



# 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

08/31/2009

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** City of Klamath Falls Plan Amendment  
DLCD File Number 008-09

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:** Friday, September 11, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

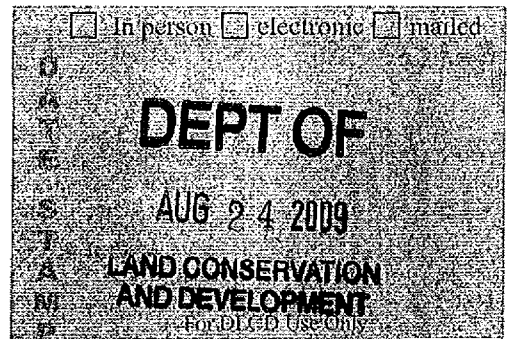
**Cc:** Joe Slaughter, City of Klamath Falls  
Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative

<paa> YA

FOR 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

Jurisdiction: *City of Klamath Falls*

Local file number: *2-2-09*

Date of Adoption: *8/19/09*

Date Mailed: *8/21/09*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

*Rezoning of approximately 4.07 acres of land from Medium Density Residential and General Commercial to Public Facility. The proposed zone change ~~would~~ eliminated the split zoning of the parcels and made the zone more closely match the existing uses on the subject properties. The property owned by The City of Klamath Falls has been approved as the site of the new Police Station. The property owned by Klamath County Fire District No. 1 is used as an existing fire station with additional property available for future expansion.*

Does the Adoption differ from proposal? Please select one

*No*

Plan Map Changed from: *Commercial and residential* to: *Public Facility*

Zone Map Changed from: *General Commercial (GC)* to: *Public Facility (PF)*

Location: *2501 Shasta Way, 1625 Mitchell Street and 1661 Mitchell Street* Acres Involved: *4.07*

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

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 008-09 (17602) [15687]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: *Joe Slaughter* Phone: (541) 883-5361 Extension:  
Address: *226 S. 5th Street* Fax Number: *841-883-5396*  
City: *Klamath Falls* Zip: *97601* E-mail Address: *jslaughter@ci.klamath-falls.or.us*

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## 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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not 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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Planning

Ordinance No. 09-13

**A SPECIAL ORDINANCE REZONING APPROXIMATELY 4.07 ACRES (177,289 SQUARE FEET) OF LAND FROM GENERAL COMMERCIAL AND MEDIUM DENSITY RESIDENTIAL TO PUBLIC FACILITY.**

**WHEREAS**, the applicants, City of Klamath Falls and Klamath County Fire District No. 1, have 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 July 13, 2009, 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 held a public hearing on August 3, 2009, 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 4.07 acres as shown on the map attached hereto as Exhibit A, and described as Darrow Addition, Blk 310, Lots 4-10 & 15-27 and the vacated portion of the alley adjacent to Lots 4-10 and 21-27 is hereby changed from Medium Density Residential and General Commercial to Public Facility.

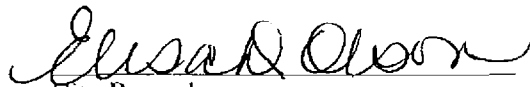
The property in question can be found on Klamath County Assessor's map R-3809-033DD tax lots 14500, 15000, and 15100.

Passed by the Council of the City of Klamath Falls, Oregon, the 17<sup>th</sup> day of August, 2009.

Presented to the Mayor, approved and signed this 19<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
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 17<sup>th</sup> day of August, 2009 and therefore approved and signed by the Mayor and attested by the City Recorder.

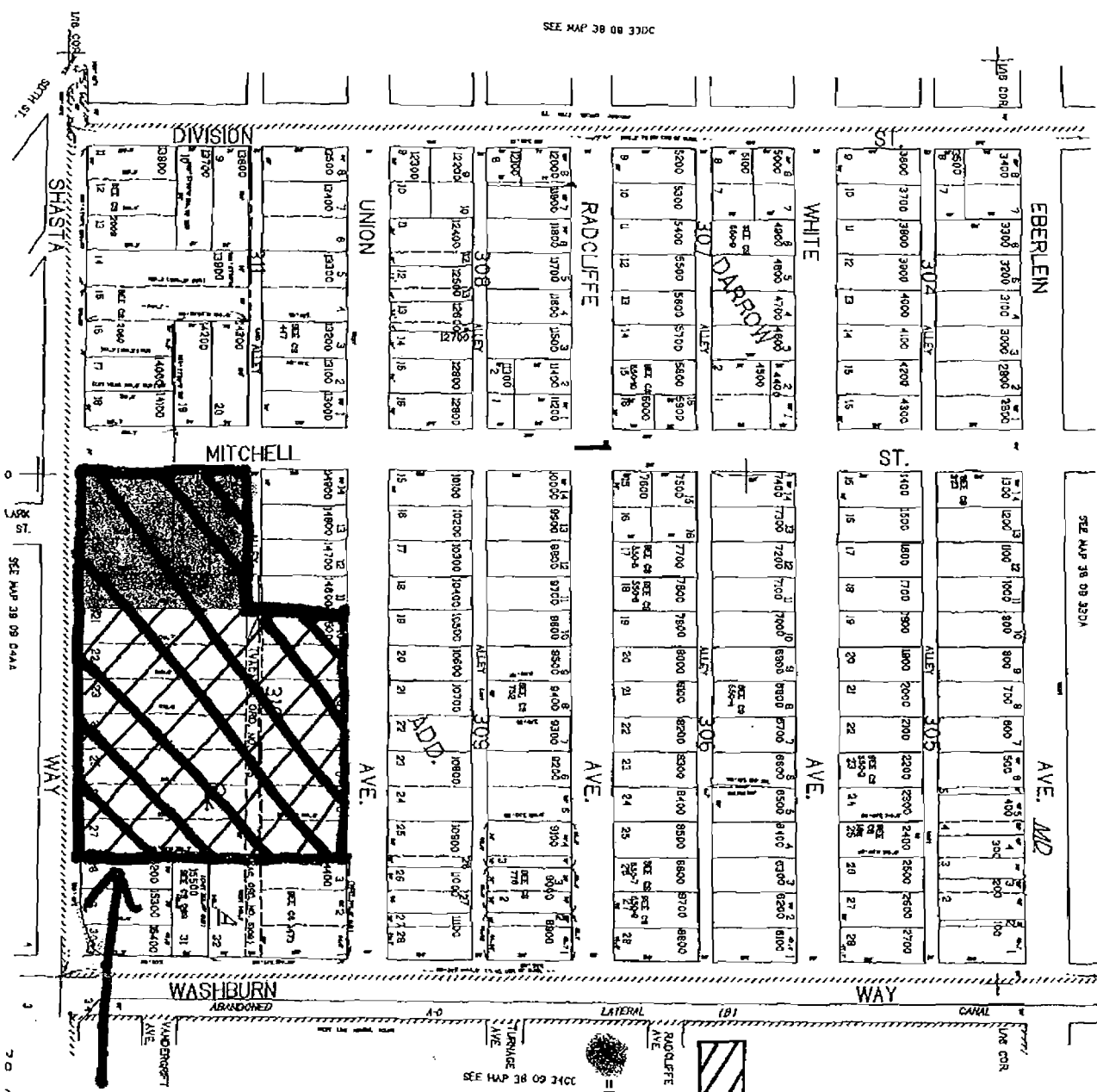
\_\_\_\_\_  
City Recorder (Deputy Recorder)



Exhibit A  
VICINITY MAP  
NO SCALE

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SE1/4 SE1/4 SEC. 33 T.38S. R.09E. W.M.  
KLAMATH COUNTY

38 09 3300  
KLAMATH FALLS



 = City of Klamath Falls  
 = Klamath County Fire District No. 1

**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. Criterion 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 81: Public facilities and services will be consolidated wherever feasible.

Policy 210: The City will continue to resist increases in crime rates through appropriate improvements in police services.

Policy 211: The City will make every effort to maintain or improve its Class 4 fire rating with appropriate improvements in fire services.

Policy 232: Public facility capacity and expansion scheduling will be a key factor in land use planning.

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 cause the zoning of the subject property to more closely match the existing and proposed uses of the property. The rezoning of the property to Public Facility will help to facilitate the possible collocation and consolidation of police and fire service in the City of Klamath Falls. The relocation of the City police station to a new, larger facility will help the City to provide better police protection which is supported by Comprehensive Plan Policies 81, 210, 232 and 259. The zoning of Public Facility will make it easier for Klamath County Fire District No. 1 to be able to plan for future facilities expansion on the subject property. This possible expansion is supported by Comprehensive Plan policies 81, 211, 232 and 259.

The maximum building height in Medium Density Residential zones is 28 feet, the maximum building height in General Commercial zones is 45', and the maximum building height in Public Facility zones is 70'. The existing buildings on the subject property have a maximum height of approximately 40'.

There are two existing buildings on a portion of the City owned property that do not meet the setback requirements for their existing zoning and will not meet the setback distances required by the proposed zoning of Public Facility. Both buildings are located near the northwest corner of the City owned property. The first building, used as a garage, is approximately 1,297 sq ft. The second building, used for storage, is approximately 193 sq ft. These buildings were not to be expanded or altered as part of the renovation of the property to accommodate the City police station. The proposed zone change will not create any additional nonconformity. All other setback distances meet both the existing and proposed setback distances.

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 required lot size is 5,000 sq ft for both existing zones (Medium Density Residential and General Commercial) as well as for the proposed zone (Public Facility). The subject property has a total area of approximately 173,615 sq ft with the property at 2501 Shasta Way being approximately 127,780 sq ft, 1661 Mitchell Street being approximately 38,335 sq ft, and 1625 Mitchell Street being approximately 7,500 sq ft. The property is fronted by streets on three sides and has additional access from an alley off of Mitchell Street.

Any future use of the subject property will require a design review or conditional use permit application be submitted to, and reviewed by, City Planning. This review will insure that the site is developed appropriately for the proposed use.

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 bordered by Union Avenue to the north, Mitchell Street to the west, and Shasta Way to the south. The Klamath Falls Urban Area Transportation System Plan (TSP) identifies Union Avenue and Mitchell Street as local streets and Shasta Way as a major collector.

Finding: The property affected by the proposed zone change appears to be properly related to streets to adequately serve the type of traffic generated by the uses permitted in the Apartment Residential zone; however, when a specific proposal is submitted further traffic information will be required. **This criterion is met.**

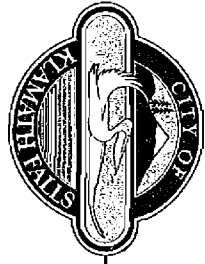
**D. Criterion The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof.**

Response: The subject property is located in an area between a predominately Medium Density neighborhood and a General Commercial district. The uses permitted in Public Facility zones are typically more intense than the uses allowed in Medium Density Residential zones and similar in intensity to those uses permitted in General Commercial zones. At this time the use of the properties as a police station and a fire station are established. Both property owners have recently invested money into establishing and expanding the existing uses of the property and both owners understand that the requested zone change may make future sale of the property more difficult. While this does not guarantee that these uses will remain on the property for an extended period of time it is reasonable to conclude that both the City of Klamath Falls and Klamath County Fire District No. 1 intend to continue to operate the existing facilities on these properties. The City has not received complaints or concerns regarding the existing uses of the properties and has not received any comments from neighboring property owners regarding the proposed change of zone.

Any future use of the subject property will require a Design Review or Conditional Use Permit application be submitted to, and reviewed by, City Planning. This review will insure that the site is developed appropriately for the proposed use and any potential adverse effect on abutting properties will be mitigated.

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



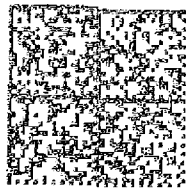
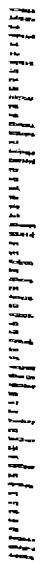


CITY OF KLAMATH FALLS, OREGON  
P.O. BOX 237 • ZIP CODE 97601-0361

RETURN SERVICE REQUESTED

Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

973012540 0007



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