



Oregon

Theodore R. Kubongski, 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

12/21/2009

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 009-09

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, January 04, 2010

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 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
Mark Radabaugh, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA

NR01 **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: **6-A-09**

Date of Adoption: **12/08/09**

Date Mailed: **12/11/09**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **06/25/09**

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

The applicant, Adkins Consulting Engineers Inc. proposes to annex approximately 25.66 acres of land into the City of Klamath Falls. The property is currently undeveloped. The land owner, Cortez L.L.C is proposing a 79 lot single family home six phase subdivision. The property is zoned Suburban Residential (RS) in Klamath County and would be zoned Single Family Residential (SF) once annexed into the City.

Does the Adoption differ from proposal? Please select one

Not at all

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Approximately 1,800 feet to the north-west of the intersection of Highway 140 and Highway 66**

Acres Involved: **25.66 acres**

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. 009-09 (17661) [15892]

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

City of Klamath Falls, Klamath County, Klamath County School District, Klamath Falls City School District, Qwest, Pacific Power & Light, ODOT, Klamath County Fire District #1, Charter Communications, Basin Transit, Avista Gas

Local Contact: Kelly O'Neill

Phone: (541) 883-5360 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**.

Updated March 17, 2009

Planning

ORDINANCE NO. 09-15

**A SPECIAL ORDINANCE ANNEXING APPROXIMATELY 25.66 ACRES OF
LAND, LOCATED ON THE WEST SIDE OF HIGHWAY 140, NORTH OF
BALSAM DRIVE AND EAST OF ORINDALE ROAD**

WHEREAS, Cortez L.L.C. has submitted to the City of Klamath Falls a written proposal for annexation of certain parcels of real property that are hereinafter described; and

WHEREAS, hearing notices were duly given and a public hearing was held on September 28, 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 November 16, 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, the City Council adopted the findings of the Planning Commission, which are attached hereto as Exhibit C and incorporated by this reference; NOW, THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

There is hereby annexed to the City of Klamath Falls, a parcel of land as shown on the maps attached hereto as Exhibit A & Exhibit B and legally described as follows (the "Property"):

That portion of the NE1/4 NW1/4 of Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, lying Southwesterly of the Lake of Woods Highway 140. SAVING and EXCEPTING that portion conveyed to State of Oregon in Deed Volume M-68 on Page 3409, records of Klamath County, Oregon.

The Property can be found on Assessor's map R-3909-00700, tax lot 00301.

The zoning designation of the Property will be Single Family Residential (SF).


Passed by the Council of the City of Klamath Falls, Oregon, the 7th day of December, 2009.

Presented to the Mayor, approved and signed this 8th day of December, 2009.



Mayor

ATTEST:



City 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 December, 2009 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder (Deputy Recorder)

Exhibit A
VICINITY MAP

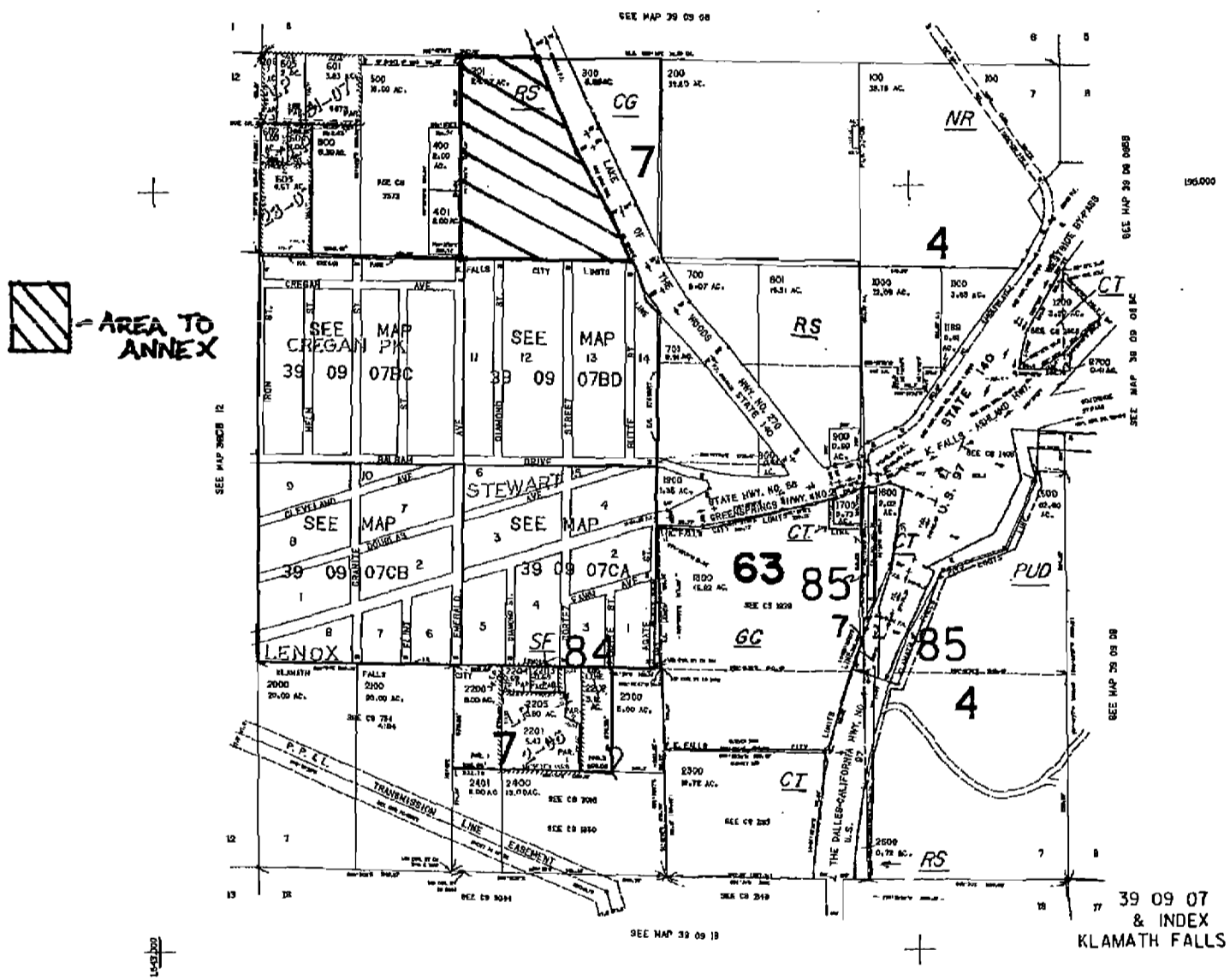


**Exhibit B
Assessor Map**

REVISED 1-10-08
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

SECTION 07, T.39S, R.09E, W.M.
KLAMATH COUNTY

39 09 07
& INDEX
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.*

Applicant Response

The current zoning for this area is Suburban Residential (RS) per County Zoning. The zone serves to implement the Comprehensive Plan calling for use of 1 to 4 dwelling units per acre. The general lay of the land is not conducive to agriculture because it is too hilly. The proposed City Zoning requested is Single-Family (SF).

Facts and Analysis

The proposed annexation involves land that is already 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.*

Applicant Response

There are no forest lands near the project site. After construction, there will be more trees on the site than there currently are.

Facts and Analysis

The proposed annexation involves land that is already 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.*

Applicant Response

Approximately 20% of the site lies under a power easement and will remain open space. The developer intends to use some of this area for retention/detention of storm water with the remaining area to be a single-family lot. Along the property line that borders Highway 140, a 10' buffer zone will be maintained along with required setbacks for houses and other structures.

Facts and Analysis

The applicant proposes a large 97,205 sq ft retention/detention pond and a smaller 9,997 sq ft detention pond. When dry and if no fences are proposed both of these areas could provide for some open space areas. The proposed annexation involves

land that is already 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.*

Applicant Response

The proposed subdivision does not take away from land resources since the land is currently vacant and no known resources are available on the land. During construction BMP measures will be implemented to alleviate erosion and to minimize dust in the air. Once the subdivision is constructed, grass lawns will replace the vacant fields of dirt and wild grasses, thus helping to prevent erosion and keep dirt from being stirred up by winds.

Facts and Analysis

The applicant proposes to use Best Management Practices (BMP) during construction which will help control construction-related erosion, sedimentation, and water and airborne pollutant releases. The proposed annexation involves land that is already 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.*

Applicant Response

There are no known natural hazard or disaster areas on or surrounding the property.

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.*

Applicant Response

The annexation will have no effect on the citizen's recreation needs. The convenient highway network allows for quick and easy access to city parks and other recreational facilities in the Klamath basin. A park is located on Balsam Drive allowing fulfillment of 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 City of Klamath Falls Parks, Recreation, and Open Space Master Plan does not identify the need for an additional park within close proximity of this proposed subdivision.

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

Applicant Response

This planned subdivision will increase tax revenue generated by the property. The 79 new home sites will increase the City's population. The new residents will work and engage in commerce in the area. During the construction process, construction jobs will be generated.

Facts and Analysis

As the applicant has stated the proposed subdivision would eventually increase the local housing stock by adding 79 single family homes. For the subdivision to be built at the proposed density the annexation would need to be approved. 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.*

Applicant Response

This proposed subdivision will provide new home sites that are similar in size of other home sites in (the) surrounding area, thus providing affordable housing for new residents to move into the area.

Facts and Analysis

The proposed annexation and subsequent subdivision will create some additional construction jobs. The houses will also increase property tax revenue for the City of Klamath Falls. Since no commercial/industrial development is proposed long term employment opportunities will not increase. There is no information on the affordability of the proposed homes. 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.*

Applicant Response

Existing water, sewer, power, telephone, gas, and cable TV are readily available in the area. The water line will loop through the property tying into existing water lines on the streets south of the property. Sewer will be gravity and will discharge into the existing City system located within the streets to the south of the property. Telephone, power, cable TV, & gas will be efficiently constructed in a common trench to all lots within the development.

Facts and Analysis

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.

Applicant Response

This proposed subdivision will have three access points to provide alternate routes of ingress and egress (Emerald Street and Cortez Street) to the existing residential neighborhood to the south. The internal streets will be looped to allow several routes of access. Connectivity will be provided to neighboring properties to the west to allow access for future development. Basin Transit bus stops are located nearby allowing residents to travel to and from the City, businesses, and to engage in commerce.

Facts and Analysis

There are three proposed points of access to Cortez, Diamond, and Emerald Streets, and a future extension west to the existing portion of Sue Drive. City staff recommends another potential access point to Butte Street. 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.

Applicant Response

Since downtown is so close and many shopping areas are available, residents will save energy in automobile fuel consumption by not having to drive as far. Also, with the bus service available, many residents may choose to ride the bus instead of driving.

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.

Applicant Response

Local access streets will be used that allow a safe ingress and egress to the proposed development. Internal streets within the proposed development will be constructed to City standards replacing an existing gravel access road on the property. Grass lawns will replace dirt and dry vacant fields. Trees will be planted in the street right-of-way and on individual lots, thus increasing the vegetation of the area. Neighboring properties to the west will be provided with new accesses to existing City streets.

Facts and Analysis

The proposed annexation involves land that is already 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.**

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

ATTN: PLAN AMENDMENT SPECIALIST
Department of Land Conservation & Development (DLCD)
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540



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