

**CITY OF KLAMATH FALLS  
PLANNING COMMISSION  
MEETING MINUTES**

**October 25, 2010  
7:00 p.m.**

**CITY COUNCIL CHAMBERS  
500 KLAMATH AVENUE**

**COMMISSIONERS PRESENT:**

Chairman Neupert  
Commissioner Taylor  
Commissioner Chase  
Commissioner Smith  
Commissioner Henderson  
Commissioner Fitz Gerald

**COMMISSIONERS ABSENT:**

Commissioner Frei

**CITY STAFF PRESENT:**

Joanna Lyons-Antley, City Attorney  
Tom Del Santo, Development Coordinator  
Erik Nobel, Planning Manager  
Kelly O'Neill, Planner  
Kristina West, Meetings Assistant

**COMMISSIONER CHASE MOVED TO EXCUSE ABSENT  
COMMISSIONER FREI.**

**COMMISSIONER TAYLOR SECONDED. THE MOTION CARRIED  
UNANIMOUSLY WITH ALL COMMISSIONERS PRESENT VOTING  
AYE.**

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## APPROVAL OF MINUTES:

**Chairman Neupert** asked for approval of the minutes from the September 27, 2010 Planning Commission Meeting.

**COMMISSIONER TAYLOR MOVED TO APPROVE THE MINUTES FROM THE SEPTEMBER 27, 2010 PLANNING COMMISSIONER MEETING.**

**COMMISSIONER CHASE SECONDED. THE MOTION CARRIED UNANIMOUSLY WITH ALL COMMISSIONERS PRESENT VOTING AYE.**

## QUASI-JUDICIAL MATTERS:

**Joanna Lyons-Antley** read the City Attorney's statement advising all parties of their rights and responsibilities.

**5. VACATION 1-V-09 for Cook Woods and Klamath Health Partnership (Recommendation to Council).** The applicants propose to vacate an alley that is 20 feet in width and approximately 392 feet in length adjacent to 1629 and 1669 Owens Street and 1650, 1636 and 1630 East Main Street.

**Chairman Neupert** asked if there were any abstentions, conflicts of interest, or significant ex-parte contacts, which includes site visits or discussion about the matter.

**Commissioners Chase, Taylor and Henderson** stated they had each made individual site visits.

**Planner Kelly O'Neill** reviewed his written report.

**Commissioner Taylor** noted a correction to the Agenda, which reflected that 1-V-09 should read 1-V-10.

**Commissioner Smith** asked where the sewer clean-out would be located. **Mr. O'Neill** stated it would be located at the north end of the alley at the south end of Union Avenue. **Commissioner Taylor** noted it appeared to already be installed. **Commissioner Fitz Gerald** referenced the second sentence in the staff report under Summary and Background, and asked if

it should read, “exceeds” the ORS requirements as opposed to “meets.” **Mr. O’Neill** responded in the affirmative.

**Commissioner Chase** asked if there are any issues with the portion of OC&E trail that runs through the area. **Ms. Lyons-Antley** stated the standard is two-thirds of actual acreage has to consent to the vacation and the question was whether that portion of OC&E trail would be considered one of the properties that would need to consent, which was unclear. On the tax assessor’s map, the portion of the trail is shown as a dotted line, which typically indicates an easement of some sort, but it is not entirely clear. She noted it was safe to state it is not an area to be considered. **Commissioner Fitz Gerald** asked if it feel upon the City to confirm who owns it. **Ms. Lyons-Antley** stated the applicant has the burden of showing how many property owners have consented. If the state is not making any claims they could provide their comments to the Commission and they had their opportunity. **Commissioner Fitz Gerald** reiterated the City has no responsibility. **Ms. Lyons-Antley** concurred.

**Commissioner Fitz Gerald** addressed language in comments received from the Oregon Parks and Recreation Department (OPRD) which state, “If the proposed vacation does not involve OPRD land holdings, alter the integrity of our rail bed or change our legal property rights in any manner, we are willing to allow the above filed action.” He stated it is not up to them to allow anything. **Mr. O’Neill** stated he could talk to the representative, as he did not know if the representative for OPRD knows how the vacation process works. **Commissioner Fitz Gerald** asked the record show the OPRD is in no position to allow or disallow.

**Commissioner Henderson** asked if it was fair to say that there is no evidence of a deed or otherwise, that the City is not taking ownership. **Ms. Lyons-Antley** responded in the affirmative. **Chairman Neupert** asked about the potential of the Rails-to-Trails Program wanting to create connectivity through the proposed property. **Mr. O’Neill** stated the chances were, based on conversations, slim to none. **Chairman Neupert** stated his concern was at some point they would want to connect to this property and the City would have blocked that.

**Commissioner Fitz Gerald** asked if there were still physical railroad rails on the ground. **Mr. O’Neill** responded in the affirmative. **Commissioner Fitz Gerald** asked whose property the rails become if the Vacation is approved. **Ms. Lyons-Antley** stated the general assumption would be half

of the property goes to one abutting property owner and the other half to the other.

**Chairman Neupert** opened the public hearing. Hearing or seeing no one, he closed the public hearing.

**COMMISSIONER TAYLOR MOVED TO APPROVE THE PROPOSED FINDINGS AS STATED IN THE STAFF REPORT.**

**COMMISSIONER FITZ GERALD SECONDED. THE MOTION CARRIED UNANIMOUSLY WITH ALL COMMISSION MEMBERS PRESENT VOTING AYE.**

**COMMISSIONER TAYLOR MOVED TO RECOMMEND APPROVAL OF VACATION 1-V-09 TO CITY COUNCIL BASED ON THE PROPOSED FINDINGS.**

**COMMISSIONER CHASE SECONDED. THE MOTION CARRIED UNANIMOUSLY WITH ALL COMMISSION MEMBERS PRESENT VOTING AYE.**

**Commissioner Fitz Gerald** commended staff on piecing together a “complicated piece of homework.”

### **OTHER MATTERS**

#### **Project Update: Erik Nobel**

**Vacation.** Alley between Nosler Street and Pelican Street. When California Street was developed, the alley does not go through to California, it dead-ends; therefore, it will be the dead-end portion of the alley to be discussed for the proposed Vacation.

**CDO Revisions.** Staff stated the CDO revisions would be before the Commission the beginning of November; however, it was behind schedule. Staff decided to sit down as a group to review and catch mistakes, of which there were several. After staff was done with their portion, Community Development Director Sandra Fox, City Manager Rick Whitlock and City Attorney Joanna Lyons-Antley will review it for legality.

## ADJOURNMENT

The meeting was adjourned at 7:23 p.m.

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Kristina West  
Meetings Assistant