



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

May 10, 2006



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 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 23, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Steven Santos, DLCD Economic Development Planning Specialist
Erik Nobel, City of Klamath Falls

<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

(See reverse side for submittal requirements)

DEPT OF

MAY 04 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 1-2-06
(If no number, use none)

Date of Adoption: 4-17-06 Date Mailed: 5-2-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1-27-06

☐ 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."

A parcel develop with retail bussiness was
rezoned from Industrial to General Commercial.

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: LI to GC

Zone Map Changed from: LI to GC

Location: 2838 S 6th. Acres Involved: 11.08 ac

Specify Density: Previous: 5,000 ft New: 5,000 ft

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-06(14973)

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: _____

City of Klamath Falls.

Local Contact: Erik Nelson Area Code + Phone Number: 541-885-5254

Address: PO Box 237

City: Klamath Falls Zip Code+4: 97603 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 - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

*File into
Planning*

**A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR AN 11.08 ACRE
PARCEL COMMONLY REFERRED TO AS THE JEFFERSON SQUARE MALL
FROM LIGHT INDUSTRIAL TO GENERAL COMMERCIAL**

WHEREAS, Gene Dickerhoof represents Walter Seput of Jefferson Mall, LLC; and

WHEREAS, the representative, submitted a written proposal for a zone change of certain real property which is hereinafter described; and

WHEREAS, a public hearing was held on March 13, 2006, 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 April 3, 2005, 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 the property commonly referred to as the Jefferson Square Mall and legally described as Parcel 2 of Land Partition 48-05, and as shown on the map attached hereto as Exhibit "A" is hereby changed to General Commercial.

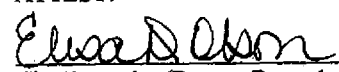
Passed by the Council of the City of Klamath Falls, Oregon, the 17th day of April, 2006.

Presented to the Mayor, approved and signed this 18th day of April, 2006.



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 17th day of April, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder (Deputy Recorder).

City Recorder (Deputy Recorder)

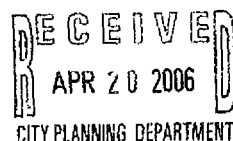
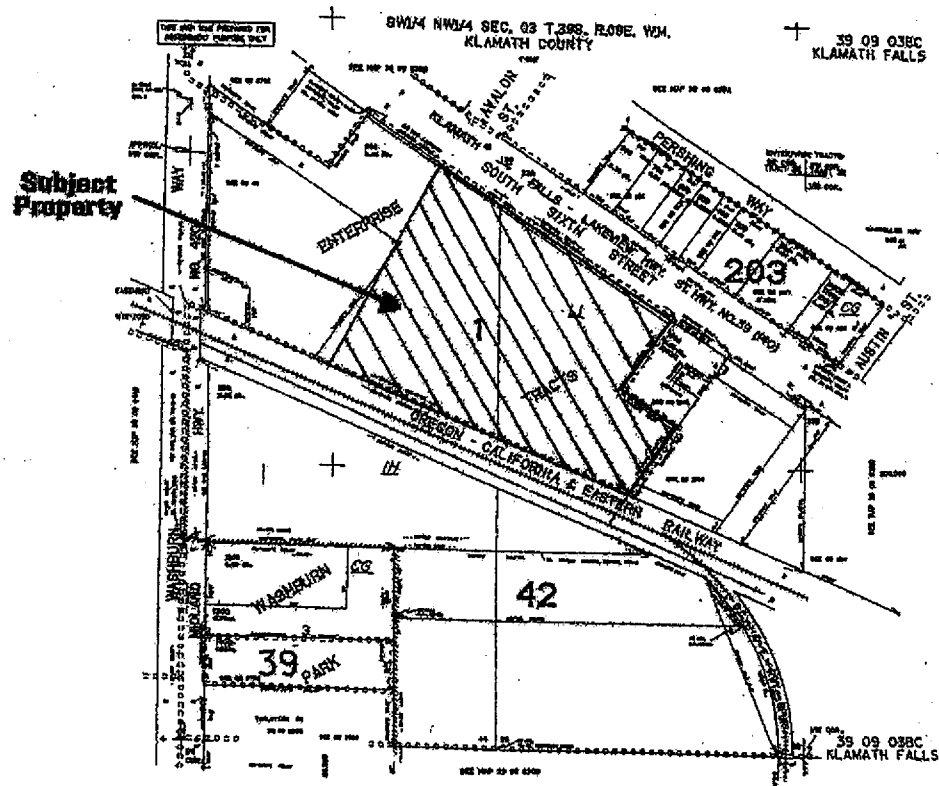


Exhibit A
VICINITY MAP
No Scale



**Exhibit B
FINDINGS**

- 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 streets plans.*

Analysis: The proposed zone change is supported by the following Comprehensive Plan Policies:

Housing

- 111. Increased densities will be promoted to reduce energy consumption, facility and service costs, and urban sprawl.
- 112. The city will preserve and encourage a mix of household and densities use.

Land Use

- 223. Standards for urbanization will encourage flexibility and innovation in development, permitting mixtures of land use and intensities, which contribute to the quality of the community.
- 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.

The streets in this area are already built, and adequately serve this area. Most of the lots are developed; no new streets are projected or needed within this area.

Finding: Criterion has been met based on the facts and analysis

- 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.*

Analysis: : The properties affected by this zone change are 7,000 square feet in size, which is 2,000 square feet greater than the minimum lot size of 5,000 square feet. The lots that are developed with multi-family dwellings are functioning within the community.

Finding: Criterion has been met based on the facts and analysis.

- 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.*

Analysis: The properties in question are within a neighborhood, which has been developed for years, as well as the street system. No new streets are planned. They are currently functioning at satisfactory levels. Since the majority of the area is developed, this proposed zone change will not increase.

Finding: Criterion has been met based on the facts and analysis.

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

Applicant Response: Our usage will be the same as Foothills Christian Fellowship situated

Analysis: No evidence has been submitted showing an adverse effect on abutting properties. This zone change does not represent a change in land use; it is a change to match the current use with the zoning. Given adjacent zoning, the abutting properties and those in the surrounding area will not be adversely affected by the proposed zone change.

Finding: Criterion has been met based on the facts and analysis.