



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

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

NOTICE OF ADOPTED AMENDMENT

October 13, 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 014-06



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: October 27, 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
Joyce Bunkoske, 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
OCT 10 2006
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: CITY OF KLAMATH FALLS Local File No.: 8-2-06
(If no number, use none)

Date of Adoption: 10/2/06 Date Mailed: 10/6/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 7/13/06

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | Other: _____ |
- (Please Specify Type of Action)

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

RE-ZONED 7.3 ACRES OF VACANT LAND FROM
PUBLIC FACILITY TO SINGLE FAMILY RESIDENTIAL.

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 RESIDENTIAL

Zone Map Changed from: PUBLIC FACILITY to SINGLE FAMILY RESIDENTIAL

Location: R-3809-030DA-00200 Acres Involved: 7.3

Specify Density: Previous: 5000 SQ. FT. New: 7,000 SQ. FT.

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

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 014-06
(15383)

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 DISTRICT # 1

Local Contact: JOYCE BUNKOSKE Area Code + Phone Number: 541-883-5361

Address: P.O. Box 237

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. 06-28

**A SPECIAL ORDINANCE REZONING APPROXIMATELY 7.3 ACRES LOCATED
WITHIN LINK RIVER ESTATES AND EAST OF THE LINK RIVER FROM
PUBLIC FACILITY TO SINGLE FAMILY RESIDENTIAL**

WHEREAS, the applicant, Adkins Consulting Engineers, Inc. for Ore-Cal Land Development, LLC, 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 August 28, 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, hearing notices were duly given and the City Council did hold a public hearing on September 18, 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:

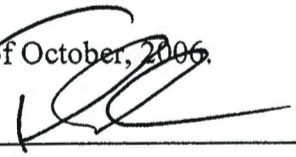
The zoning designation of the property as shown on the map attached hereto as Exhibit A, commonly referred to as a tract of land situated in the S½ NE¼ and the N½ SE¼ of Section 30, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Vacated Blocks 136, 137, 138 and 139 of Buena Vista Addition according to the official plat thereof; ALSO INCLUDING those portions of vacated Council Street, Stanford Street, Bluff Street, Addison Street and St. Francis Street appurtenant thereto (as shown on the current Klamath County Assessors Map R-3809-030DA)

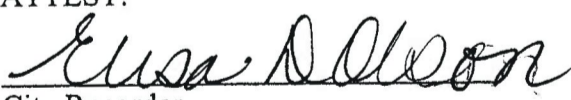
is hereby changed from Public Facility to Single Family Residential.

Passed by the Council of the City of Klamath Falls, Oregon, the 2nd day of October, 2006.

Presented to the Mayor, approved and signed this 3rd day of October, 2006.



Mayor

ATTEST:


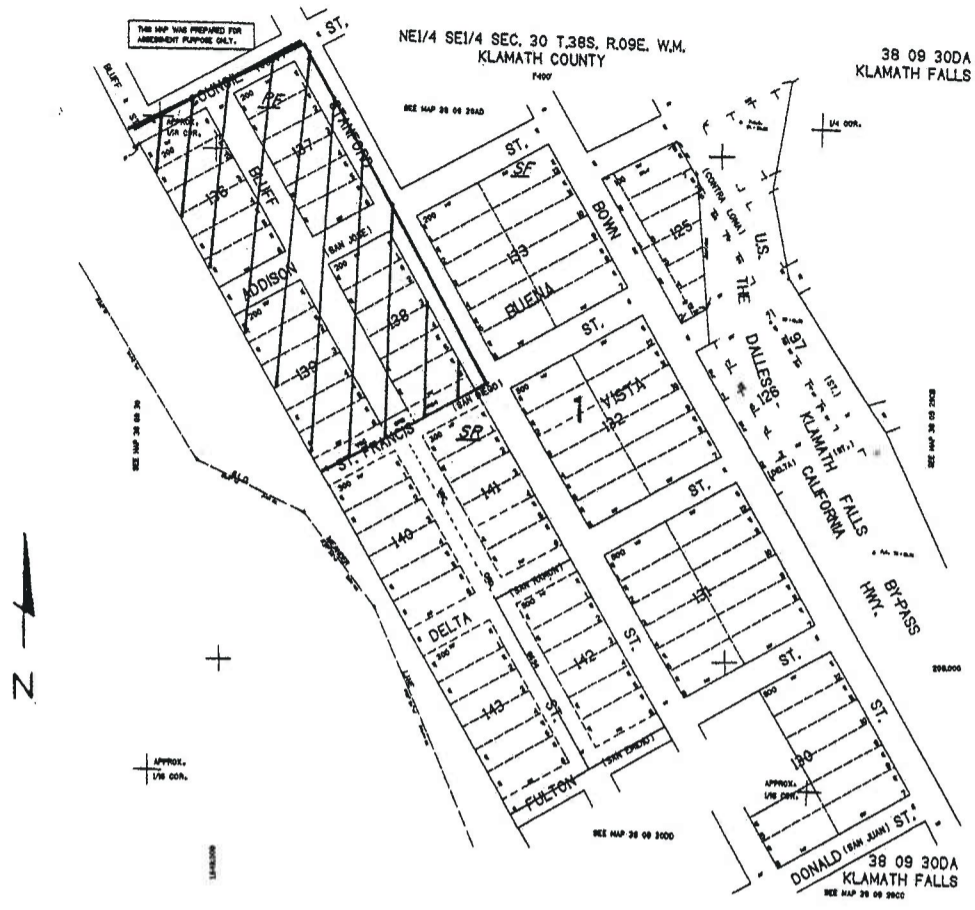
City Recorder

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 2nd day of October, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

Exhibit A



**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 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 227: All decisions on proposed land uses within the Urban Growth Boundary will be consistent with the Comprehensive Plan.

Policy 230: The density of residential land uses will be based upon the net land area of the site in conformance with the foregoing density ranges.

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.

These parcels are located within the Link River Estates subdivision. The vacation of the associated rights-of-way; Council Street, Addison Street, St. Francis Street, Stanford Street, and Bluff Street have been approved along with the tentative subdivision for Link River Estates.

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: This property is approximately 7.3 acres in size, adequate to accommodate the allowed residential use within this zone. The minimum lot size for Single Family Residential is 7,000 square feet. There are approximately 10 lots affected within the tentative subdivision that average 27,745 square feet (0.64 acres) in size. The property is somewhat irregular in shape, which does not preclude any reasonable development, 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 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 right-of-ways adjacent to the property are Stanford, Bluff, St. Francis Addison and Council Streets. However, these streets have been vacated to facilitate raw land to be developed into the approved tentative Link River Estates subdivision. There is no evidence that this zone change would have negative impacts on the future road (Link River Circle).

Finding: The property affected by the proposed zone change is properly related to the future Link River Circle, which can adequately serve the type of traffic generated by such uses that may be permitted therein. 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. 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 other abutting properties are vacant, with single-family dwellings proposed within the Link River Estates subdivision.

Finding: The proposed change of zone will not have an adverse effect on abutting property or the permitted uses thereof. This criterion is met.