



# 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

July 7, 2008

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Klamath Falls Plan Amendment  
DLCD File Number 001-08



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: July 17, 2008**

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

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D L C D NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

JUN 30 2008

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 1-2-08 (If no number, use none)

Date of Adoption: 6/17/08 (Must be filled in) Date Mailed: 6/26/08 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 3/18/08

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment X Zoning Map Amendment

New Land Use Regulation Other: (Please Specify Type of Action)

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

The applicant proposes to rezone approximately 1.17 acres (51,000 sq ft) of land from Public Facility (PF) and Single Family Residential (SF) to Apartment Residential (A)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: Public Facility / Residential to Residential

Zone Map Changed from: PF & SF to A

Location: R-3809-28CD-3000, 3100, 5500 & 5600 Acres Involved: 1.17

Specify Density: Previous: 5,000 sq ft + 7,000 sq ft New: 5,000 sq ft

Applicable Statewide Planning Goals: 1, 2, 10 & 13

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-08 (16785)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: City of Klamath

Falls, Klamath County & Klamath County Fire District No. 1

Local Contact: Joe Slaughter Area Code + Phone Number: (541) 883-5361

Address: 226 S. 5<sup>th</sup> Street

City: Klamath Falls Zip Code+4: 97601

## 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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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 copy this form on to 8-1/2x11 green paper only ; or 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](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

*Planning*

**A SPECIAL ORDINANCE REZONING APPROXIMATELY  
1.17 ACRES (51,000 SQUARE FEET) OF LAND FROM PUBLIC FACILITY AND SINGLE  
FAMILY RESIDENTIAL TO APARTMENT RESIDENTIAL.**

**WHEREAS**, the applicant, Klamath Christian Center, has 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 May 12, 2008, 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 June 2, 2008, 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 1.17 acres as shown on the map attached hereto as Exhibit A, and described as Hot Springs Addition, Blk 43, Lots 11 & 12, and Williams Addition, Blk 1, Lots 5-10 is hereby changed from Public Facility and Single Family Residential to Apartment Residential.

The property in question can be found on Klamath County Assessor's map R-3809-028CD tax lots 3000, 3100, 5500 & 5600.

Passed by the Council of the City of Klamath Falls, Oregon, the 16<sup>th</sup> day of June, 2008.

Presented to the Mayor, approved and signed this 17<sup>th</sup> day of June, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

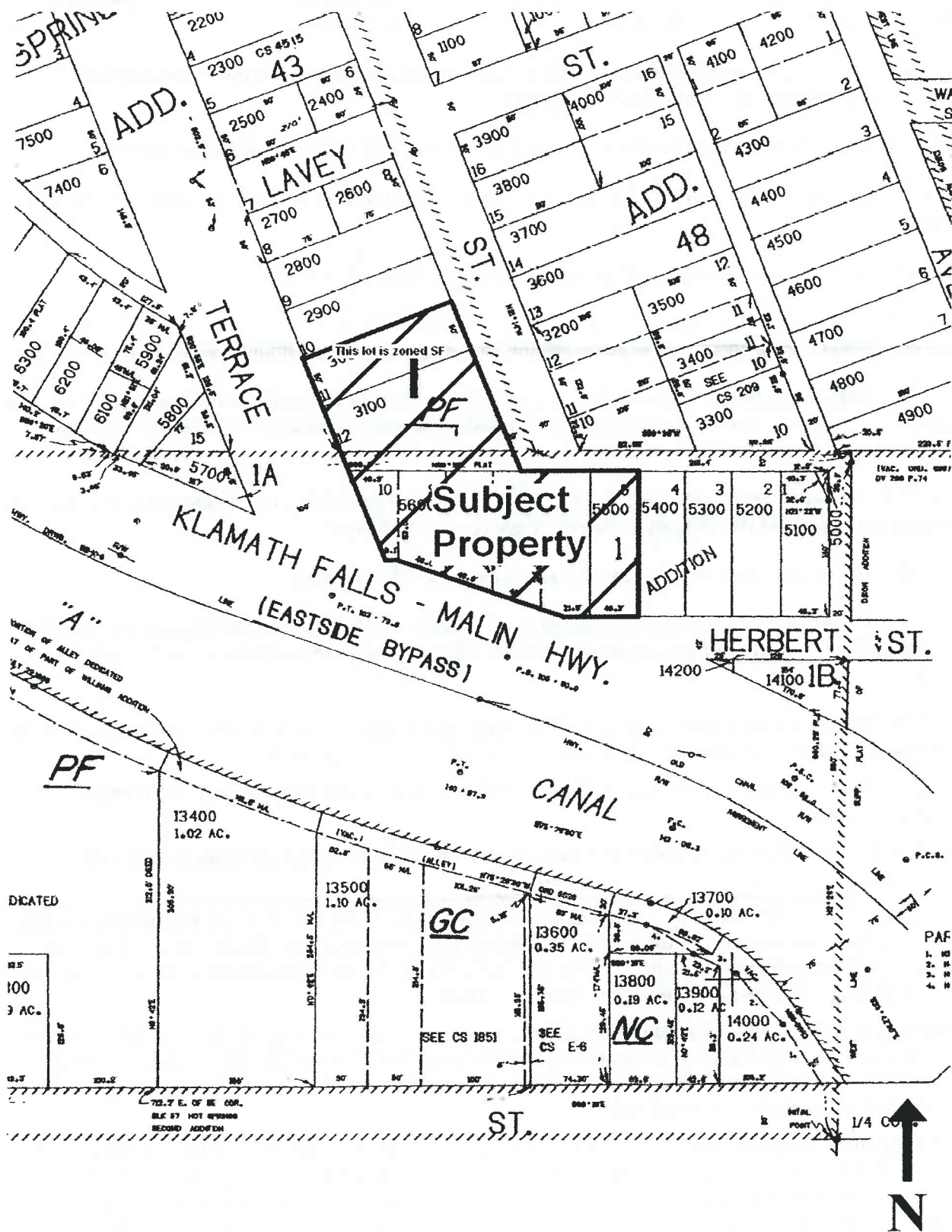
  
\_\_\_\_\_  
City Recorder

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 16<sup>th</sup> day of June, 2008 and therefore approved and signed by the Mayor and attested by the City Recorder.

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

Exhibit A  
VICINITY MAP  
NO SCALE



**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. 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 112: The City will preserve and encourage a mix of household and densities use.

Policy 223: Standards for urbanization will encourage flexibility and innovation in development, permitting mixtures of land uses and intensities which contribute to the quality of the community.

Policy 226: Where conflicting land uses abut, the more intensive land use, or the site being developed, shall be subject to special site development standards designed to enhance the livability and reduce the negative impact on less intensive use.

Policy 228: Within the urban area, land use policies will attempt to provide a broad range of residential needs by mixing unit types and encouraging innovative development techniques.

Policy 231: Residential densities adjacent to major arterials will be increased.

Policy 232: Commercial development in residential areas will serve the needs of the respective residential areas and shall meet special site development standards which minimize the negative impact on abutting properties.

Policy 235: More intensive land uses proposed for established residential areas will be subject to special site development standards which minimize the negative impact on abutting properties.

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.

If the zoning of the subject property was changed to Apartment Residential several residential uses would be permitted, including apartment buildings and other high density developments. These permitted uses are encouraged by Comprehensive Plan Policies 88, 112, 223, 228 & 231 which encourage a mix of residential densities and higher density developments near arterial streets.

Apartment Residential zoning also allows for office and public uses with the approval of a Conditional Use Permit. These types of uses are encouraged by Comprehensive Plan Policies 223, 226, 232 & 235 which allow for more intensive land uses to develop in residential neighborhoods provided that any negative impacts to the surrounding properties are minimized.

The rezoning of this property will result in a net benefit for existing City residents and will contribute to the improvement of the local economy by providing for the continued use of the subject property. The types of residential uses permitted in Apartment Residential zones are supported by the Comprehensive Plan and the Comprehensive Plan provides controls which will minimize the impact a more intensive use could have on the surrounding properties.

The maximum building height in Single Family Residential zones is 28 feet, the maximum building height in Public Facility zones is 90', and the maximum building height in Apartment Residential zones is 45'. The existing building on the subject property has a maximum height of approximately 36'.

Single Family Residential setback requirements are 20' for front yards, 10' for exterior side yards, and 5' for all rear and interior side yards. 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. Apartment Residential zones have the same set back requirements as Single Family Residential zones. The existing building on the subject property has a 10' front yard setback (south), a 10' exterior side yard setback (west), a 15' rear yard setback (north), and a 128' interior side yard setback (east). The existing 10' front yard setback does not meet the CDO setback requirement for front yards in Apartment Residential zones.

Staff does not generally support the approval of zone changes which would create any new non-conformity or require the issuance of a variance. However, the circumstances surrounding this possible non-conformity are unique. The existing location of the building on the subject property is ideal in that it provides screening for the parking lots while presenting views of this historical building to those driving by on Crater Lake Parkway. The proposed zone change does not include plans to alter the exterior of the existing building. The non-conformance of the building relating to front yard setback will not be noticeable since the building location will not be changed. Due to the historical nature of this property it would not be appropriate to alter the existing building in order to make it meet the setback requirements of the apartment residential zone. The existing setback distances can conform with the issuance of a variance allowing for a reduction of front yard setback from 20' to 10'.

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 lot size is 7,000 sq ft for Single Family Residential zones and 5,000 sq ft for Public Facility zones. Apartment Residential zones require a minimum lot size of 5,000 sq ft with multifamily units having more than four units required to have an additional 1,000 sq ft for each unit over four. The subject property has an area of approximately 51,000 sq ft. The property is roughly square in shape, developed with a structure on the southeast side.

Any future use of the subject property will require 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 property is bordered by Crater Lake Parkway and Herbert Street to the south, Pacific Terrace to the west and Haskins Street to the east. The Klamath Falls Urban Area Transportation System Plan (TSP) identifies Herbert Street, Pacific Terrace and Haskins Street as local streets and Crater Lake Parkway as a state highway.

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: The subject property is located on the edge of a primarily Single Family Residential neighborhood with some Medium Density Residential and Apartment Residential property to the east. Although this property is contiguous only with Single Family Residential properties the general area surrounding the subject property is a mix of all three City residential types.

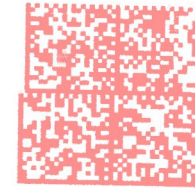
The types of uses allowed in Public Facility zones; including churches, schools, government offices and hospitals are generally more intense in nature than those permitted in the Apartment Residential zone; such as residential dwellings (ranging from single family to apartment), residential homes / facilities, and business / professional offices (with a conditional use permit).

Any future use of the subject property will require 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.**



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



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06/26/2008

Mailed From 97601

US POSTAGE

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