



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

June 2, 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 005-06

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: June 15, 2006

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
Joyce Burkoske, 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 30 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of K Falls Local File No.: 5-2-06 (If no number, use none)

Date of Adoption: 5-15-06 (Must be filled in) Date Mailed: 5-26-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment Land Use Regulation Amendment X 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 from Medium Density to Industrial to facilitate the addition of a lumber yard.

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: MD to I

Zone Map Changed from: MD to I

Location: 3809-19DA-800 Acres Involved: .24 ac

Specify Density: Previous: 5000 sq' New: 5000 sq'

Applicable Statewide Planning Goals: 2

Was an Exception Adopted? Yes: No: X

DLCD File No.: 005-06 (15020)

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: Joyce Burkoske Area Code + Phone Number: 541-883-5361

Address: 226 S. FAIR ST.

City: K Falls, OR 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.**

Plany

Ordinance No. 06- 11

A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR .24 ACRES ON THE EAST SIDE OF ALMA ALLEY, SOUTH OF MCLEAN STREET AND NORTH OF LAKE STREET FROM MEDIUM DENSITY TO INDUSTRIAL

WHEREAS, the applicant, Diversified Contractors Inc, has submitted a written proposal for a zone change of certain real property which is hereinafter described and shown on Exhibit A; and

WHEREAS, a public hearing was held on April 10, 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 May 1, 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,

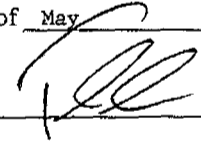
THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

The zoning on the following property has been changed from Medium Density Residential to Industrial:

Beginning at a point on the west line of the NE 1/4 quarter of the SE 1/4 quarter section at a point thereon North 210 feet from the Southwest corner of the land described in deed of Klamath County, Oregon, by U.E. Reeder, E.W. Gowen and Jerry Rajnus to Earl V. King and Elva C. King, dated July 14, 1954, and recorded in Deed Volume 268 at page 58 of Klamath County, Oregon deed records on said July 14, 1954; thence East 210 feet to a point; thence North 50 feet to a point; thence West 210 feet to the West line of said quarter quarter section; thence South along said West line to the place of beginning, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon. Being also shown on the current Klamath County Assessors Map R-3809-019DA as Tax Lot 800.

Passed by the Council of the City of Klamath Falls, Oregon, the 15th day of May, 2006.

Presented to the Mayor, approved and signed this 16th day of May, 2006.



Mayor

ATTEST:



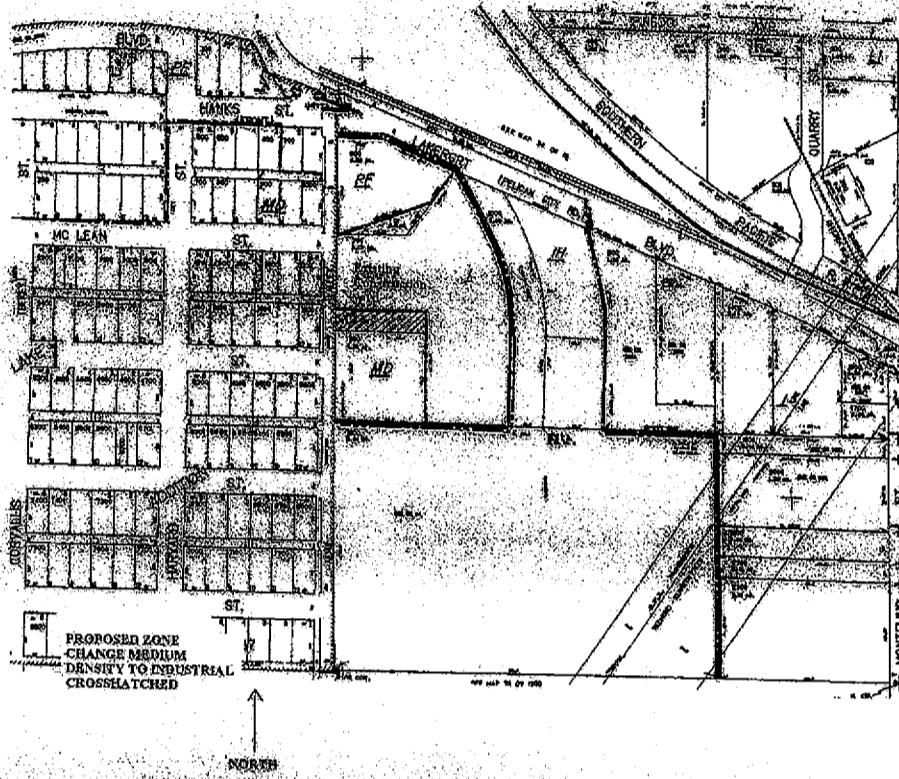
City Recorder (Deputy Recorder)

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 15th day of May, 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 street plans.

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

Policy 222: Land development will be in a systematic manner which contribute to the efficient use of public facilities, quality of project, and livability of the community as a whole.

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 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 applicant will need to apply for a design review prior to the expansion of the business. The Design Review will address the requirements of Chapters 10 to 14 of the CDO. The property abuts Alma Alley, an unimproved city right-of-way. The business which would be expanded fronts Lakeport Boulevard, and improved public right-of-way. If any improvements are required within the public right-of-way they will be addressed at the time of Design Review.

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.

Staff Response: The minimum lot size for Medium Density and Industrial zoning is the same, 5000 square feet. However the maximum lot coverage is increased from 40 percent in the Medium Density zone to 100 percent in the Industrial zone given all setbacks are met. If the applicant chose to develop the property beyond a construction yard, it would be constrained by a large setback from the residential zone of 25 feet, and would require a Design Review. If this lot is developed in the industrial zone the total possible usable space will be 2,850 square feet, approximately 27 percent of the 10,500 square foot lot. The Medium Density zoning would allow 4,200 square feet, 40 percent of the 10,500 square foot lot. Technically the possible density will decrease. The applicant proposes to expand a pre-existing storage yard from the neighboring 3.13 acre 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 property is currently vacant, and the change of zone will facilitate the extension of the adjacent construction yard. The adjacent right-of-way is Alma Alley, a graveled City Alley. The property is proposed to be used as a fenced storage yard with no access to Alma Alley. Access will come across the neighboring property from Lakeport Boulevard. 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 the road.

Finding: The property affected by the proposed zone change is properly related to Alma Alley, an unimproved city right-of-way. The adjacent property fronts Lakeport Boulevard and access is proposed from this right-of-way. 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: There is no evidence that the proposed zone change will have any adverse effect on abutting properties or the permitted uses thereof. The proposed zone change abuts one parcel zoned Medium Density to the south, and another parcel to the north and to the east zoned Industrial, and across the alley to the west zoned Medium Density. The adjacent Medium Density parcel to the south will be the last parcel on the block with residential zoning. This zone change will help create uniformity of zones in the area.

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