



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

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 005-09

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.

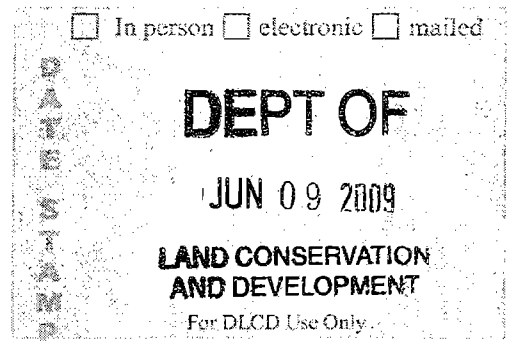
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<paa> N

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: **5-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 the City of Klamath Falls procedures allow the City to annex property that has consented through an agreement. Properties annexed consented in 1997 and 2009. All properties are contiguous with City boundary lines. The total amount of acreage annexed is 15.24 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: **15.24**

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

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. 005-09 (17379) [15548]

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

City of Klamath Falls, Klamath County, Klamath County and Klamath Falls School Districts, Qwest, PP&L, ODOT, Klamath County Fire District #1, Charter Communications, Basin Transit, Avista Gas, South Suburban Sanitary District (SSSD).

Local Contact: **Kelly O'Neill**

Phone: **(541) 883-5361** Extension: **369**

Address: **226 S. 5th Street**

Fax Number: **541-883-5390**

City: **Klamath Falls**

Zip: **97601**

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, or by emailing **larry.french@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 **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

ORDINANCE NO. 09-09

A SPECIAL ORDINANCE ANNEXING CERTAIN PARCELS OF PROPERTY TO THE CITY OF KLAMATH FALLS, LOCATED ADJACENT TO ORINDALE ROAD AND ANDERSON AVENUE, ESTABLISHING THE CITY ZONING DESIGNATIONS OF GENERAL COMMERCIAL AND MEDIUM DENSITY 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 222.125 allows a city to annex territory contiguous with the city “when all of the owners of land in that territory, and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the [city council];” and

WHEREAS, the current or previous owners of all the 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, 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 15.24 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:

- 1. Stonecrest Homes Inc. (R-3908-012D0-00701 & 00702) (See Assessor's map on Page 6)**
Zoning: General Commercial

Parcel 1 and 2 of Minor Land Partition 28-91 as recorded with Klamath County, located in SE ¼ of Section 12, T39S, R8E, WM, Klamath County, Oregon.

- 2. City of Klamath Falls (R-3909-014BA-00100) (See Assessor's map on Page 7)**
Zoning: Medium Density Residential

That portion of the NE1/4 NW1/4 of Section 14, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon lying southeast of the U.S.B.R. A-3 Lateral Canal.

EXCEPTING THEREFROM that portion of said NE1/4 NW1/4 lying within the Anderson Avenue right-of-way in Tract 1445 – Regency Estates-Phase 3, according to the official plat thereof on file in the office of the Klamath County Clerk.

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.

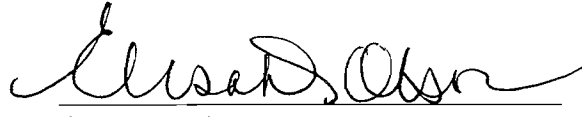
Passed by the Council of the City of Klamath Falls, Oregon, the 1st day of June, 2009.

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



Mayor

ATTEST:



City Recorder

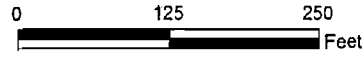
STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

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)

HWY 66 at Orindale Area

Consent Owners = 1 Consent Acres = 1.84



Legend

- Klamath Falls City Limits
- Consented Properties Proposed for Annexation
- Right-of-Way Proposed for Annexation
- Property Inside Klamath Falls Jurisdiction

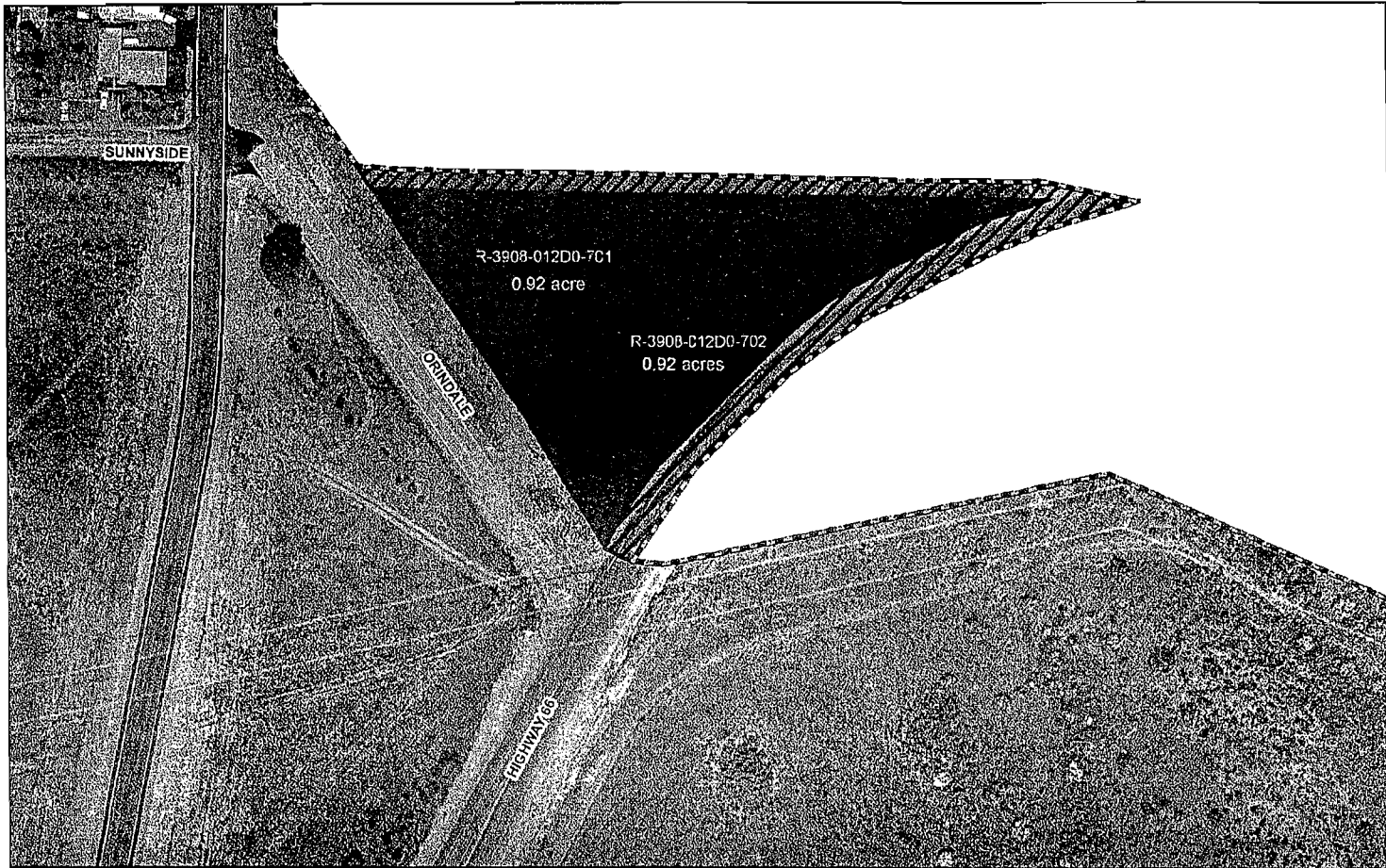
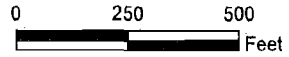


Exhibit A
VICINITY MAPS

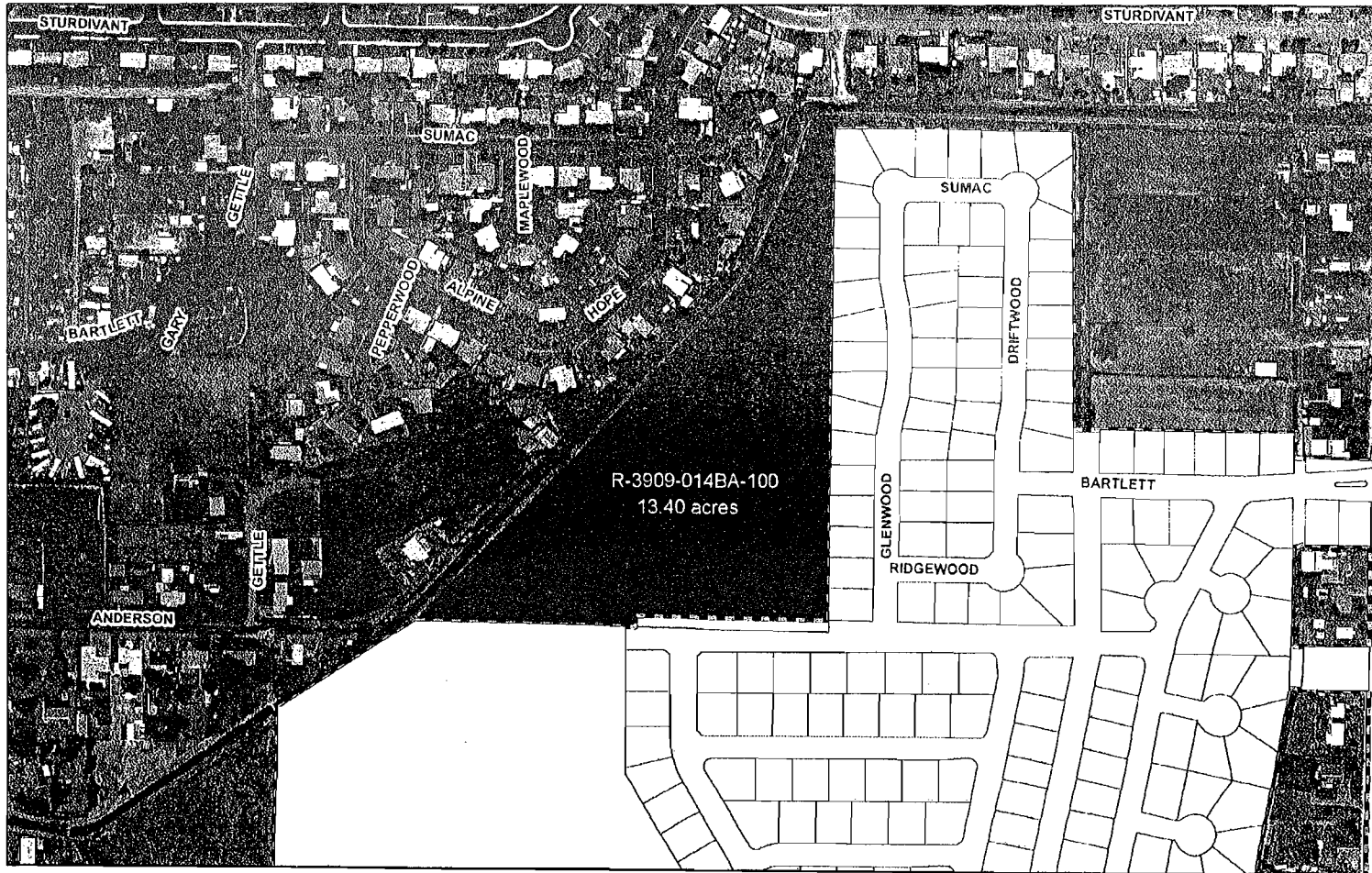
Southside Park Area

Consent Owners = 1

Consent Acres = 13.40



- Klamath Falls City Limits
- Property Inside Klamath Falls Jurisdiction
- Consented City Park Proposed for Annexation



REVISED 1-16-07

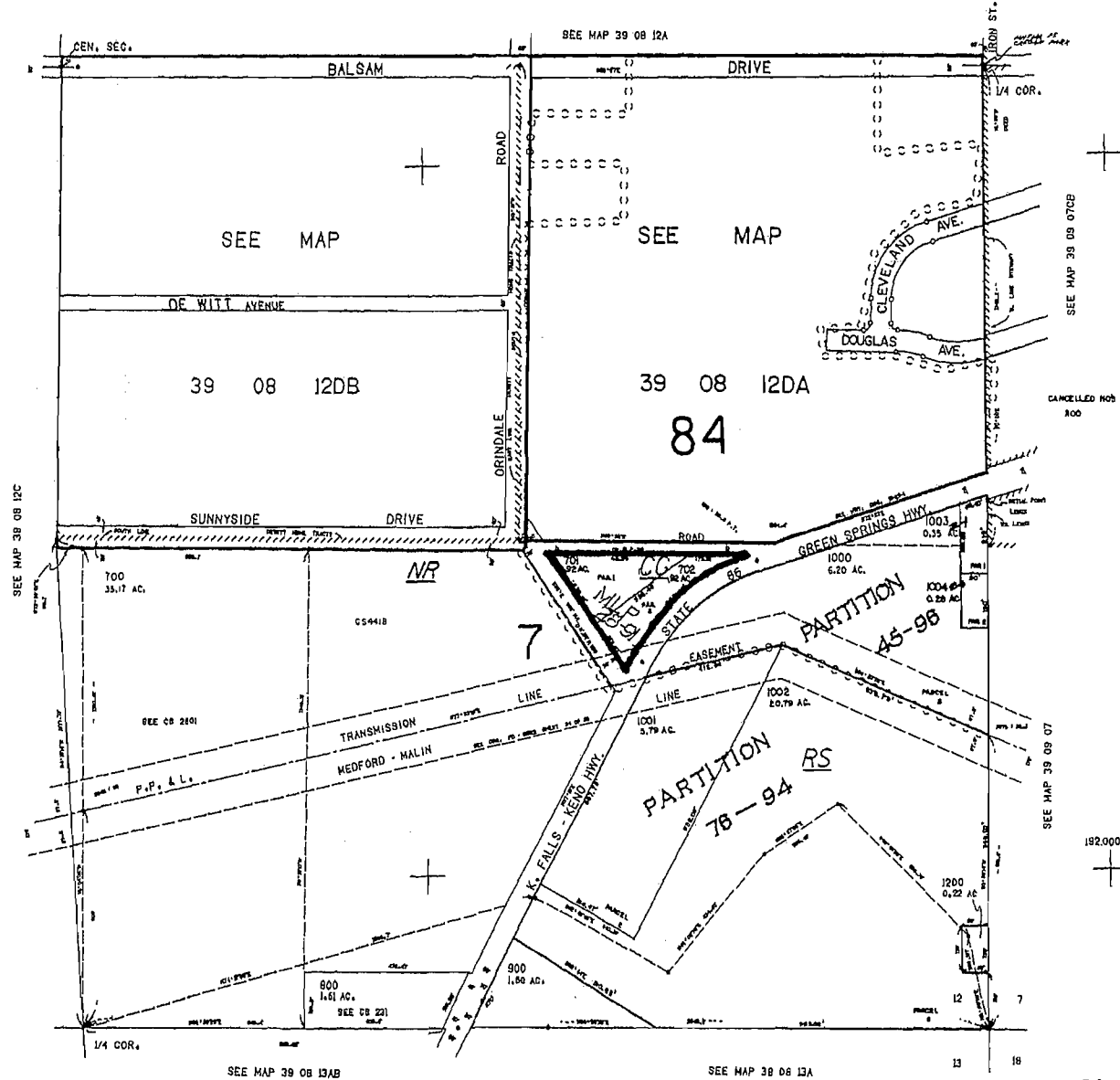
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SE1/4 SEC. 12 T.39S. R.08E. W.M.
KLAMATH COUNTY

1"=200'

39 08 12D

Exhibit B
Two Assessor Maps



39 08 12D

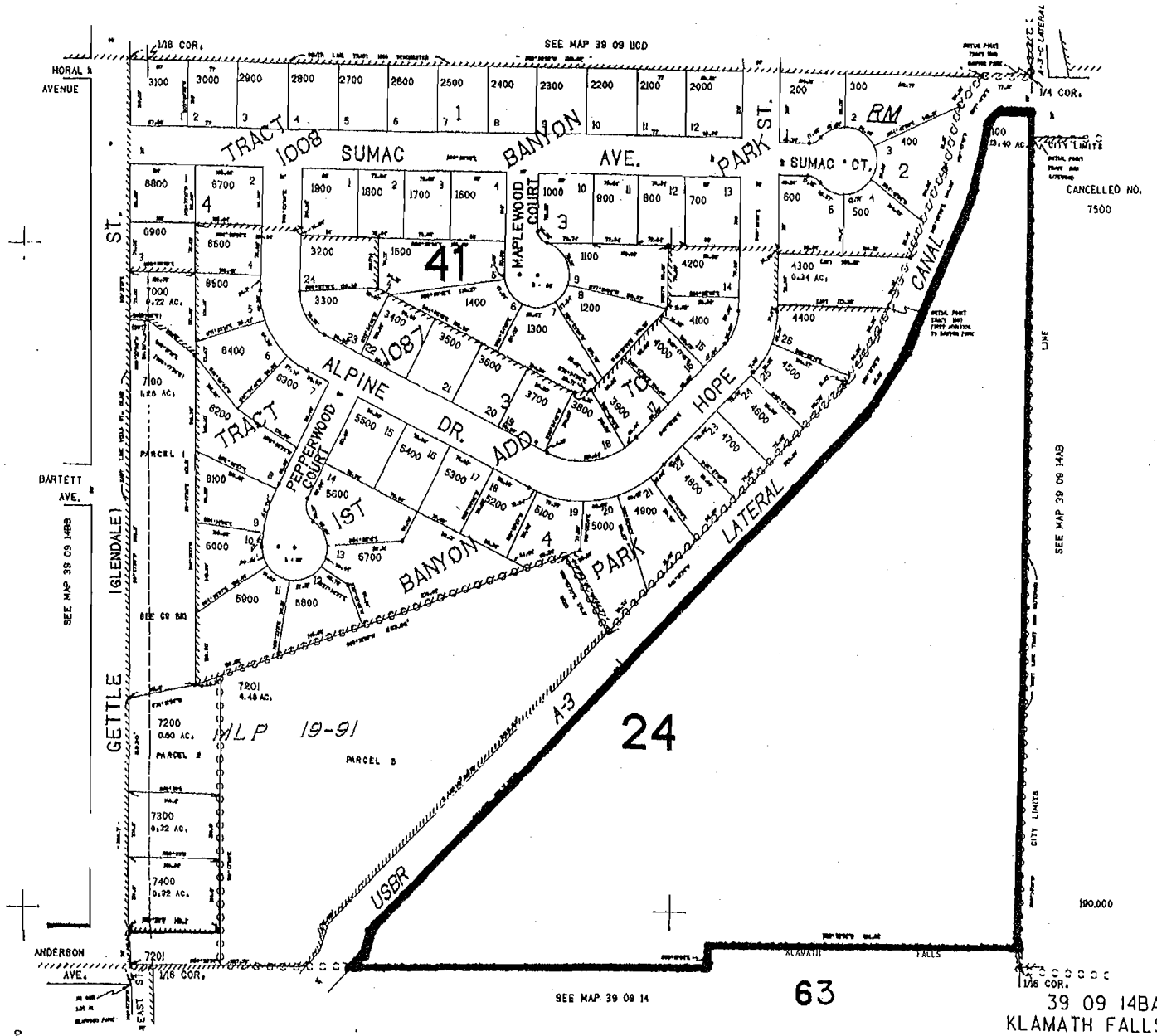
REVISED 10-31-08

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

NE1/4 NW1/4 SEC. 14 T.39S. R.09E. W.M.
KLAMATH COUNTY

1"=400'

39 09 14BA
KLAMATH FALLS



CANCELLED NO.
7500

SEE MAP 39 06 14B

190,000

SEE MAP 39 08 14

63

39 09 14BA
KLAMATH FALLS

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.

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).

- 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 approved 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). The 13.40 acres of land was purchased by the City for the development of a neighborhood park. Southside Park will help satisfy citizen recreational needs by providing a park and open space area in the south east corner (Gatewood Subdivision/Regency Estates Subdivision) of Klamath Falls.

- 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. The 13.40 acres for the future site of Southside Park does not currently use City water or sewer services, but has been requested to be annexed. This City land will eventually be developed as a park which will increase opportunity for recreation and provide people in the south east corner of Klamath Falls with additional public facilities.

- 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).

11) The annexation will aid in conserving energy

Facts and Analysis

The proposed annexation will not affect the community's ability to conserve energy. Annexation of said land is in conformance with Oregon Statewide Planning Goal 13: Energy Conservation, OAR 660-015-0000(13).

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

Facts and Analysis

The proposed annexation involves land that is already developed or approved for development within the Urban Growth Boundary. The proposed annexation will promote an orderly and efficient transition from rural to urban land uses. Annexation of said land is in conformance with Oregon Statewide Planning Goal 14: Urbanization, OAR 660-015-0000(14). **"Land within urban growth boundaries shall be considered available for urban development."** Land currently under County jurisdiction could become more urbanized/dense with the proposed annexation.

Finding

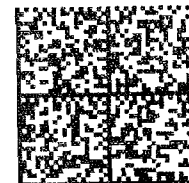
The proposed annexation conforms to the comprehensive plan. **This criterion is met.**

Criterion: The annexation complies with the requirements of ORS 222.125 which allows a city to annex territory contiguous with the city "when all of the owners of land in that territory, and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the [city council]."

Findings:

1. The territory being annexed is contiguous with the City.
2. The current or previous owners of all of the affected parcels and not less than 50 percent of the known electors in the territory 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.
3. **This criterion is met.**

OFFICE OF KLA WATH FALLS
PLANNING DEPARTMENT
P.O. Box 227
Klamath Falls, OR 97601



Hasler

012H16209577

\$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**