



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

AMENDED NOTICE OF ADOPTED AMENDMENT

September 18, 2007



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 005-07

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: September 26, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Joe Slaughter, City of Klamath Falls

<paa> ya/

FORM 2

DEPT OF DLCD NOTICE OF ADOPTION

SEP 07 2007

LAND CONSERVATION
AND DEVELOPMENT

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)

Jurisdiction: City of Klamath Falls Local File No.: 3-2-07
(If no number, use none)

Date of Adoption: 8/21/07 Date Mailed: 9/5/07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 5/23/07

☐ 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."

The rezoning of approximately 0.80 acres of land 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: Industrial to Commercial

Zone Map Changed from: Industrial to General Commercial

Location: R. 3809-033CD-01101 Acres Involved: 0.80

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

Applicable Statewide Planning Goals: 1, 2, 9 & 14

Was an Exception Adopted? Yes: ☒ No: ☒

DLCD File No.: 005-07 (16124)

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, Klamath County, & Klamath County Fire Dist. No 1

Local Contact: Joe Slaughter Area Code + Phone Number: (541) 883-5361

Address: 226 S. 5th Street

City: Klamath Falls Zip Code+4: 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.**

Planning

Ordinance No. 07-18

**A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR
APPROXIMATELY 0.80 ACRES, DESCRIBED AS PARCEL 2 OF LAND
PARTITION 116-06, FROM INDUSTRIAL TO GENERAL
COMMERCIAL**

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for the zone change of certain real property by the Klamath Falls City Council, which property is hereinafter described; and

WHEREAS, a public hearing was held on July 23, 2007, 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 August 6, 2007, 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

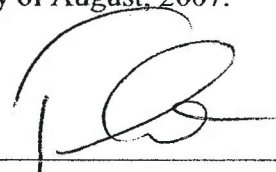
WHEREAS, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit B; **NOW THEREFORE**

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

The zoning designation of 0.80 acres as shown on the map attached hereto as Exhibit A, and described as Parcel 2 of Land Partition 116-06 is hereby changed from Industrial to General Commercial. The property in question can be found on Klamath County Assessor's Map R-3809-033CD tax lot 1101.

Passed by the Council of the City of Klamath Falls, Oregon, the 20th day of August, 2007.

Presented to the Mayor, approved and signed this 21st day of August, 2007.



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 20th day of August, 2007 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP
 (Not to Scale)

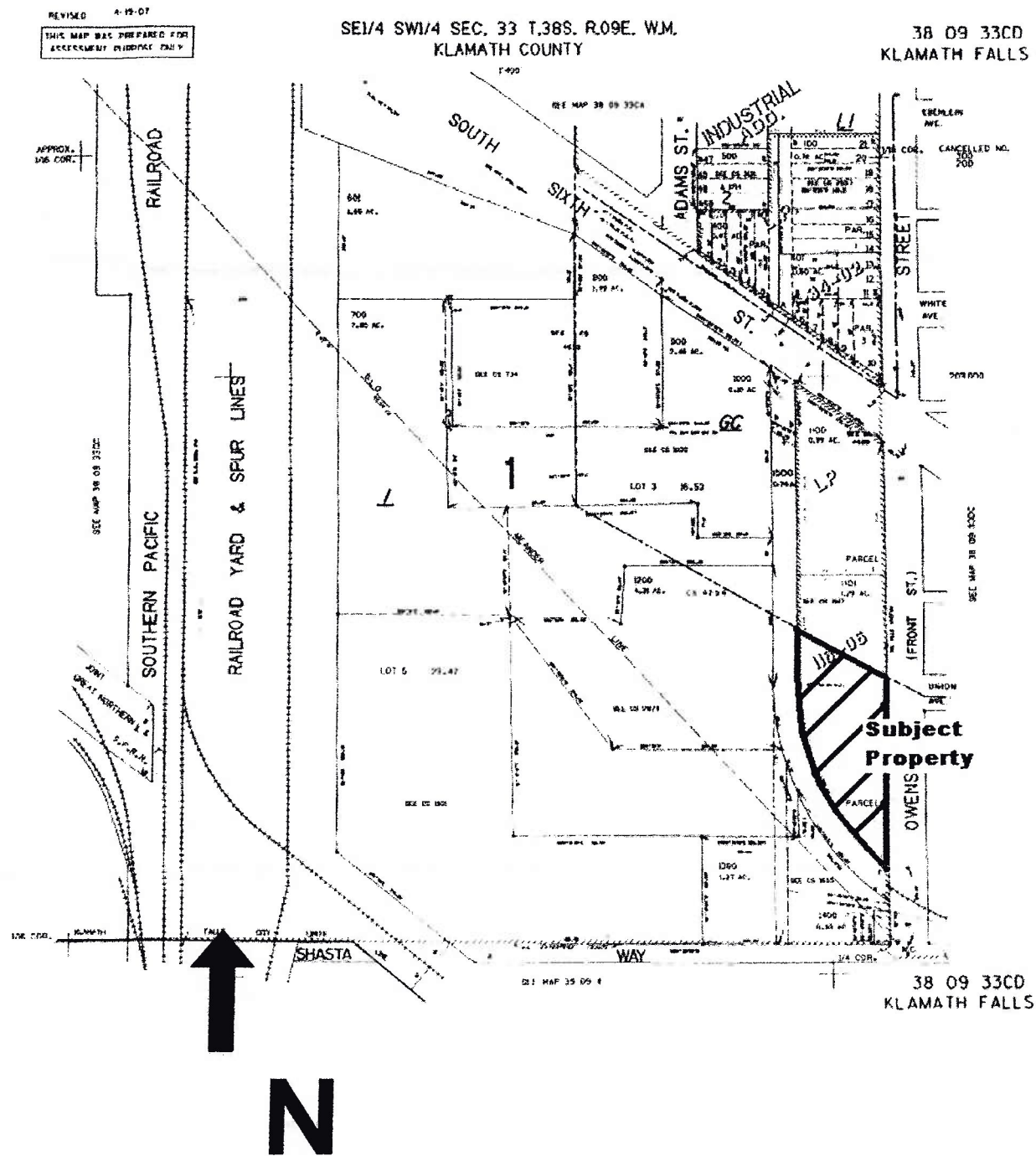


Exhibit B FINDINGS

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. 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 73: Existing and planned commercial and industrial areas will be protected from encroachment by incompatible land uses.

Policy 87: Urban sprawl will be curtailed and in-filling of vacant land promoted to reduce energy costs.

Policy 100: The development of smaller, isolated vacant lands already available within the City limits will be encouraged.

Policy 225: The appropriate reuse of land which is underdeveloped or where structures are deteriorating will be encouraged.

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

Policy 244: In-filling of developable lands will be encouraged to minimize sprawl and take advantage of existing facilities and services.

Policy 254: Allow growth to occur as naturally as possible without undue restrictions, or conversely, aggressive promotion.

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.

Comprehensive Plan policies 73 and 239 are not intended to absolutely prohibit, under any circumstances, the rezoning of land zoned industrial and/or commercial; these policies are intended to require the City : a) to maintain an adequate inventory of industrial and commercial properties to support anticipated growth in the community; and b) to insure the integrity of commercial and industrial zones by enacting zoning regulations that prohibit uses within industrial and commercial zones that are incompatible with and would interfere with industrial and commercial uses. The proposed zone change would rezone approximately 0.80 acres from Industrial to General Commercial. This piece of land is not suitable for many industrial uses which require larger parcels of land. The rezoning of this piece of parcel 2 (land partition 116-06) would eliminate the existing split zoning of this parcel and allow for the use of the entire parcel as one development. The split zoning of this parcel makes development of the property difficult.

Comprehensive Plan policies 87, 100, 225 and 244 promote in-fill and discourage urban sprawl. The subject property is located near a major commercial corridor within the city. The redevelopment and expanded use of this site should be encouraged.

Comprehensive Plan policy 254 says to allow growth to occur as naturally as possible without undue restrictions, or conversely, aggressive promotion. And Comprehensive Plan policy 259 says

that public and private actions will result in a net benefit for existing City residents and will contribute to the improvement of the local economy. This single 1.29 acre parcel is currently split into two different zones, General Commercial (approximately 0.49 acres) and Industrial (approximately 0.80 acres). Uniform zoning across this lot will allow development to occur more “naturally” across the lot as one single type of use.

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 lot size for both Industrial and General Commercial zoning is the same, 5,000 square feet. This property is approximately 1.29 acres (56,192 sq ft). Approximately 1/3 of this property is zoned General Commercial, leaving only 0.80 acres zoned for Industrial use. The rezoning of the 0.80 portion from Industrial to General Commercial will allow for the uniform development and use of the property.

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 subject property is bordered by South 6th Street to the north and Owens Street to the east. South 6th Street is classified as a Major Arterial and Owens Street is classified as a Local Street in the Klamath Falls Urban Area Transportation System Plan. A comprehensive traffic study for the South 6th Street area, to identify problems with the existing roadway and necessary improvements, was completed prior to the beginning of the South 6th Street improvements currently underway. The applicant is in the process of having a Traffic Analysis Letter (TAL) prepared which will address this proposed zone change and the proposed use of the entire 2.28 acre site (two parcels) as a school. Owens Street is a gravel road south of Union Street and does not connect to any improved streets south of Union Street. The applicant has been required to sign and record a Local Improvement Contract (LIC) as a condition prior to the issuance of a development permit for the proposed school. This LIC will cover any future street improvements on Owens Street to the southern end of the subject property.

Finding: The property affected by the proposed zone change is properly related to streets to adequately serve the type of traffic generated by the uses permitted in a General 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: This property is located in an area zoned for both general commercial and industrial uses. Both of these zones allow for some relatively intense uses of the property. The proposed change and the uses allowed in General Commercial zoning will have no adverse effects on the neighboring general commercial and industrial properties. The proposed use of the subject property includes a school playground and a storage building to be used by the school. These uses will have very little or no impact on abutting properties.

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