



# 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

September 29, 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 004-08



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: October 9, 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  
Bill Holmstrom, DLCD Transportation Planner  
Joe Slaughter, City of Klamath Falls

<paa> ya/

D L C D NOTICE OF ADOPTION

DEPT OF

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)

SEP 22 2008

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 3-A-08 (If no number, use none)

Date of Adoption: 9/16/08 (Must be filled in) Date Mailed: 9/18/08 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: June 18, 2008

- 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 City of Klamath Falls proposes to annex a portion of right-of-way that was transferred to City jurisdiction from the Oregon Transportation Commission in October of 2006. The right-of-way has been maintained and further developed as a major arterial street within the City Street System.

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: N/A to N/A

Zone Map Changed from: N/A to N/A

Location: The Broad St to Austin St (M.P. 0.95 to M.P. 2.50) and Spring St. connections of South 6th Street Acres Involved: 1.55 miles long

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1, 2, 11 & 12

Was an Exception Adopted? Yes: No: X

DLCD File No.: 004-08 (16925)

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

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

Address: 226 S. 5<sup>th</sup> 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](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

Ordinance No. 08-13

**A SPECIAL ORDINANCE ANNEXING THE SOUTH SIXTH STREET RIGHT-OF-WAY FROM BROAD STREET TO 300 FEET SOUTHEAST OF AUSTIN STREET (MILE POST 0.95 TO MILE POST 2.50) AND THE SPRING STREET CONNECTIONS TO SOUTH SIXTH STREET.**

**WHEREAS**, in October of 2006, the Oregon Department of Transportation transferred jurisdiction of the South Sixth Street right-of-way from Broad Street to 300 feet southeast of Austin Street and the Spring Street connections to South Sixth Street to the City of Klamath Falls; and

**WHEREAS**, the City requests to annex the property, which is hereinafter described; and

**WHEREAS**, a public hearing was held on August 11, 2008, 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**, hearing notices were duly given, and the City Council did hold a public hearing on September 2, 2008, 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

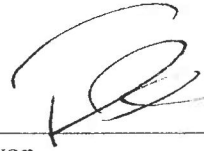
**WHEREAS**, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit C; NOW, THEREFORE,

**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**

The parcels of land consisting of rights-of-way as shown on the map attached hereto as Exhibit A and described in the legal description attached hereto as Exhibit B are hereby annexed to the City of Klamath Falls. The subject parcels/rights-of-way can be found on the following Assessor's map pages R-3809-33CA, R-3809-33CB, R-3809-33CD, R-3809-33DC, R-3909-03BB, R-3909-03BC, R-3909-03BD, R-3909-04AA, and R-3909-04AB.

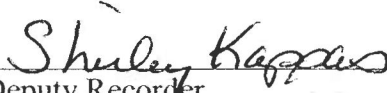
Passed by the Council of the City of Klamath Falls, Oregon, the 15<sup>th</sup> day of September, 2008.

Presented to the Mayor, approved and signed this 16<sup>th</sup> day of September, 2008.



\_\_\_\_\_  
Mayor

ATTEST:



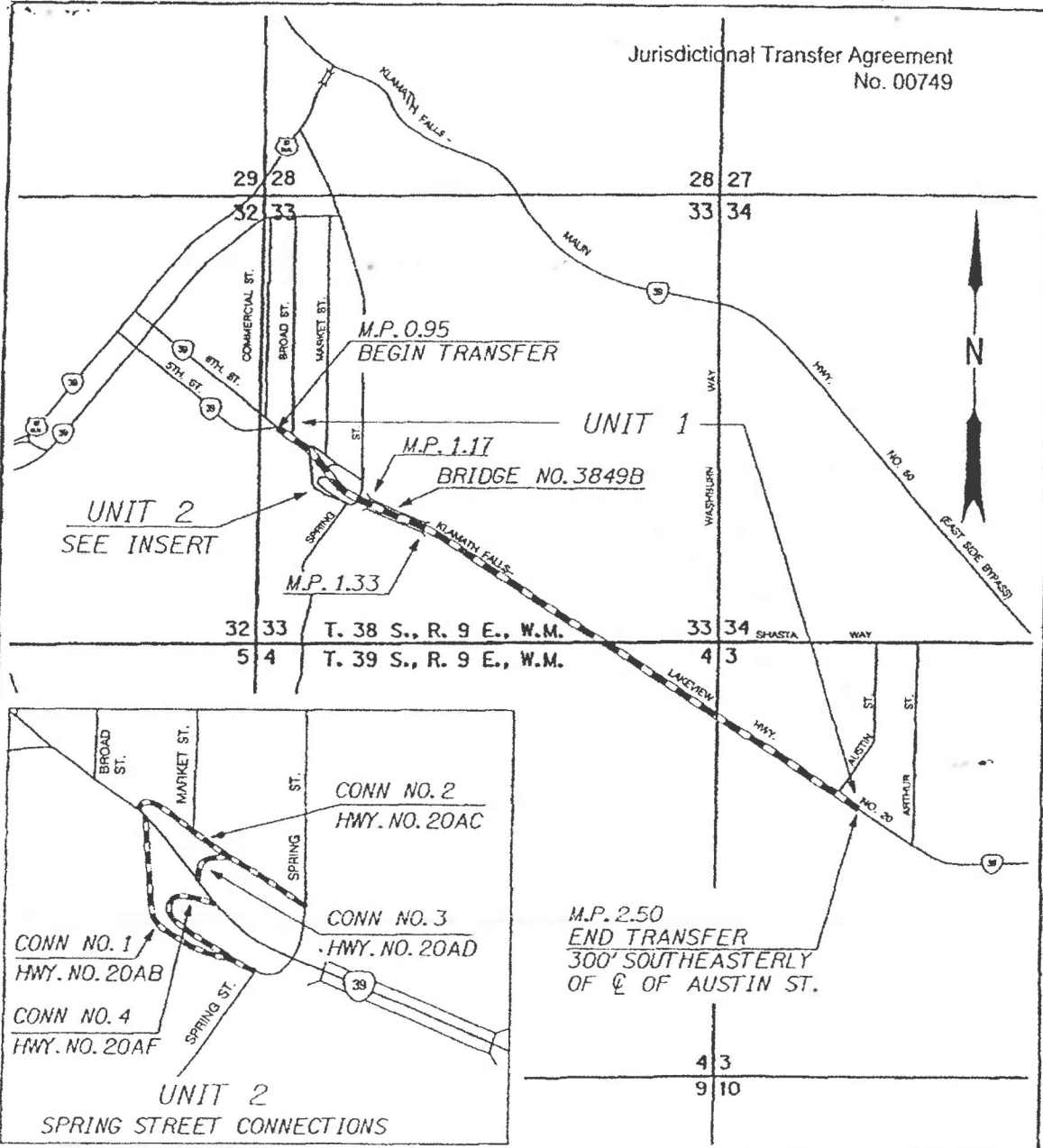
\_\_\_\_\_  
Deputy Recorder

STATE OF OREGON                    }  
COUNTY OF KLAMATH            }  
CITY OF KLAMATH FALLS        }        SS

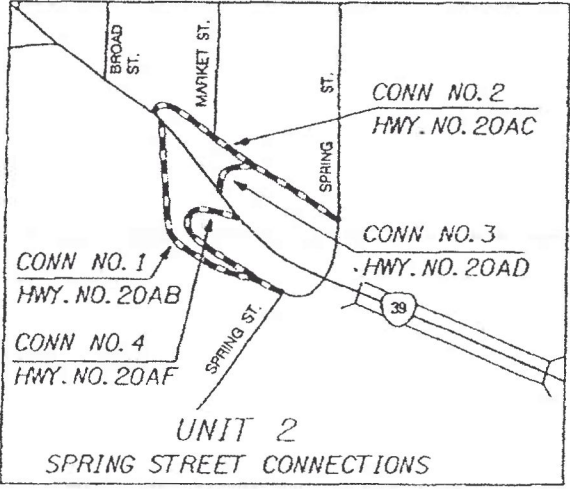
I, \_\_\_\_\_, Recorder (Deputy Recorder) for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon at the meeting on the 15<sup>th</sup> day of September, 2008 and therefore approved and signed by the Mayor and attested by the Deputy Recorder.

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

**Exhibit A  
VICINITY MAP  
(NO SCALE)**



Jurisdictional Transfer Agreement  
No. 00749



OREGON DEPARTMENT OF TRANSPORTATION  
**JURISDICTIONAL  
TRANSFER**  
EXHIBIT A

Section	Broad St. - Austin St.	
Highway	Klamath Falls - Lakeview Hwy. No. 20, Oregon Route No. 39, US Route No. 97B	
County	Klamath	Scale 1" = 1500'
File	JT 749	Date October, 2005

**Exhibit B**  
**LEGAL DESCRIPTION**

Unit 1

All land within the right of way boundaries of the Klamath Falls - Lakeview Highway No. 20, beginning at the present State jurisdiction at Milepoint 0.95, thence running Southeasterly to Milepoint 2.50 at a point 300 feet Southeasterly of the center line of Austin Street and lying in Section 33, Township 38 South, Range 9 East, and lying in Sections 3 and 4, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; said Unit 1 includes the South Sixth Street Overcrossing of Southern Pacific Tracks, Bridge Number BR 3849B, from M.P. 1.17 to M.P. 1.33.

Unit 2

All land within the right of way boundaries of the Klamath Falls - Lakeview Highway Spring Street Connections, No.'s 1, 2, 3 and 4, said connections being State Highway No.'s 20AB, 20AC, 20AD and 20AF respectively and lying in Section 33, Township 38 South, Range 9 East, W.M., Klamath County, Oregon.

Exhibit C  
**FINDINGS**

RELEVANT REVIEW CRITERIA AND PROPOSED FINDING

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 13.105 to 13.104, regarding Annexations.

Criterion: *The annexation conforms to the Comprehensive Plan.*

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

Response

The proposed annexation involves a portion of the South 6<sup>th</sup> Street right-of-way which is already developed and used as a major arterial in the city. This portion of right-of-way is abutted by General Commercial, Industrial, Light Industrial, and Public Facility property for its entire length.

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

Response

The proposed annexation involves a portion of the South 6<sup>th</sup> Street right-of-way which is already developed and used as a major arterial in the City. This portion of right-of-way is abutted by General Commercial, Industrial, and Public Facility property for its entire length.

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

Response

This section of right-of-way is already under the jurisdiction of the City. This annexation will have no impact on open space or natural and scenic resources.

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

Response

There will be no physical change to the roadway. This right-of-way will be used / developed in the same manner whether or not it is annexed. The proposed annexation will have no affect on the quality of the community's air, water, or land resources.

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

Response

There will be no physical change to the roadway.

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

Response

Not applicable. This annexation will not affect the citizen's recreational needs.



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

Response

This proposal will not affect the community's housing needs.

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

Response

This proposal will not affect the community's economy.

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

Response

This annexation will help create a timely, orderly, and efficient arrangement of public facility and services by causing a portion of right-of-way that is under the jurisdiction of the City to be physically located within city limits. This will help with street maintenance, planning and police services.

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

Response

This annexation will help provide a safe, convenient and economic transportation system by causing a portion of right-of-way that is under the jurisdiction of the City to be located within city limits.

11) *The annexation will aid in conserving energy*

Response

Not applicable.

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

Response

Not applicable.

Findings:

The proposed annexation conforms to the comprehensive plan. **This criterion is met.**



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



Hasler

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**\$00.59**  
09/18/2008  
Mailed From 97601  
**US POSTAGE**

**RETURN SERVICE REQUESTED**

Plan Amendment Specialist  
DLCD  
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Salem, OR 97301-2540

97301+2540 C007

