



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

March 19, 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 023-06

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: March 29, 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/

D L C D 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

MAR 12 2007

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 14-2-06 (If no number, use none)

Date of Adoption: 3/5/07 (Must be filled in) Date Mailed: 3/8/07 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 11/30/06

- 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."

The applicant proposes to rezone approximately 30 acres from Public Facility To Industrial to facilitate the sale and development of the land. The property is adjacent to other industrial properties and is currently undeveloped.

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 Industrial

Zone Map Changed from: Public Facility to Industrial

Location: Portions of R-3909-08-3004 R-3909-08-06A-100 located west of Memorial Drive Acres Involved: 30

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

Applicable Statewide Planning Goals: 1, 2, 9, 11 & 14

Was an Exception Adopted? Yes: No: [X]

DLCD File No.: 023-06 (15731)

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 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 - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

14-2-06

Ordinance No. 07-07

A SPECIAL ORDINANCE REZONING APPROXIMATELY 30 ACRES LOCATED EAST OF MEMORIAL DRIVE AND WEST OF THE KLAMATH RIVER IN THE NORTH 1/2 OF SECTION 8, TOWNSHIP 39 SOUTH, RANGE 9 EAST FROM PUBLIC FACILITY TO INDUSTRIAL

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for the zone change of certain real property by the City of Klamath Falls, which property is hereinafter described; and

WHEREAS, a public hearing was held on January 22, 2007, 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 February 20, 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

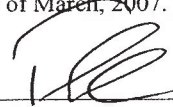
THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

The zoning designation of approximately 30 acres as shown on the maps attached hereto as Exhibit A1 and A2, and situated in the N 1/2 of Section 8, Township 39 south, Range 9 east, is hereby changed to Industrial.

The property in question can be found on Klamath County Assessor's Map R-3909-8, Tax Lot 300 and R-3909-8BA, Tax Lot 100. Only the portions of these two tax lots located east of Memorial Drive is changed to Industrial zoning.

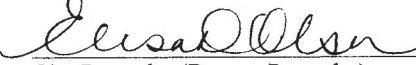
Passed by the Council of the City of Klamath Falls, Oregon, the 5th day of March, 2007.

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



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 5th day of March, 2007 and therefore approved and signed by the Mayor and attested by the City Recorder (~~Deputy Recorder~~).

City Recorder (Deputy Recorder)

Exhibit A1
VICINITY MAP
NO SCALE

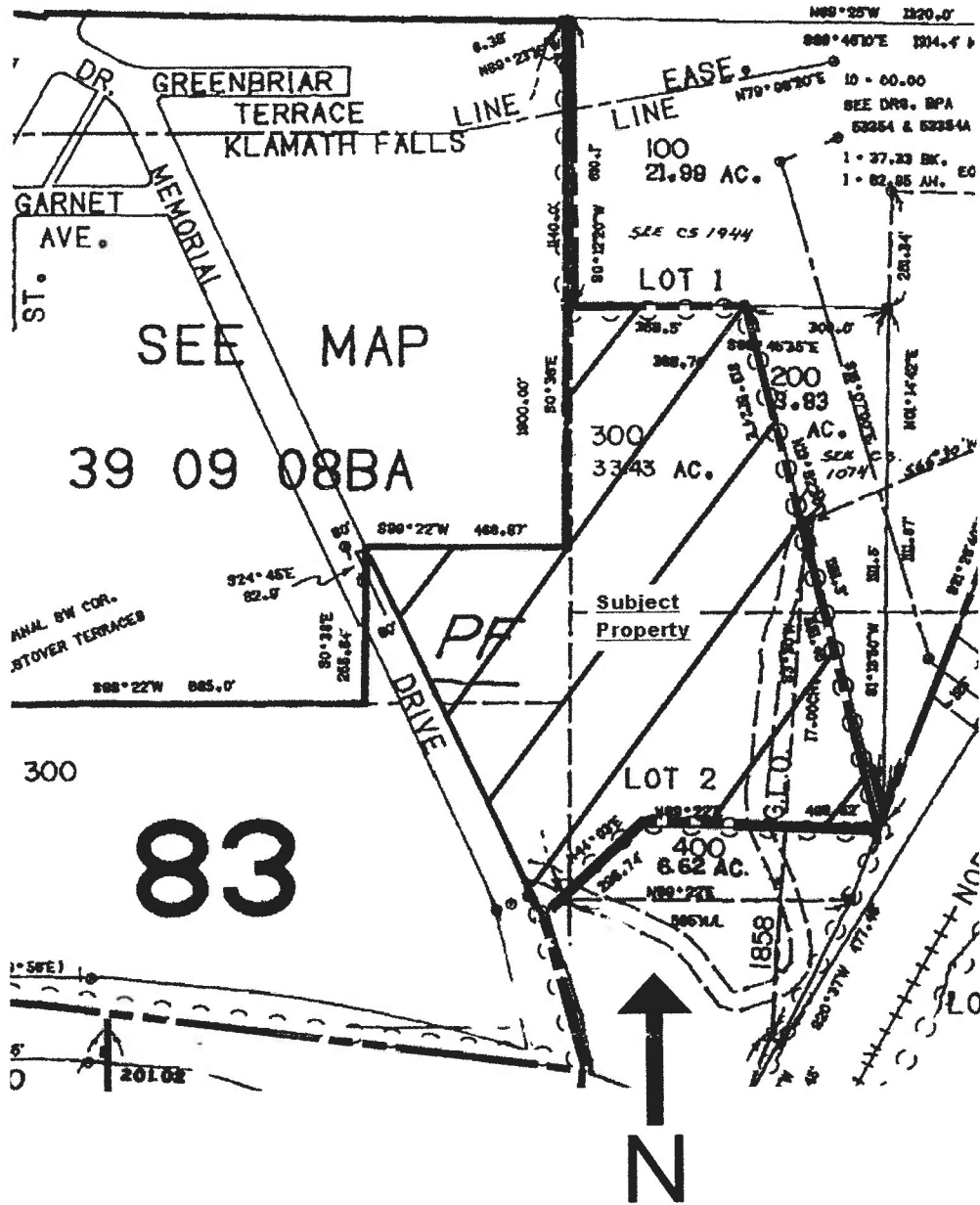
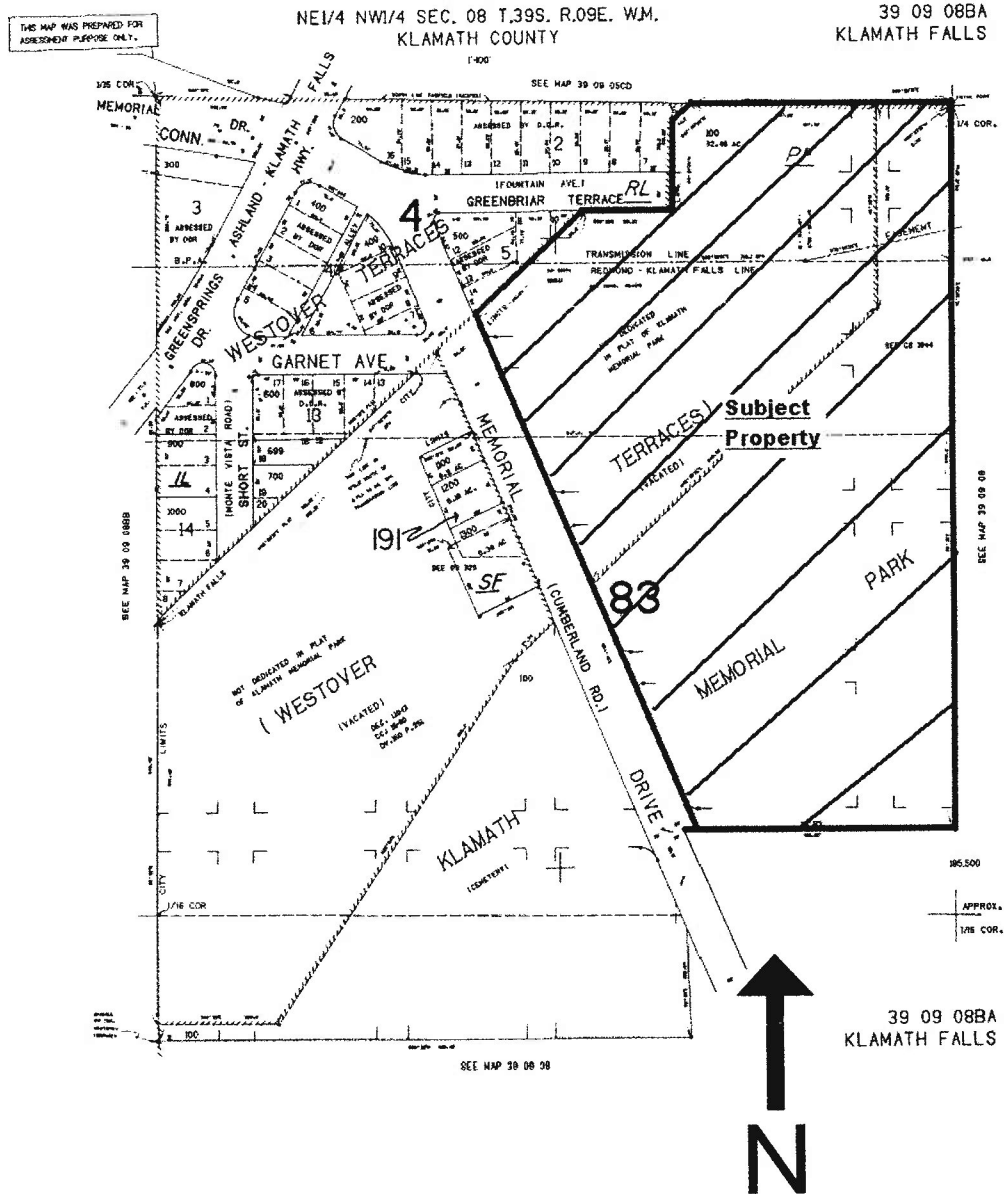


Exhibit A2
VICINITY MAP
NO SCALE



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

Policy 244: In-filling of developable lands will be encouraged to minimize sprawl and take advantage of existing facilities and services.

Policy 248: The existing imbalance of predominate southern and eastern urbanization, with its adverse effects on facilities and services, transportation, and energy consumption, will be corrected by promotion of urbanization to the north and west, thereby establishing geographically a "balanced" urban form.

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.

(Policy 131) The City has the responsibility to create and maintain recreational facilities for City residents. This property is not currently developed, and there are few funds to develop this land in the future. The zone change will aid in marketing this property; the sale or lease of this property could generate much needed revenue for the City Parks and Cemetery Division for improvements throughout the system.

(Policies 87, 131, 244, 254 & 259) The City of Klamath Falls is in the process of selling unused properties as a means of generating revenue primarily for the improvement and development of City Parks and Cemeteries. 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 and Cemeteries. The addition on this property to the industrial lands inventory is likely to help improve the local economy by providing much needed industrial land for development.

(Policies 254 & 259) There is a shortage of large developable parcels of industrial land within and around the urban growth boundary. A large portion of the industrial properties currently available in Klamath Falls for industrial development have issues with size, topography, and access. There are several small industrial parcels available within the City but most large scale industrial developments require a minimum of 10 acres. The industrial properties near the campus area on the north end of the City are too steep to be suitable for most large industrial developments. Accessibility to rail and highways has been, and continues to be, a concern for companies looking at locating in Klamath Falls. This property is approximately 30 acres in size and is relatively flat. The subject property, located near other industrial properties, is situated near Hwy 97 and the Burlington Northern Railroad line.

Policy 248 calls for the promotion of urbanization in the northern and western portions of the urban area. There are very few industrial properties available south of downtown and west of Klamath River. This zone change would satisfy policy 248 by providing an area for urbanization on the western side of the urban area.

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 Industrial is the same, 5,000 square feet. This property is approximately 30 acres and rectangular in shape. The relatively flat topography of this parcel is conducive to the uses normally allowed in conjunction with industrial zoning.

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 Memorial Drive to the west and Cogburn Way to the north. Memorial Drive is a 24' wide asphalt paved street without curbs, gutters or sidewalks on either side. Cogburn Way is a 23' wide asphalt paved street without curbs, gutters or sidewalks on either side. All adjacent streets are under County jurisdiction. An off-ramp for northbound traffic off of Hwy 97 is located directly across Greensprings Drive from Memorial Drive. A southbound traffic off-ramp along with two on-ramps for Hwy 97 are located within ¼ mile of the subject property. The change of zone of this property from Public Facility to Industrial will not increase the amount of traffic in the area nor will it increase the amount of traffic that could be generated by the uses that may be permitted therein. A Traffic Impact Study will be required as part of any Design Review application. Street improvements may be necessary at the time of development of this property.

Finding: There is no evidence that the property affected by the proposed zone change is not properly related to streets to adequately serve the type of traffic generated by the uses permitted in an Industrial 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 south and east of the subject property are zoned for industrial use. Memorial Drive borders the property directly to the west with Klamath Memorial Park Cemetery along with some residential property located on the west side of Memorial Drive. Cogburn Way runs along the northern boundary of the property. The properties on the north side of Cogburn Way are zoned for residential use. The existing easement along the northern edge of the property will create a buffer between the residential properties north of Cogburn Way and the industrial use of this property. The location of Klamath Memorial Park Cemetery west of Memorial Drive will further help to insulate this property from residential neighborhoods.

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