



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

March 4, 2008



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 020-06

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: March 19, 2008

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
Joe Slaughter, City of Klamath Falls

<paa> ya

D L C D 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

FEB 28 2008

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 11-2-06
(If no number, use none)

Date of Adoption: 2/5/08 Date Mailed: 2/27/08
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/26/06 originally & 10/9/06 Revised

☐ 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."

Rezone of approximately 20.6 acres from Public Facility 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: Public Facility to Commercial

Zone Map Changed from: Public Facility to General Commercial

Location: R-3809-034 CC-00100 + 00200 Acres Involved: 20.6

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

Applicable Statewide Planning Goals: 1, 2, 9, 11 & 14

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 020-06 (15603)

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: X 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, City of Klamath Falls School District and Klamath County

Local Contact: Joe Slaughter Area Code + Phone Number: (541) 883-5365

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.**

FEB 28 2008

LAND CONSERVATION
AND DEVELOPMENT

Ordinance No. 08-05

A SPECIAL ORDINANCE REZONING APPROXIMATELY 20.6 ACRES OF ENTERPRISE TRACTS INCLUDING TRACT 37, THE PORTION OF TRACT 38A LYING SOUTH OF EBERLEIN AVENUE, THE EASTERNMOST 30 FEET OF TRACTS 41B AND 42 LYING SOUTH OF EBERLEIN AVENUE AND NORTH OF SHASTA WAY, FROM PUBLIC FACILITY 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 City of Klamath Falls, which property is hereinafter described; and

WHEREAS, a public hearing was held on November 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 January 7, 2008, 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 approximately 20.6 acres as shown on the map attached hereto as Exhibit A, and described as Enterprise Tracts including Tract 37, the portion of Tract 38A lying south of Eberlein Avenue, the easternmost 30 feet of Tracts 41B and 42 lying south of Eberlein Avenue and North of Shasta Way, is hereby changed from Public Facility to General Commercial.

The property in question can be found on Klamath County Assessor's Map R-3809-034CC Tax Lots 00100 & 00200.

Passed by the Council of the City of Klamath Falls, Oregon, the 4th day of February, 2008.

Presented to the Mayor, approved and signed this 5th day of February, 2008.



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 4th day of February, 2008 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

**Exhibit A
VICINITY MAP
NO SCALE**

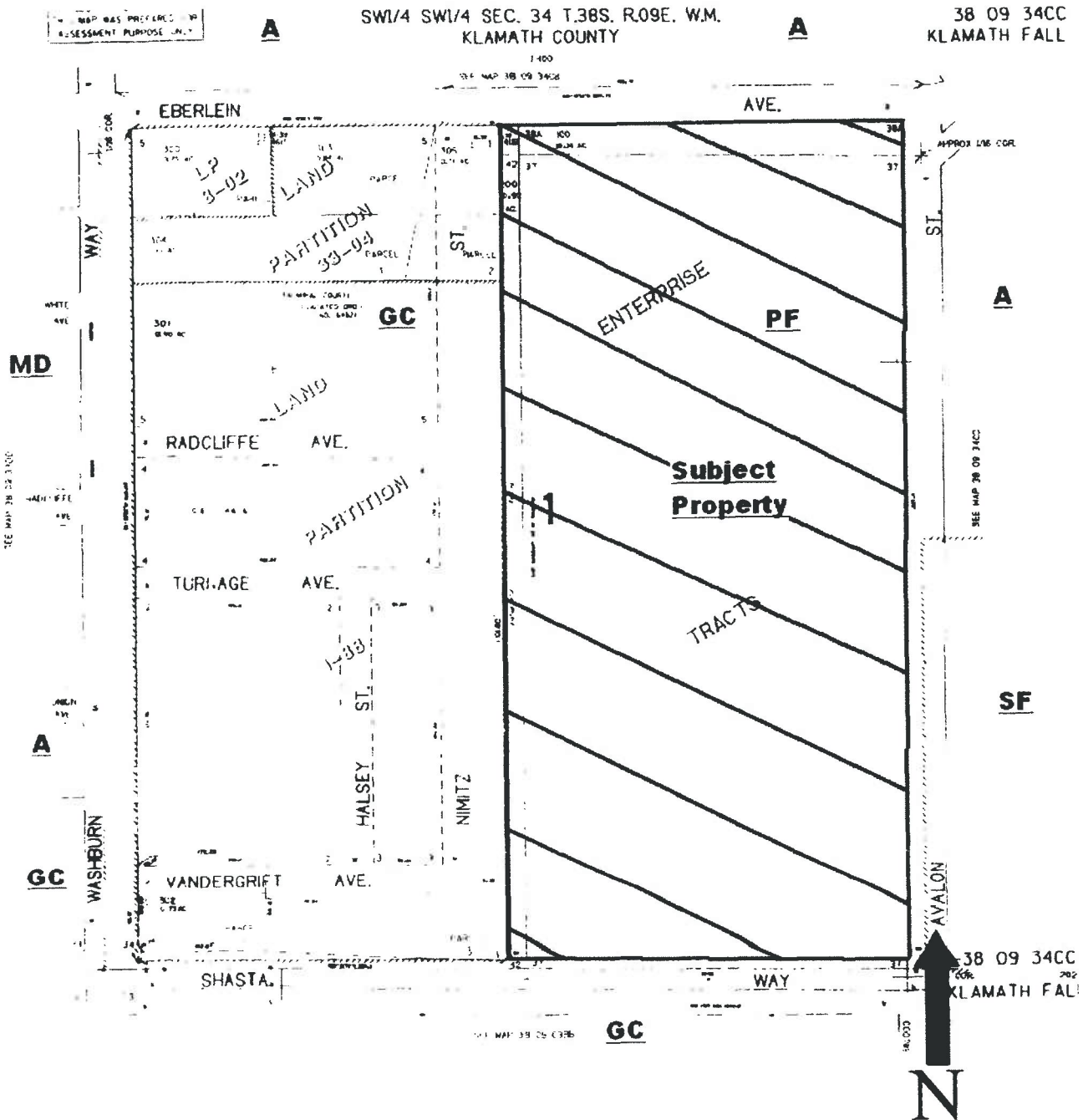


Exhibit B
FINDINGS

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. 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.

Response: The following Comprehensive Plan Policies relate to the proposed zone change:

Policy 72: Klamath Falls' position as the retail center for south-central Oregon and northern California will be strengthened wherever possible.

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

Policy 77: Development which will assure the City of an adequate tax base will be encouraged and supported.

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

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

Policy 238: Strip commercialism will be avoided, due to its adverse effects on traffic, energy, safety, and convenience.

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.

The proposed zone change is in an area that is experiencing commercial growth and revitalization. The re-zoning of this property would increase the amount of commercial land available for development within the City of Klamath Falls while expanding an existing commercial zone. With the current amount of commercial activity in the area this zone change would allow growth in the area to occur as naturally as possible.

The City of Klamath Falls School District is in the process of selling un-used and under-used properties and exploring opportunities to develop new schools. The City School District does not have plans to further develop this property for school uses. The

rezoning of this property would encourage in-fill by promoting the development of this currently underutilized property. The proposed zone change would benefit existing City residents by allowing additional commercial development and helping the City of Klamath Falls School District accomplish its goals.

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, based on staff's interpretation. 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.

Response: The minimum lot size for both Public Facility and General Commercial is the same, 5,000 square feet. This property is approximately 20.6 acres. The property is rectangular in shape and bordered by streets on three sides.

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.

Response: The subject property abuts Shasta Way to the south, Avalon Street to the east and Eberlein Avenue to the north. Shasta Way is a Major Arterial street that is developed with curb/gutter and 5' sidewalks on both sides. Avalon Street has a relatively high amount of traffic for a street designated as a Local Street. The close proximity of Avalon to Residential, Public Facility and Commercial developments tends to lead to the relatively high levels of traffic. Avalon St. is paved but lacks curb/gutter and sidewalks. Eberlein Avenue is a Major Collector street. The portion of Eberlein that abuts the subject property is a paved street without curb/gutter and sidewalk. Portions of Eberlein to the west, on the same block as the subject property, have been improved and curb/gutter and sidewalks have been installed.

A Traffic Impact Analysis (TIA) of sufficient breadth to comply with the Transportation Planning Rule (TPR) was completed and submitted to City engineering for review. Copies of the study were sent to Klamath County Public Works, ODOT and a consultant for the City (RDK Engineering); for review and comments. Klamath County Public Works did not have any concerns with the report. City Engineering supports the proposed zone change with the conditions and understandings listed below.

Finding: The traffic report submitted for this application was a preliminary study identifying a generic business for this site. The applicant will need to submit a revised traffic study once a tenant has been identified and application is made to the City Planning Division. There will most likely be improvements required on both Avalon Street and Eberlein Avenue regarding curbs, planter strips, street trees, drainage, bike

lanes, additional vehicle traffic lane(s), etc. that will be determined at the time of development review. Water and sewer related infrastructure will also be commented on at the design review application level. As a part of this future development, the intersection of Avalon Street and Shasta Way has the potential of being modified to accommodate any proposed street widening requirements and additional traffic impacts to this area. With the existing traffic conditions and the understanding of these probable improvements, the property affected by the proposed zone change properly relates to streets that can be made to adequately serve the type of traffic generated by general commercial uses. This criterion is met with the following conditions.

Conditions:

- a) Prior to a development application being accepted by the City of Klamath Falls on the subject property under the proposed General Commercial zoning, the applicant shall demonstrate that the South 6th Street/Crater Lake Parkway intersection and the Main Street/Crater Lake Parkway intersection will be in compliance with the mobility standard as identified for the year 2022 and will address the concerns identified by ODOT in exhibit C.
- b) Revise the traffic study, prior to or at the time of the development application, to address the comments in the City's traffic consultants (RDK Engineering) letter that were specifically mentioned in the "Conclusion and Recommendations" (Exhibit D).
- c) A signal warrant analysis shall be included in the traffic impact analysis submitted with the development application. A traffic signal at the intersection of Eberlein Avenue and Washburn Way will need to be in place prior to the opening of any commercial development on the subject property which would warrant said improvements.

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

Response: The subject property is located in an area developed primarily with commercial and higher density residential uses. The permitted uses in General Commercial zones will not have an adverse effect on abutting properties. The proposed zone change should not have an adverse effect on neighboring properties given the development's continued compliance with all City and other agency rules and regulations. The current zoning (Public Facility) allows intense uses similar to the proposed General Commercial zone.

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

Exhibit C
Traffic Study Response from
ODOT



Oregon

Theodore R. Kulongosk, Governor

Department of Transportation

Devin L. Hearing
Senior Planner
Program and Planning
63085 N Highway 97, Ste. 107
Beid, OR 97701
Telephone (541) 388-6388
FAX (541) 388-6361
Devin HEARING@odot.state.or.us

DATE: December 6, 2007

TO: Tom Del Santo, Development Coordinator
City of Klamath Falls

FROM: Devin L. Hearing *[Signature]*
ODOT Region 4 Sr. Land Use/Transportation Planner

SUBJECT: Lucille O'Neill Property Rezone

Thank you for giving us the opportunity to review the proposed rezone from Public Facilities (PF) to General Commercial (GC) for the Lucille O'Neill former school site, on a 20.06 acre parcel. The Oregon Department of Transportation (ODOT) has reviewed the October 22, 2007 Traffic Impact Study prepared for the project by Kittelson & Associates Inc. and provides the following comments;

Analysis Methodology

The consultant is proposing a study year of 2022 which is consistent with the Oregon Highway Plan

Trip Generation

The consultant estimated that the change in zoning will add 560 additional trips to the system based upon 25% being devoted to structure.

Trip Distribution

The consultant revised the trip distribution after we questioned it in the first TIA. The new trip distribution is based upon the Klamath Falls Model and looks reasonable.

Study Intersections

The consultant studied 21 intersections of which 8 are on State highways. The original study only looked at 12 intersections but he added the rest after our first review.

Mobility Standards

The consultant originally planned to use a 0.85 v/c ratio on the Crater Lake Parkway. After our first review he revised it to 0.75 on the higher speed portions of Crater Lake Parkway.

he revised it to 0.75 on the higher speed portions of Crater Lake Parkway.

2022 Background Traffic Analysis

The consultant used a growth rate of 1.5% a year for a total growth of 22.5% for the 2022 study year. This growth rate was based upon the Klamath Falls Model. ODOT used the consultant existing volumes and calculated the 2022 volumes. ODOT agrees with the consultant conclusion in the 2022 Background Traffic Analysis.

Proposed Improvements

Based on this study, the Consultant determined that this project would require improvements to two intersections.

At Crater Lake Parkway and 6th Street, the consultant is recommending that a right-turn overlap be added to the signal for southbound traffic. The intersection would still exceed the acceptable v/c ratio of 0.75 but the overlap would reduce the v/c from 0.85 to 0.83. Without the development, the expected 2022 v/c at this intersection will be 0.83. ODOT has serious concerns regarding this proposed improvement. This intersection is very close to the South 6th Street and Summers Lane intersection and the two signals must work together to get the best progression. If a right-turn overlap for southbound traffic were added to the signal as suggested in the TIA, the overlap would not do much to relieve traffic because during the time the eastbound to north left turn is on at Crater Lake Parkway, the westbound left turn is on at Summers Lane and the westbound through traffic at Summers Lane is stopped, and the existing traffic usually takes up all available storage space between the signals. Therefore, the overlap would do little to improve operations of the signal and ODOT will not accept it as mitigation to reduce the v/c at the signal.

The report also suggests a right turn overlap at the Crater Lake Expressway and Main Street. At this location the southbound right turn lane is not long enough to expect the overlap to work very well. Again the overlap will not be accepted as mitigation by ODOT.

In conclusion, because of intensity of the proposed use, we request that the traffic study be revised to incorporate mitigation acceptable to ODOT, which will correct the above mentioned deficiencies.

Again thank you for the opportunity to comment on this project and please keep informed of its progress.

CC via Email: David Steiner, ODOT District 11
Randy Bednar, ODOT District 11
Jim Bryant, ODOT Region 4
David E. Foster, ODOT Region 4

Exhibit D
Traffic Study Response from City's Traffic Consultant (RDK Engineering)

RDK Engineering
TRAFFIC ENGINEERING/SIGNAL SYSTEMS
3350 Green Acres Dr., Central Point, OR 97502 - Phone (541) 664-0393 Fax (541) 664-9320

November 30, 2007

Tom Del Santo, PLS, CWRE
City of Klamath Falls
Public Works Engineering Division
226 South Fifth Street
Klamath Falls, OR 97601

Re: Shasta Way/ Avalon Street City School Property Rezone

Dear Tom:

This memorandum is the results of our review of the Traffic Impact Analysis (TIA) for the proposed Shasta Way/ Avalon Street City School Property Rezone.

The TIA describes a proposal for a zone change from PF: Public Facilities, to GC: General Commercial. The new zoning would permit a shopping center to be developed on the 20 acre site.

Overall

I find the TIA addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed development.

Comments

1. **Study Area:** The study area addresses 21 intersections. The intersection of Eberlein Ave. and Avalon was not included in the study. It would appear that this intersection should be included since it is located on the northeast corner of the proposed site development.
2. **Traffic Counts:** Traffic counts were obtained in August, 2007. Weekday P.M. counts were obtained from 4:00 P.M. to 6:00 P.M. No A.M. peak hour counts were necessary since the development will have a significant amount of retail that will generate higher P.M. traffic volumes.

No seasonal adjustment is necessary since the counts were obtained during the peak travel month.

RDK ENGINEERING | NOVEMBER 30, 2007 | SHASTA WAY COMMERCIAL REZONE, KLAMATH FALLS |

4. **Trip Generation:** The TIA trip generation estimates were obtained from the Institute of Transportation Engineers Trip Generation Manual, 7th Edition, which is The accepted source for traffic studies. The P.M. peak, and average weekday trips have been provided. The study estimates that the proposed shopping center will generate 845 net new P.M. peak hour trips. The trip generation appears reasonable.
5. **Trip Distribution:** The predominate site generated traffic distribution as shown on figure 2 in Appendix A appears reasonable based on existing travel patterns.
6. **Traffic Growth:** The TIA provides for a one percent annual growth rate from the Year 2007 to 2022. This appears reasonable based on the background information provided by the consultant in support of this growth rate.
7. **Analysis Data:** Traffic volumes were calculated for the intersections cited in #1 above. Intersection level-of-service (LOS) and delay calculations were provided. In the current year 2007, all intersections in the study area were reported to operate within the acceptable standards of traffic operations. In the future year 2022, all intersections in the study area will continue to meet or exceed the City's and ODOT's traffic operations standards, with two exceptions. The Crater Lake Parkway & South 6th St. intersection exceeds the ODOT mobility standard of 0.75. The consultant proposes mitigation that will bring the intersection to 0.83 which is the projected capacity level if the shopping were not constructed. The intersection of Washburn Way and Eberlein Ave. is shown to operate at LOS F on the east approach in the future year 2022. The TIA does not provide the project build-out year for the shopping center. The build-out year should be identified, and a signal warrant investigation conducted, with the project, to determine if a signal should be installed and in service at the time that the shopping center is completed.
8. **Crash Information:** The TIA did not provide crash history at study area intersections.
9. **Site Plan and Access:** The TIA did not include a preliminary site plan. The plan which includes ingress and egress to the site, and queuing calculations for adequate lane storage can be provided at a later date.

Conclusion and Recommendations:

I find that the TIA meets City requirements. I concur with the engineer's conclusion that the study area intersections will meet the city's operational standards and that traffic signals will be needed in the future at the intersection of Washburn Way and Eberlein Ave. Recommend that a traffic signal warrant investigation be conducted at the project build-out year. Build-out year needs to be identified.

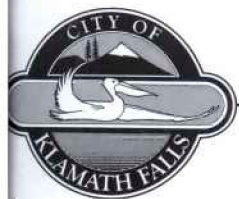
The intersection of Eberlein Ave. & Avalon St. was not included in the study area. The intersection is located at the northeast corner of the proposed development. The City should look at this intersection to determine if it should be included in the study.

The study does not provide for crash history at study area intersections. Crash history review should be an element of the study.

If you have any questions or need any further information concerning this review, please call me at 541-664-0393.

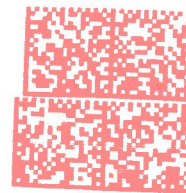
Best Regards:


Robert D. Kortt
Transportation Engineer
RDK Engineering



CITY OF KLAMATH FALLS, OREGON

P.O. BOX 237 - ZIP CODE 97601-0361



Hasler

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02/27/2008

Mailed From 97601

US POSTAGE

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

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