



# 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

January 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 019-06

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: February 8, 2007**

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  
Matthew Crall, Dlcd Transportation Planner  
Joe Slaughter, City of Klamath Falls

<paa> ya/



DLCD NOTICE OF ADOPTION

DEPT OF

JAN 22 2007

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Klamath Falls Local File No.: 10-2-06 (If no number, use none)

Date of Adoption: 1/17/07 (Must be filled in) Date Mailed: 1/18/07 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/19/06

- 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 rezoning of 3.81 acres of land from 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: Industrial to General Commercial

Location: R-3909-003CC-00101 Acres Involved: 3.81

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

Applicable Statewide Planning Goals: 1, 2, 9 + 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 019-06 (15565)



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 and Klamath County Fire District No. 1

Local Contact: Joe Slaughter Area Code + Phone Number: (541) 883-5361

Address: 226 S. 5<sup>th</sup> 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](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

*Planning*

Ordinance No. 07-01

**A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR  
PARCEL 1 OF LAND PARTITION 43-97; 3.81 ACRES OF PROPERTY,  
FROM INDUSTRIAL 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 Klamath Falls City Council thereof, 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 December 4, 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 modified the findings of the Planning Commission and approved the findings attached hereto and incorporated by this reference as Exhibit B;

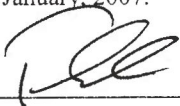
**NOW THEREFORE**

**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**


The zoning designation of 3.81 acres as shown on the map attached hereto as Exhibit A, and described as Parcel 1 of Land Partition 43-97, is hereby changed to General Commercial.

Passed by the Council of the City of Klamath Falls, Oregon, the 16<sup>th</sup> day of January, 2007.

Presented to the Mayor, approved and signed this 17<sup>th</sup> day of January, 2007.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

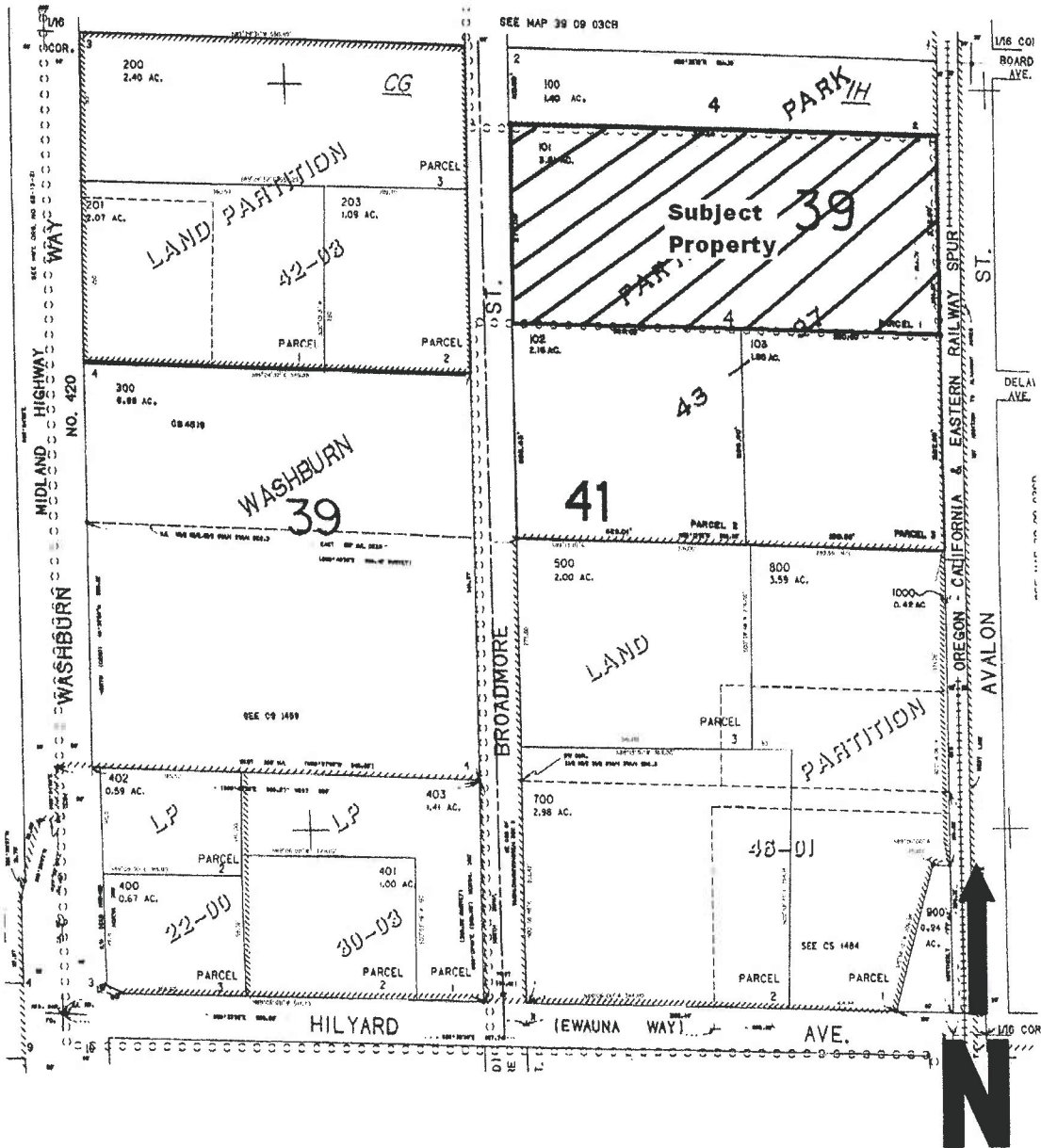
STATE OF OREGON            }  
COUNTY OF KLAMATH       }  
CITY OF KLAMATH FALLS    }     SS

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 16<sup>th</sup> day of January, 2007 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. 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 73: Existing and planned commercial and industrial areas will be protected from encroachment by incompatible land uses.

Policy 239: Lands designated for industrial use shall be preserved for that use and protected from incompatible uses.

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.

Comprehensive Plan policies 73 and 239 are 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 and commercial 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.

This property is bordered by General Commercial zoning across Broadmore St. These commercial properties front Washburn Way, a major commercial corridor.

Comprehensive Plan Policy 259 states that 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 net result of rezoning this parcel from Industrial to General Commercial appears to be complementary to the uses of neighboring properties and will be beneficial to the community. This parcel is not of adequate size to accommodate many industrial uses. The typical industrial developer is interested in parcels that are a minimum of 10 acres in size.

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. 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 Industrial and General Commercial is the same, 5,000 square feet. This property is approximately 3.81 acres.

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 property is accessed off of Broadmore St which is maintained by the County and is an asphalt street approximately 25' in width. The traffic the proposal will generate is expected to increase the current traffic on Broadmore St as well as nearby Crosby Ave and Hilyard Ave. It is not, however, expected to have a significant impact on Washburn Way; the major means of accessing the site.

Finding: The property affected by the proposed zone change is properly related to streets to adequately serve the type of traffic generated by the uses permitted in a General Commercial zone. 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.

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