



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

March 3, 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 019-05

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: March 14, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. 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
Ian Morgan, City of Klamath Falls

<paa> ya/

FORM 2

DEPT OF DLCD NOTICE OF ADOPTION

MAR 01 2006

LAND CONSERVATION AND DEVELOPMENT

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)

Jurisdiction: City of Klamath Falls Local File No.: 12-A-05
(If no number, use none)
Date of Adoption: 2-21-06 Date Mailed: 2-28-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 11-3-05

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- 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 annex approximately 1 acre, located on the south^{east} corner of Laverne Avenue and Washburn Way, to facilitate the development of a commercial building.

The lot is currently General Commercial in the County and will remain General Comm. into 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 AN/A.≡

Same

Plan Map Changed from: Commercial to Commercial

Zone Map Changed from: CG to CG

Location: Southeast corner of Laverne & Washburn Acres Involved: 1

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 019-05 (14799)

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: Jan Morgan Area Code + Phone Number: (541) 883-5272

Address: P.O. Box 237 City: Klamath Falls

Zip Code+4: 97601 Email Address: Nobel@ci.klamath-falls.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.**

Planning

Ordinance No. 06- 05

**A SPECIAL ORDINANCE ANNEXING LOT ONE OF TRACT 1293
LOCATED ON THE SOUTHEAST CORNER OF LAVERNE AND
WASHBURN WAY, AND THE INTERSECTION OF LAVERNE AND
WASHBURN WAY 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 January 9, 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 February 6, 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:

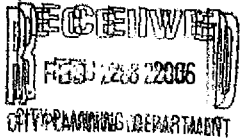
There is hereby annexed to the City of Klamath Falls, a parcel of land, and the adjacent intersection as shown on the map attached hereto as Exhibit A, and described as:

Lot 1 of Tract 1293 in the NW 1/4 , SW 1/4, Section 10, Township 39S, Range 9E, of the Willamette Meridian , Klamath County, Oregon, and being currently shown on the Klamath County Assessors Map R-3909-10CB Tax Lot 1400;
Washburn Way between the northern and southern right-of-way lines of Laverne Avenue

The zoning designation for this property is General Commercial.

Passed by the Council of the City of Klamath Falls, Oregon, the 21st day of February, 2006

Presented to the Mayor, approved and signed this 22nd day of February, 2006



[Signature]

Mayor

ATTEST:
[Signature]

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 21st day of February, 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

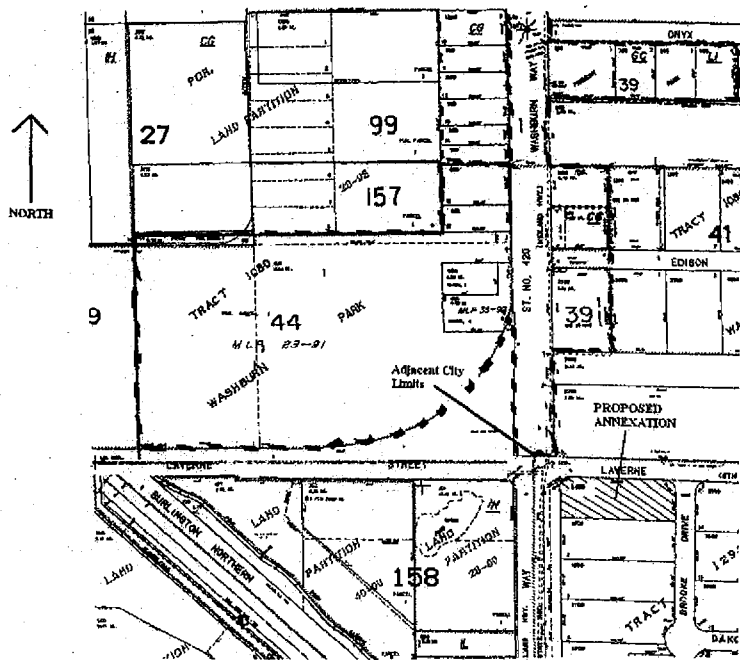


Figure 1 The annexed area is cross hatched.

**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.*

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, east, and south, and heavy industrial to the west.

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

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 county general commercial properties to the north, east, and south, and heavy industrial to the west.

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 general commercial within the Urban Growth Boundary, preserving open space and natural resources outside of the UGB.

4) *The annexation will not adversely affect the quality of the community's air, water, and land resources.*

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.*

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.

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

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

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 South Valley Bank & Trust. Commercial and personal finance needs of citizens will be satisfied more conveniently.

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

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.

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.

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 of existing public facilities and services.

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

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.

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