



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

06/20/2011

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 001-11

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: Friday, July 01, 2011

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
Jon Jinings, DLCD Regional Representative
Jon Jinings, DLCD Community Services Specialist

<paa> YA

PROF 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

In person electronic mailed

DATE
S
T
A
M
P

DEPT OF
JUN 13 2011
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Klamath Falls

Local file number: 1-Z-11

Date of Adoption: 05/02/11

Date Mailed: 6-10-11

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **YES** Date: 01/10/11

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, City of Klamath Falls, proposes to rezone 6 city owned parks, two properties to the west of Moore Park, and the city owned wetlands to Public Facility. All of the properties total approximately 74.13 acres. The parks being proposed for zone change are Southside Park, Eldorado Park, Pacific Terrace Park, Michigan Island Park, Richmond Park, and the Veterans Park Dock area.

Does the Adoption differ from proposal? NO

Plan Map Changed from: N/A

to: N/A

Zone Map Changed from: Single Family Residential, Medium Density Residential, Apartment Residential, General Commercial, Mixed Use, and Industrial

to: Public Facility (PF)

Location: Parks: north of Anderson and Glenwood intersection; east of Eldorado and south of Melrose; west of Pacific Terrace and north of Earle; south of Esplanade and west of Michigan; north of McKinley and west of 3rd; and south of George Nurse and north of Lake Ewauna. Two properties: south of Lakeshore and west of Moore Park. Wetlands: east of Lake Ewauna, west of Union Pacific railroad, south of Spring Street, and north of the railroad trestle that traverses the Klamath River.

Acres Involved: 74.13 acres

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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. 001-11 (18674) [16671]

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

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

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

Planning

Ordinance No. 11-03

A SPECIAL ORDINANCE REZONING APPROXIMATELY 74.13 ACRES FROM SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, APARTMENT RESIDENTIAL, GENERAL COMMERCIAL, PLANNED UNIT DEVELOPMENT AND INDUSTRIAL TO PUBLIC FACILITY

WHEREAS, the applicant, City of Klamath Falls, submitted a written proposal for zone change for 74.13 acres of real property; the acreage is hereafter described in Section 1 and shown on Exhibit A; and

WHEREAS, the zone change must follow the procedures and requirements of Sections 11.400 to 11.440 of the Community Development Ordinance; and

WHEREAS, the Planning Commission held a public hearing on March 14, 2011, 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 April 18, 2011, 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:

Section 1

The zoning designations for the parcels of land as shown on the maps attached hereto as Exhibit A, and legally described as follows, are hereby changed to Public Facility:

PACIFIC TERRACE PARK

Lots 1, 2, and 3 of Block 38A of Hot Springs Addition in the NE 1/4 SW 1/4 in Section 28, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.
(R-3809-028CA-11300) Previous Zoning: Single Family Residential

ELDORADO PARK

Entire Block 39A of Hot Springs Addition in the NW 1/4 SW 1/4 in Section 28, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.
(R-3809-028CB-03200) Previous Zoning: Single Family Residential

MICHIGAN ISLAND PARK

Lot 1 of Block 54 of Hot Springs 2nd Addition in the SW 1/4 SW 1/4 in Section 28, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.
(R-3809-028CC-01900) *Previous Zoning: Apartment Residential*

RICHMOND PARK

Lots 1, 2, 3, 4, and 5 of Block 25 of First Addition Klamath Falls in the NE 1/4 NW 1/4 in Section 32, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.
(R-3809-032BA-17300) *Previous Zoning: Medium Density Residential*

VETERAN'S PARK DOCK

Beginning at the point of intersection of the southeasterly line of Klamath Avenue with the southeasterly prolongation of the northeasterly line of Payne Alley according to the duly recorded plat of the Original Town of Klamath Falls (Linkville); thence South 23° 16' 32" East along said prolongation a distance of 151.14 feet more or less to the Ordinary High Water line of Lake Ewauna; thence along said Ordinary High Water line North 40° 40' 44" West, 20.19 feet; thence South 77° 51' 29" West, 8.40 feet; thence South 58° 28' 25" West, 115.56 feet; thence South 50° 19' 56" West, 14.57 feet; thence South 66° 55' 05" West, 8.06 feet; thence North 53° 52' 10" West, 10.67 feet; thence North 30° 11' 34" West, 127.83 feet; thence North 13° 10' 09" West, 14.99 feet to the intersection of the Ordinary High Water line with the southeasterly line of Klamath Avenue; thence North 66° 42' 00" East along the southeasterly line of Klamath Avenue a distance of 168.90 feet to the point of beginning. The above parcel of land being situated in the SW 1/4 of NW 1/4 of Section 32, Township 38 South, Range 9 East, W.M., Klamath County, Oregon, and containing 0.528 acres more or less.

(R-3809-032CA-01500) *Previous Zoning: General Commercial*

SOUTHSIDE PARK

That portion of the NE1/4 NW1/4 of Section 14, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon lying southeast of the U.S.B.R. A-3 Lateral Canal.
(R-3909-014BA-00100) *Previous Zoning: Medium Density Residential*

TWO PROPERTIES WEST OF MOORE PARK

Lots 3 and 4 of Lake Shore Gardens, and Lot 1 of Block 11 of Lynnewood Tract 1091, and the northern 30 feet of a vacated portion of Vista Way adjacent to Lot 1 of Block 11 of Lynnewood Tract 1091 as vacated per Ordinance 06-25 all in the NE 1/4 SE 1/4 in Section 25, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.
(R-3808-025DA-02100 & 02200) *Previous Zoning: Single Family Residential and Planned Unit Development respectively to tax lot*

WETLANDS PROPERTY

PARCEL 1:

Parcel 3 of Land Partition 43-00, being a portion of Government Lot 9 in the NW 1/4 of Section 4, Township 39 South, Range 9 East of the Willamette Meridian, and being a portion of Tracts 77 and 80 of Enterprise Tracts; all in Klamath County, Oregon.

CODE 025 MAP 3909-00400 TL 00301 KEY #687191

PARCEL 2:

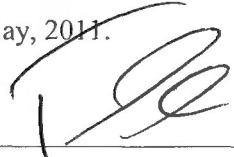
A parcel of land situated in Lots 79, 80 and 85 of ENTERPRISE TRACTS, a duly recorded subdivision in Klamath County, Oregon, and in Section 4, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follow:

Commencing at a 1 inch iron pipe marking the Northeast corner of Government Lot 9 of said Section 4; thence South 00° 23' 00" East, 1320.14 feet to a 1 inch iron pipe on the North line of Lot 79 of said Enterprise Tracts, said point being the point of beginning for this description; thence South 89° 48' 30" West along the North line of said Lot 79, 688.46 feet to a 1 inch iron pipe; thence continuing South 89° 48' 30" West, 30.00 feet to a point on the bank of Lake Ewauna; thence Southerly following the bank of Lake Ewauna the following courses and distances: South 05° 25' 14" West, 49.12 feet; South 24° 40' 19" East, 325.16 feet; South 11° 25' 13" East, 518.73 feet; South 15° 52' 57" East, 209.20 feet; South 05° 41' 51" East, 168.92 feet; South 05° 02' 49" West, 1126.98 feet to a steel fence post; thence leaving said bank South 39° 05' 16" East, 54.16 feet to a point that is 20.00 feet Westerly of when measured at right angles to the centerline of the existing Great Northern Railroad tracks; thence Northerly and parallel to but 20.00 feet Westerly of the centerline of said tracks the following courses and distances; along the arc of a 934.93 feet radius curve to the left (delta = 46° 06' 00") 752.24 feet (long chord = North 38° 02' 00" East, 732.11 feet) to the end of simple curve and beginning of spiral curve; thence along the arc of a spiral curve to the left (long chord = North 10° 12' 10" East, 237.44 feet) to the end of spiral curve; thence North 07° 47' 01" East, 167.36 feet to the beginning of a simple curve to the left; thence along the arc of a 1125.92 feet radius curve to the left (delta = 8° 12' 13") 161.20 feet (long chord = North 03° 40' 55" East, 161.05 feet) to the end of curve; thence North 00° 25' 12" West, 645.63 feet to the beginning of a simple curve to the right; thence along the arc of a 2884.79 feet radius curve to the right (delta = 08° 19' 27") 419.11 feet (long chord = North 03° 44' 31" East, 418.76 feet) to the end of curve; thence North 07° 54' 15" East, 52.81 feet; thence leaving the line 20.00 feet Westerly of and parallel to said tracks North 30° 29' 08" West, 158.42 feet to the point of beginning.


(R-3909-00400-00300 & 00301) Previous Zoning: Industrial

Passed by the Council of the City of Klamath Falls, Oregon, the 2nd day of May, 2011.

Presented to the Mayor, approved and signed this 3rd day of May, 2011.



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 2nd day of May, 2011 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

Exhibit A
Pacific Terrace Park



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE1/4 SW1/4 SEC. 28 T.38S. R.09E. W.M.
KLAMATH COUNTY

38 09 28CA
KLAMATH FALLS

Eldorado Park



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

NW1/4 SW1/4 SEC. 28 T.38S. R.09E. W.M.
KLAMATH COUNTY

38 09 280B
KLAMATH FALLS

38 09 280C
KLAMATH FALLS

Michigan Island Park



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SW1/4 SEC. 28 T.38S. R.09E. W.M. KLAMATH COUNTY

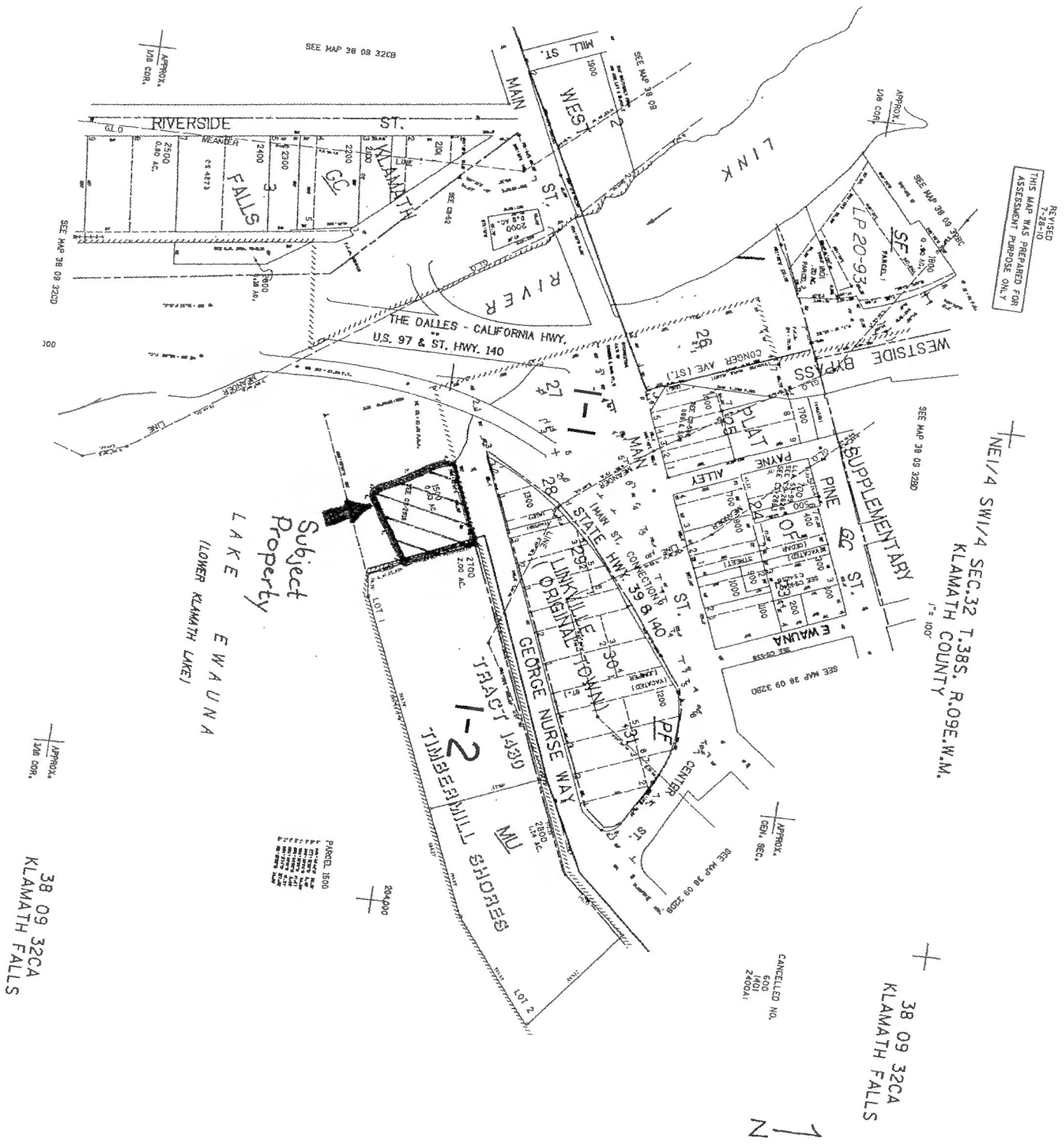
38 09 28CC KLAMATH FALLS

38 09 28CC KLAMATH FALLS

Richmond Park



Veteran's Memorial Park Dock



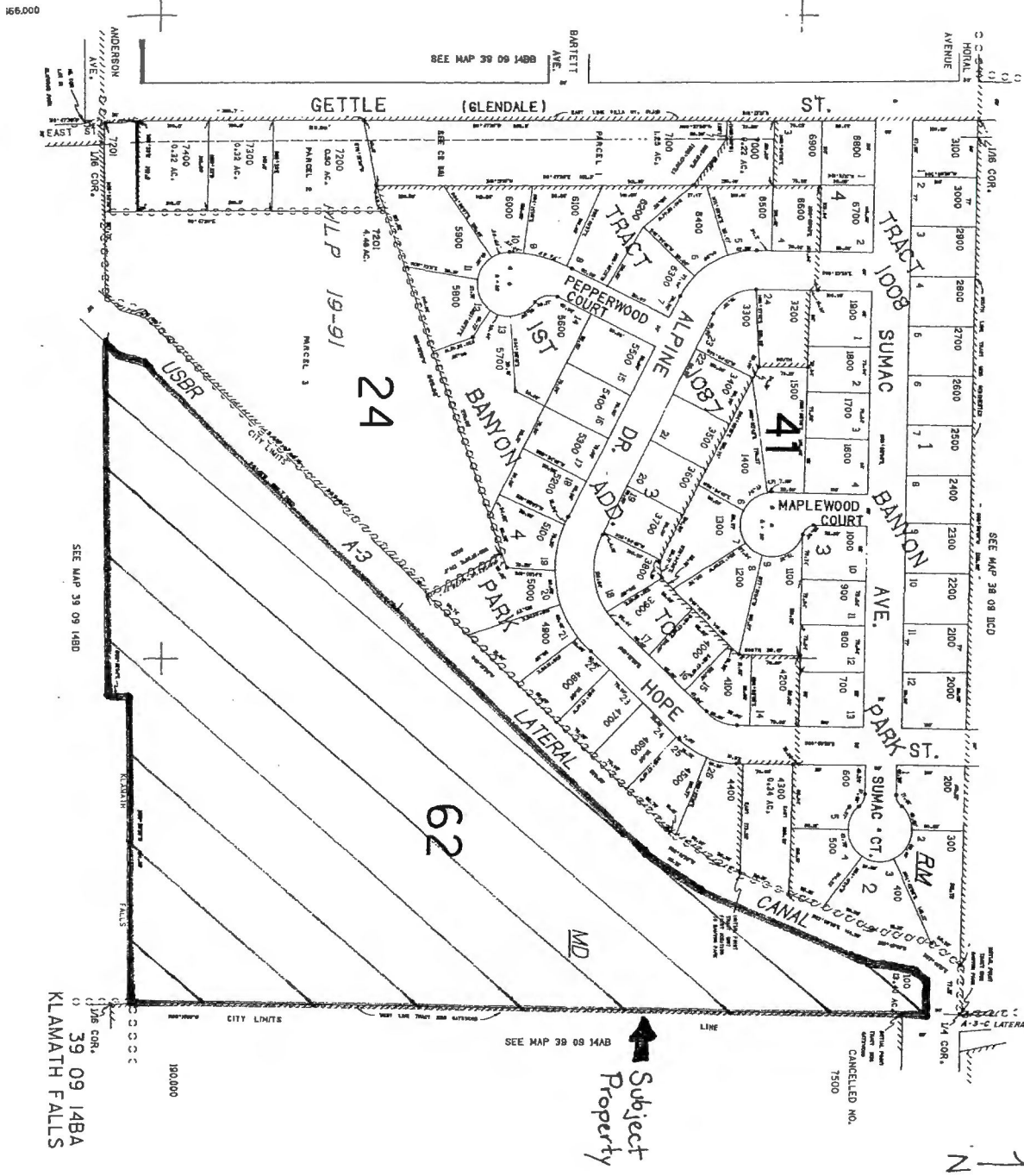
REVISED
7-28-10
THIS MAP HAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE 1/4 SW 1/4 SEC. 32 T. 38S. R. 09E. W. 1M.
KLAMATH COUNTY

38 09 32CA
KLAMATH FALLS

38 09 32CA
KLAMATH FALLS

Southside Park

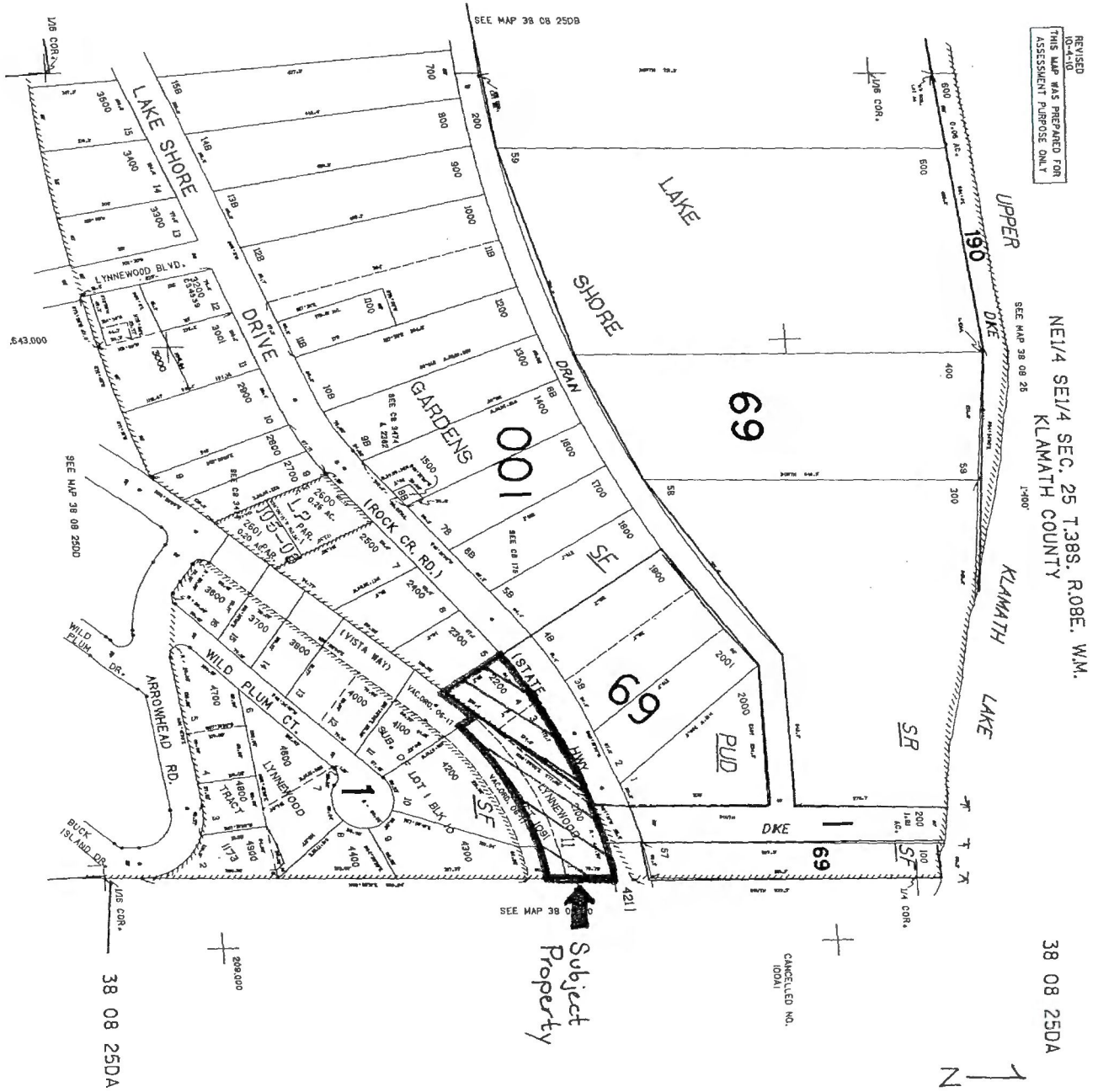


REVISED
10-5-10
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

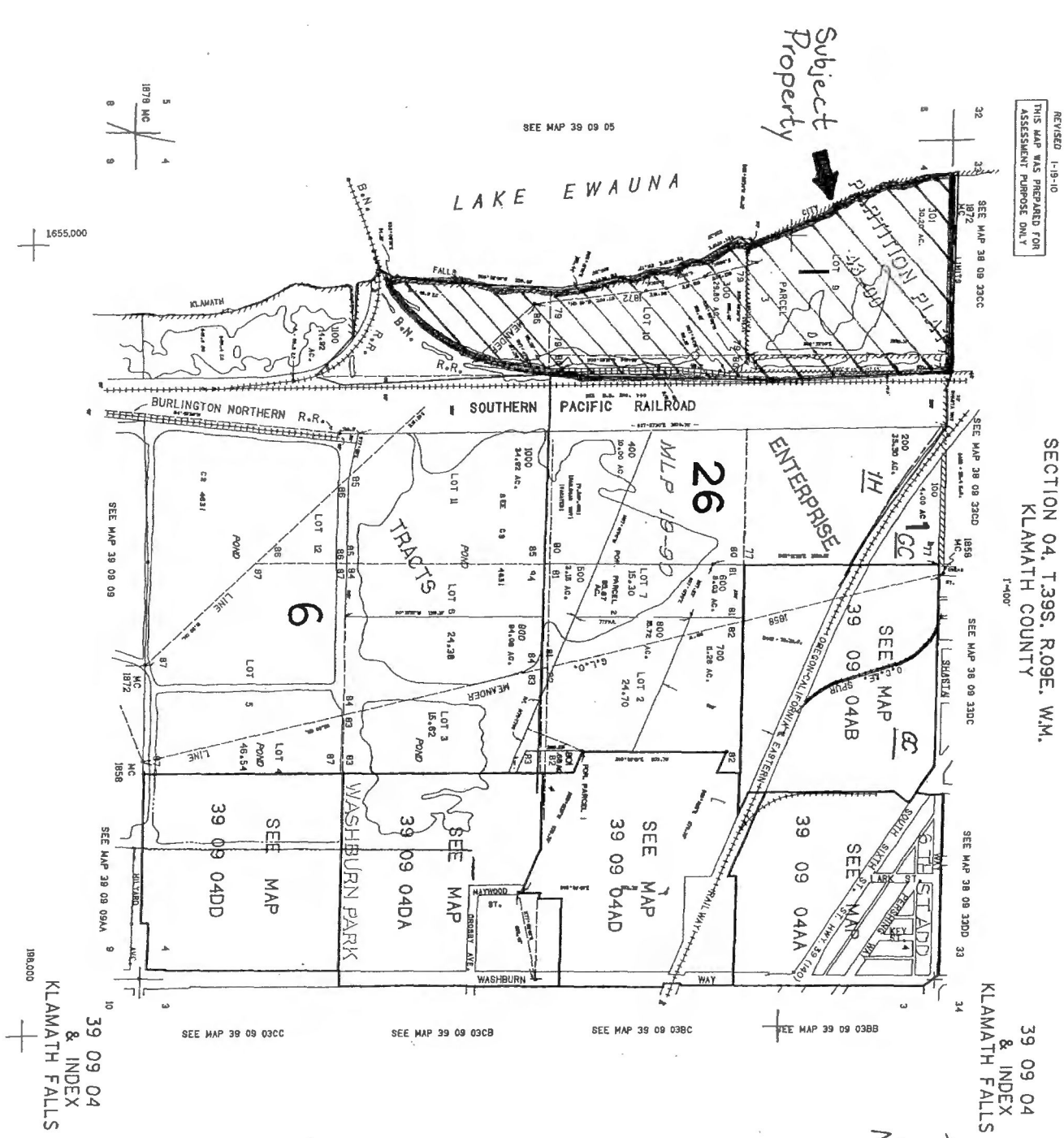
NE1/4 NW1/4 SEC. 14 T.39S. R.09E. W.M.
KLAMATH COUNTY
1-400'

39 09 14BA
KLAMATH FALLS

Two Properties west of Moore Park



Wetlands Property



**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 124: A wide range of recreational opportunities will be provided for the urban citizens of all ages including the handicapped and elderly.

Parks provide recreational opportunities for people of all ages, including people with handicaps and the elderly.

Policy 135: The community will create and maintain a diversified system of recreation lands and facilities that meets the recreation needs of all people, conserves energy, and enhances the environmental quality of the community.

The Klamath Basin has a diversified collection of outdoor recreation opportunities. Ensuring that different recreation opportunities continue is important for meeting the recreation needs of different people.

Policy 197: The extent of continuous, impervious paved surfaces will be minimized, and large parking or paved areas will be subdivided with functional planting strips with exposed soil or proper drains.

Re-zoning the subject property ensures that a majority of the subject property remains pervious surface. If the property remains zoned for something other than Public Facility then at some point in the future a large impervious structure and a large impervious parking lot could be constructed.

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 to Public Facility will retain property for public facility related uses.

Policy 239: Lands designated for industrial use shall be preserved for that use and protected from incompatible uses.

The proposed zone change will cause the zoning of the subject wetlands property to more closely match the existing uses of the property. Re-zoning the property from Industrial to Public Facility will clarify that this land has been used and will continue to be used as wetlands. The subject property was not considered as redevelopable industrial land during the Goal 9 (Economic Opportunity Analysis (EOA)) study that was recently completed. The subject wetlands property was not identified in Figure 27 of the EOA, has not been considered as redevelopable, and thus will not affect the employment land supply.

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. **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 parks comprise the following square feet: Southside Park 583,704 square feet; Eldorado Park 7,462 square feet; Pacific Terrace Park 18,513 square feet; Michigan Island Park 8,024 square feet; Richmond Park 24,781 square feet; and the Veterans Park Dock area 22,921 square feet. The two properties to the west of Moore Park total 42,253 square feet. The wetlands property totals 2,213,600 square feet. Each of the subject properties exceed the minimum lot size of 5,000 square feet and therefore are in compliance.

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 zone change to Public Facility will not affect the relationship of existing property to existing streets. Increases in vehicular incidents are not predicted as there are no new streets or driveways being proposed as part of this zone change. Traffic counts should remain relatively similar as the properties are already developed.

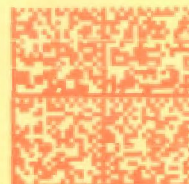
Finding: The properties affected by the proposed zone change appear to be properly related to streets that adequately serve the type of traffic generated by the uses permitted in the Public Facility zone. **This criterion is met.**

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

Staff Response: Staff has received several written comments from one neighboring property owner regarding this proposed zone change. Any future use of the subject property or any structural modifications to the existing uses 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.

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

F KLAMATH FALLS
ING DEPARTMENT
P.O. Box 237
ath Falls, OR 97601



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DEPT OF
JUN 13 2011
**LAND CONSERVATION
AND DEVELOPMENT**

Plan Amendment Specialist
DLCD
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Salem, OR 97301-2540