



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

8/27/2010

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 005-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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, September 09, 2010

This amendment was submitted to DLCD for review 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).

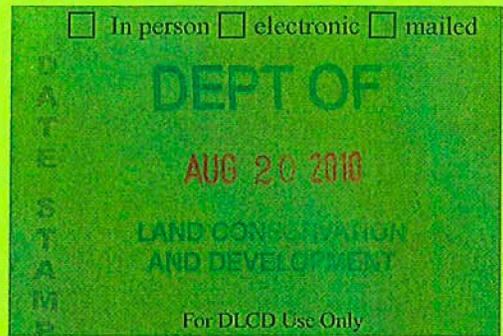
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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 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: Kelly O'Neill, City of Klamath Falls
Gloria Gardiner, DLCD Urban Planning Specialist

<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: **2-Z-10**

Date of Adoption: **08/17/10**

Date Mailed: **08/18/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **YES** Date: **05/12/10**

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".

The applicant, James Chambers, proposes to rezone 11,761 sq ft of land from Public Facility (PF) to Neighborhood Commercial (NC). The proposed zone change would eliminate the non-conforming residential use on the property and make the zone more closely match the existing use. The applicant wants to build a deck on the west side of the existing house if the change of zone is approved.

Does the Adoption differ from proposal? **NO**

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **Public Facility (PF)**

to: **Neighborhood Commercial (NC)**

Location: **North of Upper Klamath Lake, south of Front Street, west of California Avenue**

Acres Involved: **0.27 acres (11,761 sq ft)**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Klamath Falls, Qwest, Pacific Power & Light, Klamath County Fire District #1, Charter Communications, Basin Transit, Avista Gas, USBR

Local Contact: Kelly O'Neill

Phone: (541) 883-5360 Extension: 369

Address: 226 S. 5th Street

Fax Number: 541-883-5390

City: Klamath Falls

Zip: 97601

E-mail Address: koneill@ci.klamath-falls.or.us

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, or by emailing larry.french@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 larry.french@state.or.us - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

A SPECIAL ORDINANCE REZONING ONE PARCEL OF PROPERTY ABUTTING FRONT STREET THAT IS APPROXIMATELY 0.27 ACRES (11,761 SQUARE FEET) FROM PUBLIC FACILITY TO NEIGHBORHOOD COMMERCIAL

WHEREAS, the applicant, James Chambers, have submitted a written proposal for zone changes for one parcel of real property which is hereafter described and shown on Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on June 28, 2010, pursuant to applicable laws, at which time all evidence with reference to said proposed zone changes was considered by the Planning Commission; and

WHEREAS, hearing notices were duly given and the City Council held a public hearing on August 2, 2010, on the recommendation of and including the record of the Planning Commission concerning the zone changes; and

WHEREAS, pursuant to such record and hearing the City Council has determined the zone changes 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 designations for one parcel of property (totaling approximately 0.27 acres) as shown on the map attached hereto as Exhibit A, and legally described below, are each hereby changed from Public Facility to Neighborhood Commercial.

LEGAL DESCRIPTION:

Commencing at a point on the southerly line of Front Street, from which the Southwest Corner of Lot 27, Block 41, Buena Vista Addition to the City of Klamath Falls, bears N 83° 55'50" E, 222.0 feet; thence from point of beginning herein described, N 80° 23'15" W on Southerly line of Front Street 183.0 feet to an iron pin situate on the Southerly side of Front Street; thence South 16° 58' West 78 feet, more or less, to low water mark of Upper Klamath Lake; thence Easterly along said low water mark 160 feet, more or less, to a point; thence continuing along low water line South 80° 23'15" East 35.1 feet to a point; thence North 9° 33' East 101.9 feet, more or less, to the point of beginning. Containing 0.4 acres, more or less, and being a portion of Lot 10, Section 30, Township 38 South, Range 9 East of the Willamette Meridian.

Excepting, a tract of land situated in the NW ¼ of Section 30, T38S, R9E, W.M. Klamath County, Oregon, being more part particularly described as follows:

Commencing at a point on the southerly line of Front Street, from which the Southwest Corner of Lot 27, Block 41, Buena Vista Addition to the City of Klamath Falls, bears N 83° 55'50" E, 222.0 feet; thence N 80° 23'15" W, along said southerly line, 82.00 feet to the POINT OF BEGINNING of this description; thence continuing along said southerly line N 80° 23'15" W, 101.00 feet to a 1" iron pin; thence S 17° 01'45" W, 27 feet more or less to the mean high water line of Klamath Lake; thence southeasterly along said mean high water line to a point from which the point of beginning bears N 16° 48'00" E; thence N 16° 48'00" E, 100 feet more or less to the point of beginning.

The property can be found on Klamath County Assessor's map R-3809-030BA tax lot 02400.

Passed by the Council of the City of Klamath Falls, Oregon, the 16th day of August, 2010.

Presented to the Mayor, approved and signed this 17th day of August, 2010.



Mayor

ATTEST:



City Recorder (Deputy 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 16th day of August, 2010 and therefore approved and signed by the Mayor and attested by the City Recorder.

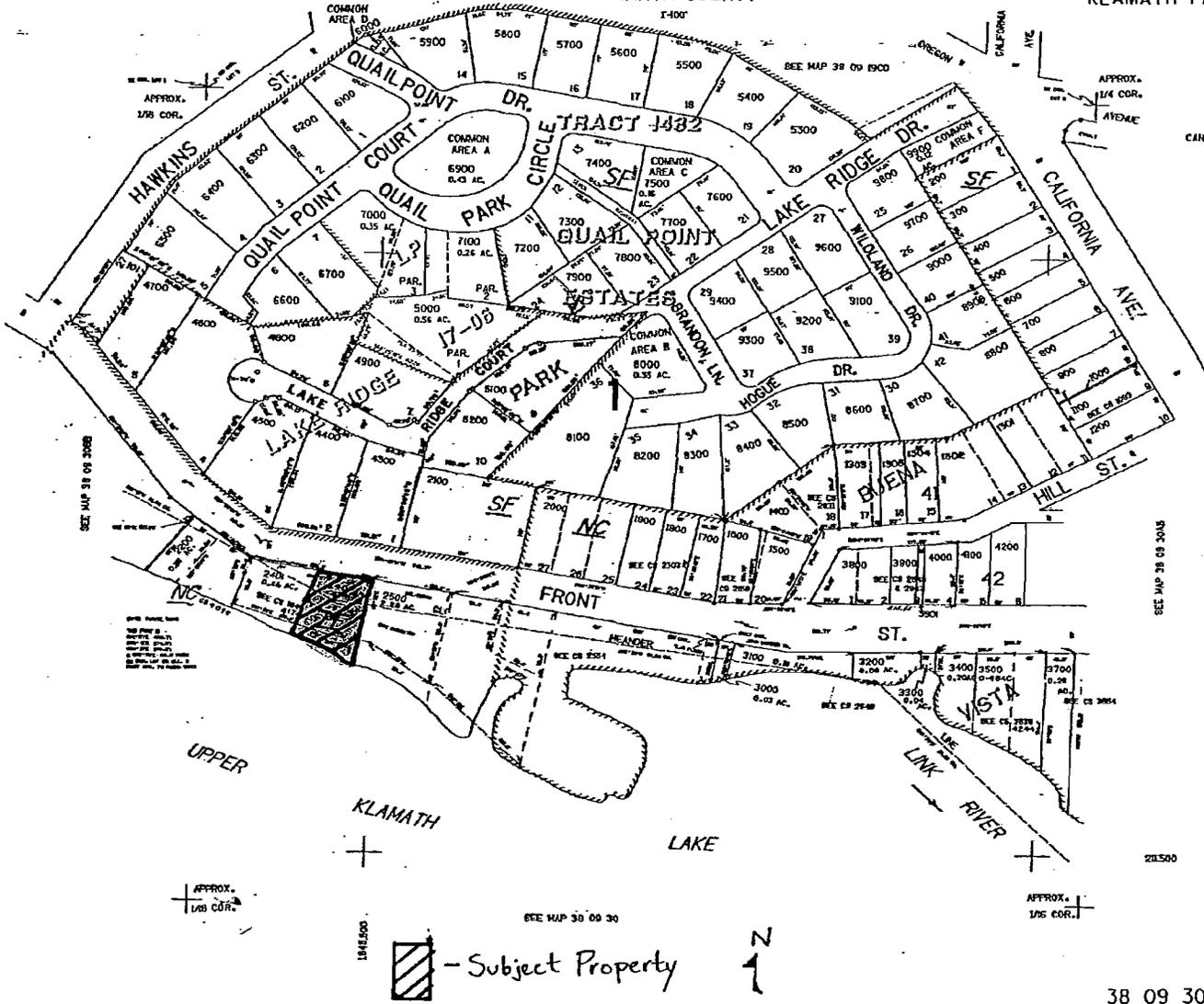
City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP
NO SCALE

REVISED 12-31-07
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE1/4 NW1/4 SEC. 30 T.38S. R.09E. W.M.
KLAMATH COUNTY

38 09 30BA
KLAMATH FALLS



CANCELLED NO.
1401
1300
100
103
6800
10000

SEE MAP 38 09 30B8

SEE MAP 38 09 30A8

APPROX. 1/8 COR.

APPROX. 1/8 COR.

1044500
- Subject Property



38 09 30BA
KLAMATH FALLS

**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 224: Public facility capacity and expansion scheduling will be a key factor in land use planning.

The proposed zone change will cause the zoning of the subject property to more closely match the existing uses of the property. Re-zoning the property from Public Facility to Neighborhood Commercial will remove property that would otherwise be reserved for public facility related uses, thus supporting Comprehensive Plan Policy 224.

The house at 950 Front Street was built in 1976. The structures are setback 32' from the front yard, 17' from the west side yard, 23' from the east side yard, and 9' from the rear yard. All setbacks meet Neighborhood Commercial standards. The rear yard setback does not meet Public Facility standards of 10' rear yard setback. The house has a footprint of approximately 1,104 square feet (second story 1,104 square feet), the attached garage is 483 square feet, and the two existing decks are 606 square feet. An additional deck that is 186 square feet is approved for installation. With the addition of the new deck, the structures cover approximately 2,379 sq ft or 20% of the 11,761 sq ft lot.

The property is currently non-conforming according to use in Public Facility and does not meet the rear yard setback requirement of 10 feet. If the zone is changed to Neighborhood Commercial the subject property would meet all setback standards and have use conformance.

Proposed 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. The subject property is considered legal non-conforming. Permitting the change of zone would create use conformance for the subject property. **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 for Public Facility zones is 5,000 sq ft. The minimum required lot size for Neighborhood Commercial is also 5,000 sq ft. The subject property is 11,761 sq ft which is larger than 5,000 sq ft, which is larger than the minimum lot size required for new Neighborhood Commercial lots.

Proposed 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 properties are bordered by the street right-of-way for Front Street. The Klamath Falls Urban Area Transportation System Plan (TSP) identifies Front Street as a minor collector street. Front Street is improved, but does not have sidewalks.

Proposed Finding: The properties affected by the proposed zone change appear to be properly related to streets that adequately serve the type of traffic generated by the uses permitted in the Neighborhood Commercial zone. **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: Staff has not received any written or verbal comments from neighboring property owners regarding the proposed change of zone. Any future use of the subject property will require a review by City Planning. Future reviews will insure that the site is developed appropriately for the proposed use and any potential adverse effect on abutting properties will be diminished.

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

Y OF KLAMATH FALLS
ANNING DEPARTMENT
P.O. Box 237
Klamath Falls, OR 97601



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Hasler
\$01.220
08/18/2010
Mailed From 97601
US POSTAGE

Plan Amendment Specialist
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