NOTICE OF ADOPTED AMENDMENT

February 16, 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 018-05

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: February 27, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.

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

<pass> ya
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

FEB 14 2006

Jurisdiction: CITY OF KLAMATH FALLS Local File No.: 11-A-05

Date of Adoption: FEBRUARY 6, 2006 Date Mailed: FEBRUARY 13, 2006

Date the Notice of Proposed Amendment was mailed to DLCD: OCTOBER 28, 2005

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: ALIENATION

(Please specify type of action)

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

ALIENATION OF 8.11 ACRES INTO THE CITY OF

KLAMATH FALLS TO FACILITATE THE DEVELOPMENT OF

RESIDENTIAL HOUSING.

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 AN/A.

Plan Map Changed from: RESIDENTIAL to RESIDENTIAL.

Zone Map Changed from: RS - COUNTRY to SF - C-74.

Location: R - 3907 - 3906 AND 3901 Acres Involved: 8.11

Specify Density: Previous: 10,000 SF. New: 3,000 SF.

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: X

DLCD File No.: 018-05

(14789)
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: Joyce Brown
Address: P.O.Box 236
City: Salem, OR 97301-2540
Zip Code+4: 97301
Email Address: JBrown@state.or.us

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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not 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 Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.
A SPECIAL ORDINANCE ANNEXING INTO THE CITY OF KLAMATH FALLS
LOTS 38 THROUGH 43, 45 THROUGH 47, 50, 51, 86 AND 87 OF BLOCK 7 IN THE
CREGAN PARK SUBDIVISION, TOTALING APPROXIMATELY 2.11 ACRES

WHEREAS, the applicant, Lewis Hanson Company, Inc., submitted a written proposal
for annexation of certain real property which is hereinafter described; and

WHEREAS, a public hearing was held on December 12, 2005, 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 January 17, 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, approximately 2.11 acres as shown
on the map attached hereto as Exhibit A, and described as follows:

Lots 38 through 43 inclusive of CREGAN PARK, according to the official plat thereof
on file in the office of the County Clerk of Klamath County, Oregon.

Lots 45, 46, 47, 50, 51, 86 and 87 of CREGAN PARK, according to the official plat
thereof on file in the office on the County Clerk of Klamath County, Oregon.

The property is currently shown on Klamath County Tax Assessors Map, Sheet 3909-
007BC, Tax Lots 01900 and 02901.

Passed by the Council of the City of Klamath Falls, Oregon, the 6th day of February
2006.

Presented to the Mayor, approved and signed this 7th day of February, 2006.

[Signature]
Mayor

[Signature]
City Recorder (Deputy Recorder)

STATE OF OREGON
COUNTY OF KLAMATH
CITY OF KLAMATH FALLS

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 6th day of
February, 2006 and therefore approved and signed by the Mayor and attested by the City
Recorder (Deputy Recorder).
Exhibit B
FINDINGS

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. These are existing lots totaling
2.11 acres for residential development and will remain residential if annexed. The
property is surrounded by other City and County residential lots. Zones adjacent to tax lot
1900 are as follows: north is single family residential within the city, south is suburban
residential within the county and medium density within the city, west is suburban
residential within the county and single family within the city and east is high density
residential within the county. Zones adjacent to tax lot 2901 are as follows: north is high
density residential and suburban residential within the county, south high density
residential within the county, and across Balsam Drive is medium density residential
within the city, west single family residential within the city and east high density
residential within the county.

2) The annexation will not encroach upon forestland.
Response
This annexation will not encroach upon forestland. These are existing 13 lots totaling
2.11 acres for residential development and will remain residential if annexed. The
property is surrounded by other City and County residential lots. Zones adjacent to tax lot
1900 are as follows: north is single family residential within the city, south is suburban
residential within the county and medium density within the city, west is suburban
residential within the county and single family within the city and east is high density
residential within the county. Zones adjacent to tax lot 2901 are as follows: north is high
density residential and suburban residential within the county, south high density
residential within the county, and across Balsam Drive is medium density residential
within the city, west single family residential within the city and east high density
residential within the county.

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.

4) The annexation will not adversely affect the quality of the community’s air, water,
and land resources.
Response
Before this property is developed, the developer must make all public right of way
infrastructure improvements, such as street, water, sewer, storm drainage and streetlights
that meets the approval of Klamath County Public Works and the City of Klamath Falls.
This annexation will not adversely affect the community’s air, water, and land resources.

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 hazard. The
proposed residential sites 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 property with help to facilitate the development of residential
structures and provide the City of Klamath Falls with an additional 13 residential tax lots.
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 residences will provide economic opportunities for individuals in the
building industry.

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 Cregan Park Subdivision and adjacent Stewart Lennox areas. Water is the
most critical. A recent model of the Stewart Lennox area predicts that there are only 30
to 40 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. 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 annexation will help provide a safe, convenient and economic transportation system
as the area fronts City developed roads. Tax lot 1900 fronts Balsam Drive, Granite Street
and Flint, and tax lot 2901 fronts Flint Street. If the property is developed with residences
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.