



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

AMENDED NOTICE OF ADOPTED AMENDMENT

October 17, 2007

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 006-07



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: October 29, 2007

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

<paa> n

DLCD NOTICE OF ADOPTION

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)

OCT 10 2007

DEPT OF

Jurisdiction: City of Klamath Falls Local File No.: 21A-07

(If no number, use none)

Date of Adoption: 10-2-07 Date Mailed: 10-08-07

(Must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 6-26-07

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."

Proposal to Annex 1.86 Acres of General Commercial Zoned property into 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: n/c to n/c

Zone Map Changed from: General Commercial to General Commercial

Location: 2207 Washburn Way Acres Involved: 1.86 ac

Specify Density: Previous: n/c New: n/c

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: X

DLCD File No.: 006-07 (16206)

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 Nobel Area Code + Phone Number: 541-883-5254

Address: ~~222 + + + + +~~ PO Box 237

City: Klamath Falls Zip Code+4: 97603

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**.

Com. Dev

Ordinance No. 07-21

**A SPECIAL ORDINANCE ANNEXING 1.86 ACRES OF GENERAL
COMMERCIAL ZONED PROPERTY EAST OF WASHBURN WAY
IDENTIFIED ON MAP R-3909-03BC TAX LOTS 1200 AND 1300**

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation of certain real property, which property is hereinafter described; and

WHEREAS, a public hearing was held on August 13, 2007 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 September 4, 2007, 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:

A tract of land being a portion of Lot 2, Block 3 of "tract 1080 - Washburn Park", situated in the SW ¼ NW ¼ of Section 3, T39S, R9EW, Klamath County, Oregon, Being more particularly described as follows:

The northerly 202.24 feet of said lot 2 containing 1.86 acres more or less.

The zoning designation of the property will be General Commercial.

Passed by the Council of the City of Klamath Falls, Oregon, the 1st day of October, 2007.

Presented to the Mayor, approved and signed this 2nd day of October, 2007.



Mayor

ATTEST:

Shirley Kappas
City Recorder, Deputy

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 1st day of October, 2007 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

Exhibit B
FINDINGS

I. RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND 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.*

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 the City General Commercial properties to the west, and south. Adjacent property to the north and east is zoned Heavy Industrial in the County.

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

Response: This annexation will not encroach upon forestland. This property is already in a developed area and adjacent to the General Commercial zoned properties to the west, and south. Adjacent property to the north and east is zoned Heavy Industrial in 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 General Commercial properties 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 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 relatively flat, so 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: 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: Not applicable. The property is already zoned for general commercial use; therefore the annexation of the property will not have an effect on the community's housing needs.

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

Response: This property is already developed, however the owners desires to redevelop the property. Redevelopment of the property will provide employment opportunities for individual in the building industries and then once developed employment opportunities from the new businesses.

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

Response: The 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 in question abuts 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 redeveloped, 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 uses. This area contains Commercial and Industrial developments.

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