



# 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

August 29, 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 003-08



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: September 11, 2008**

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative  
Joe Slaughter, City of Klamath Falls

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DEPT OF

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

AUG 25 2008

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 2-A-08 (If no number, use none)

Date of Adoption: 8/19/08 (Must be filled in) Date Mailed: 8/21/08 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 5/13/08

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation Amendment, Zoning Map Amendment, New Land Use Regulation, Other: (Please Specify Type of Action)

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

The annexation of approximately 3.69 acres of land into the City. The property contains the existing Klamath County Mental Health facility and is being redeveloped with a new mental health facility.

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: County Residential to City Residential

Zone Map Changed from: (RM) Medium Density to (MD) Medium Density Residential

Location: 3809-034BC-00700 Acres Involved: 3.69

Specify Density: Previous: 5,000 sq ft New: 5,000 sq ft

Applicable Statewide Planning Goals: 1, 2, 10, 11, 12, 13 & 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 003-08 (16896)

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 Klamath County Fire District No. 1

Local Contact: Joe Slaughter Area Code + Phone Number: (541) 883-5361

Address: 226 S. 5th Street

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](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

Com. Dev

Ordinance No. 08-11

**A SPECIAL ORDINANCE ANNEXING PARCELS 1, 2 AND 3 OF LAND PARTITION 69-07; APPROXIMATELY 3.69 ACRES OF LAND, LOCATED ON THE EAST SIDE OF WASHBURN WAY, SOUTH OF CRATER LAKE PARKWAY AND NORTH OF PEAR STREET.**

**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 July 14, 2008, 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**, hearing notices were duly given and the City Council held a public hearing on August 4, 2008, 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 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 attached hereto and incorporated by this reference as Exhibit C;

**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 maps attached hereto as Exhibits A & B and described as: Parcels 1, 2 and 3 of land Partition 69-07 located in the SW1/4 NW1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. The property in question can be found on Assessor's map R-3809-034BC, tax lot 00700.

The zoning designation of the property will be Medium Density Residential (MD).

Passed by the Council of the City of Klamath Falls, Oregon, the 18<sup>th</sup> day of August, 2008.

Presented to the Mayor, approved and signed this 19<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:

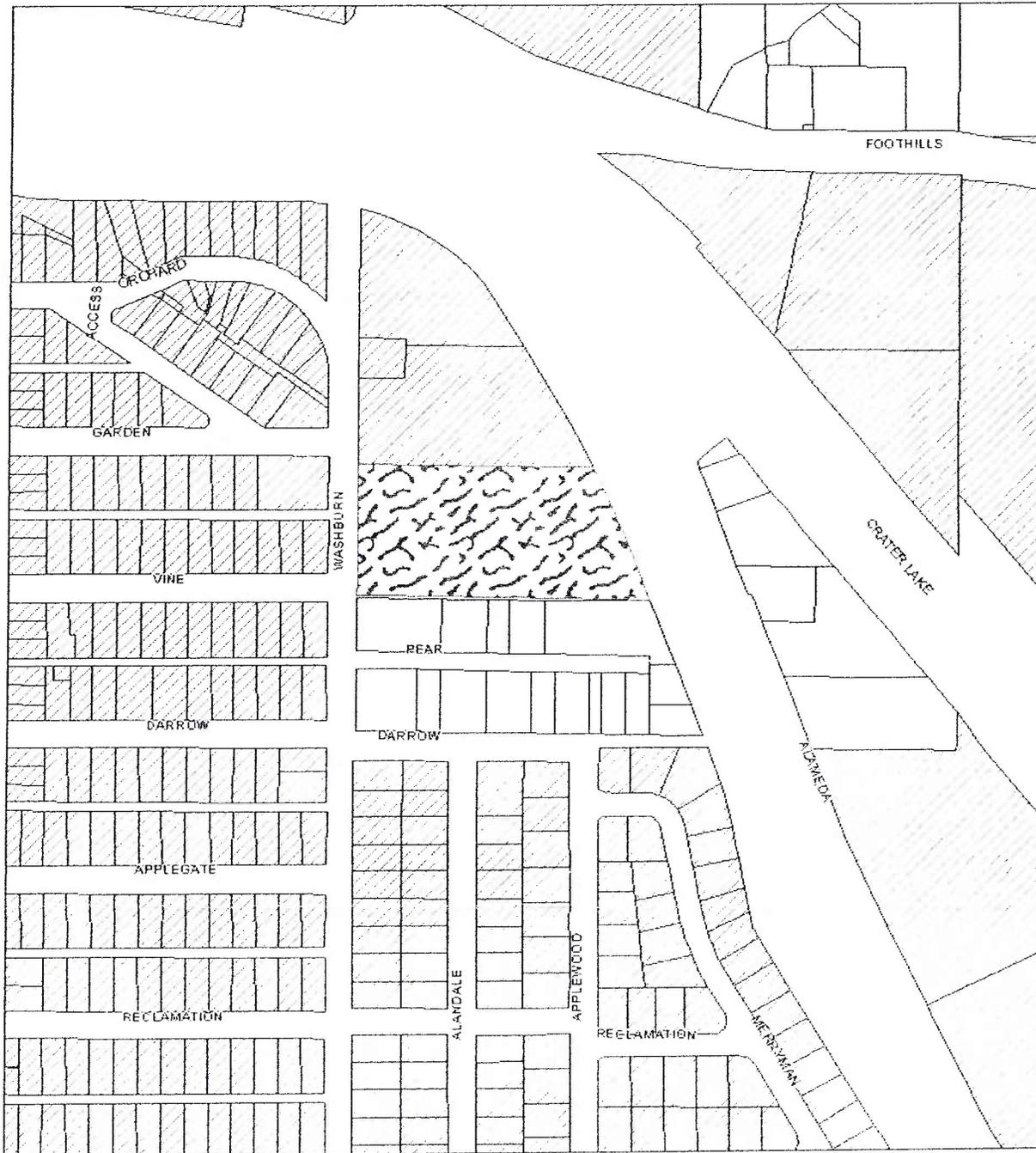
  
\_\_\_\_\_  
Deputy Recorder

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 18<sup>th</sup> day of August, 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)



-  Subject Property
-  Parcels
-  City Parcels





**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 13.104, regarding Annexations.

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 currently zoned RM in the County and is surrounded on all sides by existing development. The properties to the west, south and east are developed with single family and multi-family residential homes. The property to the north is developed with an assisted living / residential care facility. There are no agricultural grounds in the vicinity.

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

Response

This annexation will not encroach upon forestland. This property is currently zoned RM in the County and is surrounded on all sides by existing development. The properties to the west, south and east are developed with single family and multi-family residential homes. The property to the north is developed with an assisted living / residential care facility. There are no forestlands in the vicinity.

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

Response

Not applicable. This property is currently developed and is proposed for redevelopment. The annexation will not have an effect on open space or natural resources directly.

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 and is currently used as the site for the Klamath County Mental Health Facility. The annexation of this property will make this property available for expanded use and redevelopment. Concentrating development within the UGB helps to protect the community's air, water, and land resources by reducing sprawl. The proposed annexation of the subject property will not adversely 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 subject property is not located within a flood plain. 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 affect the citizen's recreational needs.

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

Response

The annexation of this property will not affect the community's housing needs. Although this property will be annexed as MD property, the property owner does not intend to develop the property for a stand-alone residential use. The proposed mental health facility will, however, provide more rooms and better care for mental health patients.

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

Response

The proposed mental health facility will enable Klamath County Mental Health to more efficiently serve and provide better care, which will bring more funds and retain more funds for Klamath County.

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

Response

This annexation will create a timely, orderly and efficient arrangement of public facilities and services. The property is located within an area of existing development; containing City streets, water service and sanitary sewer service. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing City limits.

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

Response

This annexation will help provide a safe, convenient and economic transportation system. The property is in an area with developed transportation resources including a major arterial street (Washburn Way) to the east. This portion of Washburn Way has developed bus services provided by Basin Transit Service. Klamath County Mental Health will maintain facility vans as well as utilize public transportation for outpatient care. The development of the property is compatible with the rational and logical extension of utilities and roads to the surrounding area.

11) *The annexation will aid in conserving energy*

Response

This annexation will aid in conserving energy. This development has created "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 land uses and is itself developed for urban use. The proposed new facility will replace the existing facility and the property will not be changing from rural to urban uses. The property is adjacent to the City limits and within the Urban Growth Boundary.

Finding:

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



CITY OF KLAMATH FALLS, OREGON

P.O. BOX 237 - ZIP CODE 97601-0361

Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

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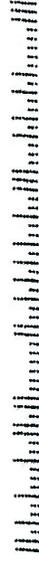
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