



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/Costal Fax: (503) 378-6033

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

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

NOTICE OF ADOPTED AMENDMENT

March 9, 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 016-05



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: March 14, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

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

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FORM 2

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

MAR 07 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF KLAMATH FALLS Local File No.: 8-2-05 (If no number, use none)

Date of Adoption: 2/21/06 (Must be filled in) Date Mailed: 3/1/06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/28/05

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
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."

RE-ZONE APPROX. 1.92 ACRES FROM PUBLIC FACILITY TO SINGLE FAMILY RESIDENTIAL, INSTEAD OF MEDIUM DENSITY RESIDENTIAL.

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."

RE-ZONE APPROX. 1.92 ACRES FROM PUBLIC FACILITY TO MEDIUM DENSITY RESIDENTIAL (PREVIOUSLY)

Plan Map Changed from: PUBLIC FACILITY to RESIDENTIAL

Zone Map Changed from: PUBLIC FACILITY to SINGLE FAMILY RESIDENTIAL

Location: R-3809-30B3-1500 Acres Involved: 1.92

Specify Density: Previous: 5,000 SF New: 7,000 SF

Applicable Statewide Planning Goals: 1, 2, 6, 9 & 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 016-05 (147/5)

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: _____

KLAMATH COUNTY,

Local Contact: JOYCE BUNKOSKE Area Code + Phone Number: 541-883-5369

Address: P.O. BOX 237

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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

Planning

Ordinance No. 06- 04

A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR 1.92 ACRES ON THE SOUTHERLY SIDE OF FRONT STREET WEST OF THE INTERSECTION OF HAWKINS STREET, FROM PUBLIC FACILITY TO SINGLE FAMILY RESIDENTIAL

WHEREAS, the applicants, Wayne A. and Pamela J. Connors, submitted a written proposal for a zone change from Public Facility to Medium Density Residential of certain real property which is hereinafter described; and

WHEREAS, public hearings were held by the Planning Commission on November 14 and 28, 2005, 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 Planning Commission recommended to the City Council that applicants' request for a zone change be denied; and

WHEREAS, the City Council, following the issuance of appropriate hearing notices, did hold a public hearing on December 19, 2005 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 approved the findings of the Planning Commission and determined to deny applicant's request for a zone change from Public Facility to Medium Density Residential; and

WHEREAS, following the decision of the City Council, applicants did file a request for the City Council to reconsider its decision of denial and to consider an amended request for zone change from Public Facility to Single Family Residential; and

WHEREAS, the City Council on January 17, 2006 decided to allow applicants to amend their request for zone change and set the matter for further public hearing before the City Council on either February 6 or February 21, 2006; and

WHEREAS, the City Council, following the issuance of appropriate hearing notices, did hold a public hearing on February 6, 2006 on the amended application for zone change; and

WHEREAS, pursuant to such record and hearings the City Council has determined the zone change from Public Facility to Single Family Residential to be in compliance with the Community Development Ordinance and the Comprehensive Plan; and

WHEREAS, the City Council adopted findings attached hereto and incorporated by this reference as Exhibit B; NOW THEREFORE,

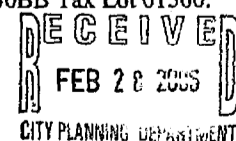
THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

The zoning designation of the property as shown on the map attached hereto as Exhibit A, and more accurately described as follows:

A parcel of land beginning at a point on the Southerly side of Front Street; said point described as being South 14°27' East 496.7 feet, and thence South 58°41' East 63.4 feet from the Southeast corner of Lot 92, Block 3, First Addition to Buena Vista Addition to the City of Klamath Falls, Oregon; thence from the point of beginning, herein described South 58°41' East along the Southerly side of Front Street, Buena Vista Addition to the City of Klamath Falls, Oregon, 310.9 feet to a point of angle in Front Street; thence continuing along the Southerly side of Front Street S. 39° 31' East 71.5 feet to a point; thence South 45°41' West to the shore of Upper Klamath Lake; thence Northwesterly along said shore to a point situate South 31°19' West of the point of beginning; thence North 31°19' East to the point of beginning, being a portion of Lot 10, Section 30, Township 38 South, Range 9 East of the Willamette Meridian according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon

is hereby changed from Public Facility to Single Family Residential.

Being also shown on the current Klamath County Assessors Map R-3809-030BB Tax Lot 01500.



Passed by the Council of the City of Klamath Falls, Oregon, the 21st day of February, 2006.

Presented to the Mayor, approved and signed this 22nd day of February, 2006.

Mayor

ATTEST:

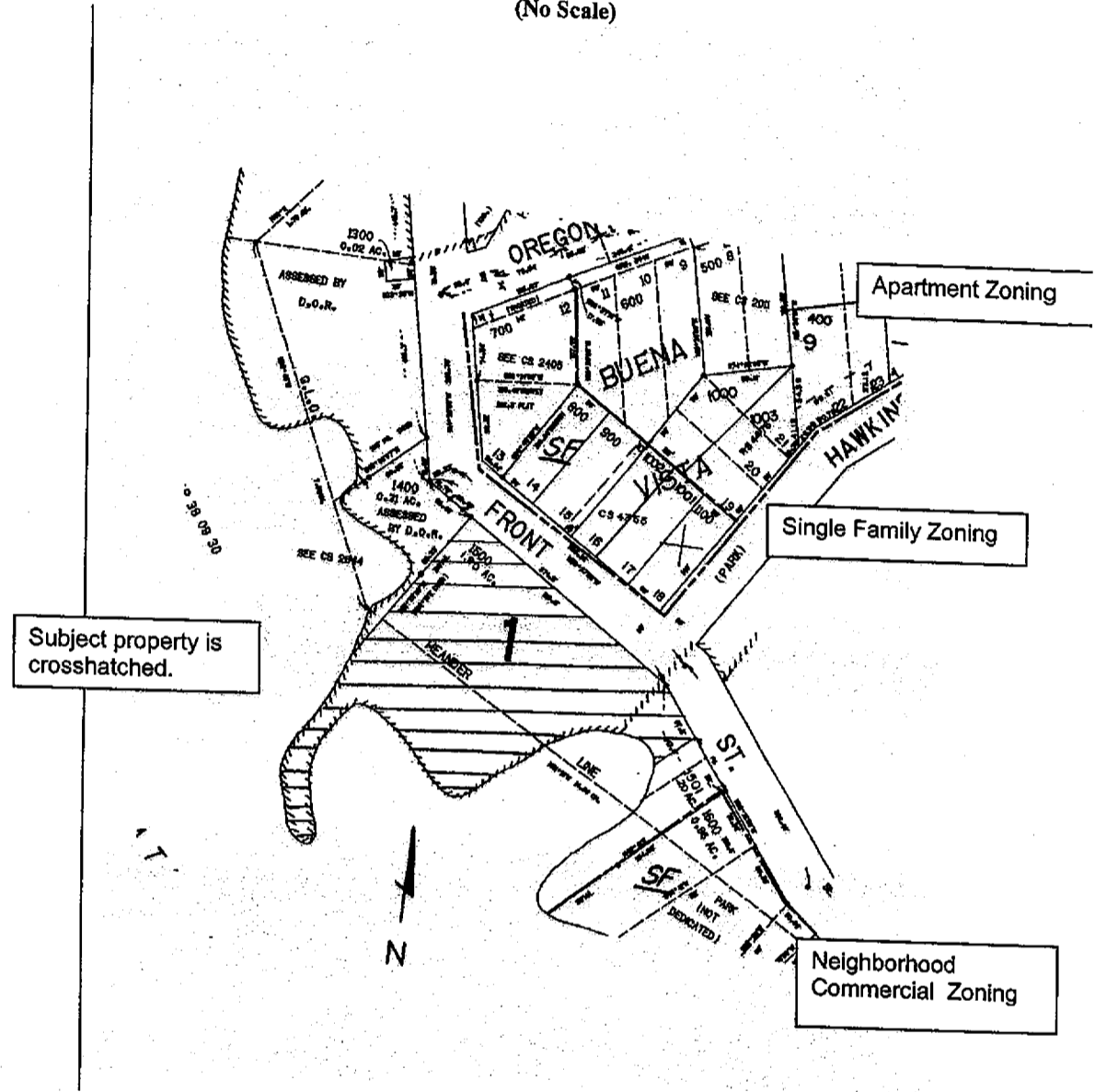
Musad Alsu
City Recorder (Deputy Recorder)

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 21st day of February, 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**

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.

Response: The following Comprehensive Plan Policies relate to the proposed zone change:

Policy 100: The development of smaller, isolated vacant lands already available within the City limits will be encouraged.

Policy 225: The appropriate reuse of land which is underdeveloped or where structures are deteriorating will be encouraged.

Policy 227: All decisions on proposed land uses within the Urban Growth Boundary will be consistent with the Comprehensive Plan.

Policy 230: The density of residential land uses will be based upon the net land area of the site in conformance with the foregoing density ranges.

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.

The property is located on Front Street, an improved public right-of-way. The applicant is required to submit a residential review application for the development of a single-family residence.

Finding: The change of zone from Public Facility to Single Family Residential 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.

Response: The minimum lot size for Single Family Residential is 7,000 square feet. This property is approximately 1.92 acres in size, adequate to accommodate the allowed residential use within this zone. The property is somewhat irregular in shape, which does not preclude any reasonable development, considering the property's size. The property has approximately 382 linear feet of street frontage.

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 single family 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.

Response: The rights-of-way adjacent to the property are Front Street and Hawkins Street; both are 60' wide with improved travel lanes, and curbs along both sides. The rights-of-way adequately serve the traffic generated from the surrounding residences and businesses and there is no evidence that this zone change would have negative impacts on the road.

Finding: The property affected by the proposed zone change is properly related to Front Street and Hawkins Street, which can adequately serve the type of traffic generated by such uses that may be permitted therein. This criterion is met.

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

Response: There is no evidence that the proposed Zone Change will have any adverse effect on abutting properties or the permitted uses thereof given the development's continued compliance with all City and other agency rules and regulations. The abutting properties are developed with single-family dwellings. Apartment zoning is 300' from the property in question and currently has single family residences, duplexes and tri-plexes on the lots, and Neighborhood Commercial is approximately 270 feet from the property, which currently has a single family residence.

The parcel is approximately 1.92 acres in size and, if subdivided (with no interior streets/private shared driveways – so all parcels front Front Street) it could accommodate 15 single family lots. This number is limited by the required 30' street frontage per lot, not the 7,000 square foot lot size. The setbacks are 20' from the Front Street property line, and five feet on the side property lines. This would limit development to a 20' wide structure; possible, but not too probable for a single family home. The height limitation is 28 feet (roughly two stories). If approved for Single Family Residential, the worst case scenario, based on the 7,000 square foot lot size is 11 dwelling units, 28 feet in height.

Worst case scenario as zoned Public Facility, the allowed uses include: cemetery, church, crematory, government office, hospital, fraternal lodge, mortuary, parks and recreation facilities, public utilities, and schools. The maximum height in this zone is 70 feet, with ten foot setbacks, and an additional one foot per each foot the structure is over 28 feet in height, as the property is adjacent to residentially zoned property. A seventy-foot tall structure would require a setback of 52 feet from the side and front property lines and 10 from the lake. This would permit an approximately 25,000 square foot structure to be built so long as all landscaping, parking and driveway requirements are met.

Based on testimony received during the public hearing process for the original zone change request (from Public Facility to Medium Density Residential) it appears the proposed zone change from Public Facility to Single Family Residential would not have an adverse effect on abutting properties based upon current uses within the vicinity.

Finding: The proposed change of zone from Public Facility to Single Family Residential will not have an adverse effect on abutting property or the permitted uses thereof. This criterion is met.