



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

January 30, 2006



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 017-05

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 15, 2006

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
Erik Nobel, City of Klamath Falls

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FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision** **JAN 26 2006**
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Klamath Falls Local File No.: 10-0-05
(If no number, use none)
Date of Adoption: 1-18-05 Date Mailed: 1-25-05
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: 10-11-05

- Comprehensive Plan Text Amendment
 - Land Use Regulation Amendment
 - New Land Use Regulation
 - Comprehensive Plan Map Amendment
 - Zoning Map Amendment
 - Other: Annexation
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡

The City of Klamath Falls annexed 7.16 ac of
land into the City. The land was zoned MD in
the County. It is zoned MD in the City.

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 AN/A.≡

Same

Plan Map Changed from: Res to Res
Zone Map Changed from: Med Density to Med Density
Location: Under Loma Linda & Old Fort Acres Involved: 7.16
Specify Density: Previous: 5,000 New: 5,000
Applicable Statewide Planning Goals: _____
Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 017-05
(14732)

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, City of Klamath Falls.

Local Contact: Erik Robel Area Code + Phone Number: 541-883-5254

Address: PO Box 232 City: Klamath Falls.

Zip Code+4: 97601 Email Address: _____

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 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 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 Mara.Ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

Planning

Ordinance No. 06- 01

A SPECIAL ORDINANCE ANNEXING 7.14 ACRES OF LAND NORTHWEST OF THE INTERSECTION OF LOMA LINDA DRIVE AND OLD FORT ROAD INTO THE CITY OF KLAMATH FALLS.

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation 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 14, 2005, pursuant to applicable laws, at which time all evidence and objection with reference to said proposed annexation were considered by the Planning Commission; and

WHEREAS, the City Council, hearing notices having been duly given, did hold a public hearing on December 19, 2005, on the recommendation of and including the record of the Planning Commission concerning the annexation; and

WHEREAS, pursuant to such record and hearing the City Council has determined the annexation 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:

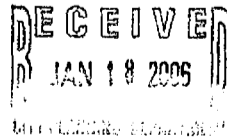
There are hereby annexed to the City of Klamath Falls, parcels of land as shown on the map attached hereto as Exhibit A, and described as:

Description -
Parcel 1

A tract of land in the SE ¼ of Section 28, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point which bears North 89 degrees 10' West along the East-West quarter line of Section 28, Township 38 South, Range East of the Willamette Meridian, Klamath County, Oregon, a distance of 1,989.34 feet and thence South 15 degrees 13' East 980.25 feet from the quarter section corner common to Sections 28 and 27 in said Township and Range, said point being the Northwesterly corner of a tract of land conveyed to Arthur W. Jolly, et ux., by deed recorded May 11, 1945 in Book 267, page 1, Deed Records of said Jolly Tract and a tract of land conveyed to Milt Sessler, et ux., by deed recorded July 12, 1961 in Book 330 at page 607, Deed Records of Klamath County, Oregon, to the Northeasterly corner thereof; thence South 15 degrees 13' East along the Easterly boundary of said Sessler tract 401.19 feet more or less to the Northerly boundary of Old Fort Klamath Road; thence North 75 degrees 30' east along the Northerly boundary of said Old Fort Klamath Road 60 feet, more or less, to the Southwesterly corner of a tract of land conveyed to Donna Hartman Stout by deed recorded August 22, 1944 in block 168 at page 164, Deed Records of Klamath County, Oregon; thence North 15 degrees 13' West 968.68 feet, more or less, along the Westerly boundary of said Stout tract and Westerly boundary of a tract conveyed to Mike Foley by deed recorded November 10, 1944 in book 170 at page 426, Deed Records of Klamath County, Oregon and the Westerly boundary of a tract conveyed to Mike Foley, et ux., by deed recorded December 3, 1948 in book 227 at page 97, deed Records of Klamath County, Oregon, to the East and West center line of said Section 28; thence north 89 degrees 10' West 562.43 feet, more or less to a point thence South 15 degrees 13' East 980.25 feet, more or less, to the point of beginning.

Excepting therefrom that portion of the herein described property lying within the boundaries of Loma Linda Drive formerly VA Hospital site Road.



Further excepting therefrom that portion which lies between Old Fort Klamath Road and Loma Linda Drive.

Parcel 2:

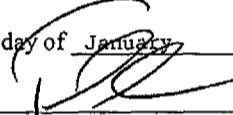
A tract of land situated in the NW ¼ SE ¼ of Section 28, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon and being a portion of lots 3 and 4 of an unrecorded plat prepared for Klamath Development Co. by William R. Canton dated May 15, 1930, more particularly described as follows:

Beginning at the Northeast corner of said Lot 4, from which the CE 1/16 corner of said Section 28 bears North 15 degrees 13' West 583.29 feet and South 541.18 feet from the quarter corner common to Section 27 and 28 by volume M73, page 3620, Deed Records of Klamath County, Oregon; thence South 15 degrees 13' East along said right of way line along the arc of a curve to the left (radius point bears South 41 degrees 43' 08" East 125.49 feet and central angle 02 40 52") 5.87 feet, South 45 degrees 36' West 118.68 feet and along the arc of a curve to the right (radius = 100.22 feet and central angle + 35 degrees 46' 57") 62.59 feet to a point on the Northerly line of said lot 3; thence North 46 degrees 29' East 192.17 feet to the point of beginning with bearings based on Survey No. 4362 as recorded in the office of the Klamath County Surveyor.

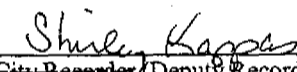
The zoning designation of the property will be Medium Density Residential.

Passed by the Council of the City of Klamath Falls, Oregon, the 17th day of January, 2006

Presented to the Mayor, approved and signed this 18th day of January, 2006



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 17th day of January, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder (Deputy Recorder).

City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP
NO SCALE

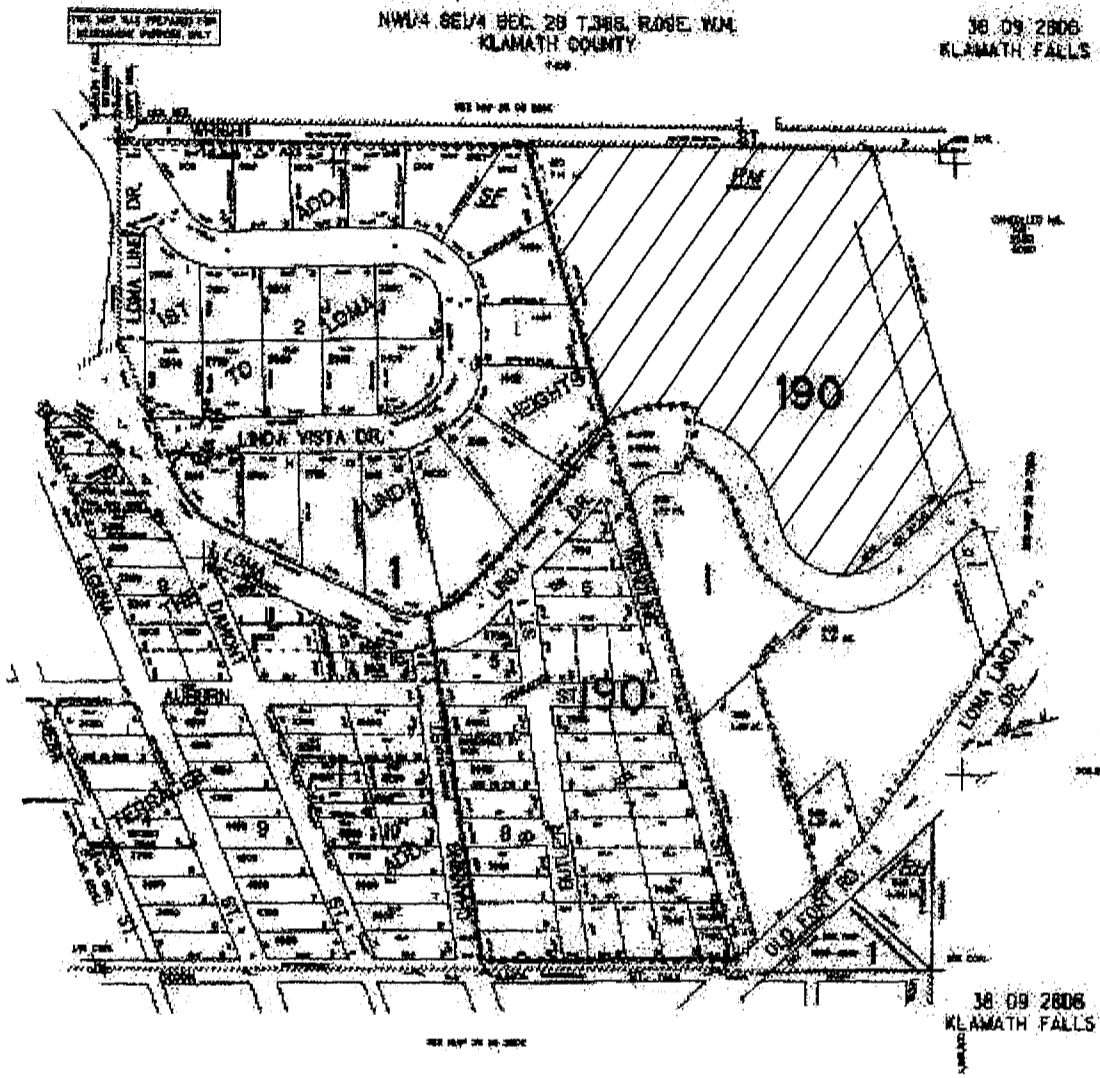


Figure 1 The annexed area is cross hatched.

**Exhibit B
FINDINGS**

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 13.105 to 13.140, regarding Annexations.

Proposed Findings

The following proposed findings address the criteria specific to section 13.105 -13.140 of the City's Community Development Ordinance.

1) *The annexation will not encroach upon agricultural ground*

Staff Response: This annexation will not encroach on agricultural lands. This property is zoned for Medium Density residential uses. This property is adjacent to vacant county land topographically difficult to use.

2) *The annexation will not encroach upon forestland.*

Staff Response: This annexation will not encroach upon forestland. This property is zoned for Medium Density use and is adjacent to vacant property. Currently there are no trees on the property.

3) *The annexation will help conserve open space and protect natural resources.*

Staff Response: This annexation will help conserve open space. This annexation will be within the Urban Growth Boundary and will promote responsible development of vacant land.

4) *The annexation will not adversely affect the quality of the community's air, water, and land resources.*

Staff Response: The property in question is to be developed as a low density area. The applicant proposes to subdivide the property into 20 single family homes which is similar to the uses of the surrounding properties. The development of the property will have little negative affect on quality of the community air, water, and land resources.

5) *The annexation will not endanger life or property from natural disasters or hazards.*

Staff Response: The topography of the lot is relatively steep, so erosion may be an issue however; erosion is not effected by a political boundary. This annexation will not endanger life or property from natural disaster or hazard. During the development of this property, the applicant will be required to obtain a site construction permit addressing the erosion control.

6) *The annexation will help satisfy the citizen's recreation needs.*

Staff Response: This annexation will not enhance nor distract from citizen's recreation needs, therefore is not applicable.

7) *The annexation will help satisfy the community's housing need.*

Staff Response: The property is zoned for medium density residential use; although the property will be zoned to allow 5,000 square foot lots the subdivision proposal identifies all of the lots at over 10,000 square feet. This annexation will provide more dwelling units to the City of Klamath Falls.

8) *The annexation will diversify and improve the community economy.*

Staff Response: This annexation will provide the community with available Medium Density Residential property. Development of this lot will provide work for local construction workers, and potentially attract new people seeking employment in the city.

9) *The annexation will create a timely, orderly, and efficient arrangement of public facilities and services.*

Staff Response: This annexation will create a timely, orderly and efficient arrangement of public facilities and services. The proposed annexation and subdivision plan proposes to develop infrastructure within the property.

10) The annexation will help provide a safe, convenient and economic transportation system.

Staff Response: This annexation will help provide a safe, convenient and economic transportation system. The property proposed fronts Loma Linda Drive which is a county local road and has a very low traffic volume. The neighborhood is mainly accessed by locals and the proposed development will be congruent with current traffic patterns.

11) The annexation will aid in conserving energy.

Staff Response: This annexation will aid in conserving energy. The proposed development will adhere to all sewer and utility development standards which will create maximum efficiency of energy used.

12) The annexation will promote an orderly and efficient transition from rural to urban land uses

Staff Response: The property in question is in an area developed with single family residential homes. The proposed annexation will be zoned Medium Density residential; the applicant proposes to construct single family residences which is an allowed uses within Medium Density Zone. Single family homes promote efficient transition from rural to urban land uses.

Finding This annexation conforms to the Comprehensive Plan based on the analysis. This criterion is met.