



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

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

Third Floor/Measure 37 Fax: (503) 378-5318

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

NOTICE OF ADOPTED AMENDMENT

October 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 015-06



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: November 13, 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

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 LAND CONSERVATION AND DEVELOPMENT OCT 23 2006

Jurisdiction: City of Klamath Falls, Local File No.: 7-A-06 (If no number, use none)

Date of Adoption: 10-17-06 (Must be filled in) Date Mailed: 10-20-06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 7-24-06

- 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 Annexed 1, 2, + 3 of Land Parcel 45-96 into the City of Klamath Falls

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."

N/A

Plan Map Changed from: RS Res to Res

Zone Map Changed from: RS to Single Family

Location: Mad Tax lot 3708-120-1000 1002-1004 Acres Involved: 6.84 ac

Specify Density: Previous: 1:10,000 New: 1:7,000

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: X

DLCD File No.: 015-06 (15410)

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: Erik Nohel Area Code + Phone Number: 541-883-5252

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. 06-29

**A SPECIAL ORDINANCE ANNEXING PARCELS 1, 2, AND 3 OF LAND
PARTITION 45-96**

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 September 11, 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 October 2, 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:

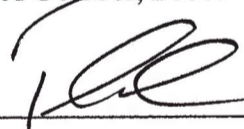
There are hereby annexed to the City of Klamath Falls, parcels of land as shown on the map attached hereto as Exhibit A, and described as:

Parcels 1, 2, and 3, of Land Partition 45-96

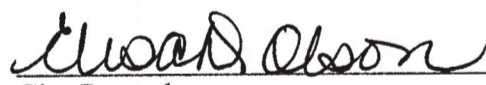
The zoning designation of the property will be Single Family Residential.

Passed by the Council of the City of Klamath Falls, Oregon, the 16th day of October, 2006.

Presented to the Mayor, approved and signed this 17th day of October, 2006.



Mayor

ATTEST:


City Recorder

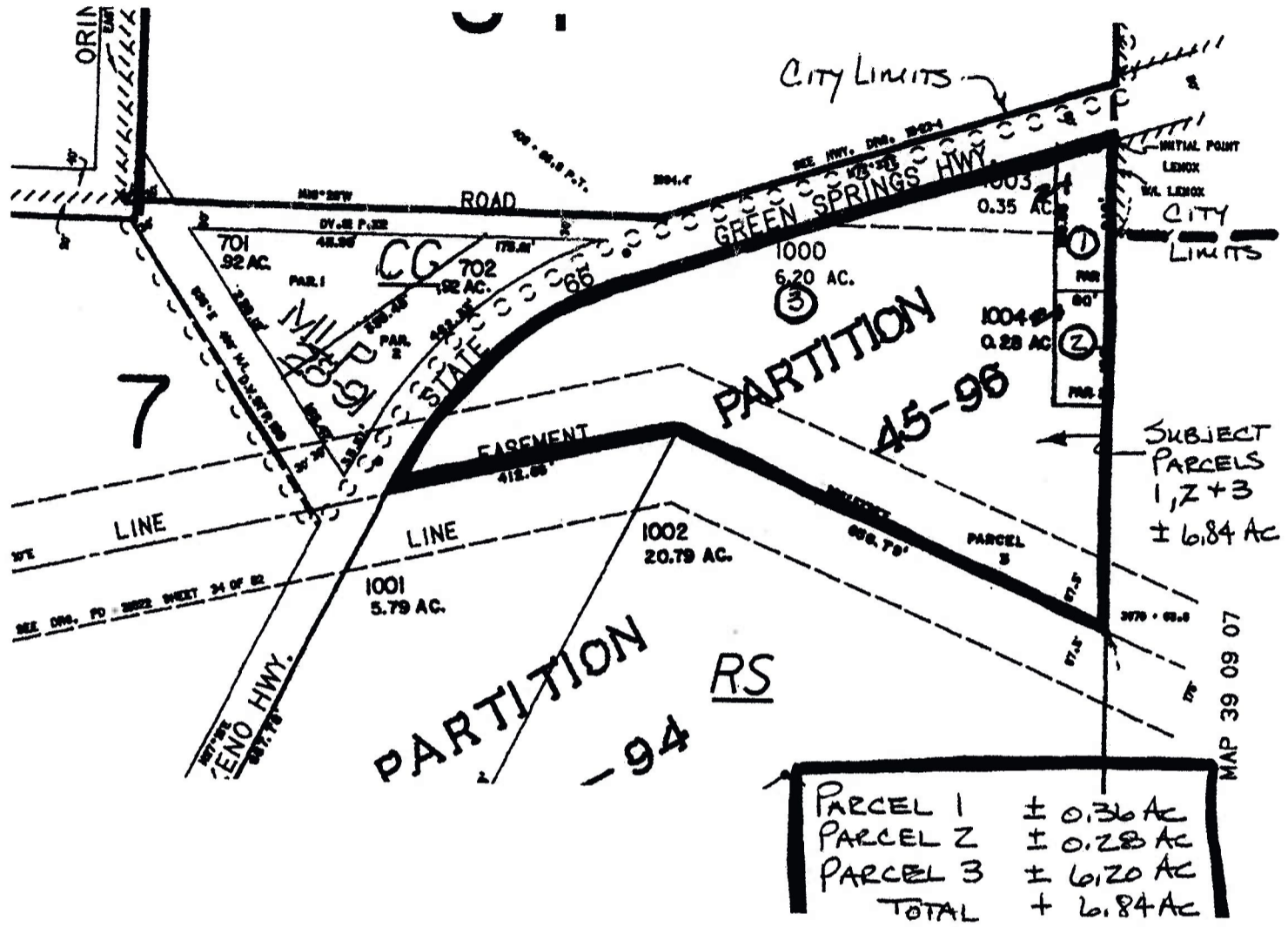
STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

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 16th day of October, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP
NO SCALE

Figure 1 The annexed area is cross hatched.



**Exhibit B
FINDINGS**

I. 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 13.140, regarding Annexation.

Criterion *The annexation conforms to the Comprehensive Plan.*

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

Staff Response: This annexation will not encroach on agricultural lands. The closest property zoned for agricultural use is approximately 1.5 miles away and to the South. The adjacent property to the south is zoned Single Family.

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

Staff Response: This annexation will not encroach upon forestland. This property is within the Urban Growth Boundary.

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 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.*

Staff 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.*

Staff 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.*

Staff 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.*

Staff 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.*

Staff Response: Not applicable, this annexation will not enhance nor distract from community economy.

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

Staff Response: The land is adjacent to other land and City services within the City limits. It is logical to expand these services.

The Stewart Lennox area is experiencing a great deal of growth and development. This area has a large amount of vacant land. However, there are capacity issues regarding infrastructure for both waste and domestic water. It is estimated that availability of water is limited to an additional 40 Equivalent Residential Units (ERUs), and waste water is limited to an additional 400 ERUs. The domestic water ERUs can be increased by adding a storage tank and/or refitting the existing well site with new pumps and casing. The waste water system is currently being analyzed and the findings are expected by December, 2006. The city policy on connecting to water, the most limiting growth factor, is to offer service on a first-come first-serve basis with priority given to those properties

within the city limits. If this annexation is approved it does not guarantee the property owner can connect to the city's infrastructure.

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 in question abuts Hwy 66 which serves this development.

11) The annexation will aid in conserving energy.

Staff 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.

Staff Response: The property in question is close to the Urban Growth Boundary, the large lot size allowed by the Single Family zone will promote an orderly and efficient transition from rural to urban land uses.

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