



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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AMENDED NOTICE OF ADOPTED AMENDMENT

November 29, 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 007-07

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: December 12, 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
Larry Ksionzyk, Community Development Planning Specialist
Bill Holmstrom, DLCD Transportation Planner
Erik Nobel, City of Klamath Falls

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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

NOV 23 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 4-2-07
(If no number, use none)

Date of Adoption: 11-20-07 Date Mailed: 11-21-07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8-7-07

☐ 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 applicant rezoned 3.03 ac from Light 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: Light Industrial to General Commercial

Location: Tax lots R-5909-9AA-701, 900-100 Acres Involved: 3.03

Specify Density: Previous: Same New: Same

Applicable Statewide Planning Goals: 9

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 007-07(16290)

Planning

Ordinance No. 07-23

**A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR LOTS 1 AND 4 OF
BLOCK 1, TRACT 1239 AND PARCEL 2 OF LAND PARTITION 7-94 FROM LIGHT
INDUSTRIAL TO GENERAL COMMERCIAL**

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

WHEREAS, a public hearing was held on October 8, 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 November 5, 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 3.04 acres, located on the southwest corner of the intersection of Hilyard Avenue and Washburn Way, and which is identified with the Klamath County Assessor Maps on map R-3909-9AA, tax lots 701, 900, and 1000, legally described as lots 1 and 4 of Block 1, Tract 1239, and parcel 2 of land partition 7-94, and shown in exhibit "A" is hereby changed to General Commercial.

Passed by the Council of the City of Klamath Falls, Oregon, the 19th day of November, 2007.

Presented to the Mayor, approved and signed this 20th day of November, 2007.



Mayor

ATTEST:



City 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 19th day of November, 2007 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

Exhibit B FINDINGS

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 11.400-11.440, regarding Change of Zones.

11.415 Required Findings/Criteria for Approval

1. **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.
The following Comprehensive Plan policies apply:

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

Economy Policies

72. Klamath Falls position as the retail center for South Central Oregon and northern California will be strengthened whenever possible.

Response: This proposed zone change, if approved, will open 3 acres of property to commercial development. The development of this property with retail uses will help strengthen Klamath Falls position of the retail center. This proposed development will redevelop this retail site.

Transportation

- 164 The city will make land use decision that minimizes distances to goods and services.

Response: The approval of this zone change will strengthen the central business district keeping retail conveniently located on one of the main commercial strips of Klamath Falls which helps minimize the travel distance for citizens.

Land Use

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

Response: The historical use of these properties is retail. Lot 1 was developed with a large metal building which housed a crafter's market. The building was originally an Army / Navy surplus store. Lot 4 was a used car lot. The car lot was a gravel lot with a small office building.

237. The central business district will receive top priority consideration for commercial land uses, with appropriate neighborhood commercial centers supplementing, not distracting from the central business district or conflicting surrounding residential areas.

Response: The area around the Washburn Way corridor is the central business district of Klamath Falls. All of the land zoned for commercial in the area has been developed. This zone change will allow the continued growth of the central business district thru the redevelopment of this site.

239. Land designated for industrial use shall be preserved for that use and protected from incompatible uses.

Response: The property in question is currently zoned for industrial use. This zone change will remove this property from the industrial inventory; however the General Commercial zone permits some like uses. This property has been historically used for retail development, which is permitted in the County light industrial zone. This policy is 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 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.

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

2. **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 property affected by this zone change is approximately 3 acres in size, broken into three lots. Lot 1 is 1.33 acres. Lot 4 is 1.33 acres, and parcel 2 is 0.38 acres. All are greater than the minimum lot size of 5,000 square feet (0.12 acres) for the General Commercial zone. The property is large enough to support all commercial uses allowed by the Community Development Ordinance. The applicant has a conceptual design for a Restaurant, retail center, and hotel. These uses can be developed on the property in question meeting all of the standards of the Community Development Ordinance.

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.**

3. **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: A traffic study was completed for the site analysis for the proposed restaurant and hotel. The conclusion of the study shows that in the existing year 2007, all intersections within the study area are operating to City and County level of service standards. In the build out year of 2008, study area intersections will continue to operate to City and County standards with or without the project. In the year 2013, study area intersection will continue to operate to City and County standards, with the exception of the Altamont Drive and Hilyard Avenue intersection, which will be in level of Service "F" with or without the project. The Engineering Division is currently reviewing the study and findings. Any traffic mitigation which may be required will be identified through this study.

Finding: **This criterion is met.**

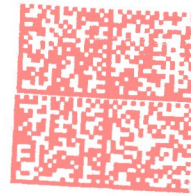
4. **Criterion** The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof.

Analysis: No evidence has been submitted showing an adverse effect on abutting properties. Given adjacent zoning, the abutting properties and those in the surrounding area will not be adversely affected by the proposed zone change

Finding: This criterion is met



CITY OF KLAMATH FALLS, OREGON
P.O. BOX 237 • ZIP CODE 97601-0361



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11/21/2007
Mailed From 97601
US POSTAGE

DEPT OF
NOV 23 2007
LAND CONSERVATION
AND DEVELOPMENT

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