



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 13, 2008

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 012-07



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 25, 2008

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

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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)

LAND CONSERVATION AND DEVELOPMENT

MAR 06 2008

DEPT OF

Jurisdiction: City of Klamath Falls Local File No.: 6-2007 (If no number, use none)

Date of Adoption: February 19, 2008 (Must be filled in) Date Mailed: March 4, 2008 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: November 14, 2007

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."

Rezoning of a 4.36' x 120' portion of lot 5, block 203, Mills 2nd Addition from Medium Density Residential 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: Residential to Commercial

Zone Map Changed from: Medium Density Residential to General Commercial

Location: R-3809-033DC-05600 & 05700 Acres Involved: 523 sq ft (0.01 acres)

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

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

Was an Exception Adopted? Yes: No: X

DLCD File No.: 012-07 (16530)

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: Klamath County
Fire District No. 1, City of Klamath Falls & Klamath County

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.**

Ordinance No. 08-08

**A SPECIAL ORDINANCE REZONING APPROXIMATELY
0.01 ACRES (523 SQUARE FEET) OF MILLS 2ND ADDITION, BLOCK 203, LOT 5,
FROM MEDIUM DENSITY RESIDENTIAL TO GENERAL COMMERCIAL.**

WHEREAS, the applicant, David McNiven, has submitted a written proposal for a zone change for certain real property which is hereafter described and shown on Exhibit A; and

WHEREAS, a public hearing was held on January 14, 2008, 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 4, 2008, 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 0.01 acres as shown on the map attached hereto as Exhibit A, and described as the westernmost 4.36' x 120' of Mills 2nd Addition, Block 203, Lot5, is hereby changed from Medium Density Residential to General Commercial.

The property in question can be found on Klamath County Assessor's Map R-3809-033DC Tax Lot 05600.

Passed by the Council of the City of Klamath Falls, Oregon, the 19th day of February, 2008.

Presented to the Mayor, approved and signed this 20th day of February, 2008.



Mayor

ATTEST:



City Recorder

STATE OF OREGON }
COUNTY OF KLAMATH } ss.
CITY OF KLAMATH FALLS }

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 19th day of February, 2008 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP
NO SCALE

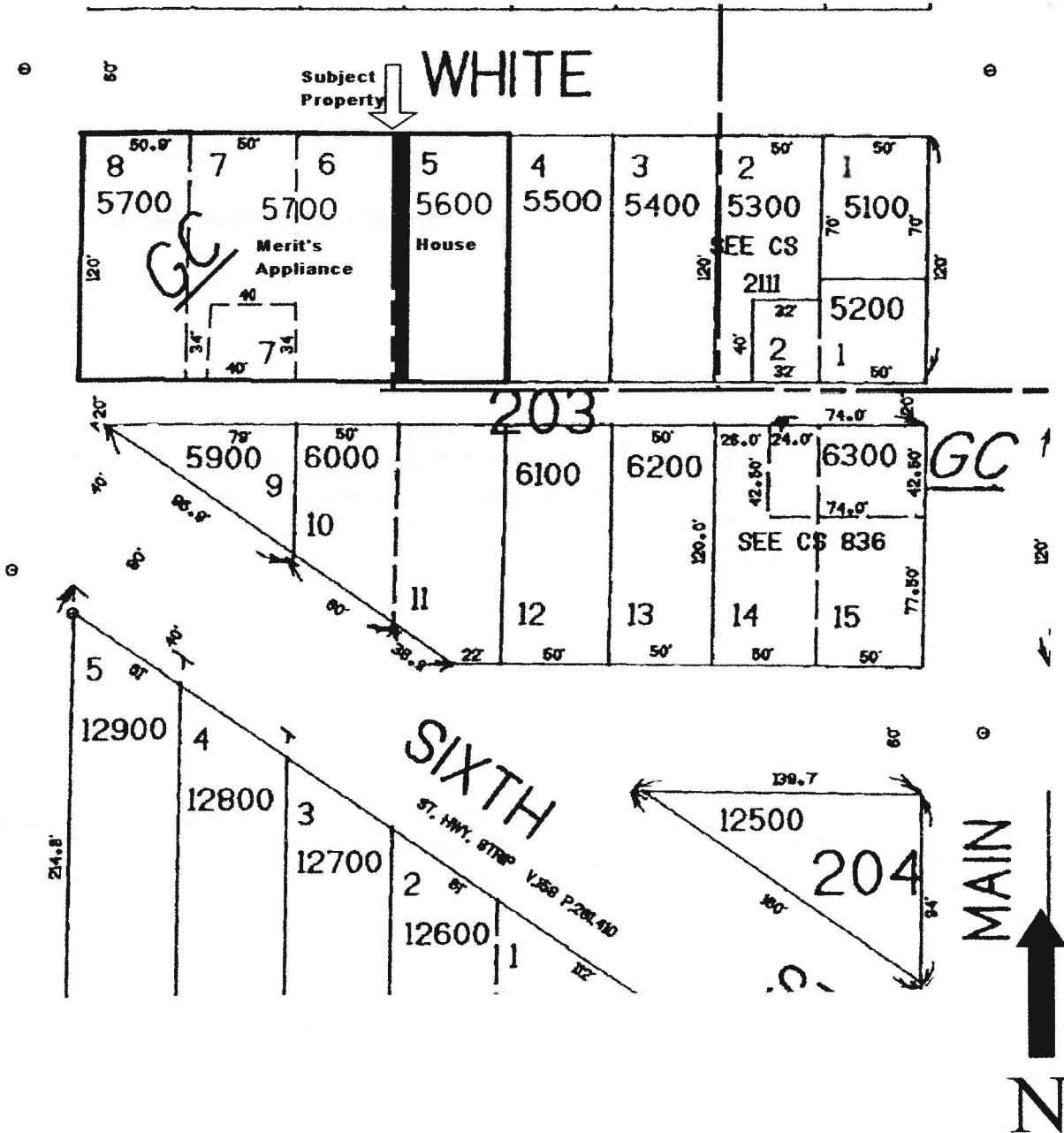


Exhibit B
FINDINGS

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.

Facts and Analysis: The following Comprehensive Plan Policies relate to the proposed zone change:

Policy 225: The appropriate reuse of land which is underdeveloped or where structures are deteriorating will be encouraged.

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 strip of land proposed to be re-zoned was most recently used as a portion of a side yard for an existing residence at 2030 White Ave. A Property Line Adjustment has been submitted between Lots 5 & 6, Block 203, Mills 2nd Addition, which will shift ownership of this property from the owner of the residence at 2030 White Avenue to the owner of the appliance store at 1407 Owens Street. The appliance store owner, David McNiven, has been in the process of redeveloping this site for over a year. The redevelopment of the property will improve the area both aesthetically and functionally. The improvements will include an entirely new building, off-street parking, landscaping, new sidewalk on White Avenue, stormwater detention, and paving of the alley adjacent to the site.

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.

Facts and Analysis: This 4.36' x 120' strip of land will become a portion of Lot 6, Block 203, Mills 2nd Addition once the property line adjustment is finalized and can not be sold separately. A restrictive covenant was recorded on October 8, 2007, which prohibits the individual sale of lots 6, 7, & 8 of Block 203, Mills 2nd addition until such time these lots are no longer used to meet the requirements of 35-DR-07. These lots total approximately 18,642 square feet in size. The proposed zone change would make the zoning on this portion of the property the same as the rest of the property on Map and Tax Lot number R-3809-033DC-05700. The minimum lot size for both Medium Density Residential and General Commercial zoning is the same, 5,000 square feet.

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.

Facts and Analysis: The subject property is near South Sixth Street and is bordered by Owens Street to the west, White Ave to the north and an alley to the south. South 6th Street is classified as a Major Arterial while Owens Street and White Avenue are classified as Local Streets in the Klamath Falls Urban Area Transportation System Plan. A comprehensive traffic study for the South 6th Street area, to identify problems with the existing roadway and necessary improvements, was completed prior to the beginning of the South 6th Street improvements. The applicant plans to construct a 5' wide sidewalk adjacent to the subject property along White Avenue and to pave the section of the alley from the east edge of lot 5 to the intersection with S. Sixth Street. The proposed zone change would change the zoning for approximately 523 sq ft of land; this small zone change would have no measurable impact on traffic in the area.

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.

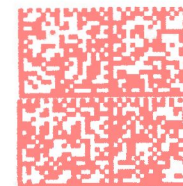
Facts and Analysis: This property is located between a major commercial corridor, a light industrial area, and a residential neighborhood. The proposed zone change would change the zoning for an approximately 523 sq ft portion of a mostly General Commercial property: Map and Tax Lot number R-3809-033DC-05700. A comprehensive redevelopment of the appliance store located on this property was conditionally approved through design review 35-DR-07. This redevelopment will be an improvement to the existing conditions on the subject property. The rezoning of this small strip of land will not have an impact on the abutting properties or the permitted uses thereof.

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



CITY OF KLAMATH FALLS, OREGON

P.O. BOX 237 - ZIP CODE 97601-0361



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03/04/2008

Mailed From 97601
US POSTAGE

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