



Oregon

Theodore R. Kubongoski, 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

06/16/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Klamath Falls Plan Amendment
DLCD File Number 004-09

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: Monday, June 29, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Kelly O Neill, City of Klamath Falls
Gloria Gardiner, DLCD Urban Planning Specialist

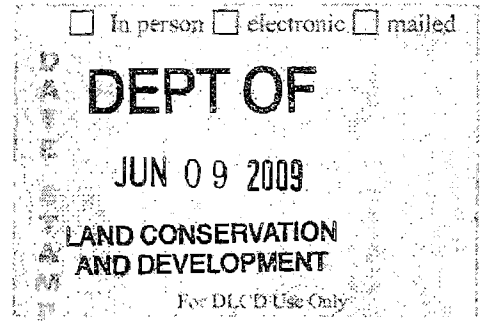
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PROP 2

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



Jurisdiction: CITY OF KLAMATH FALLS

Local file number: 3-A-09

Date of Adoption: 06/01/2009

Date Mailed: 06/08/2009

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 02/12/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

ORS 222.170 and City of Klamath Falls procedures allow the City to annex property that has consented through an agreement. State law also allows the City to annex property contiguous with City boundary lines without holding an election when more than half of the owners of land in the area, who also own more than half of the land in the contiguous area, and who own more than half of the taxable assessed value of all property, consent to annex. Total acreage annexed is 2.24 acres.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: N/A

to: N/A

Zone Map Changed from: N/A

to: N/A

Location: See Maps

Acres Involved: 2.24

Specify Density: Previous: N/A

New: N/A

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-09 (17378) [15547]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Klamath Falls, Klamath County, Klamath County & Klamath Falls School Districts, Qwest, PP&L, ODOT, Klamath County Fire District #4, Charter Communications, Basin Transit, Avista Gas, City of Klamath Falls Airport.

Local Contact: Kelly O'Neill
Address: 226 S. 5th Street
City: Klamath Falls

Zip: 97601

Phone: (541)883-5361 Extension: 369

Fax Number: 541-883-5390

E-mail Address: koneill@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 Complete Copies (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also 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. 09-08

A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF KLAMATH FALLS, CONSISTING OF APPROXIMATELY 2.24 ACRES OF PROPERTY LOCATED ADJACENT TO ORINDALE ROAD, ESTABLISHING CITY ZONING DESIGNATIONS OF SINGLE FAMILY RESIDENTIAL AS APPLICABLE TO EACH PARCEL, DECLARING AN EFFECTIVE DATE FOR THE ANNEXATION OF JANUARY 1, 2010 AND PROVIDING FOR LIMITED, PARTIAL CITY TAX ABATEMENTS PURSUANT TO ORS 222.111(3)

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation of certain parcels of real property by the City of Klamath Falls; all such parcels are hereinafter described; and

WHEREAS, ORS 222.170 allows a city to annex territory contiguous with the city “if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory. . .;” and

WHEREAS, the current or previous owners of two of the three affected parcels have entered into annexation agreements consenting to annexation in exchange for immediate access to City utilities and memoranda of all such agreements have been recorded in the property records of Klamath County; and

WHEREAS, the two consenting property owners also own more than half of the land in the territory being annexed (1.24 acres of 2.24 acres in the contiguous territory) and more than half of the assessed value of all real property in the territory being annexed (\$101,610 of \$162,230 for the contiguous territory); and

WHEREAS, the current owner of one of the affected parcels has not entered into an annexation agreement and has not consented to the annexation, but has been included in this annexation process to organize the City boundary in a manner that provides the most efficient delivery of services; and

WHEREAS, the one parcel that did not enter into an annexation agreement comprises less than half of the owners of land in the territory, comprises less than half of the ownership of land in the territory and represents less than half of the assessed property value in the contiguous territory; and

WHEREAS, hearing notices were duly given and a public hearing was held on April 13, 2009, at which time the Planning Commission considered all evidence and objection regarding the proposed annexation of the described parcels and recommended approval of the annexation to City Council; and

WHEREAS, hearing notices were duly given and the City Council held a public hearing on May 18, 2009, on the recommendation of and including the record of the Planning Commission concerning the proposed annexations; and

WHEREAS, pursuant to such record and hearing the City Council has determined the annexation of the parcels described herein to be in compliance with the Community Development Ordinance and the Comprehensive Plan; and

WHEREAS, pursuant to ORS 222.111(3) the City has agreed to partial City property tax abatements for a period of five (5) fiscal years; and

WHEREAS, the City Council adopted the findings of the Planning Commission, as modified by City staff, which are attached hereto as Exhibit C and incorporated by this reference; NOW, THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1.

The following parcels of property, consisting of approximately 2.24 acres as shown on the maps attached hereto as Exhibits A and B and legally described below, are hereby annexed to the City of Klamath Falls, with the City zoning designations as indicated with each parcel:

Tax Map	Tax Lot	Address	Zoning	Acres	Assessed Value
R-3908-012DB	400	No Address (Orindale Rd)	SF	0.32	\$48,110.00
R-3908-012DA	500	3433 Orindale Road	SF	0.92	\$53,500.00
R-3908-012DA	400	3415 Orindale Road	SF	1.00	\$60,620.00

ORINDALE ROAD-BALSAM DRIVE AREA ANNEXATION BOUNDARY DESCRIPTION

A tract of land situated in the NW1/4 SE1/4 and the NE1/4 SE1/4 of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the northeast corner of Lot 2, DeWitt Homes, a duly recorded subdivision in the County of Klamath, State of Oregon, said point being on the westerly right of way line of Orindale Road; thence South 89°49' 00" West, 163.4 feet to the northeast corner of said Lot 2; thence Southerly along the west line of said Lot 2, a distance of 85.00 feet; thence North 89°49' 00" East, parallel to the north line of said Lot 2, 163.4 feet to a point on the westerly right of way line of Orindale Road; thence continuing North 89°49' 00" East 30.00 feet to a point on the Orindale Road right of way centerline, said line also being the west line of the NE1/4 SE1/4 of said Section 12; thence South 01°18'00" West along said line to a point that is South 01°18'00" West, 532.90 feet from the northwest corner of the NE1/4 SE1/4 of said Section 12; thence East, along the south line of that property described in Deed Volume M92 at Page 20434 of the Klamath County deed records, a distance of 386.42 feet to a point; thence North a distance of 112.7 feet to the southeast corner of that property described in Deed Volume M92 at Page 20842 of the Klamath County deed records; thence North 01°18'00" East, 122.69 feet to the northeast corner of said Deed Volume M92-20842; thence West, along the north line of said Deed Volume M92-20842 and the westerly extension thereof, a distance of 383.86 feet more or less to a point on the centerline of Orindale Road; thence South 01°18'00" West, 37.7 feet more or less, along said centerline to a point that is North 89°49' 00" East, a distance of 30.0 feet from the northeast corner of Lot 2, DeWitt Homes; thence South 89°49' 00" West, 30.0 feet to the Point of Beginning.

Section 2.

The effective date for the annexation of all parcels described herein shall be January 1, 2010.

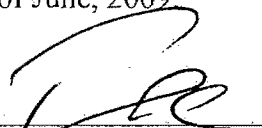
Section 3.

Pursuant to ORS 222.111(3), the rate of taxation by the City for City real property taxes due in the annexed territory, as described in Section 1 of this Ordinance, (hereinafter collectively referred to as "City Taxes") shall be as follows:

- Tax Year 1 (July 1, 2010 – June 30, 2011): Owner pays \$.80 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 2 (July 1, 2011 – June 30, 2012): Owner pays \$1.60 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 3 (July 1, 2012 – June 30, 2013): Owner pays \$2.40 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 4 (July 1, 2013 – June 30, 2014): Owner pays \$3.20 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 5 (July 1, 2014 and thereafter): 0% abatement of City Taxes; Owner pays 100% of City tax rate.


Passed by the Council of the City of Klamath Falls, Oregon, the 1st day of June, 2009.

Presented to the Mayor, approved and signed this 2nd day of June, 2009



Mayor

ATTEST:



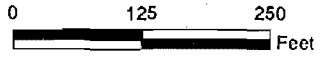
City Recorder

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 1st day of June, 2009 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

Orindale and Balsam Area



Consent Owners = 2
Triple Majority Owner = 1

Consent Value = \$101,610
Triple Majority Value = \$60,620

Consent Acres = 1.24
Triple Majority Acres = 1.00

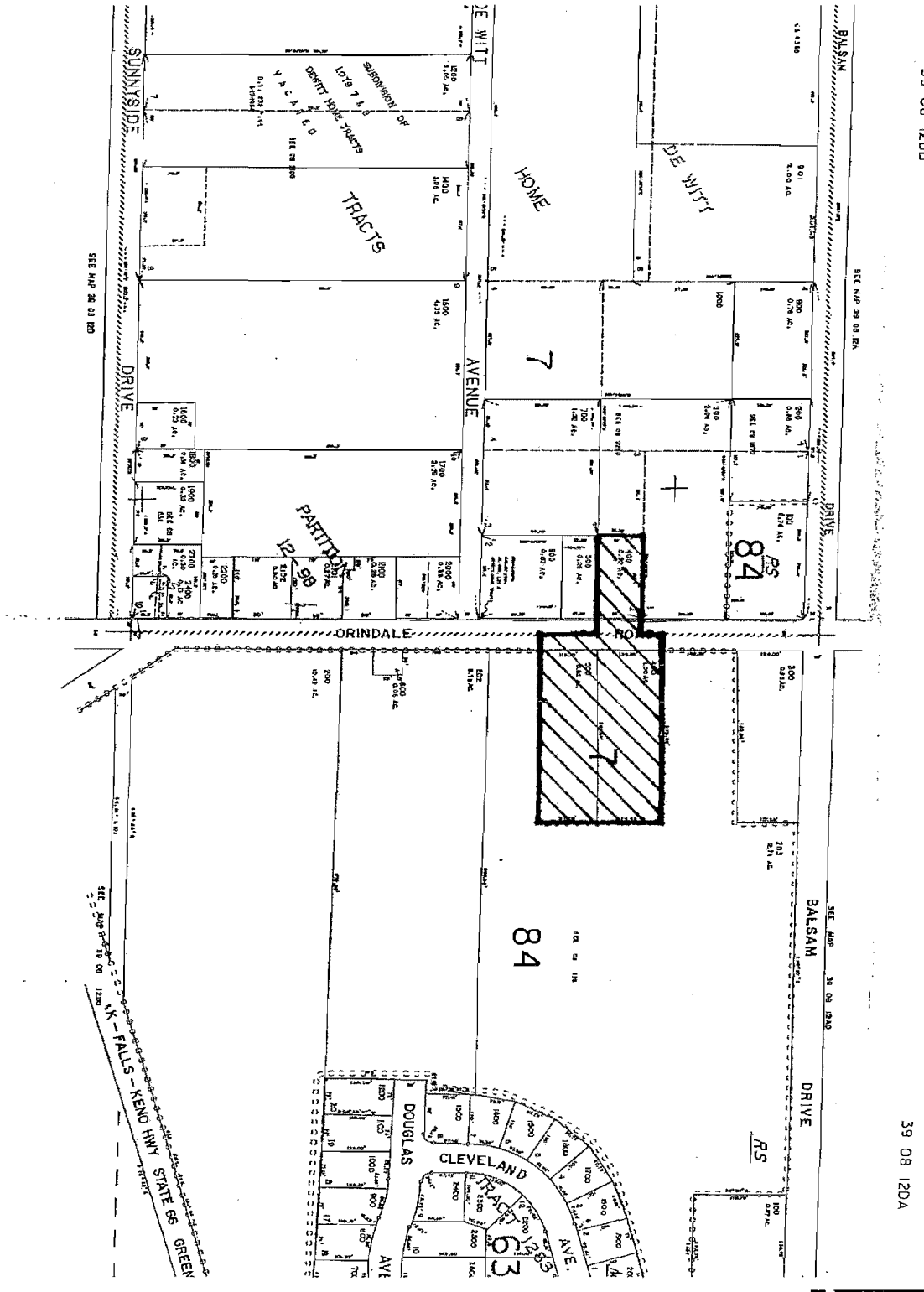
- Klamath Falls City Limits
- Right-of-Way Proposed for Annexation
- Triple Majority Property Proposed for Annexation
- Consented Properties Proposed for Annexation

Exhibit A
VICINITY MAP



Exhibit B

Portions of two County Assessor maps (area proposed for annexation identified with outline)



**Exhibit C
FINDINGS**

RELEVANT REVIEW CRITERIA AND PROPOSED FINDING

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 and Oregon statutes relating to Annexation (ORS Chapter 222, as applicable).

Criterion: *The annexation conforms to the Comprehensive Plan.*

- 1) *The annexation will not encroach upon agricultural ground.*

Facts and Analysis

The proposed annexation involves land that is already developed or approved for development within the Urban Growth Boundary. Said land is not zoned Exclusive Farm Use (EFU) and is in conformance with Oregon Statewide Planning Goal 3: Agricultural Lands, OAR 660-015-0000(3).

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

Facts and Analysis

The proposed annexation involves land that is already developed or approved for development within the Urban Growth Boundary. Said land is not zoned Forestry/Range (FR) and is in conformance with Oregon Statewide Planning Goal 4: Forest Lands, OAR 660-015-0000(4).

- 3) *The annexation will help conserve open space and protect natural resources.*

Facts and Analysis

The proposed annexation involves land that is already developed or approved for development within the Urban Growth Boundary. Said land is not zoned for Open Space or Natural Resource Preservation and is in conformance with Oregon Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces, OAR 660-015-0000(5). Preservation of wetlands or other natural resource areas will be addressed as development occurs.

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

Facts and Analysis

The proposed annexation involves land that is already developed or is appropriate for development within the Urban Growth Boundary. Annexation of said land will not adversely affect the quality of air, water, or land resources and is in conformance with Oregon Statewide Planning Goal 6: Air, Water, and Land Resources Quality, OAR 660-015-0000(6).

- 5) *The annexation will not endanger life or property from natural disasters or hazards.*

Facts and Analysis

The proposed annexation will not increase the probability of endangering life or property from natural disasters or hazards. Annexation of said land is in conformance with Oregon Statewide Planning Goal 7: Areas Subject to Natural Hazards, OAR 660-015-0000(7).

- 6) *The annexation will help satisfy the citizen's recreation needs.*

Facts and Analysis

The proposed annexation will not affect the citizen's recreational needs. Annexation of said land is in conformance with Oregon Statewide Planning Goal 8: Recreational Needs, OAR 660-015-0000(8).

- 7) *The annexation will help satisfy the community's housing need.*

Facts and Analysis

The proposed annexation will not affect the community's housing needs. Annexation of said land is in conformance with Oregon Statewide Planning Goal 10: Housing, OAR 660-015-0000(10).

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

Facts and Analysis

The proposed annexation will not affect the community's economic needs. Annexation of said land is in conformance with Oregon Statewide Planning Goal 9: Economic Development, OAR 660-015-0000(9).

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

Facts and Analysis

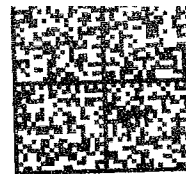
The proposed annexation involves land and rights-of-way that are already developed or approved for development within the Urban Growth Boundary. Annexation of said land will create a timely, orderly, and efficient arrangement of public facilities and services and is in conformance with Oregon Statewide Planning Goal 11: Public Facilities and Services, OAR 660-015-0000(11). **“Local Governments should not allow the establishment or extension of sewer systems outside urban growth boundaries or unincorporated community boundaries.”** Land being annexed would be extended the full range of general fund City services, including City law enforcement.

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

Facts and Analysis

The proposed annexation involves land and rights-of-way that are already developed or approved for development within the Urban Growth Boundary. Annexation of said land will help provide a safe, convenient, and economic transportation system and is in conformance with Oregon Statewide Planning Goal 12: Transportation, OAR 660-015-0000(12).

CITY OF KLAHATH FALLS
PLANNING DEPARTMENT
P.O. Box 237
Klamath Falls, OR 97601



Hasler

\$02.070
06/08/2009
Mailed From 97601
US POSTAGE

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**