



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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

NOTICE OF ADOPTED AMENDMENT

June 26, 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 008-06

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: July 6, 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

<paa> ya/



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

(See reverse side for submittal requirements)

DEPT OF

JUN 20 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Klamath Falls Local File No.: 3-14-06 (If no number, use none)

Date of Adoption: 6-5th-06 (Must be filled in) Date Mailed: 6-14-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 2-28-06

- 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." The applicant proposes to Annexed 1.26 acres into the City of Klamath Falls. The zoning remained General Commercial.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." Same

Plan Map Changed from: Commercial to Commercial Zone Map Changed from: General to General Location: 3905-400-200 Acres Involved: 1.28 Specify Density: Previous: Same New: Same

Applicable Statewide Planning Goals: Was an Exception Adopted? Yes: No: X

DLCD File No.: 008-06(15045)

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: Erik Nohel Area Code + Phone Number: 541-803-5254

Address: PO Box 237

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.**

Planning

Ordinance No. 06- 13

A SPECIAL ORDINANCE ANNEXING LOT THREE, BLOCK 6 TRACT 1080, OF THE WASHBURN WAY SUBDIVISION LOCATED ON THE WEST SIDE OF WASHBURN WAY BETWEEN CROSBY AVENUE AND HILYARD AVENUE INTO THE CITY OF KLAMATH FALLS

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation by Pedersen and Pedersen of certain real property by the Klamath Falls City Council thereof, which property is hereinafter described; 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 May 15, 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:

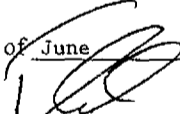
There is hereby annexed to the City of Klamath Falls, a parcel of land, and the adjacent intersection as shown on the map attached hereto as Exhibit A, and described as:

A tract of land situated in Lot 3, Block 6 tract 1080, Washburn Park, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows: Beginning at the Northeast corner of said Lot 3 as marked by a ½ inch iron pin; thence South 00°04'50" West along the Westerly right of way line of Washburn Way 7.7 feet to the Point of Beginning; thence continuing South 00°04'50" West 212.3 feet; thence North 89°55'10" West parallel to the North line of said Lot 3, 250.00 feet; thence North 00°04'50" East 212.3 feet, which point is 7.7 feet South of the North line of Lot 3; thence South 89°55'10" East parallel to the North line of said Lot 3, 250.00 feet to the point of beginning on the Westerly right of way line of said Washburn Way, with bearings based on said Tract 1080, Washburn Park.

The zoning designation for this property is General Commercial.

Passed by the Council of the City of Klamath Falls, Oregon, the 5th day of June, 2006

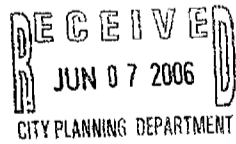
Presented to the Mayor, approved and signed this 6th day of June, 2006



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 5th 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 A
VICINITY MAP
NO SCALE

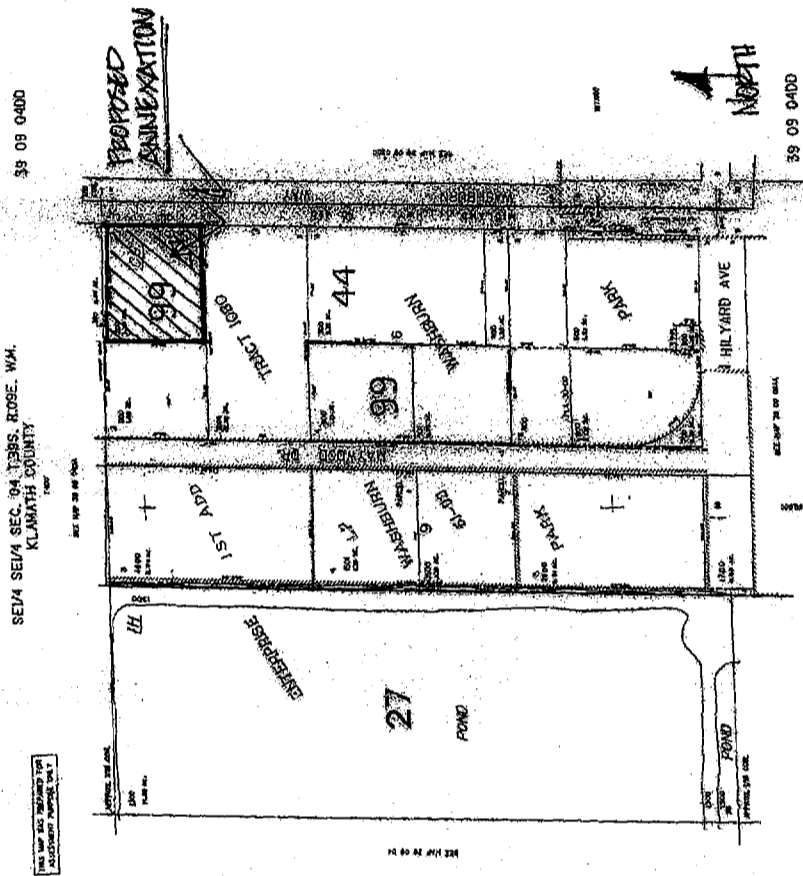


Figure 1 The annexed area is cross hatched.

**Exhibit B
FINDINGS**

RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND PROPOSED 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 13.104, regarding Annexation.*

- 1) *The annexation will not encroach upon agricultural ground.*
Staff Response: This annexation will not encroach on agricultural lands. This property is zoned for general commercial uses. This property is already in a developed area and adjacent to county general commercial properties to the north and west. Adjacent property to the east and south are zoned General Commercial in the City.

- 2) *The annexation will not encroach upon forestland.*
Staff Response: This annexation will not encroach upon forestland. This property is zoned for general commercial uses. This property is already in a developed area and adjacent to general commercial properties in all directions. No forestry operations take place in the area.

- 3) *The annexation will help conserve open space and protect natural resources.*
Staff Response: This annexation will help conserve open space. This annexation will make it possible to develop existing general commercial within the Urban Growth Boundary.

- 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 in a developed area. The development of the property will not affect quality of the community air, water, and land resources. The development of the land will improve the property and the area.

- 5) *The annexation will not endanger life or property from natural disasters or hazards.*
Staff Response: The topography of the lot is flat, so the development of this land poses no threat to the area. This annexation will not endanger life or property from natural disaster or hazard. Nor will the proposed retail or professional offices affect any natural disaster or hazard.

- 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: Not applicable. The property is already zoned for general commercial use; therefore the annexation of the property will not increase or detract from the communities commercial needs.

- 8) *The annexation will diversify and improve the community economy.*
Staff Response: This annexation will provide the community with general commercial property. Development of this lot will provide economic opportunities for individuals in the building industry, and once developed employment opportunities will exist at the new retail stores. The communities Commercial needs will be met.

- 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. There are services already available to adjacent properties.

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 for annexation fronts Washburn Way, a major arterial in the Klamath Falls Urban area. The annexation reduces commercial sprawl as the area proposed would be connected by Washburn Way. Once developed, the property could be accessed by Washburn Way or via the frontage easement. Adjacent properties are developed and adequately served by Basin Transit Service.

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

Staff 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*

Staff Response: The property in question is in an area developed with urban land uses. This area contains commercial and industrial developments and a few dwellings on urban sized lots.

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