



# 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](http://www.lcd.state.or.us)

### NOTICE OF ADOPTED AMENDMENT

July 19, 2007

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 001-07



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: August 3, 2007**

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  
Erik Nobel, City of Klamath Falls

<paa> ya

DLCD 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

JUL 16 2007

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 1-2-07 (If no number, use none)

Date of Adoption: 7-3-07 (Must be filled in) Date Mailed: 7-13-07 (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, 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 Tax lot R-3809-19CC-800 from Single Family Residential to Public Facility. This tax lot is developed as the Yacht Club. Rezone Tax lot R-3809-19CC-1000 from Public Facility to Single Family Residential. This tax lot is vacant.

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: PF + Residential to SF PF

Zone Map Changed from: PF SF to SF PE

Location: Tax Lot R-3809-19CC-800 Acres Involved: TL 800 2.74 ac

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, 3

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-07 (15976)

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: Erik Nobel Area Code + Phone Number: 541-883-5361

Address: 226 S Fifth St

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.**

Ordinance No. 07-13

**A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR .52 ACRES OF LAND LOCATED WEST OF FRONT STREET, SOUTH OF BISMARCK STREET AND NORTH OF WEST OREGON AVENUE, FROM SINGLE FAMILY RESIDENTIAL TO PUBLIC FACILITY.**

**WHEREAS**, the applicant, The City of Klamath Falls, has submitted a written proposal for a zone change of certain real property which is hereinafter described; and

**WHEREAS**, a public hearing was held on May 14, 2007, 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 June 18,, 2007, 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

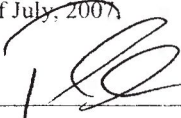
**WHEREAS**, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit "B"; NOW THEREFORE,

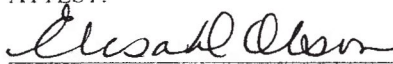
**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**

The zoning designation of .52 acres, located west of Front Street, south of Bismark Street and North of West Oregon Avenue, and which is identified with the Klamath County Assessor Maps as maps and tax lots 3909-019CC-01000, and legally described as lot 71 thru lot 92 1 st addition of the Buena Vista Subdivision and shown on Exhibit "A" is hereby changed to Public Facility..

Passed by the Council of the City of Klamath Falls, Oregon, the 2<sup>nd</sup> day of July, 2007.

Presented to the Mayor, approved and signed this 3rd day of July, 2007.

  
\_\_\_\_\_  
Mayor

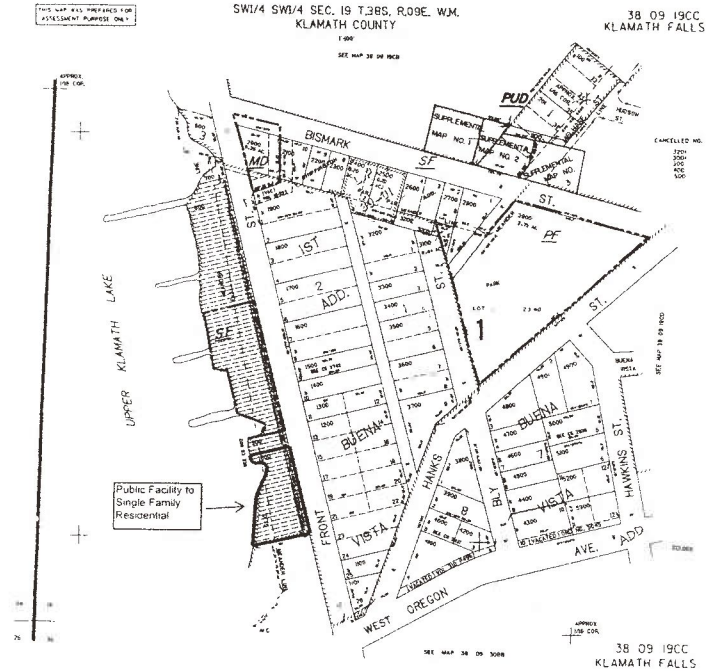
ATTEST:  
  
\_\_\_\_\_  
City Recorder (Deputy Recorder)

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 \_\_\_\_ day of \_\_\_\_\_, 2007 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 C  
FINDINGS**

**RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND  
PROPOSED FINDINGS**

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 11.400-11.440, regarding Change of Zones.

**11.415 Required Findings/Criteria for Approval**

1. **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:

In regards to the proposed rezoning of the property to a Single Family Residential, the following Comprehensive Plan policies apply:

Policy 3: Natural vegetation along streams, drainage ways, and other shorelines will be maintained and conserved.

Response: The change from Public Facility to Single Family will have no change in the potential affect on the shoreline. Both zones allow development to occur on the property. This policy needs to be addressed during the design stages of development. **This policy is met.**

Policy 4: No development will be allowed to block streams and drainage ways in any except where necessary for proper drainage management or wildlife habitat enhancement.

Response: A berm is located on the western edge of the property, which blocks Upper Klamath Lake. The berm was constructed many years ago; an exact year cannot be determined. Behind the berm is a wetland. If approval of the zone changed is granted the property owners propose to build a single family dwelling on the berm. This development will not cause any additional blockage of any drainage ways. **This policy is met.**

Policy 5: No development will be allowed to increase the water level on adjacent property.

Response: If approval of the zone changed is granted the applicant proposes to build a single family dwelling on the berm. The applicant chooses to build on the berm to have minimal impact on the wetland. The proposed development will not increase the water level on the adjacent property. **This policy is met.**

Policy 6: Federal Flood Insurance statues and/or other applicable statues and ordnances will be maintained and enforce.

Response: The property in question is located in the 100 year flood plain of Upper Klamath Lake. The property owner has address the flood plain ordinance, and has provided an elevation certificate for the proposed development certifying the proposed development will be elevated above the 100 year flood elevation and meeting the requirements of the Community Development Ordinance. **This policy is met.**

Policy 29: Water –related hazards such as flooding will not necessitate disapproval of development, but higher development costs can be excepted in order to minimize hazards.

Response: This property is within the flood zone. The proposed development meets the standards of the CDO. **This policy is met.**

Policy 31: All lands designated as areas of floodplain will be urbanized only in accordance with an adopted floodplain management program.

Response: This property is within the flood zone. The proposed development meets the standard set in the CDO in regards to flood plain management. **This policy is met.**

Policy 38: Development will not be considered for wildlife sensitive areas such as Link River Canyon, surface water shorelines, and dense forest.

Response: If approved, the property owner proposes to build a single family dwelling on top of the berm on the western edge of the property. The dwelling will be above the shoreline. The property in question is an area with many developments along the shoreline of the lake. **This policy is met.**

Policy 48: Upper Klamath Lake, Link River, and Lake Ewauna will be areas of critical scenic concern, and all actions relating to these bodies will be made in consideration of protecting and enhancing their scenic values.

Response: This zone change will help protect the scenic nature of Upper Klamath Lake. The single family residential zone is restrictive in terms of lot coverage, building heights, and lot size. If developed as single family residential site the potential impacts will be a less than development as some type of public facility. **This policy is met.**

Policy 87: Urban sprawl will be curtailed and in-filling of vacant land promoted to reduce energy costs.

Response: These are existing lots in a developed area. The development of this property is in-fill and should be promoted. **This policy is met.**

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

Response: The property in question is vacant property available for development within the City Limits. **This policy is met.**

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.

Response: This property is unique to the City, and the development of the property will involve innovated techniques. **This policy is met.**

Policy 242: Areas within identified floodplains will be limited to agriculture, forestry, parks, recreation, open space, and limited storage uses, unless adequate safeguards are provided to protect life and property involved in other uses.

Response: The property owner has submitted a development plan that meets the CDO requirements for development within a floodplain. **This policy is met.**

**Finding for Criterion 1: This criterion is met**

2. **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: If rezoned, the property in question could be developed with a single family residence. The .52 acre property is of adequate size. The minimum lot size for the single family residential zone is 7,000 square feet.

**Finding for Criterion 2:** 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.**

3. **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 in question fronts on Front Street, which will adequately handle the potential traffic from a single family home. This zone change will reduce the amount of potential traffic. A single family dwelling produces less peak hour traffic than a governmental office complex, an allowed use in the public facility zone.

**Finding for Criterion 3: This criterion is met.**

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

Staff Analysis: The adjacent properties are zoned as follows:

To the **north** is zoned Public Facility.

To the **south** is zoned Single Family Residential.

To the **east** is zoned Single Family Residential.

The area proposed for the zone change is surrounded on two sides by zoning the same as the applicant's request. If this property is developed with a single family home, it will have no long term effects on the abutting properties. In the short term, the surrounding neighbors value the openness, and the view from this property being vacant. If developed this would change, however it is not a change that prevents them from using and enjoying their property for all of its permitted uses.

**Finding for Criterion 4: This criterion is met.**

Comm. Dev.

Ordinance No. 07-14

**A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR .77 ACRES OF LAND LOCATED WEST OF FRONT STREET, SOUTH OF BISMARCK STREET AND NORTH OF WEST OREGON AVENUE, FROM SINGLE FAMILY RESIDENTIAL TO PUBLIC FACILITY.**

**WHEREAS**, the applicant, The City of Klamath Falls, has submitted a written proposal for a zone change of certain real property which is hereinafter described; and

**WHEREAS**, a public hearing was held on May 14, 2007, 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 June 18,, 2007, 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

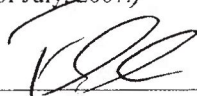
**WHEREAS**, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit "B"; NOW THEREFORE,

**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**

The zoning designation of .77 acres, located west of Front Street, south of Bismark Street and North of West Oregon Avenue, and which is identified with the Klamath County Assessor Maps as maps and tax lots 3909-019CC-00800, and legally described as lot 35 thru lot 66 1 st addition of the Buena Vista Subdivision and shown on Exhibit "A" is hereby changed to Public Facility..

Passed by the Council of the City of Klamath Falls, Oregon, the 2<sup>nd</sup> day of July, 2007.

Presented to the Mayor, approved and signed this 3rd day of July, 2007,

  
\_\_\_\_\_  
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 \_\_\_\_ day of \_\_\_\_\_, 2007 and therefore approved and signed by the Mayor and attested by the City Recorder (Deputy Recorder).

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



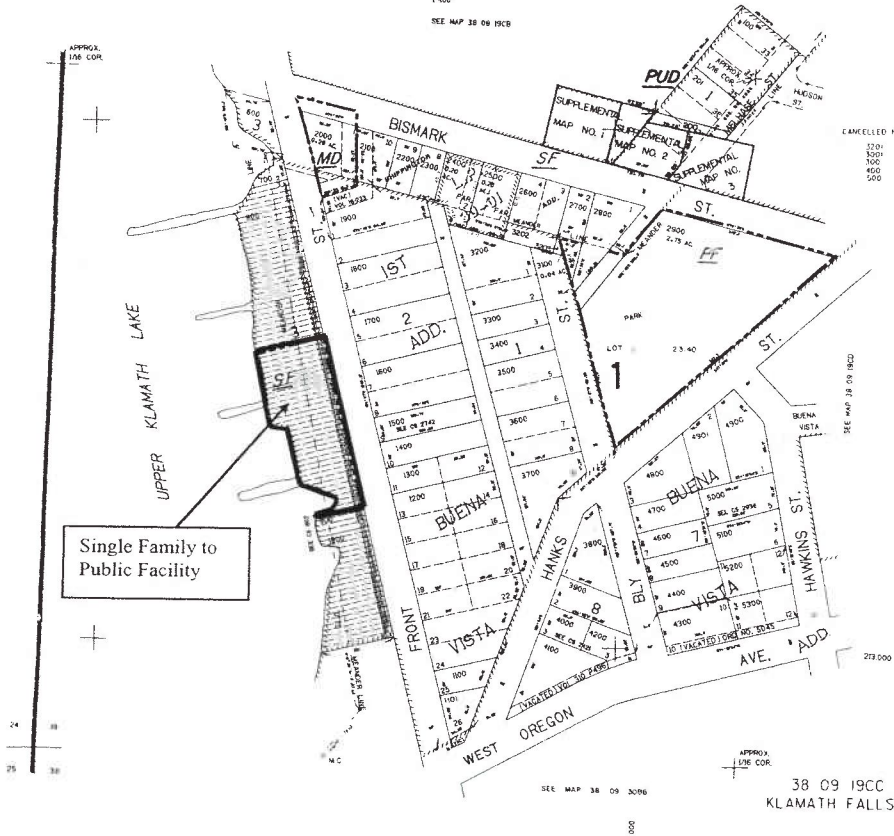
**Exhibit A**  
**VICINITY MAP**  
 No Scale

THIS MAP WAS PREPARED FOR  
 ASSESSMENT PURPOSE ONLY

SW1/4 SW1/4 SEC. 19 T.38S. R.09E. W.M.  
 KLAMATH COUNTY

38 09 19CC  
 KLAMATH FALLS

7400  
 SEE MAP 38 09 19CB



CANCELLED NO.  
 220  
 300  
 400  
 500

SEE MAP 38 09 19CD

SEE MAP 38 09 2076

38 09 19CC  
 KLAMATH FALLS

**Exhibit C  
FINDINGS**

***RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND  
PROPOSED FINDINGS***

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 11.400-11.440, regarding Change of Zones.

**11.415 Required Findings/Criteria for Approval**

**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:

In regards to the proposed rezoning of the property to a Single Family Residential, the following Comprehensive Plan policies apply:

Policy 3: Natural vegetation along streams, drainage ways, and other shorelines will be maintained and conserved.

Response: The change from Single Family to Public Facility will have no change in the potential affect on the shoreline. Both zones allow development to occur on the property. This property is developed as the Yacht Club. This zone change will have no effect on the use of the property. **This policy is met.**

Policy 6: Federal Flood Insurance statues and/or other applicable statues and ordnances will be maintained and enforce.

Response: The property in question is located in the 100 year flood plain of Upper Klamath Lake. The property is already developed with a building. No new structures are planned for the immediate future. **This policy is met.**

Policy 29: Water –related hazards such as flooding will not necessitate disapproval of development, but higher development costs can be expected in order to minimize hazards.

Response: This property is within the flood zone. The property is already developed with a building. No new structures are planned for the immediate future. New structures will need to meet the CDO's standards for floodplain management. **This policy is met.**

Policy 31: All lands designated as areas of floodplain will be urbanized only in accordance with an adopted floodplain management program.

Response: The property is already developed with a building. No new structures are planned for the immediate future. New structures will need to meet the CDO's standards for floodplain management. **This policy is met.**

Policy 57: The City will encourage private enterprise and intergovernmental agreements to provide for open space, recreational lands, and facilities, and to preserve natural, scenic, and historical areas in appropriate proportions and in a manner consistent with the availability of resources.

Response: This zone change will help preserve the continued uses of this property as the yacht club which provides access to Upper Klamath Lake to its members. **This policy is met.**

Policy 242: Areas within identified floodplains will be limited to agriculture, forestry, parks, recreation, open space, and limited storage uses, unless adequate safeguards are provided to protect life and property involved in other uses.

Response: The property is already developed with a building. No new structures are planned for the immediate future. **This policy is met.**

**Proposed Finding for Criterion 1:** 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 property in question is already developed as the Yacht Club. The Yacht Club has been functioning on this property many years without issue.

**Proposed Finding for Criterion 2:** 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 in question fronts on Front Street, which will adequately handle the traffic from the Yacht Club. This zone change will have no effect on the amount of traffic generated by the Yacht Club.

**Proposed Finding for Criterion 3:** 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 Analysis:** The adjacent properties are zoned as follows:

To the **north** is zoned Single Family Residential.

To the **south** is zoned Public Facility.

To the **east** is zoned Single Family Residential.

The area proposed for the zone change is already developed with a use (Yacht Club) that is permitted in the public facility zone. The Yacht Club has been there for many years. This zone change is not expected to have any effect on the surrounding neighborhood.

**Proposed Finding for Criterion 4:** The proposed change of zone from Single Family Residential to Public Facility will have no adverse effect on abutting properties or the permitted uses thereof. **This criterion is met.**