



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

06/21/2011

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 003-11

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: Tuesday, July 05, 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

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

In person electronic mailed

DATE
STAMP

DEPT OF
JUN 16 2011
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Klamath Falls**

Local file number: **3-Z-11**

Date of Adoption: **5-17-11**

Date Mailed: **6-14-11**

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

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The applicant, City of Klamath Falls, proposes to correct some errors and clarify omissions within the Development Standards for the Basin View PUD. No properties within or around the Basin View PUD are being proposed to change zone, nor are any properties land use designations being proposed to be changed through this zone change application.

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

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

Zone Map Changed from: **Planned Unit Development (PUD)** to: **No change from current zoning**

Location: **Southeast of Old Fort Road, north of Shasta Way, and west of Hogback Mountain**

Acres Involved: **2,200 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. 003-11 (18681) [16675]

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

Ordinance No. 11-04

**A SPECIAL ORDINANCE REZONING THE BASIN VIEW
PLANNED UNIT DEVELOPMENT TO AMEND THE MASTER PLAN
DEVELOPMENT STANDARDS**

WHEREAS, the applicant, City of Klamath Falls, submitted a written proposal for a zone change; and

WHEREAS, the written proposal includes the adoption of changes in the Basin View Planned Unit Development (PUD) Master Plan Development Standards as shown on Exhibits B, C, and D; and

WHEREAS, the amendment to the Master Plan must follow the procedures and requirements of Sections 11.400 to 11.440 and Section 12.375 of the Community Development Ordinance; and

WHEREAS, the Community Development Director determined that the documents listed in Section 12.375 of the Community Development Ordinance were not necessary to determine that the proposed Amendments to the Basin View Planned Unit Development are in compliance with the requirements set forth in 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 relevant to said proposed zone change and amendments to the Basin View PUD Master Plan Development Standards 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 change and amendments to the Basin View PUD Master Plan Development Standards; and

WHEREAS, pursuant to such record and hearing the City Council has determined the amendment to the Basin View PUD Master Plan Development Standards 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 E; NOW, THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1

The Basin View Planned Unit Development (PUD) Master Plan Development Standards are hereby amended by this zone change as shown on Exhibits B, C and D.

Passed by the Council of the City of Klamath Falls, Oregon, the 16th day of May, 2011.

Presented to the Mayor, approved and signed this 17th 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 16th day of May, 2011 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

EXHIBIT "A"

BASIN VIEW PUD DIAGRAMMATIC PLAN

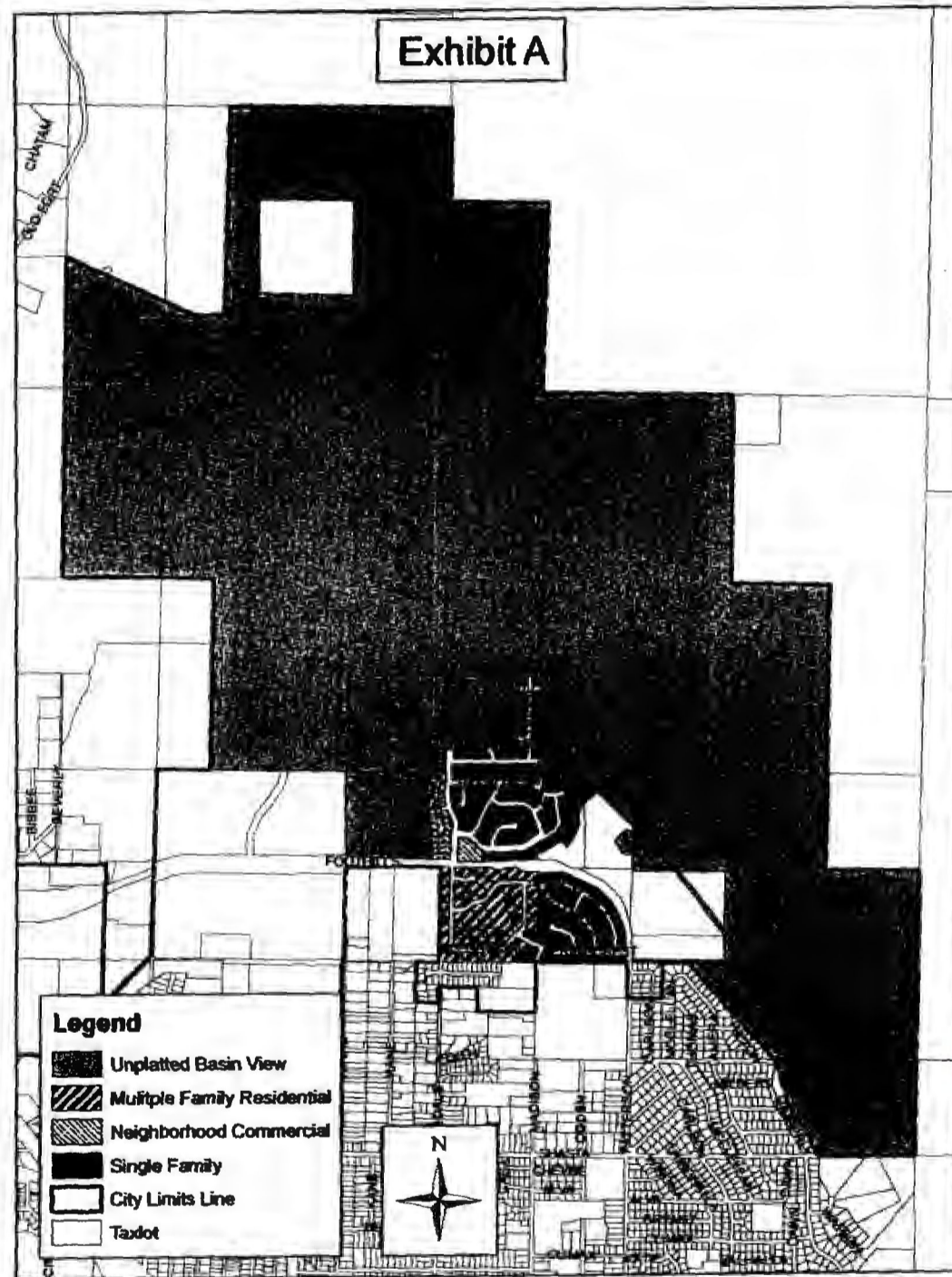


EXHIBIT "B"

DEVELOPMENT STANDARDS

BASIN VIEW PLANNED UNIT DEVELOPMENT

1. **PURPOSE:** The purpose of the Basin View Planned Unit Development (PUD) is to provide the citizens of the community a residential development which allocates land for detached single family homes, multiple family dwellings, education, recreation, neighborhood commercial development, and the creative treatment of storm drainage. It is further intended that these standards will provide a framework for the review and approval of use permits, restrictive covenant, and future subdivisions.
2. **LOCATION:** The Basin View PUD consists of approximately 2,143 acres, more specifically described on the attached diagrammatic plan "Exhibit A".
3. **LAND USE DESIGNATIONS:** Land use designations within the Basin View PUD are outlined as follows and shall be located in conformance with the PUD diagrammatic plan marked as "Exhibit A." All uses shall be conducted in conformance with the applicable sections of the City of Klamath Falls Community Development Ordinance.

SINGLE FAMILY RESIDENTIAL
MULTIPLE FAMILY RESIDENTIAL
NEIGHBORHOOD COMMERCIAL
SCHOOL SITE
DRAINAGE RESERVE/OPEN SPACE
GOLF COURSE/RECREATION

4. **PERMITTED and CONDITIONAL USES:** Uses with a "P" designation are permitted and subject to the Design Review provisions within the Community Development Ordinance; those with a "C" are subject to the Conditional Use provisions within the Community Development Ordinance (CDO).

SINGLE FAMILY RESIDENTIAL

Single Family Dwelling	P
Public Utilities Including Geothermal Production and Distribution Facilities	P
Garage or Carport as an accessory structure to a single family dwelling	P
Non-Commercial Greenhouse as an accessory structure	P
Home Occupation shall meet the requirements of Section 12.020 of the CDO	P
Bike Paths and Pedestrian Trails	P
Storage Shed as an accessory structure to a single family dwelling	P
Non-Commercial Swimming Pool or Tennis Court as an accessory structure	P
Public Building such as Fire Station, Library or Museum	C

MULTIPLE FAMILY RESIDENTIAL

Duplex Dwelling	P
Three and Four-plex Dwelling	P

Apartment Dwelling	C
Public Utilities Including Geothermal Production and Distribution Facilities	P
Garage or Carport as an accessory structure to a dwelling unit	P
Non-Commercial Greenhouse as an accessory structure	P

SCHOOL SITE

Elementary School	P
Junior High/Middle School	P
High School	P
Public Utilities Including Geothermal Production and Distribution Facilities	P

DRAINAGE RESERVE/OPEN SPACE

Drainage Management Structures	P
Public Parks	C
Bike Paths and Pedestrian Trails	P
Wildlife Habitat Enhancement and Erosion Control	P
Public Utilities Including Geothermal Production and Distribution Facilities	P

NEIGHBORHOOD COMMERCIAL

Bakery or Confectionary	P
Bank & Loan	P
Barber & Beauty Shop	P
Book Store	P
Clothing Store	P
Church	C
Cocktail Lounge as part of a Restaurant	P
Delicatessen	P
Drug & Variety Store	P
Dry Cleaners	P
Fast Food Service Stores	C
Floor Covering Store	C
Garden Supply Store	C
Grocery	C
Hardware Stores and Sporting Goods	C
Jewelry & Repair	P
Laundry (self service)	P
Locksmith	P
Pet Shop	C
Printers & Publishers	C

Recreation, Private Athletic	P
Restaurant	P
Service Station	C
Stationery Supplies	P
Tailor	P

GOLF COURSE/RECREATION

Public Parks	C
Golf Course and Associated Facilities	C
Wildlife Habitat Enhancement	P
Public Utilities Including Geothermal Production and Distribution Facilities	P
Bike Paths and Pedestrian Trails	P

All uses shall be conducted in accordance with the applicable sections of the City of Klamath Falls Community Development Ordinance in effect at the time of the development. The Planning Commission may permit similar uses provided they are consistent with the intent of these development standards.

5. **BUILDING SIZE:** For properties located outside of Tract 1152 (North Hills), and the First and Second Additions to North Hills, specific building size requirements shall include the following:
 - a. **Single Family Residential:** No single family dwelling shall be less than 1,000 square feet for the main structure, exclusive of garages, porches, decks, carports and attached greenhouses.
 - b. **Multiple Family Residential:** Each dwelling unit shall have a minimum of 500 square feet of floor area. No more than 16 dwelling units shall be allowed in one single structure.
 - c. **Neighborhood Commercial:** No single commercial enterprise use shall be allowed to occupy more than -3,000 square feet of building area, including storage and mechanical space. No building shall be greater than 18,000 square feet.
6. **BUILDING HEIGHT:** No building shall exceed a height of two stories or 28 feet. The following structures or structural parts are not subject to the provisions of this section:

Church Spires
Fire and Hose Towers, and

The Planning Commission may grant a variance to the building height provision following a public hearing. The Planning Commission shall analyze each of the conditions listed in the Required Findings for Major Variance within the CDO and incorporate such analysis in the decision.

7. **LOT COVERAGE:** Buildings shall not occupy more than the following percentages of lot areas in the following use categories:
 - a. Single Family Residential – 30%
 - b. Multiple Family Residential – 50%
 - c. Neighborhood Commercial – 50%
 - d. School Site – 50%
 - e. Golf Course/Recreation – 15%
8. **BUILDING SETBACKS:** Building setbacks shall comply with the applicable section of the City of Klamath Falls Community Development Ordinance in effect at the time of application for a land use permit.
9. **TEMPORARY STRUCTURES:** No structure of a temporary nature, tent, shack, garage, carport, barn or other outbuildings, shall be used on any lot at any time as a residence, either temporarily or permanently.
10. **PARKING:** All uses shall provide off street parking in accordance with the City of Klamath Falls Community Development Ordinance or such requirements that may be in effect at the time of the application for a land use application for the phase of development being considered. All off street parking areas shall be adequately lighted. Diagrammatic lighting plans shall be submitted with all permit applications.

In the Neighborhood Commercial, Multiple Family Residential, School Site and Golf Course/Recreation land use areas, landscaping for parking lots will be required as follows:

- a. Where the provision of off street parking for five (5) or more vehicles on a given lot is required, the following shall apply:
 1. Parking lots shall have landscaped islands at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface.
 2. A minimum of five (5) percent of the space provided for vehicular circulation such as driveways, driveway easements, or open parking spaces shall be interrupted by a landscape break. The minimum dimensions of the landscape shall cover a surface area of at least forty (40) square feet and the landscaping shall be protected from vehicular damage by some form of wheel guard. There shall be at least one tree and two shrubs in each separate landscape area.
- b. Where the provision of off street parking for twenty (20) or more vehicles on a given lot is required, there shall be landscaped open space within the perimeter of the parking area or areas, *in the minimum amount of twelve (12) square feet for each parking space*, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space. The landscaped open space need not be contiguous; the

landscape area shall be distributed throughout the parking area to break up the parking surface. There shall be at least one tree and two shrubs in each separate landscape area. Each landscaped area shall also include irrigation.

- c. When parking areas project into the front yard, the remaining yard shall be landscaped to provide partial screening of the parking area. When parking areas project into exterior side yards, the remaining yard and the setback area shall be landscaped to provide partial screening of the parking area. Landscaping shall include ground cover and berms not exceeding 30 inches in height. Tree limbs in said planting shall have a clearance of eight feet above grade. Landscaping in such yards shall include approved street trees placed not less than one tree for each fifty (50) feet of street frontage.

Diagrammatic landscaping and irrigation plans for parking areas shall be submitted with all Conditional Use Permit applications for the above noted land use areas.

11. PEDESTRIAN CIRCULATION: All uses shall provide adequate pedestrian walkways to provide convenient and safe pedestrian circulation. Sidewalks shall be constructed as required by the CDO and the City Public Works Engineering Design Standards.
12. SCREENING: Any exterior storage or refuse areas, exposed machinery, service areas, truck loading areas, utility buildings and structures and similar accessory structures, shall be screened by appropriate fences or walls, constructed with materials which are complimentary to adjacent buildings, to a height of not less than five (5) feet or more than six (6) feet, as measured from finished grade to the highest structural component of the fence or wall.
13. UTILITIES: All utility lines shall be constructed underground.
14. RECREATION AREAS: All four plex and multiple family residential dwellings shall provide a recreation area and suitable playground equipment on the same parcel as such dwelling units may be located. Such recreation areas shall contain a minimum of 200 square feet per dwelling unit. Playground equipment shall include at least one of the following for a minimum area site: climber, play structure, play wall, sand box, slide, balance beam, horizontal ladder, parallel bar or swings. The area around the playground equipment shall have appropriate cushioning material according to Consumer Product Safety Commission (CPSC) standards. Where multiple residential units are clustered recreation areas for common usage will be encouraged.
15. SIGNS: All signs within the Basin View PUD shall be constructed in accordance with the requirements of Chapter 14 of the City of Klamath Falls Community Development Ordinance (CDO).
16. EROSION CONTROL: All grading, excavation and fill shall be in accordance with the City of Klamath Falls Public Works Engineering Standards Section 3 and Section 11 – 300 Series Drawings, along with the requirements established on the project site's Department of Environmental Quality 1200-C Permit

17. FENCES AND WALLS: No fence or wall used as a fence on any other portion of the property shall exceed a maximum height of six (6) feet at any point. All fencing shall comply with CDO requirements.
18. PUD AMENDMENTS: The PUD, including its diagrammatic plan and this text, may be amended in accordance with the City of Klamath Falls Community Development Ordinance or with the comparable provisions of any zoning ordinance in existence at the time of the amendment.
19. NORTH HILLS DEVELOPMENT STANDARDS: In addition to the above listed development standards, the following shall apply to those properties located within Tract 1152 (North hills subdivision), and the First and Second Additions to North Hills, more specifically described on the attached map "Exhibit C".

A. BUILDING SIZE:

Specific building size requirements shall include the following:

- 1) Single Family Residential – No single family dwelling shall be less than 1,200 square feet for the main structure, exclusive of garages, porches, decks, carports and attached greenhouses. All single family dwellings shall have at least a two-car garage.

B. DESIGN GUIDELINES:

- 1) The use of brown, tan, dark gray, blue gray and dark green tones on exterior walls is encouraged.

C. MODULAR AND PREFABRICATED HOME REVIEW STANDARDS:

- 1) Modular and prefabricated homes shall be permitted subject to the standards contained in the City of Klamath Falls Community Development Ordinance and applicable standards of the Basin View Planned Unit Development.
- 2) In addition to the requirements of (C) (1), above, all modular and prefabricated homes shall be reviewed for design compatibility with other dwellings in a “review area” which is defined as the area within 300 feet of the subject lot or the nearest five dwellings. The criteria for determining acceptable compatibility shall be based upon the following design review elements:
 - a) Roofing materials shall be similar in appearance to the most predominant type in the review area.
 - b) Siding materials and trim shall be similar in appearance or complementary to other homes in the review area, including the type and horizontal or vertical placement of materials.
 - c) A garage, two car minimum in size, shall be required of like materials and color of the dwelling, and shall be attached to the main structure.
 - d) Placement of the manufactured home and garage upon the lot shall be consistent with other homes in the review area in terms of setback dimensions, angle to the street, location of garage or carport, and any other special feature of the neighborhood or lot.
 - e) The location and design of porches, patios, driveways, walkways, and landscaping shall be reflective of and complementary to the features of homes in the review area.

D. RECREATIONAL VEHICLES:

- 1) Recreational vehicles, including campers, boats, and trailers, shall be kept behind the front building lines of the main structure, on an improved surface (asphalt, concrete or pavers). Recreational vehicles may be temporarily kept in front of the building line main structure on an improved surface for no more than 72 hours.
- 2) Any area used for the storage of a recreational vehicle shall be screened by appropriate fences or walls, constructed with materials which are complementary to adjacent buildings, to a height of not less than five (5) feet or more than six (6) feet, as measured from finished grade to the highest structural component of the fence or wall. Landscaping which attains a mature height of not less than five (5) feet in height, and provides adequate screening characteristics, may be used as an alternative, or in combination, to fences or walls.

E. INOPERABLE VEHICLES:

Vehicles not in working order shall be kept on those portions of the property located to the rear of the front building line of the main structure, on an improved surface (asphalt, concrete or pavers). In no event shall an inoperable vehicle be kept in front of the main structure on an improved surface for more than 30 days.

F. ACCESSORY STRUCTURES:

Accessory structures larger than 1,200 square feet shall be finished with materials which are similar to the adjacent residential building.

20. COMMERCIAL PROPERTY SOUTH OF BENCHWOOD AVENUE, WEST OF NORTH HOMEDALE ROAD, AND NORTH OF FOOTHILLS BOULEVARD: In addition to the above listed standards, the following shall apply to those properties zoned for commercial use and located south of Benchwood Avenue, west of North Homedale Road and North of Foothills Boulevard, more specifically described on the attached map "Exhibit D".

A. PERMITTED USES – NEIGHBORHOOD COMMERCIAL:

- 1) Permitted Neighborhood Commercial uses shall be those defined in the City of Klamath Falls Community Development Ordinance. All proposed Neighborhood Commercial uses shall be subject to the design review procedures defined in the City of Klamath Falls Community Development Ordinance and applicable standards of the Basin View Planned Unit Development. Notice of any proposed Neighborhood Commercial use or structure shall be provided to all property owners located within Tract 1152 (North Hills), and the First and Second Additions to North Hills.
- 2) Neighborhood Commercial – No single commercial enterprise use shall be allowed to occupy more than 3,000 square feet of building area, including storage and mechanical space. No building shall exceed 18,000 square feet in gross area.

B. SIGNS:

- 1) Free standing signs, with the exception of monument type signs less than six (6) feet in height, are prohibited.
- 2) All signs other than monument type signs shall be attached to the façades of the structure.
- 3) Sign lighting is restricted to the use of indirect white lighting.

EXHIBIT "C"
NORTH HILLS MAP

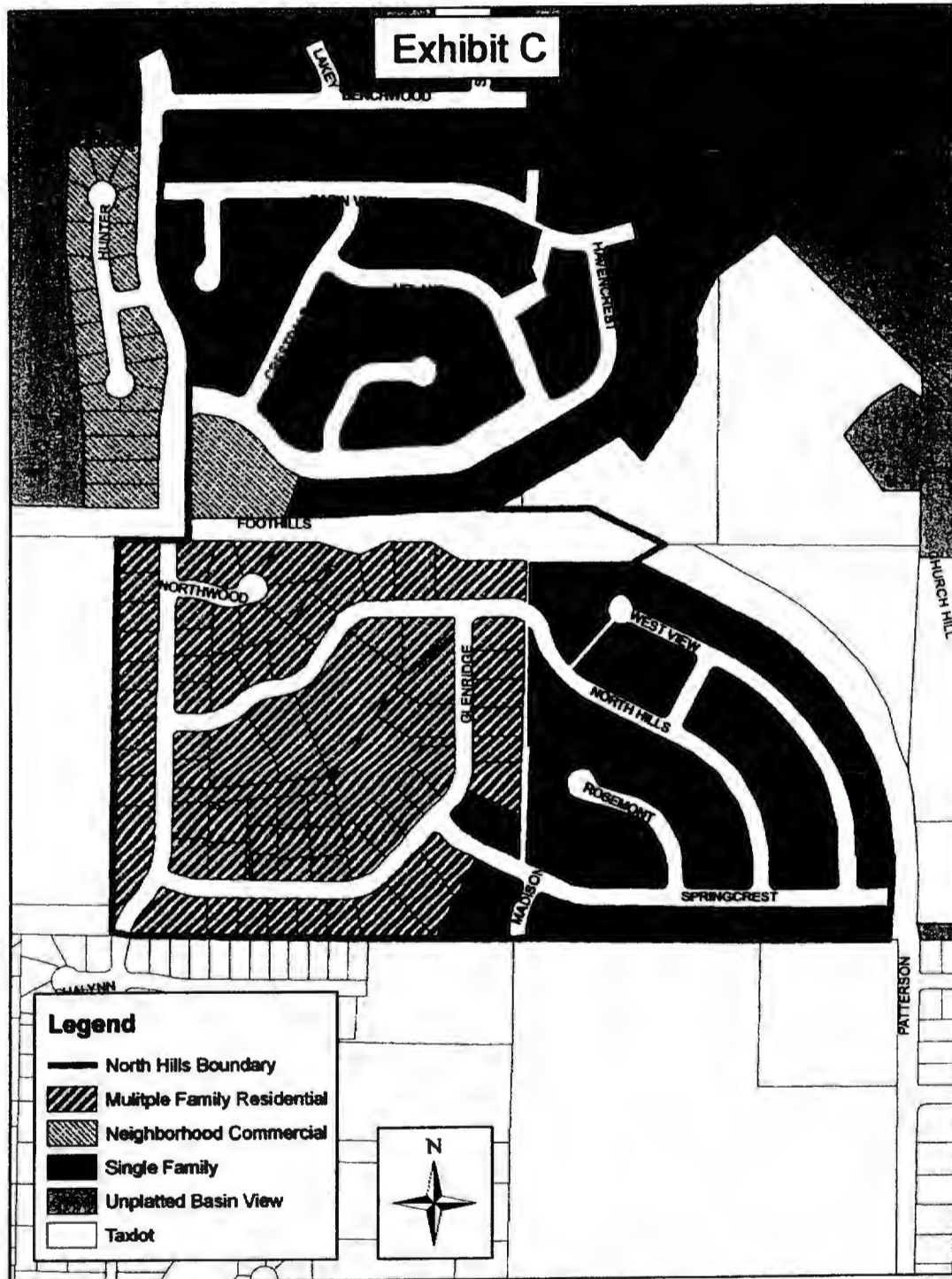
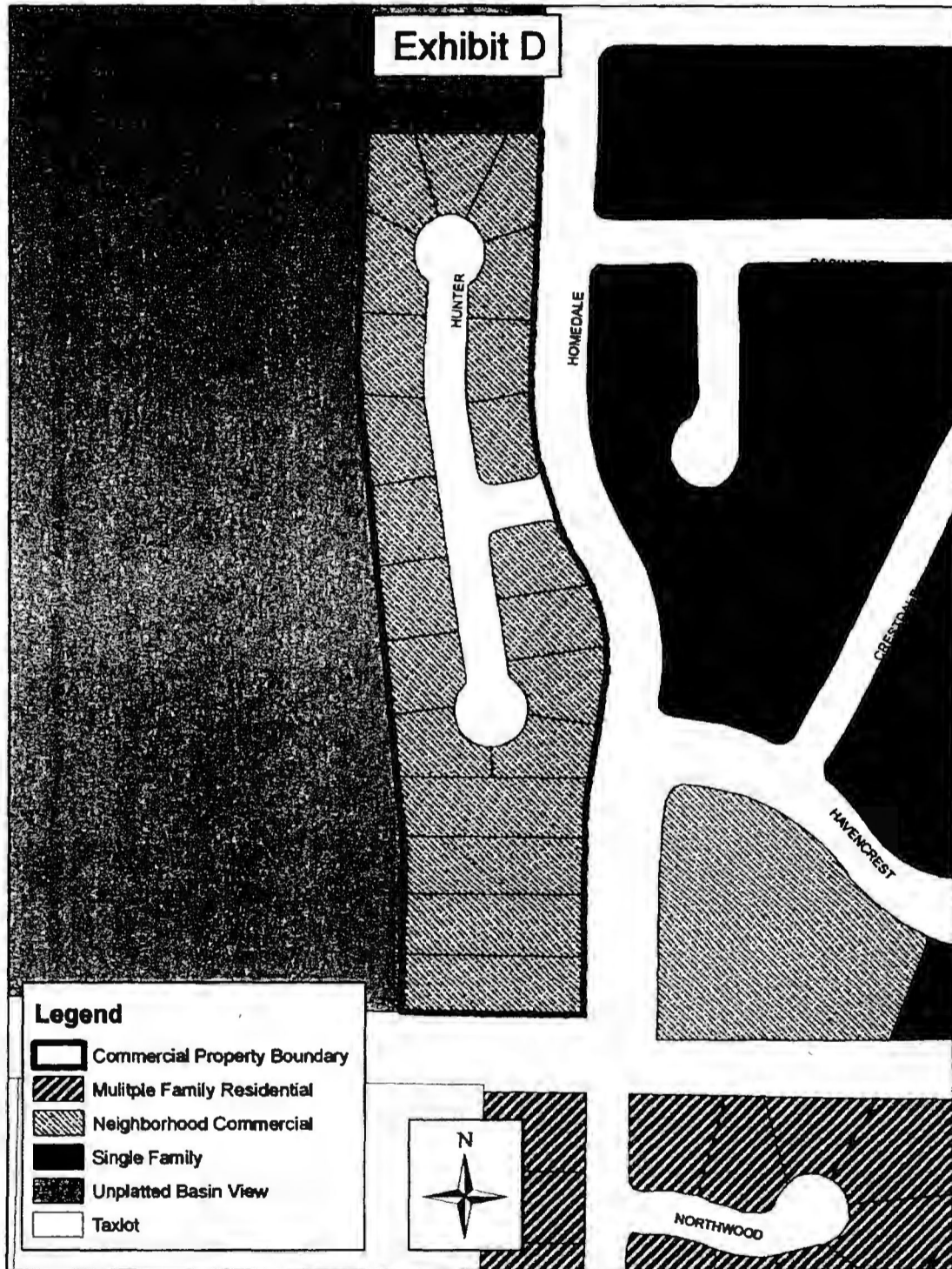


EXHIBIT "D"

COMMERCIAL PROPERTY MAP



ORDINANCE EXHIBIT "E"

RELEVANT REVIEW CRITERIA AND PROPOSED FINDING

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 Policy relates to the proposed development standards update:

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.

Modifications to the development standards make the standards easier to read and comprehend for existing property owners and prospective property owners within the Basin View PUD. The changes also make it easier for City staff to enforce the regulations effectively and consistently as the document has clearer objectives and policies that are in line with the Community Development Ordinance (CDO).

Modifications to the Development Standards are necessary per Community Development Ordinance Section 12.380, to correct some existing errors and add a section that differentiates between permitted and conditionally permitted uses. Major modifications include the addition of several maps and the deletion of the defunct architectural committee. Other additions to the standards include defining lot coverage for Golf Course/Recreation, increasing required recreation areas for multifamily housing, modifying sign standards to correspond with CDO requirements, and modifying neighborhood commercial building use occupancy square footage.

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 size for a PUD is 5 acres. The Basin View PUD exceeds that minimum requirement by 2,195 acres.

Modifications to the Development Standards does not include the addition of minimum required lot size for land use designations as those are thoroughly covered in Community Development Ordinance Section 12.010 Site Standards by Zone. All of the properties currently regulated by the Basin View PUD Development Standards are adequate in size and shape.

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: Modifications to the Development Standards will not affect the relationship of existing property to existing streets. As the findings stated in the Basin View adoption from 1979; “The PUD review process will allow sufficient flexibility to incorporate these alternative (transportation) modes in a given phase as deemed desirable.”

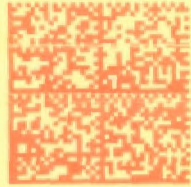
Finding: The properties affected by the proposed zone change appear to be properly related to streets that adequately serve the type of traffic generated by the uses permitted in the Planned Unit Development zone. **This criterion is met.**

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 comments from neighboring property owners regarding the changes to the Development Standards. 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.**

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



Hasler

012H16209577

\$0.1500

06/14/2011

Mailed From 97601
US POSTAGE

DEPT OF

JUN 16 2011

**LAND CONSERVATION
AND DEVELOPMENT**

Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540