



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

January 24, 2008



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 010-07

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 5, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Erik Nobel, City Of Klamath Falls

<paa> ya

FORM 2

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)

LAND CONSERVATION
AND DEVELOPMENT

JAN 17 2008

DEPT OF

Jurisdiction: City of Klamath Falls Local File No. 1127

(If no number, use none)

Date of Adoption: 7th January 2008
(Must be filled in)

Date Mailed: 1-15-08
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1-15-08

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."

Annexation of Parcel 2 and 3 of Land Partition
43-97.

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/A to _____

Zone Map Changed from: N/A to _____

Location: Tax Lots R-5909-3CC-102 + 103 Acres Involved: 4.01

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

Applicable Statewide Planning Goals: 1, 2

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 010-07(16446)

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: _____

Klamath County and City of Klamath Falls

Local Contact: Erik Nibel Area Code + Phone Number: 541-883-8254

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. 08-01

A SPECIAL ORDINANCE ANNEXING PARCELS 2 AND 3 OF LAND PARTITION 43-97, LOCATED EAST OF BROADMORE STREET, AND WEST OF AVALON, TOTALING 4.01 ACRES PROPERTY ZONED HEAVY INDUSTRIAL .

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 November 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 December 17, 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 will be in compliance with the Community Development Ordinance and the Comprehensive Plan once the attached conditions (Exhibit C) are met; and

WHEREAS, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit B; NOW, THEREFORE,

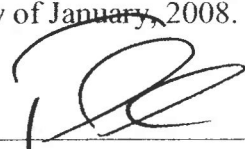
THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

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 and 3 of Land Partition 43-97, located east of Broadmore Street and west of Avalon. This annexation is subject to the conditions set forth in Exhibit C.

The zoning designation of the property will be Industrial.

Passed by the Council of the City of Klamath Falls, Oregon, the 7th day of January, 2008.

Presented to the Mayor, approved and signed this 8th day of January, 2008.



Mayor

ATTEST:



Deputy Recorder

STATE OF OREGON }
COUNTY OF KLAMATH }ss.
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 7th day of January, 2008 and therefore approved and signed by the Mayor and attested by the Deputy Recorder.

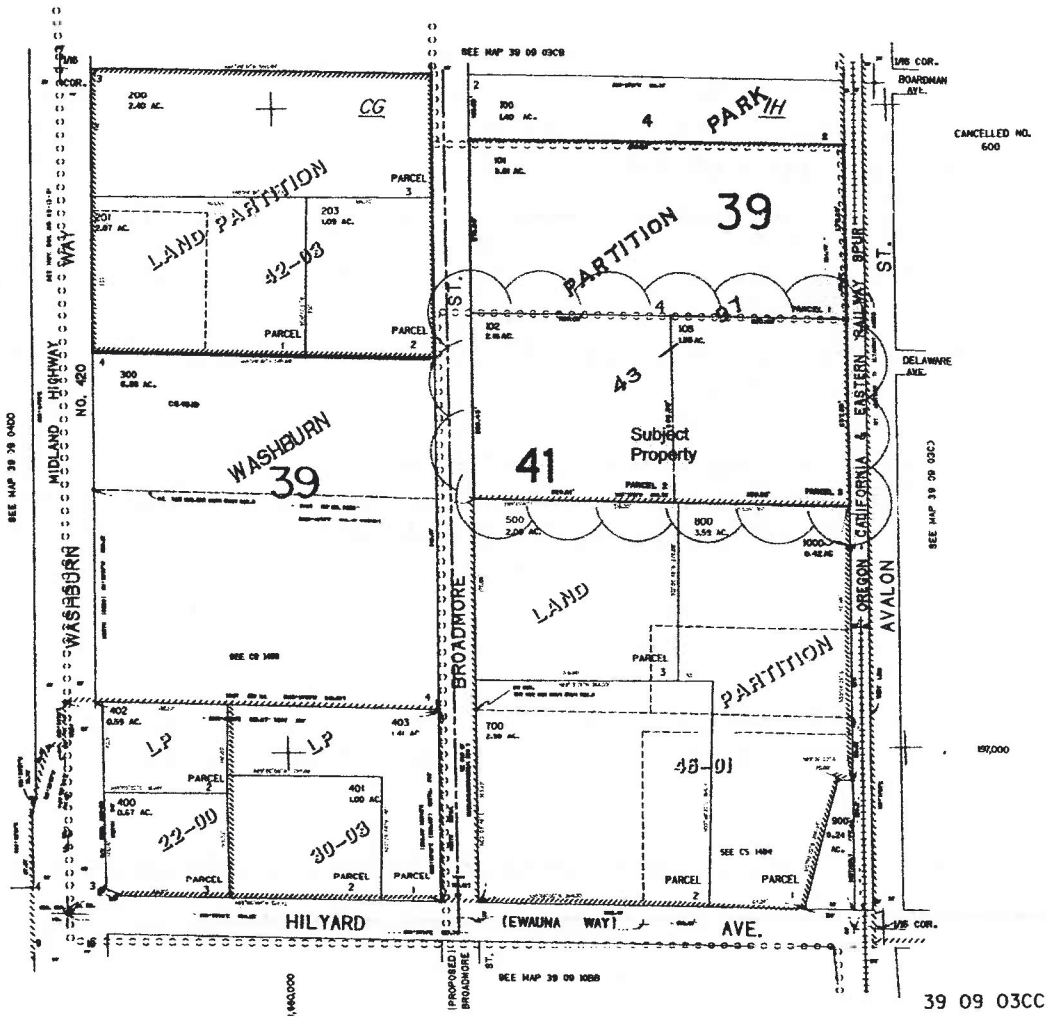
City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP
NO SCALE

THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY

SW1/4 SW1/4 SEC. 03 T.39S. R.09E. W.M.
 KLAMATH COUNTY

39 09 03CC



CANCELLED NO.
 600

39 09 03CC

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 Heavy Industrial uses. This property is already in a developed area and adjacent to the properties zoned General Commercial to the north and west, Industrial to the south and east, and residential to the east.

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

Response: This annexation will not encroach on forest lands. This property is zoned for Heavy Industrial uses. This property is already in a developed area and adjacent to the properties zoned General Commercial to the north and west, Industrial to the south and east, and residential to the east.

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 industrial 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 is not expected to affect the quality of the community air, water, and land resources.

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 is not expected to pose any threat to the area. This annexation is not expected to 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 industrial; 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 providing the community with industrial related employment. It is possible that a new business would occupy Parcel 3, diversifying and improving the community economy.

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. If Parcel 3 requires water from the city, a main line extension is necessary on Avalon Street.

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

Response: Not applicable. The streets in this area are developed.

11) *The annexation will aid in conserving energy.*

Response: This annexation will aid in conserving energy. This 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 Industrial developments.

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

Exhibit C

CONDITIONS

- 1) The applicant shall bring parcel 2 into compliance with the City Standards within six months of the date on the annexation ordinance.
- 2) The applicant shall bring parcel 3 into compliance with City Standards prior to the structure being occupied.
- 3) The applicant shall submit plans to City Planning for review and approval prior to any paving, landscaping, installation of signage, or construction.
- 4) The applicant shall contact City Engineering to determine if a site construction permit is required.
- 5) If a site construction permit is required then the applicant shall obtain the permit prior to the start of any construction.
- 6) The applicant shall contact South Suburban Sanitary District regarding potential System Development Charges.
- 7) Parcel 3 will be required to construct a water main line extension, on Avalon, to receive water service to this site. The applicant shall discuss details with the City Engineering office prior to designing the water main extension