land from Apartment Residential to Public Facility so that the zoning more closely matches the existing use of the property as a park.*

Does the Adoption differ from proposal? Please select one

*No*

Plan Map Changed from: *Public Facility to Residential and Residential to Public Facility*

Zone Map Changed from: *Public Facility* to: *Apartment Residential*

Location: *Park property, not addressed. Douglas property, located at 2075 Winding St.* Acres Involved: *0.69*

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

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                                     |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |
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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:

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Local Contact: *Joe Slaughter* Phone: *(541) 683-5272* Extension: *N/A*  
Address: *226 S. 5th Street* Fax Number: *541-883-5390*  
City: *Klamath Falls* Zip: *97601* E-mail Address: *jslaughter@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. 10-11

**A SPECIAL ORDINANCE REZONING APPROXIMATELY 6,000 SQUARE FEET OF LAND FROM PUBLIC FACILITY TO APARTMENT RESIDENTIAL AND REZONING APPROXIMATELY 24,000 SQUARE FEET OF LAND FROM APARTMENT RESIDENTIAL TO PUBLIC FACILITY.**

**WHEREAS**, the applicants, Calvin and Edith Douglas and the City of Klamath Falls, 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 August 23, 2010, 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 September 20, 2010, 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 6,000 square feet as shown on the map attached hereto as Exhibit A, and described as Dixon Addition, Block 8, Lot 1 is hereby changed from Public Facility to Apartment Residential.

The property in question can be found on Klamath County Assessor's map R-3809-033AB tax lot 04000.


**-and-**

The zoning designation of approximately 24,000 square feet as shown on the map attached hereto as Exhibit A, and described as Dixon Addition, Block 5, Lots 3-6 is hereby changed from Apartment Residential to Public Facility.


The property in question can be found on Klamath County Assessor's map R-3809-033AB tax lot 00700.

Passed by the Council of the City of Klamath Falls, Oregon, the 4<sup>th</sup> day of October, 2010.

Presented to the Mayor, approved and signed this 5<sup>th</sup> day of October, 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

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

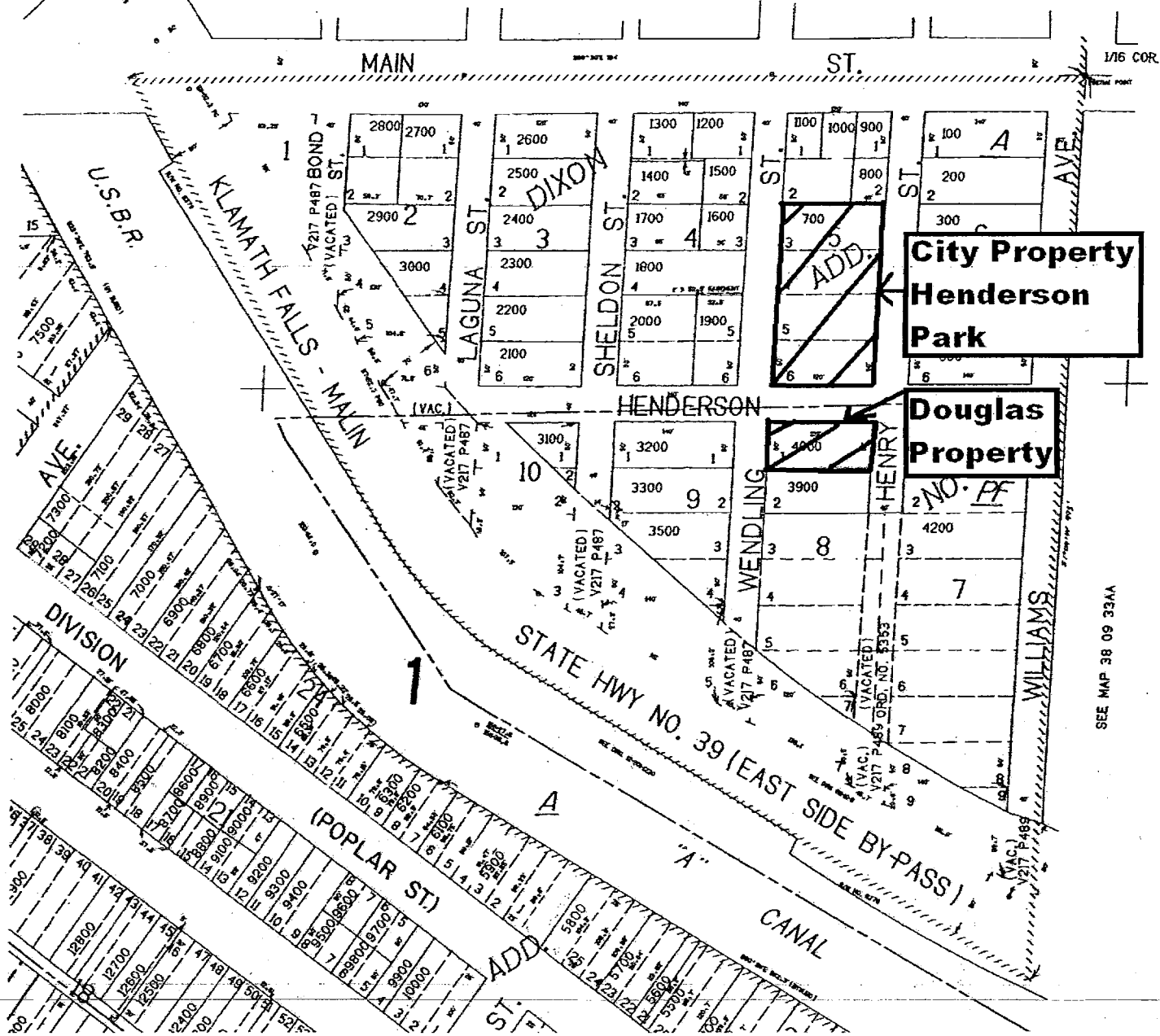
I, \_\_\_\_\_, Recorder (Deputy Recorder) for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon at the meeting on the 4<sup>th</sup> day of October, 2010 and therefore approved and signed by the Mayor and attested by the City Recorder.

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

Exhibit A  
VICINITY MAP  
NO SCALE

KLAMATH F

1"=100'  
SEE MAP 38 09 28DC



**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 97: The interrelationship of transportation, job sites, shopping sites, recreation, open space and scenery, education, and similar activities will be emphasized to provide maximum and efficient use of public facilities and services.

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

Policy 254: Allow growth to occur as naturally as possible without undue restrictions, or conversely, aggressive promotion.

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 location of the existing Henderson Park relates well with an existing neighborhood and it plays a major role in the neighborhood's access to recreation and open space (policy 97). The proposed rezoning of the Douglas' property will provide for the continued use of the property as a single family residence. This will provide for the repair and expansion of the existing residential use (policy 99). The rezoning of both of these properties will provide for the continuation of the existing uses on both properties (254).

There are no existing buildings on the City property (Henderson Park) so there are no existing building heights, lot coverage or setbacks to consider.

The Douglas' house has the following existing setback distances: Approximately 15' front yard (S Wendling St, west), approximately 10' exterior side yard (Henderson St, north), approximately 13' exterior side yard (Henry St, east) and approximately 10' interior side yard (south). The existing front yard setback will become non-conforming with the proposed change of zone to Apartment Residential. Although both S Wendling Street and Henry Street are platted south of Henderson Street (adjacent to the Douglas' property) neither of these streets have been developed as a typical city street. Rather, each of these rights-of-way have been developed, and are currently used as, driveways for the church south of the subject property. The proposed zone change will not change the existing setback distance. ~~The propose zone change will not create any other non-conformities.~~ The existing buildings are less than 45' tall and the existing lot coverage is approximately 46%.

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 is 5,000 sq ft for both existing zones and proposed zones (Apartment Residential and Public Facility). The Douglas' property is approximately 6,000 square feet in size, rectangular in shape (120' x 50') and fronted by streets on three sides. The size and shape of the lot is typical for the Dixon Addition subdivision and many other single family residences have been developed on similar lots in the area.

The Henderson Park property is approximately 24,000 square feet in size, rectangular in shape (120' x 200') and fronted by streets on three sides. The site has been used as a neighborhood park for decades.

Any future use of the subject property will require a residential review, a design 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.**

**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 properties are bordered by S Wendling Street, Henry Street and Henderson Street. Although both S Wendling Street and Henry Street are platted south of Henderson Street (adjacent to the Douglas' property) neither of these streets have been developed as a typical city street. Rather, each of these rights-of-way have been developed, and are currently used as, driveways for the church south of the subject property. City Engineering does not anticipate any increases to existing traffic counts that would warrant a traffic analysis.

Finding: The property affected by the proposed zone change appears to be properly related to streets to adequately serve the type of traffic generated by the uses permitted in the Apartment Residential zone; however, when a specific proposal is submitted further traffic information will be required. **This criterion is met.**

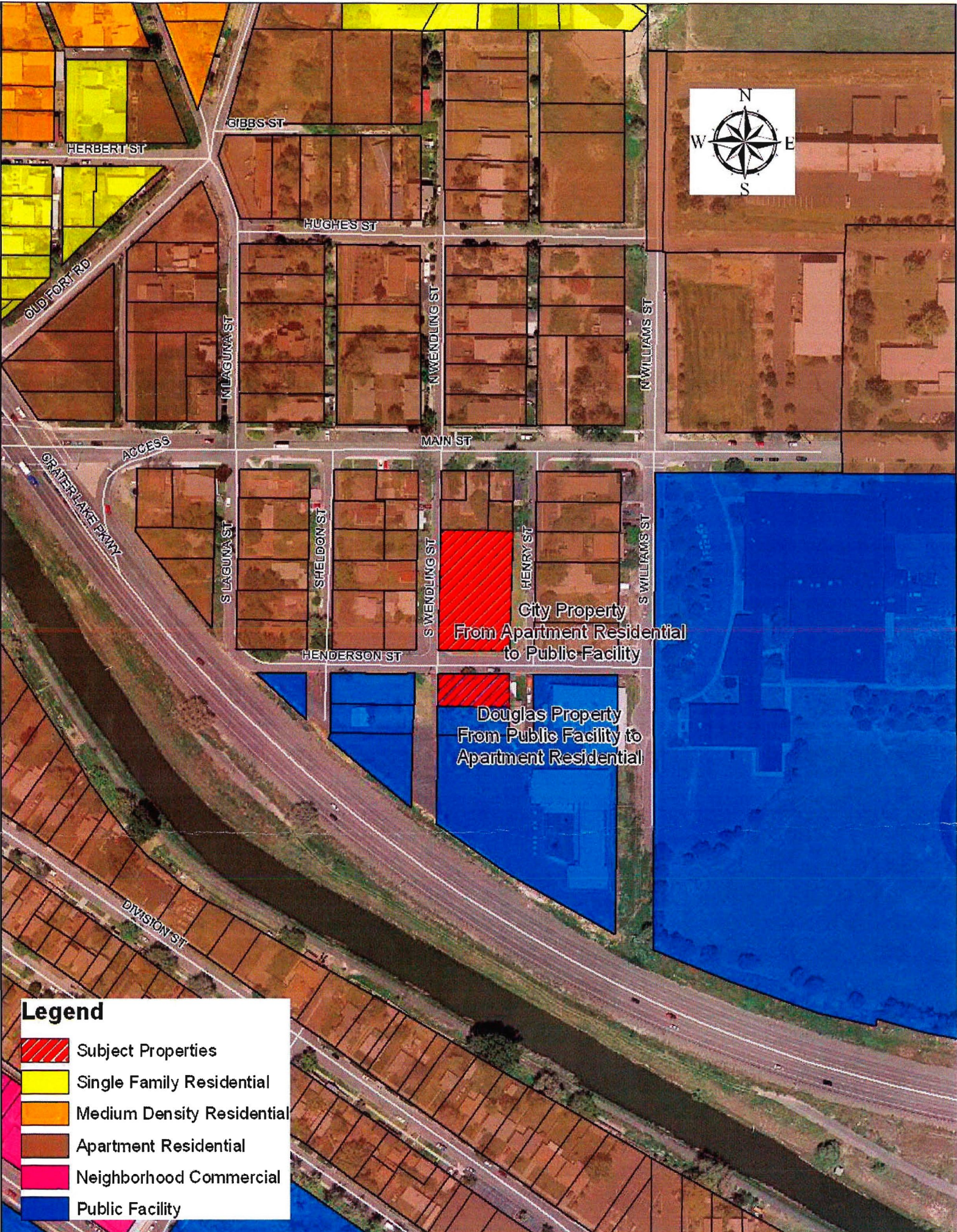
**D. Criterion The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof.**

Staff Response: There are no plans to change either of the subject properties along with the proposed zone change. The proposed zone change will cause the zoning of the properties to more closely match the existing uses on each property. The proposed zone change will have no tangible affect on either of the subject properties.

Public Facility zones require 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. The proposed change of zone for the Douglas' property will cause the church property to the south to have an increased minimum setback distance between the two properties. This should not adversely affect the church property because that portion of the property is used as a playground for the church.

Any future use of the subject property will require a residential review, a design 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.**



**Legend**

-  Subject Properties
-  Single Family Residential
-  Medium Density Residential
-  Apartment Residential
-  Neighborhood Commercial
-  Public Facility

City Property  
From Apartment Residential  
to Public Facility

Douglas Property  
From Public Facility to  
Apartment Residential



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

RETURN SERVICE REQUESTED

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635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540