



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 14, 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 022-06



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: February 28, 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
Joe Slaughter, 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

FEB 09 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 13-2-06
(If no number, use none)

Date of Adoption: 2/6/07 Date Mailed: 2/7/07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 10/17/06

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 approximately 0.83 acres (36,000 sq ft) from Public Facility to Medium Density Residential to facilitate the sale and development of the property.

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 Medium Density Residential

Location: R-3809-029AC-10700 Acres Involved: 0.83

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

Applicable Statewide Planning Goals: 1, 2, 5, 10 + 14

Was an Exception Adopted? Yes: No:

DLCD File No.: 022-06(15636)

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 Dist. No. 1

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

Address: 226 S. 5th St.

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. 07-02

A SPECIAL ORDINANCE GRANTING A ZONE CHANGE FOR 0.83 ACRES OF PROPERTY; LOTS 1-12, BLOCK 32 OF THE 2ND ADDITION TO KLAMATH FALLS; FROM PUBLIC FACILITY TO MEDIUM DENSITY RESIDENTIAL

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, which property is hereinafter described; and

WHEREAS, a public hearing was held on December 11, 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 January 16, 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 0.83 acres as shown on the map attached hereto as Exhibit A, and described as lots 1-12, Block 32 of the 2nd Addition to Klamath Falls, is hereby changed to Medium Density Residential. The property in question can be found on Klamath County Assessor's Map R-3809-029AC, Tax Lot 10700 map

Passed by the Council of the City of Klamath Falls, Oregon, the 5th day of February, 2007.

Presented to the Mayor, approved and signed this 6th day of February, 2007.



Mayor

ATTEST:


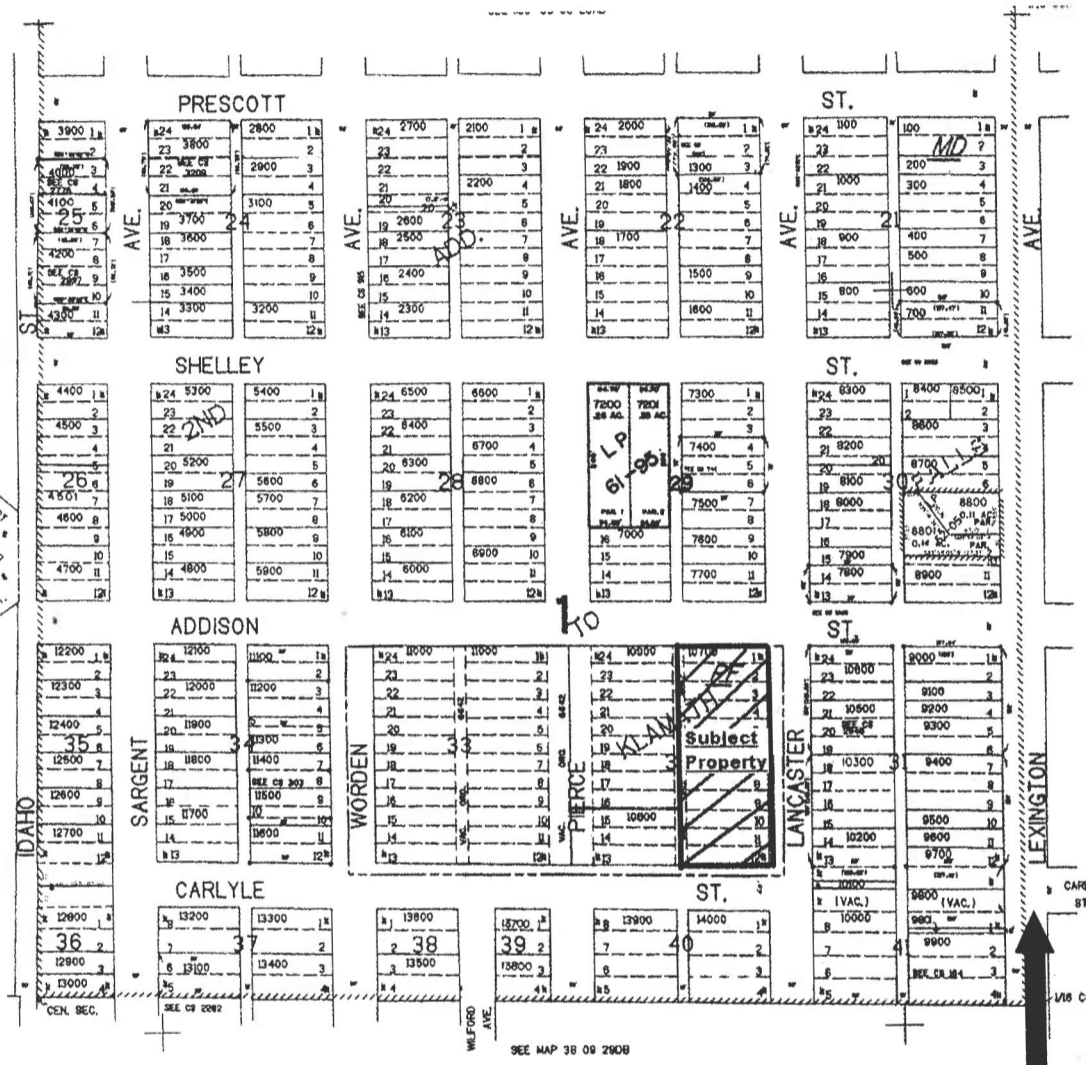
City Recorder

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 5th day of February, 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 87: Urban sprawl will be curtailed and in-filling of vacant land promoted to reduce energy costs.

Policy 100: The development of smaller, isolated vacant lands already available within the City limits will be encouraged.

Policy 131: The City will continue to improve park and recreation facilities with public or private funding.

Policy 135: The community will create and maintain a diversified system of recreation lands and facilities that meets the recreation needs of all people, conserves energy, and enhances the environmental quality of the community.

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 proposed zone change will facilitate the development of a parcel of land that is located in an area of residential development but has not been utilized up to this point. The proposed zone change, and subsequent development of this property will create an area of infill in a portion of the City's urban core.

The City has the responsibility to create and maintain recreational facilities for City residents. This property is not currently developed, and there are no funds or plans to develop this land in the future. The sale of this property will generate much needed revenue for the City Parks Division to enhance Fairview Park (located immediately to the west of this property) and to help other Park properties with any remaining funds.

The City of Klamath Falls is in the process of selling un-used properties as a means of generating revenue primarily for the improvement and development of City Parks. The rezoning of this property would benefit existing City residents by creating an area of in-fill on a parcel of land that has not been utilized and generating funds for City Parks.

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 both Public Facility and Medium Density Residential is the same, 5,000 square feet. This property is approximately 0.83 acres (36,000 sq ft) and rectangular in shape

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: This property abuts Carlyle Street to the south, Lancaster Avenue to the east and Addison Street to the north. The portion of Addison Street that abuts the subject property is unimproved and inaccessible. Carlyle is a 30' wide asphalt paved street with curbs on both sides but lacking sidewalks on either side. Lancaster Avenue is improved for approximately half of the length of the subject property. The portion of Lancaster that is improved is a 20' wide asphalt paved street with curbs on both sides but lacking sidewalks on either side. This property is related to streets to adequately serve the type of traffic generated by Medium Density Residential zoning. Street improvements may be necessary at the time of development of this property.

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 Medium Density Residential 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 properties on all sides of the subject property, with the exception of Fairview Park, are zoned Medium Density Residential.

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