



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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

NOTICE OF ADOPTED AMENDMENT

June 28, 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 006-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 13, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Joyce Bunkoske, City of Klamath Falls

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FORM 2

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

DEPT OF

(See reverse side for submittal requirements)

JUN 26 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF KLAMATH FALLS Local File No.: 2-A-06 (If no number, use none)

Date of Adoption: 6/19/06 (Must be filled in) Date Mailed: 6/22/06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

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

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

ANNEXATION OF APPROX. 55 ACRES INTO THE CITY OF KLAMATH FALLS FOR THE CREATION OF A PUD.

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 RESIDENTIAL + COMMERCIAL

Zone Map Changed from: HIGH DENSITY RES. to RESIDENTIAL, LOW, MED + HIGH, AND COMMERCIAL

Location: R-3809-17C-100 Acres Involved: APPROX. 55

Specify Density: Previous: 10,000 SF New: 2,000 - 10,000 SF

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: X

DLCD File No.: 006-06 (15038)

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: _____

Local Contact: _____ Area Code + Phone Number: _____

Address: _____

City: _____ Zip Code+4: _____

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.
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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.

Planning

Ordinance No. 06- 16

**A SPECIAL ORDINANCE ANNEXING APPROXIMATELY 55 ACRES
LOCATED NORTH OF INDUSTRIAL PARK DRIVE AND COLLEGE WAY, INTO
THE CITY LIMITS OF KLAMATH FALLS**

WHEREAS, the applicant W & H Pacific for C-Corp has submitted a written proposal for an annexation of certain real property which is hereinafter described; and

WHEREAS, a public hearing was held on April 10, 2006, pursuant to applicable laws, at which time all evidence and objection with reference to said proposed annexation were considered by the Planning Commission and continued the public hearing to April 24, 2006; and

WHEREAS, a public hearing was held on April 24, 2006, 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 June 5, 2006, 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:

The property as shown on the map attached hereto as Exhibit A, commonly referred to as a parcel of land situated in the east 1/2 of the southwest quarter of Section 17, Township 38 South, Range 9 East of the Willamette Meridian, in the Klamath County, State of Oregon, being more particularly described as follows:

Beginning at the Initial point, said point being the center West 1/6 corner of said Section 17, thence Easterly along the East-West center section line of said Section 17, 1276.30 feet, more or less to the center 1/4 corner of said Section 17; thence Southerly along the North-South center section line, 1330.90 feet, more or less to the center south 1/16 corner; thence south 00°02'41" West, 669.01 feet; thence South 89° 58'35" West, 752.80 feet, more or less; thence North 440.00 feet; thence West, 555.65 feet; thence North 01° 14'14" East, 1560.20 feet, more or less to the Initial point; Being also shown on the current Klamath County Assessor Map R-3809-17C as Tax Lot 00100;

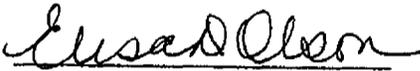
is hereby annexed into the City of Klamath falls

Passed by the Council of the City of Klamath Falls, Oregon, the ~~19th~~ day of June, 2006.

Presented to the Mayor, approved and signed this 20th day of June, 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 19th day of June, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder (~~Deputy Recorder~~).

City Recorder (Deputy Recorder)

**EXHIBIT B
FINDINGS**

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

Response: This annexation will not encroach on agricultural lands. The property is covered with native grasses, weeds, low-growth brush and sparsely scattered juniper trees. The 55 acre property is currently zoned for Urban Residential use within the County. The zoning on the adjacent properties are zoned as follows:

To the **north** is Low Density Residential (RL) in the County and is outside of the Urban Growth Boundary.

To the **south** is Apartment Residential and Campus PUD in the City.

To the **east** is Campus PUD in the City and High Density Residential (RH) in the County.

To the **west** is Light Industrial in the City.

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

Response: This annexation will not encroach upon forestland. This 55 acre property is zoned for Urban Residential use within the County, and is located within the Urban Growth Boundary. No forestry operations take place in the area.

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

Response: This annexation will help conserve open space. This annexation will make it possible to develop Mixed Use Residential and Neighborhood Commercial property within the Urban Growth Boundary. This "in fill" will preserve lands dedicated to open space.

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

Response: The mere act of annexation will not adversely affect the quality of the community's air, water and land resource. Before this property is developed, the developer must create and implement a storm water plan that meets the approval of City of Klamath Falls Public Works.

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

Response: This annexation will not endanger life or property from natural disaster or hazards. Nor will the proposed mixed residential and neighborhood commercial uses affect any natural disaster or hazard.

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

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.*

Response: The annexation of this property will help to facilitate the development of subdivisions providing the City of Klamath Falls with additional residential and neighborhood commercial lots.

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

Response: This annexation will provide the community with available residential and neighborhood commercial lots. Development of these lots will provide economic opportunities for individuals in the building industry, and once developed, dwellings will be available. The annexation will increase the City's tax base annually in real property tax revenue as well as increase local retail income.

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

Response: The land is adjacent to other land within the City limits, and City and other District services. It will allow the development to hook up to City and other District services that currently are located adjacent to the area, and would be logical to expand and connect to these 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. The annexation reduces commercial and residential sprawl, as the area proposed for annexation could be served by College Way and Industrial Park Drive. Adjacent properties are developed and adequately served by Basin Transit Service.

11) *The annexation will aid in conserving energy.*

Response: This annexation will aid in conserving energy. Once developed, it will help create "in-fill" within the urban area, and therefore, use of existing public facilities and services.

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

Response: The 55 acre site in question is already zoned for Urban Residential use. The property to the north is zoned for Low Density Residential Use with a minimum lot size of 7,000 square feet. The proposed Planned Unit Development will provide a transition from the rural zoning outside of the UGB to the urban uses within the boundary. The proposed lot sizes range from 2,275 square feet on the southern property line to 10,540 square feet adjacent to the northern property line/UGB line. This promotes an efficient transition from rural to urban land uses.

Finding: Based on the analysis, this annexation conforms to the Comprehensive Plan. This criterion is met.