



# 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

July 7, 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 009-06

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 18, 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  
Erik Nobel, City of Klamath Falls

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FORM 2

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

JUL 03 2006

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 4-4-06 ~~June 19, 2006~~ (If no number, use none)

Date of Adoption: June 19, 2006 (Must be filled in) Date Mailed: June 23, 2006 (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."

The Applicant Annexed 16.68 ac of land into the City of Klamath Falls. It was zoned Suburban Residential in the County. Now it is zoned Single Family 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 "N/A."

Same

Plan Map Changed from: Residential to Residential

Zone Map Changed from: Suburban Res to Single Family

Location: R-3809-35 DA-100,300 Acres Involved: 16.68

Specify Density: Previous: 10,000 # New: 7,000 #

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: X

DLCD File No.: 009-06 (15086)

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

Local Contact: Erik Nobel Area Code + Phone Number: 541-885-<sup>5254</sup>~~5221~~

Address: 8 PO Box 237

City: Klamath Falls Zip Code+4: 97607

### 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.

*Planning*

Ordinance No. 06- 15

**A SPECIAL ORDINANCE ANNEXING 16.68 ACRES OF LAND 200 FEET SOUTH OF THE INTERSECTION OF HOMEDALE ROAD AND GLENRIDGE WAY**

**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 April 25, 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:**

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 -**

Lot 74 of Fair Acres Subdivision No 1 according to the official plat thereof on file in the Office of the County Clerk of Klamath Falls County, Oregon, excepting therefrom, 5 feet conveyed to Klamath County by instrument dated November 29, 1963, recorded December 5, 1963 in book 349 at page 511, deed records of Klamath County, Oregon.

Also a portion of said lot 73 of Fair Acres Subdivision No 1, in the Office of the County Clerk of Klamath County, Oregon, particularly described as follows:

Beginning at the 1/2" iron pipe marking the southeasterly corner of said tract 73 of Fair Acres Subdivision No. 1; thence north 329 feet to the northeast corner of said tract 73; thence west along the north boundary of said tract to a point which is 500 feet east of the northwest corner of tract 73; thence running south at right angles to the north line of said tract, a distance of 329 feet, more or less to the south boundary tract 73; thence east along the southerly boundary to the point of beginning.

The zoning designation of the property will be Single Family Residential.

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:

*Edward Olson*  
\_\_\_\_\_  
City Recorder (Deputy Recorder)

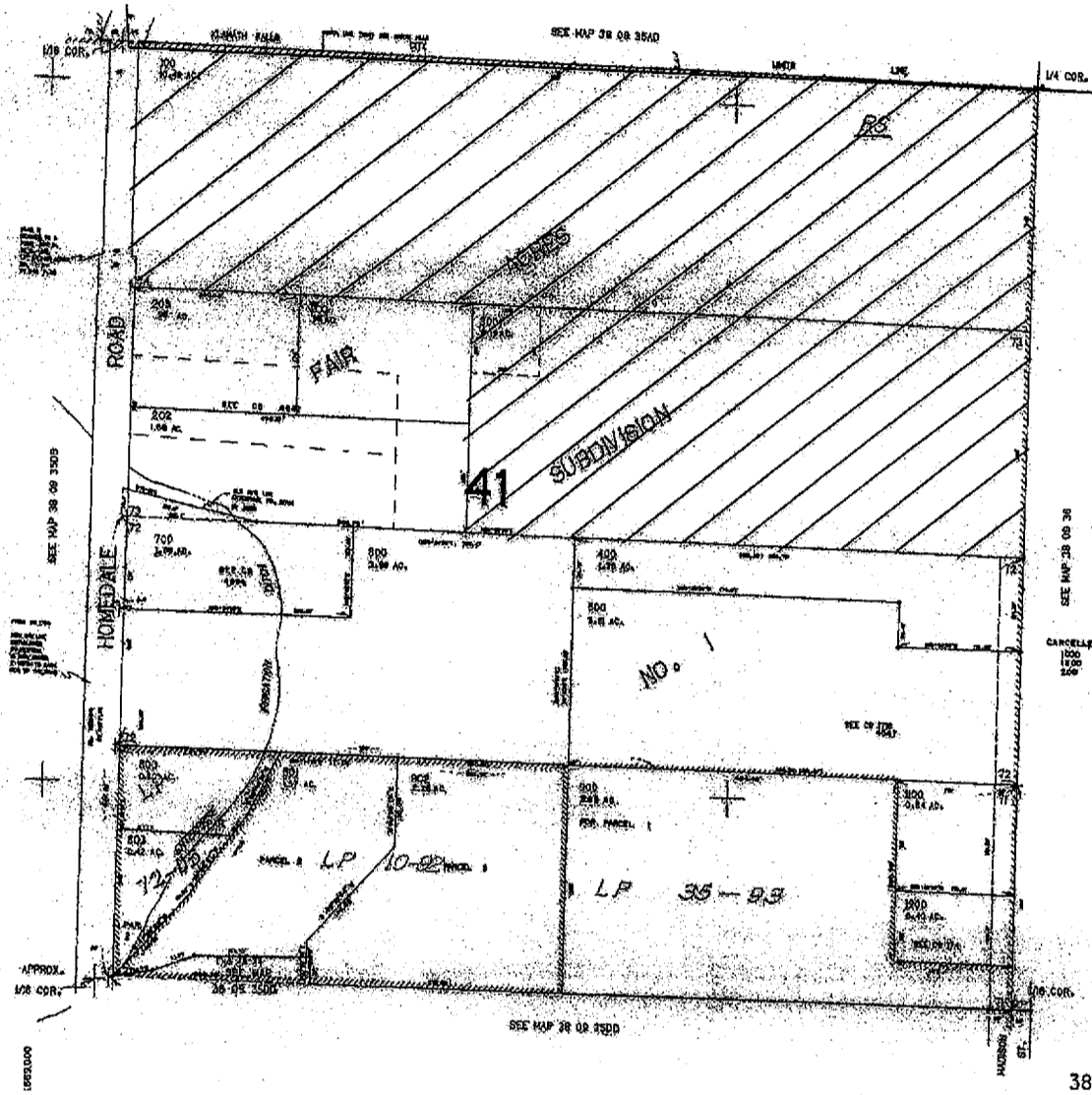
STATE OF OREGON            }  
COUNTY OF KLAMATH       }  
CITY OF KLAMATH FALLS    }    SS

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 \_\_\_\_\_, 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.



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**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.*

Criterion     *The annexation conforms to the Comprehensive Plan.*

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

Response: This annexation will not encroach on agricultural lands. The closest property zoned for agricultural use is approximately 4.5 miles away to the South. The adjacent property to the north is zoned Basin View PUD, and is developed with multi-family housing

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

Response: This annexation will not encroach upon forestland. This property is 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 existing residential lots 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. The proposed project is within planned road networks.

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 single family residential development.

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

Response: Not applicable, this annexation will not enhance nor distract from citizen's recreation needs.

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

Response: The annexation of these lots will facilitate the development of the subdivision providing the City with additional residential lots.

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

Response: This annexation will provide the community with available housing and jobs for individuals gaining employment opportunities through construction and ongoing real estate sales. The annexation will increase the City's tax base annually in real and personal property tax revenue.

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

Response: The land is adjacent to other land and City services within the City limits. It is logical to expand 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. Homedale Road already exists, which will serve this development. As proposed this development will construct a section of Madison Street, which once built will provide another access to Shasta Way.

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

Response: This annexation will aid in conserving energy. The proposed subdivision is located within an area already developed with infrastructure. The development of this property will use these existing services, and therefore conserve energy.

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

Response: The property in question is not close to any rural land uses therefore this is not criteria is not applicable.

Finding: The annexation conforms to the Comprehensive Plan. This criterion is met.