



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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

NOTICE OF ADOPTED AMENDMENT



May 16, 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 002-06

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: June 1, 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
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

MAY 12 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF KLAMATH FALLS Local File No.: 2-2-06 (If no number, use none)

Date of Adoption: MAY 1, 2006 Date Mailed: MAY 11, 2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

RE-ZONE OF 3.18 ACRES FROM MEDIUM DENSITY TO INDUSTRIAL

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: RESIDENTIAL to INDUSTRIAL

Zone Map Changed from: MED. DENSITY to INDUSTRIAL

Location: R 3809-2003-1200 Acres Involved: 3.18

Specify Density: Previous: SAME New: SAME

Applicable Statewide Planning Goals: 1, 2, 9, 10

Was an Exception Adopted? Yes: No: X

DLCD File No.: 002-06 (14974)

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: _____

Local Contact: _____ Area Code + Phone Number: _____

Address: _____

City: _____ Zip Code+4: _____

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.**

**A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR 3.18 ACRES EAST OF
MONTELIUS STREET, SOUTH OF LAKEPORT BOULEVARD, AND WEST OF
HIGHWAY 97, FROM MEDIUM DENSITY TO LIGHT INDUSTRIAL**

WHEREAS, the applicant, Tim Amuchastegui, 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 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, 2006, 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 as shown on the map attached hereto as Exhibit A, commonly referred to as a parcel of land situated in the NW 1/4 of the SW 1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, in the Klamath County, State of Oregon, being more particularly described as follows:

Commencing at the Initial point of Land Partition 44-94, as recorded at the Klamath County Clerk's Office; thence South 89°07'25" East, 87.11 feet to the TRUE POINT OF BEGINNING; thence North 00° 43'37" East, 671.21 feet more or less to the southerly right-of-way line of Lakeport Boulevard; thence along said right-of-way line, South 62° 40'24" East, 296.16 feet more or less to the westerly right-of-way line of Oregon State Highway 97; thence along said right-of-way line, South 08° 55'13" West, 544.65 feet, more or less; thence leaving said right-of-way line, North 89° 07'25" West, 187.19 feet to the beginning.

Basis of bearings is Grid North of the Oregon State Plane Coordinate System of 1983, South Zone. Containing 3.2 acres, more or less.

Being also shown on the current Klamath County Assessors Map R-3809-020CB as Tax Lot 1200.


Passed by the Council of the City of Klamath Falls, Oregon, the 1st day of May, 2006.

Presented to the Mayor, approved and signed this 2nd day of May, 2006.



Mayor

ATTEST:



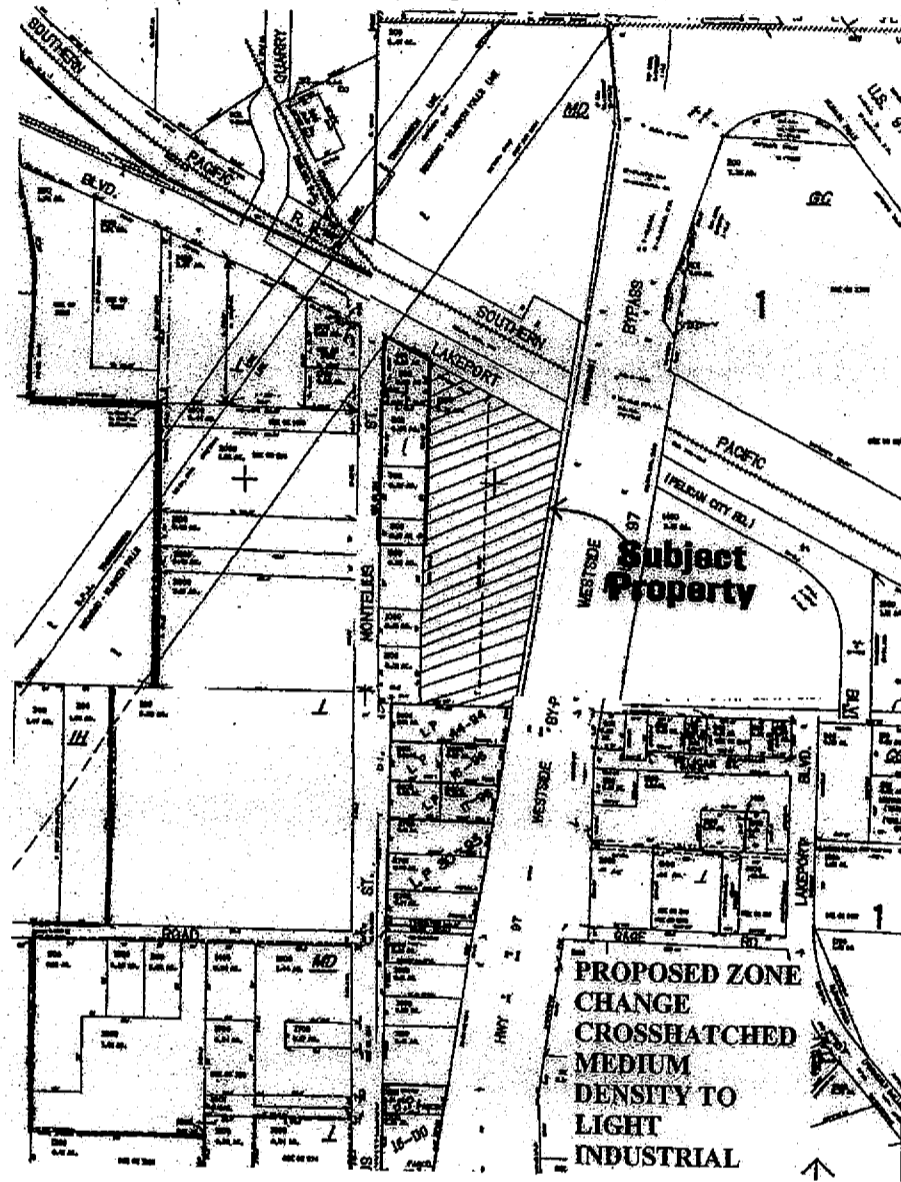
City Recorder (Deputy Recorder)

STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

I, Shirley Kappas, 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 1st day of May, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder (Deputy Recorder).

Shirley Kappas
City Recorder (Deputy Recorder)

Vicinity Map



**Exhibit B
FINDINGS**

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.

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

Policy 197: The extent of continuous, impervious paved surfaces will be minimized, and large parking or paved areas will be subdivided with functional planting strips with exposed soil or proper drains.

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

Policy 235: More intensive land uses proposed for established residential areas will be subject to special site development standards which minimize the negative impact on abutting properties.

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

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 Light Industrial is 5,000 square feet. Storage facility is a non-conforming use for Medium Density zoning. This lot is approximately 3.18 acres in size and triangular in shape, which does not preclude any reasonable development of mini-storage units considering the property's size.

Finding: The property affected by the change of zone is adequate in size and shape to facilitate the uses normally 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 current use of the property is vacant with has been the same since the late 1970's, and there is no anticipated change in use. The right-of-way adjacent to the property is Lakeport Blvd., which is 60' wide with improved roads. There are no sidewalks or curbs along the sides of the right-of-way. The rights-of-way adequately serve the existing traffic generated from the site and there is no evidence that additional development would have negative impacts on either road.

Finding: The property affected by the proposed zone change is properly related to Lakeport Blvd. and has handled the amount of traffic for the current use for over 20 years. This criterion is met.

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

Response: There is no evidence that the proposed Zone Change will have any adverse effect on abutting properties or the permitted uses thereof. It is not uncommon to have residential uses immediately adjacent to industrial property. While the adjacent residences have not lodged any complaints about these existing uses, the light industrial zone does permit uses that could cause a conflict with the adjacent residents, such as manufacturing and assembly, and repair and maintenance. The proposed development of mini-storage units should not have an adverse effect on neighboring properties given continued compliance with all City and other agency rules and regulations.

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