



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

December 14, 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 016-06

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: December 29, 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
Joe Slaughter, City of Klamath Falls

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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

DEC 11 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 8-A-06 (If no number, use none)

Date of Adoption: 12/4/06 12/5/06 (Must be filled in) Date Mailed: 12/7/06 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8/3/06

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

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

The annexation of 0.69 acres into the City. The property is located at the south terminus of Cortez St.

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: County Residential to Single F City Residential

Zone Map Changed from: Suburban Residential (RS) to Single Family Residential (SF)

Location: R-3909-00700-02203 Acres Involved: 0.69

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

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: X

DLCD File No.: 016-06 (15442)

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: X 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 and Klamath County Fire District No. 4

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

Address: 226 S. 5th St.

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

A SPECIAL ORDINANCE ANNEXING PARCEL 2 OF LAND PARTITION 38-03 INTO THE CITY OF KLAMATH FALLS

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 October 23, 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 November 20, 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

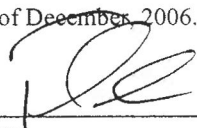
THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

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 Parcel 2 of Land Partition 38-03

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

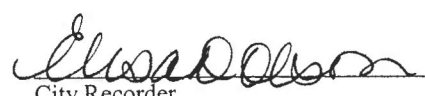
Passed by the Council of the City of Klamath Falls, Oregon, the 4th day of December, 2006.

Presented to the Mayor, approved and signed this 5th day of December, 2006.



Mayor

ATTEST:



City Recorder

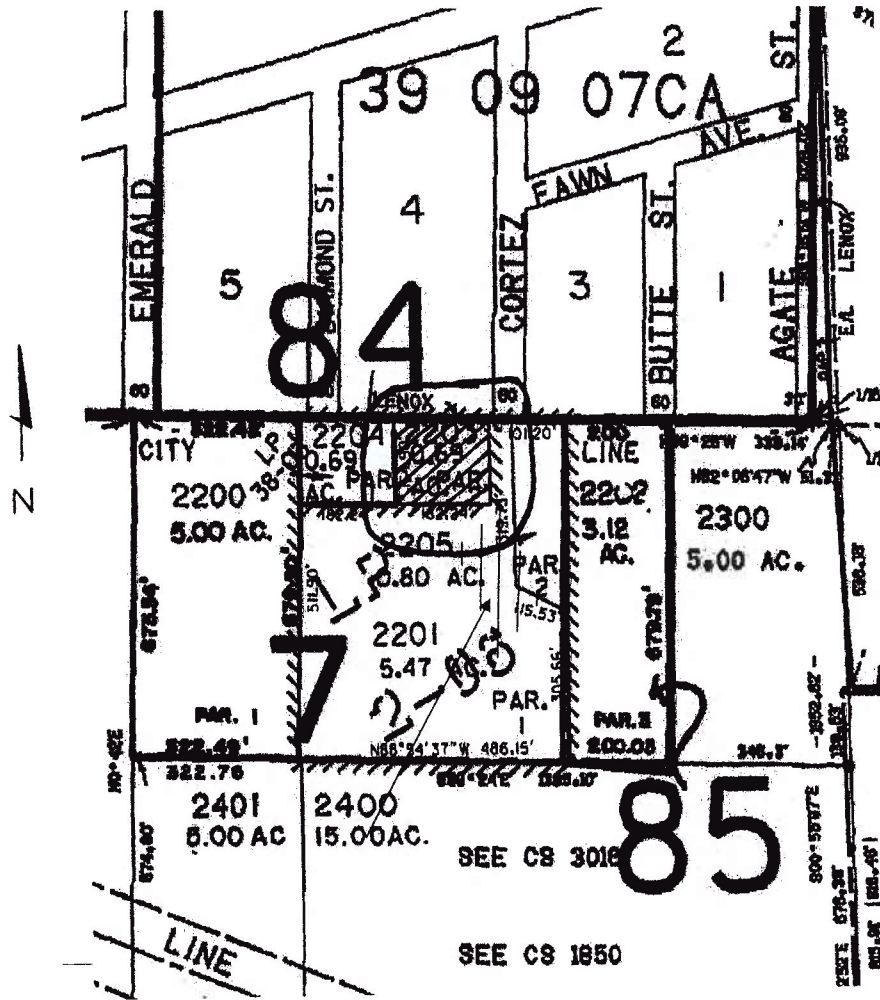
STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

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 4th day of December, 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**

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. This is an existing 0.69 acre residential lot and will remain residential if annexed. The property is surrounded by other City and County residential lots.

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

Response

This annexation will not encroach upon forestland. This is an existing 0.69 acre residential lot and will remain residential if annexed. The property is surrounded by other City and County residential lots.

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 most intense use for this property (not proposed) would be a subdivision into four single family lots. The creation of 4 residential lots and the associated infrastructure would not adversely affect the affect the community's air, water, and land resources if there is capacity available for water.

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. The proposed single family residential site will not 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 lot with help to facilitate the development of a single family structure and provide the City of Klamath Falls with a minimum of one additional residential tax lot.

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

Response

This annexation, if approved, will increase the City's tax base through an increase in real and personal property tax revenue in addition to generating funds through system development charges and income through ongoing water and sewer fees. The construction of a single family dwelling and/or the partition or subdivision will provide employment opportunity.

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

Response

The lot is adjacent to other land within the City limits and to City services, so it is logical to expand these services to the property. There are concerns regarding the infrastructure system of the Stewart Lennox area. Water is the most critical. A recent model of the Stewart Lennox area predicts that there are only 30 ERUs of water available without major infrastructure improvements. The improvements needed are storage, enhancement of the existing Debbie well, and maybe the development of a new well. The sewer system currently has approximately 400 ERUs available before it reaches capacity. The City has commissioned a comprehensive study of the sewer system to identify the needed improvements. The study is anticipated to be complete in December, 2006.

To the best of our knowledge, the natural resources are present to provide the water necessary for one residence. The infrastructure will need to be developed. Annexation provides the first step in the development of this property. The City is providing services on a first-come first-serve basis with priority given to properties within the city limits.

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

Response

The annexed property, if subdivided or partitioned, will be required to create additional city streets. If the property is developed with a single family residence then it will contribute a fair and proportionate share toward development of the City's sidewalks, curbs and gutters through a Local Improvement Contract.

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 existing public facilities and services, provided they are available.

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

Response

The site in question is already urban in nature, therefore it is not applicable.

Finding

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