



# 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

8/30/2010

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 002-10

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: Wednesday, September 08, 2010

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.

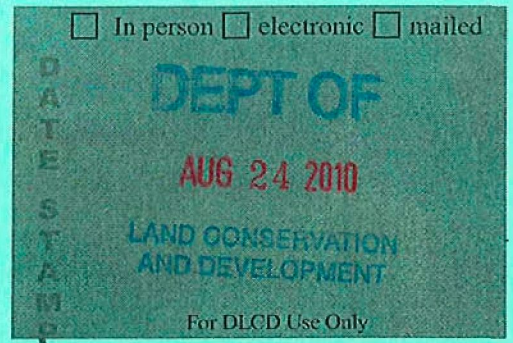
\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

Amanda Punton, DLCD Regional Representative  
Bill Holmstrom, DLCD Regional Representative  
Darren Nichols, DLCD Community Services Managers

<paa> YA

# 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: **1-A-10**

Date of Adoption: **08/17/10**

Date Mailed: **08/18/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **YES** Date: **05/05/10**

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".

The applicants, the City of Klamath Falls, Roger Kalar, and Anita Matys, all of who are property owners propose to annex approximately 61.36 acres of property within the Urban Growth Boundary into the City of Klamath Falls. Per Community Development Ordinance Section 13.140, if the proposed annexation is adopted the property would be assigned a similar zoning classification. The City of Klamath Falls property is zoned Heavy Industrial (IH) in the County and would become Industrial (I) in the City. Three of the Kalar lots are zoned High Density Residential (RH) in the County and would become Apartment Residential (A) in the City. One of the Kalar lots and the four Matys lots are zoned Suburban Residential (RS) in the County and would become Single Family Residential (SF) in the City.

Does the Adoption differ from proposal? **YES**

The Matys property which is 0.72 acres was added after the notice of proposed amendment to DLCD.

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

to: **N/A**

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

to: **N/A**

Location: The City property is east of Lake Ewauna, west of Union Pacific railroad, south of Spring Street, and north of the railroad trestle that traverses the Klamath River. The Kalar property is located on the northwest corner of Balsam Drive and Emerald Street. The Matys property fronts Flint and Emerald Streets, South of Cregan Avenue and North of Balsam Drive.

Acres Involved: **61.36 acres**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<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

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**DLCD file No.** \_\_\_\_\_

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

**City of Klamath Falls, Klamath County, Klamath Falls City School District, ODOT, Klamath County Fire District #1, Klamath County Fire District #4, Greg Davis, Qwest, Pacific Power & Light, Charter Communications, Basin Transit, Avista Gas, USBR, and South Suburban Sanitary District.**

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Local Contact: **Kelly O'Neill**

Phone: **(541) 883-5360** Extension: **369**

Address: **226 S. 5<sup>th</sup> Street**

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

City: **Klamath Falls**

Zip: **97601**

E-mail Address: **koneill@ci.klamath-falls.or.us**

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## **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](mailto: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](mailto:larry.french@state.or.us)** - **Attention: Plan Amendment Specialist.**

**ORDINANCE NO. 10-07**

**A SPECIAL ORDINANCE ANNEXING APPROXIMATELY 61.36 ACRES OF LAND, LOCATED WITHIN THE URBAN GROWTH BOUNDARY; 60 ACRES EAST OF LAKE EWAUNA AND WEST OF SOUTHERN PACIFIC RAILROAD PROPERTY, .64 ACRES ADJACENT TO BALSAM DRIVE AND EMERALD STREET, AND .72 ACRES ADJACENT TO FLINT AND EMERALD STREETS.**

**WHEREAS**, the City of Klamath Falls, Roger Kalar, and Anita Matys have 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 June 28, 2010, 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 August 2, 2010, 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, several parcels of land as shown on the maps attached hereto as Exhibit A & Exhibit B and legally described as follows:

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**KALAR PROPERTY**

Lots 1, 2, 3, and 7 of CREGAN PARK in the SW 1/4 NW 1/4 in Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

**MATYS PROPERTY**

Lots 18, 19, 32, and 33 of CREGAN PARK in the SW 1/4 NW 1/4 in Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

## CITY OF KLAMATH FALLS PROPERTY

### PARCEL 1:

Parcel 3 of Land Partition 43-00, being a portion of Government Lot 9 in the NW 1/4 of Section 4, Township 39 South, Range 9 East of the Willamette Meridian, and being a portion of Tracts 77 and 80 of Enterprise Tracts; all in Klamath County, Oregon.

CODE 025 MAP 3909-00400 TL 00301 KEY #887191

### PARCEL 2:

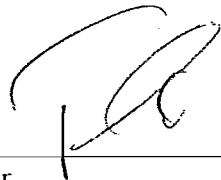
A parcel of land situate in Lots 79, 80 and 85 of ENTERPRRISE TRACTS, a duly recorded subdivision in Klamath County, Oregon, and in Section 4, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at a 1 inch iron pipe marking the Northeast corner of Government Lot 9 of said Section 4; thence South 00° 23' 00" East, 1320.14 feet to a 1 inch iron pipe on the North line of Lot 79 of said Enterprise Tracts, said point being the point of beginning for this description; thence South 89° 48' 30" West along the North line of said Lot 79, 688.46 feet to a 1 inch iron pipe; thence continuing South 89° 48' 30" West, 30.00 feet to a point on the bank of Lake Ewauna; thence Southerly following the bank of Lake Ewauna the following courses and distances: South 05° 25' 14" West, 49.12 feet; South 24° 40' 19" East, 325.16 feet; South 11° 25' 13" East, 518.73 feet; South 15° 52' 57" East, 209.20 feet; South 05° 41' 51" East, 168.92 feet; South 05° 02' 49" West, 1126.98 feet to a steel fence post; thence leaving said bank South 39° 05' 16" East, 54.16 feet to a point that is 20.00 feet Westerly of when measured at right angles to the centerline of the existing Great Northern Railroad tracks; thence Northerly and parallel to but 20.00 feet Westerly of the centerline of said tracks the following courses and distances; along the arc of a 934.93 feet radius curve to the left (delta = 46° 06' 00") 752.24 feet (long chord = North 38° 02' 00" East, 732.11 feet) to the end of simple curve and beginning of spiral curve; thence along the arc of a spiral curve to the left (long chord = North 10° 12' 10" East, 237.44 feet) to the end of spiral curve; thence North 07° 47' 01" East, 167.36 feet to the beginning of a simple curve to the left; thence along the arc of a 1125.92 feet radius curve to the left (delta = 8° 12' 13") 161.20 feet (long chord = North 03° 40' 55" East, 161.05 feet) to the end of curve; thence North 00° 25' 12" West, 645.63 feet to the beginning of a simple curve to the right; thence along the arc of a 2884.79 feet radius curve to the right (delta = 08° 19' 27") 419.11 feet (long chord = North 03° 44' 31" East, 418.76 feet) to the end of curve; thence North 07° 54' 15" East, 52.81 feet; thence leaving the line 20.00 feet Westerly of and parallel to said tracks North 30° 29' 08" West, 158.42 feet to the point of beginning.

The City of Klamath Falls property is zoned Heavy Industrial (IH) in the County and would become Industrial (I) in the City. Three of the Kalar lots (lots 2, 3, & 7 of Cregan Park) are zoned High Density Residential (RH) in the County and would become Apartment Residential (A) in the City. One of the Kalar lots and the four Matys lots are zoned Suburban Residential (RS) in the County and would become Single Family Residential (SF) in the City.

Passed by the Council of the City of Klamath Falls, Oregon, the 16<sup>th</sup> day of August, 2010.

Presented to the Mayor, approved and signed this 17<sup>th</sup> day of August, 2010.



\_\_\_\_\_  
Mayor

ATTEST:



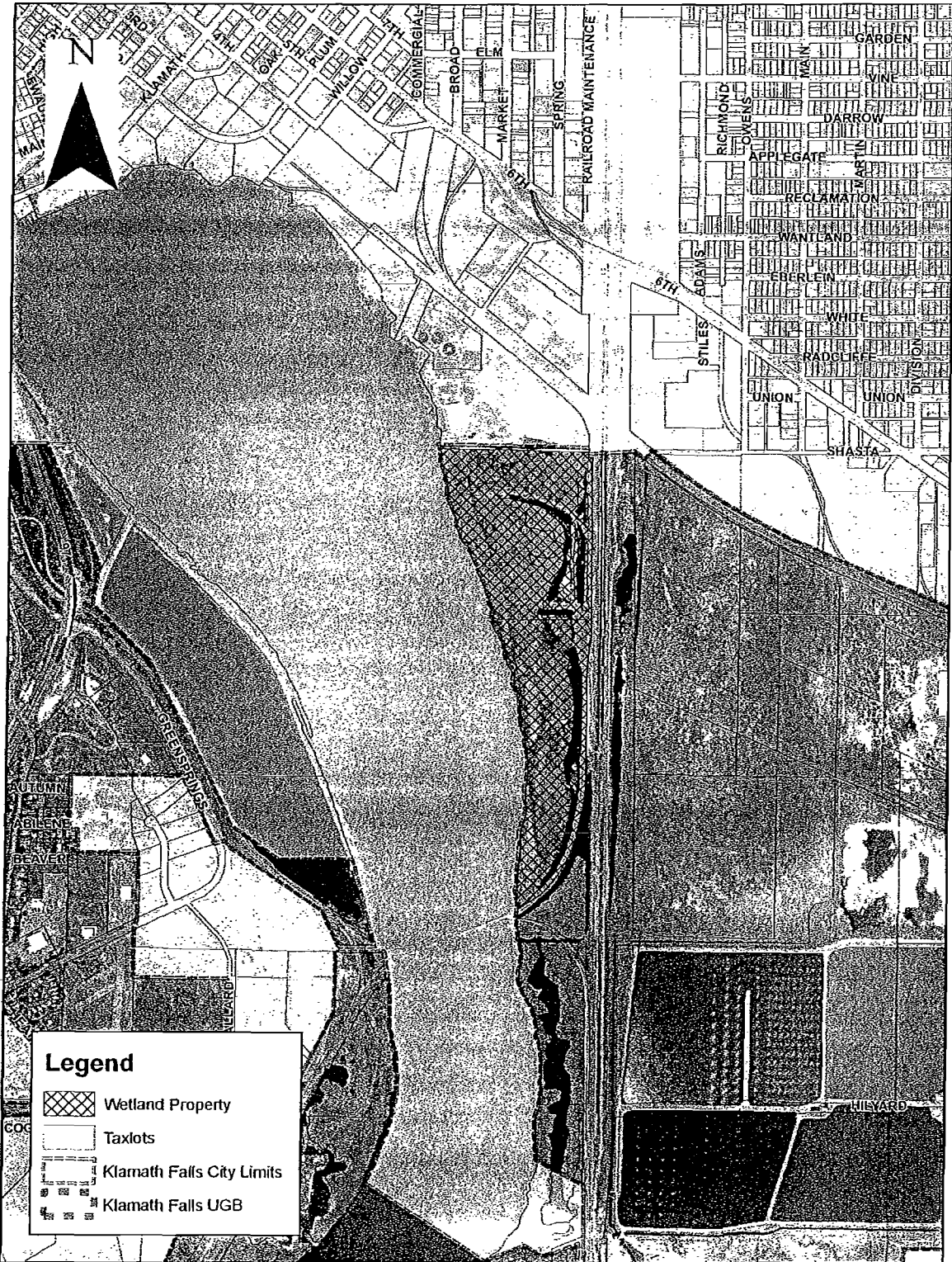
\_\_\_\_\_  
City Recorder

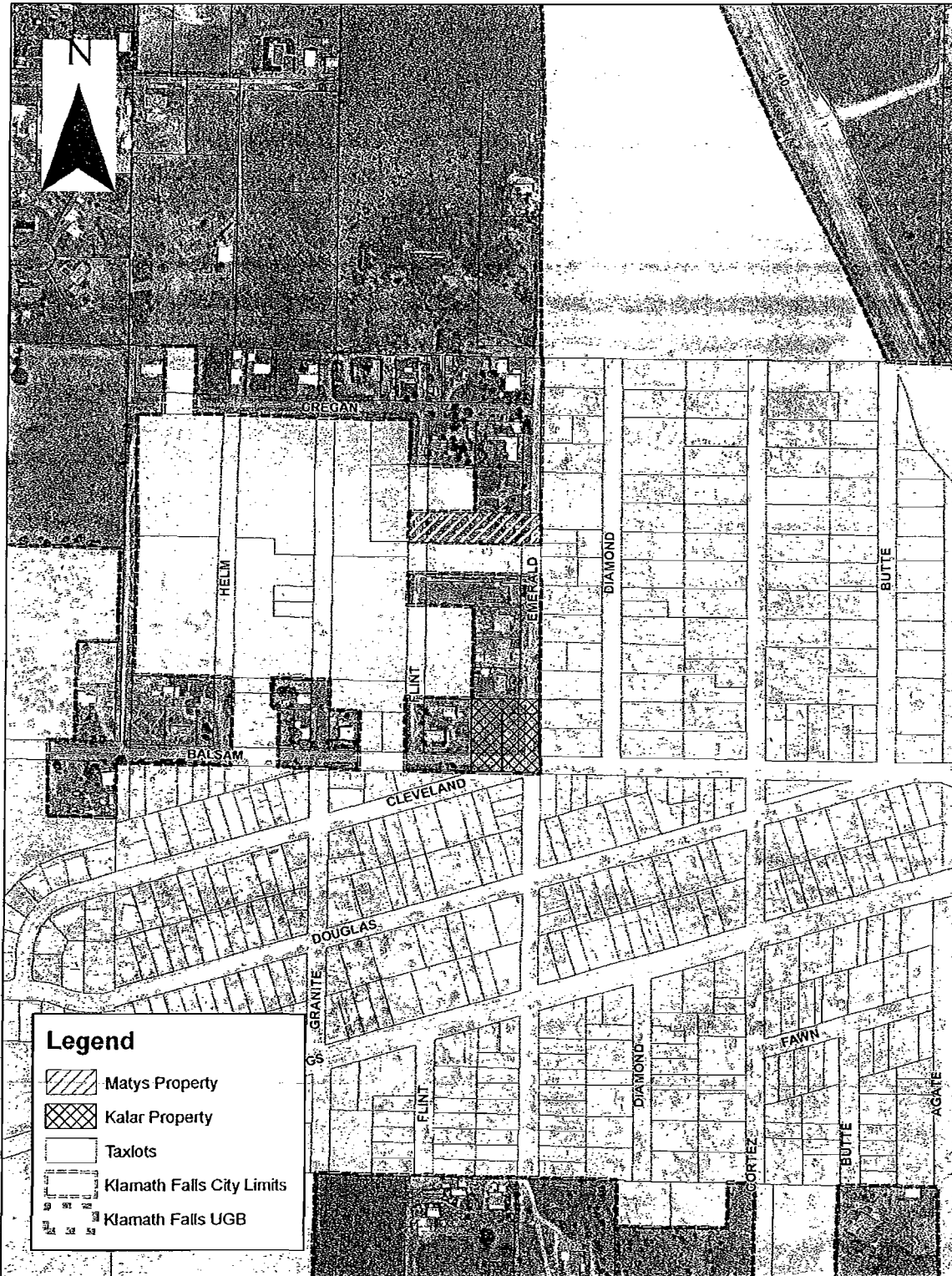
STATE OF OREGON                    }  
COUNTY OF KLAMATH            }  
CITY OF KLAMATH FALLS         }        SS

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 16<sup>th</sup> day of August, 2010 and therefore approved and signed by the Mayor and attested by the City Recorder

\_\_\_\_\_  
City Recorder (Deputy Recorder)

Exhibit A  
VICINITY MAPS





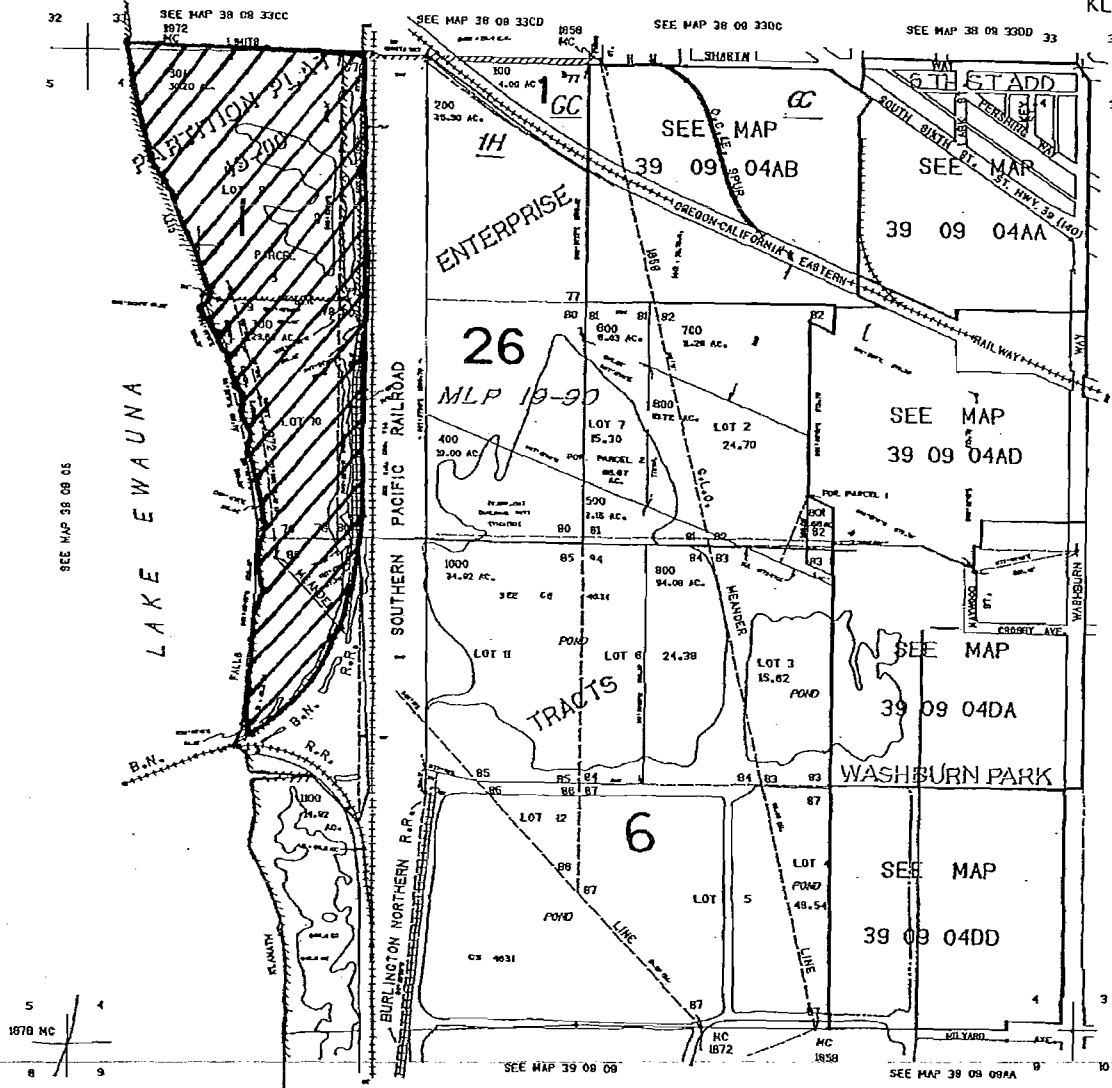


# Exhibit B ASSESSOR MAPS

REVISED 1-19-10  
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SECTION 04, T.39S, R.09E, W.M.  
KLAMATH COUNTY  
1"=400'

39 09 04  
& INDEX  
KLAMATH FALLS



- Proposed for Annexation

39 09 04  
& INDEX  
KLAMATH FALLS

REVISED 1-14-10  
 THIS MAP WAS PREPARED FOR  
 ASSESSMENT PURPOSE ONLY

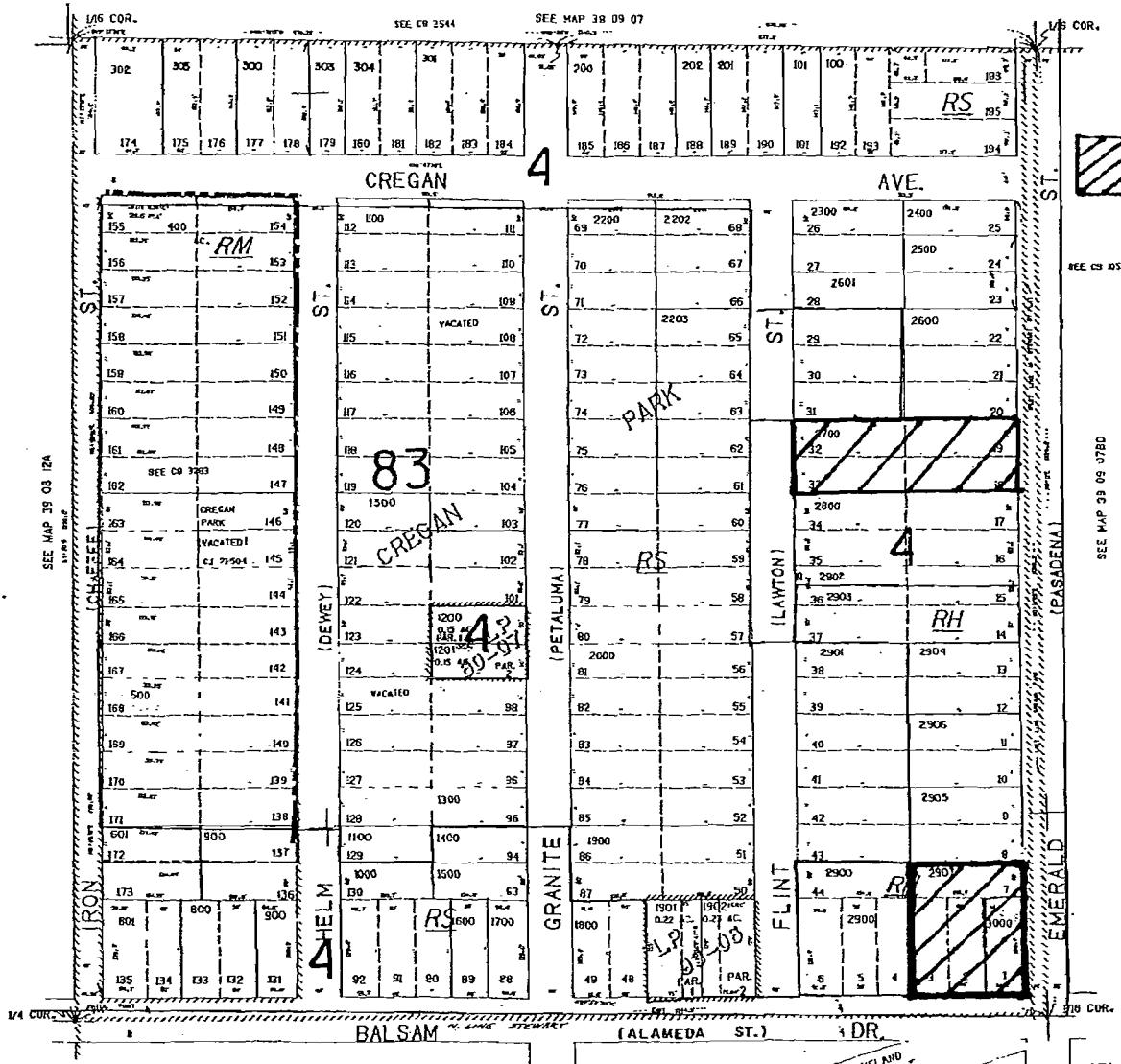
SW1/4 NW1/4 SEC. 07 T.39S. R.09E. W.M.  
 KLAMATH COUNTY

39 09 07BC

1"=100'

CANCELLED NO.  
 700

 Proposed  
 for  
 Annexation



SEE MAP 39 09 07BD

194,500

SEE MAP 39 09 07CB

39 09 07BC

**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.*

Response

The City of Klamath Falls property is zoned Heavy Industrial (IH) in the County and would become Industrial (I) in the City. Three of the Kalar lots are zoned High Density Residential (RH) in the County and would become Apartment Residential (A) in the City. One of the Kalar lots and the four Matys lots are zoned Suburban Residential (RS) in the County and would become Single Family Residential (SF) in the City. There are no designated agriculture lands near the properties proposed for annexation.

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.*

Response

There are no designated forest lands near the properties proposed for annexation.

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.*

Response

The property owned by the City of Klamath Falls will continue to be utilized as a wetland and will remain open space as designated in the City of Klamath Falls Parks, Recreation, and Open Space Master Plan.

Facts and Analysis

A portion of said land is not zoned for Open Space or Natural Resource Preservation, but will be used for such. The annexation 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.*

Response

The proposed annexation should not reduce land resources since the land is currently vacant and no known resources are available on the land. During future construction on the Kalar and Matys properties the City will encourage developers to use Best Management Practice measures to alleviate erosion and to minimize dust in the air. Once the land is developed, landscaping will replace the vacant fields of dirt and wild grasses, thus helping to prevent erosion and keep dust from being lifted by winds. The City owned property was developed as reclaimed wetlands, positively affecting the community's air, water, and land resources.

Facts and Analysis

The proposed annexation involves land that is already approved for development within the Urban Growth Boundary and land that is developed as wetlands. 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.*

Response

There are no known natural hazards 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.*

Response

The annexation will have no effect on the citizen's recreation needs. A park is located on Balsam Drive within close proximity of the Kalar and Matys properties allowing fulfillment of recreation needs. The City owned wetlands property is identified for the construction of a trail that connects to the OC&E trail and to the future extension of the Lake Ewauna Trail.

Facts and Analysis

The proposed annexation will not negatively 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 either area proposed for annexation. The proposed

trail for the wetlands property will increase the recreational opportunities for the citizens.

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

Response

The Kalar and/or Matys properties could provide new housing. The Matys property has a house already built across two of the four lots that are being proposed for annexation. The potential housing would increase the housing stock in that neighborhood.

Facts and Analysis

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.*

Response

Development of the Kalar property to multi-family housing could increase the City's population as new housing would become available. The new residents would work and engage in commerce in the area. During the construction process, construction jobs would be generated.

Facts and Analysis

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.*

Response

The wetlands property is designed to be an offset from wetlands that were filled at the City owned airport. The removal of the wetlands at the airport was completed to help reduce airplane bird strike incidents. If the Kalar and/or Matys properties are developed, utilities could be extended from the adjacent right-of-ways.

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). 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.*

Response

The transportation system will not be affected as no new streets are proposed by either area being proposed for annexation. Basin Transit Services bus stops are located on Balsam Drive allowing residents the ability for travel to and from other areas in Klamath Falls.

Facts and Analysis

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*

Response

The annexation would not impact energy conservation within the Klamath Basin.

Facts and Analysis

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*

Response

Future development of the Kalar and/or Matys properties could lead to more dense housing within the Klamath Falls Urban Growth Boundary. Landscaped areas would replace dusty vacant fields and trees placed within the street right-of-way and on individual lots would increase the shade canopy in the area.

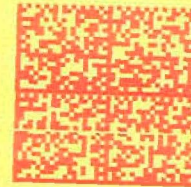
Facts and Analysis

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."

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



Hasler

012H16209  
\$0.122  
08/18/201  
Mailed From 97  
US POSTA

ATTN: Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540