



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

June 2, 2006



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 003-06

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: June 15, 2006

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
Joyce Burkoske, City of Klamath Falls

<paa> ya

FORM 2

DLCD 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

(See reverse side for submittal requirements)

DEPT OF

MAY 30 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of K Falls Local File No.: 3-2-06 (If no number, use none)

Date of Adoption: 5-15-06 (Must be filled in) Date Mailed: 5-25-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

- 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."

Rezone of 5.16 ac from Single Family to Medium Density.

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: Residential to Residential

Zone Map Changed from: SF to MD

Location: 3809-2900-1200 Acres Involved: 5.16

Specify Density: Previous: 7000 sq' New: 5000 sq'

Applicable Statewide Planning Goals: 1, 2, 9, 10

Was an Exception Adopted? Yes: No: X

DLCD File No.: 003-06 (14985)

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: _____

Local Contact: Joyce Burkeske Area Code + Phone Number: 541-883-5361
Address: 226 S. Fifth St.
City: K Falls OR 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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

Planning

Ordinance No. 06- 12

A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR .16 ACRES ON THE EAST SIDE OF CALIFORNIA AVENUE, SOUTH OF UPHAM STREET AND NORTH OF COOK STREET BEING LOT 3, BLOCK 94 OF THE BUENA VISTA SUBDIVISION, FROM SINGLE FAMILY TO MEDIUM DENSITY

WHEREAS, the applicants, Kevin and Cheri Conway, have submitted a written proposal for a zone change of certain real property which is hereinafter described and shown on Exhibit A; and

WHEREAS, a public hearing was held on April 10, 2006, 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, the City Council hearing notices having been duly given, did hold a public hearing on May 1, 2006, 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 for Lot 3 of Block 94 of the Buena Vista Subdivision, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon; being also shown on the current Klamath County Assessors Map R-3809-029CC as Tax Lot 1200; is hereby changed from Single Family Residential to Medium Density Residential

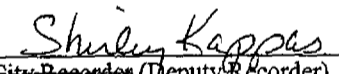
Passed by the Council of the City of Klamath Falls, Oregon, the 15th day of May, 2006.

Presented to the Mayor, approved and signed this 16th day of May, 2006.



Mayor

ATTEST:



City Recorder (Deputy Recorder)

STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

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 15th day of May, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder (Deputy Recorder).

City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP

(No Scale)

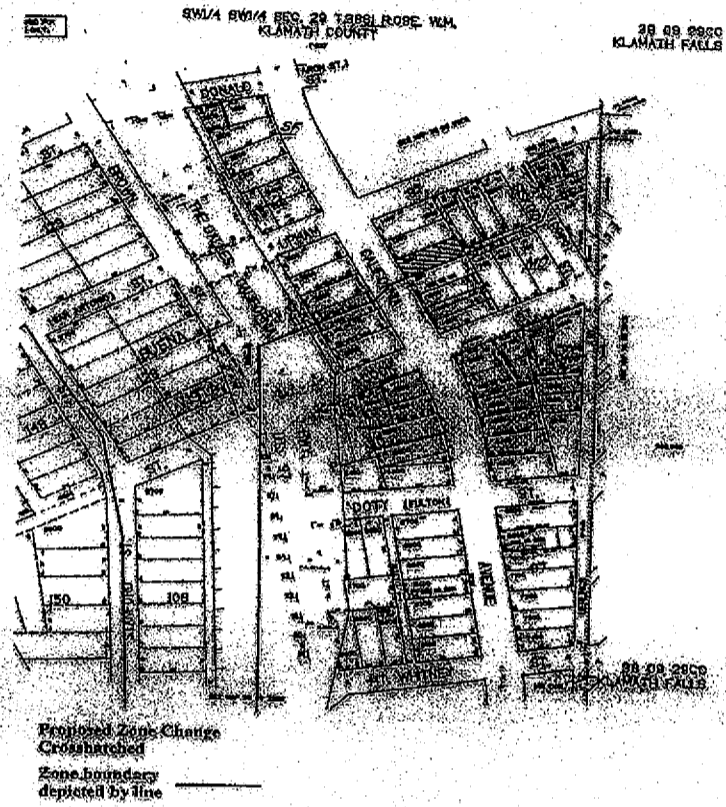


Exhibit B
FINDINGS

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 222: Land development will be in a systematic manner, which contributes to the efficient use of public facilities, quality of project, and livability of the community as a whole.

Policy 244: In-filling of developable lands will be encouraged to minimize sprawl and take advantage of existing facilities and services

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.

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, based on staff's interpretation. 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 property is a rectangular in shape, measures 140' deep by 50' wide and is currently vacant. The minimum lot size for Single Family is 7,000 square feet and with a zone change to Medium Density the lot size requirement will be reduced to 5,000 square feet. The lot is only 7,000 square feet and will not be able to be subdivided into two lots as the minimum lot size for Medium Density is 5,000 square feet. The maximum medium density lot coverage of 40 percent for a 7,000 square foot lot allows a 2,800 square foot footprint, an increase of 350 square feet from the maximum single family lot coverage of 35 percent which allows a 2,450 square foot footprint. The applicant intends to build a duplex on the property, which is allowed in the Medium Density zone.

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 currently vacant, and the change of zone will facilitate the development of the property. The adjacent right-of-way is California Avenue an improved City street with curbs, gutters, sidewalks and landscaping. Also, the property is accessible from an unimproved alley off of Siskiyou Street.

Finding: The property affected by the proposed zone change is properly related to California Avenue. 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 is no evidence that the proposed zone change will have any adverse effect on abutting properties or the permitted uses thereof. The proposed zone change abuts two parcels already zoned Medium Density, and two zoned Single Family. There are multiple duplexes in the vicinity including 5 on Cook Street between California Avenue and Siskiyou Street. Setback requirements on all sides are the same for Medium Density as they are in the Single Family zone. With a zone change to Medium Density the applicant will be able to cover 40 percent of the lot, up 5 percent from the 35 percent lot coverage allowable in Single Family zoning. This would increase the square footage of the footprint by 350 square feet.

If the zone change is granted from Single Family to Medium Density the applicant would be outright permitted to have a residential facility or a duplex. Also, with a change to Medium Density the applicant could apply for a Conditional Use Permit allowing a triplex or fourplex.

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