



# 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

June 5, 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 009-07



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: June 17, 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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D L C D NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

MAY 29 2008

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Klamath Falls Local File No.: 3-A-07 (If no number, use none)

Date of Adoption: 5/21/08 (Must be filled in) Date Mailed: 5/27/08 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/5/07

- 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 applicant requests to annex 14.3 acres into the City. This property is the site of new lumbermen's store and truss plant which was reviewed and permitted through Klamath County with input from the City of Klamath Falls. The annexation was a condition of receiving water and sewer service from the City.

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 Industrial to City Industrial

Zone Map Changed from: Light Industrial to Light Industrial

Location: R-3909-008BB-00600 + R-3909-008C-00100, 00900, 01000 Acres Involved: 14.3

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

Applicable Statewide Planning Goals: 1, 2, 9 & 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 009-07 (16373)

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: City of Klamath Falls and Klamath County

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.**

Planning

Ordinance No. 08-09

**A SPECIAL ORDINANCE ANNEXING APPROXIMATELY 14.3 ACRES OF LAND, LOCATED NORTH OF SOUTHSIDE EXPRESSWAY (HIGHWAY 140) AND SOUTHEAST OF GREENSPRINGS DRIVE, INTO THE CITY OF KLAMATH FALLS**

**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 April 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**, the City Council, hearing notices having been duly given, did hold a public hearing on May 5, 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**

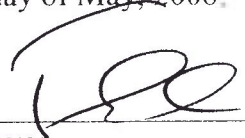
**THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**

There are hereby annexed to the City of Klamath Falls, parcels of land as shown on the map attached hereto as Exhibit A and described in the legal description attached hereto as Exhibit B. The property in question can be found on Assessor's map R-3909-008BB, tax lot 00600 and Assessor's map R-3909-008BC, tax lots 00100, 00900, & 01000.

The zoning designation of the property will be Light Industrial (LI).

Passed by the Council of the City of Klamath Falls, Oregon, the 19<sup>th</sup> day of May, 2008.

Presented to the Mayor, approved and signed this 21<sup>st</sup> day of May, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Deputy Recorder

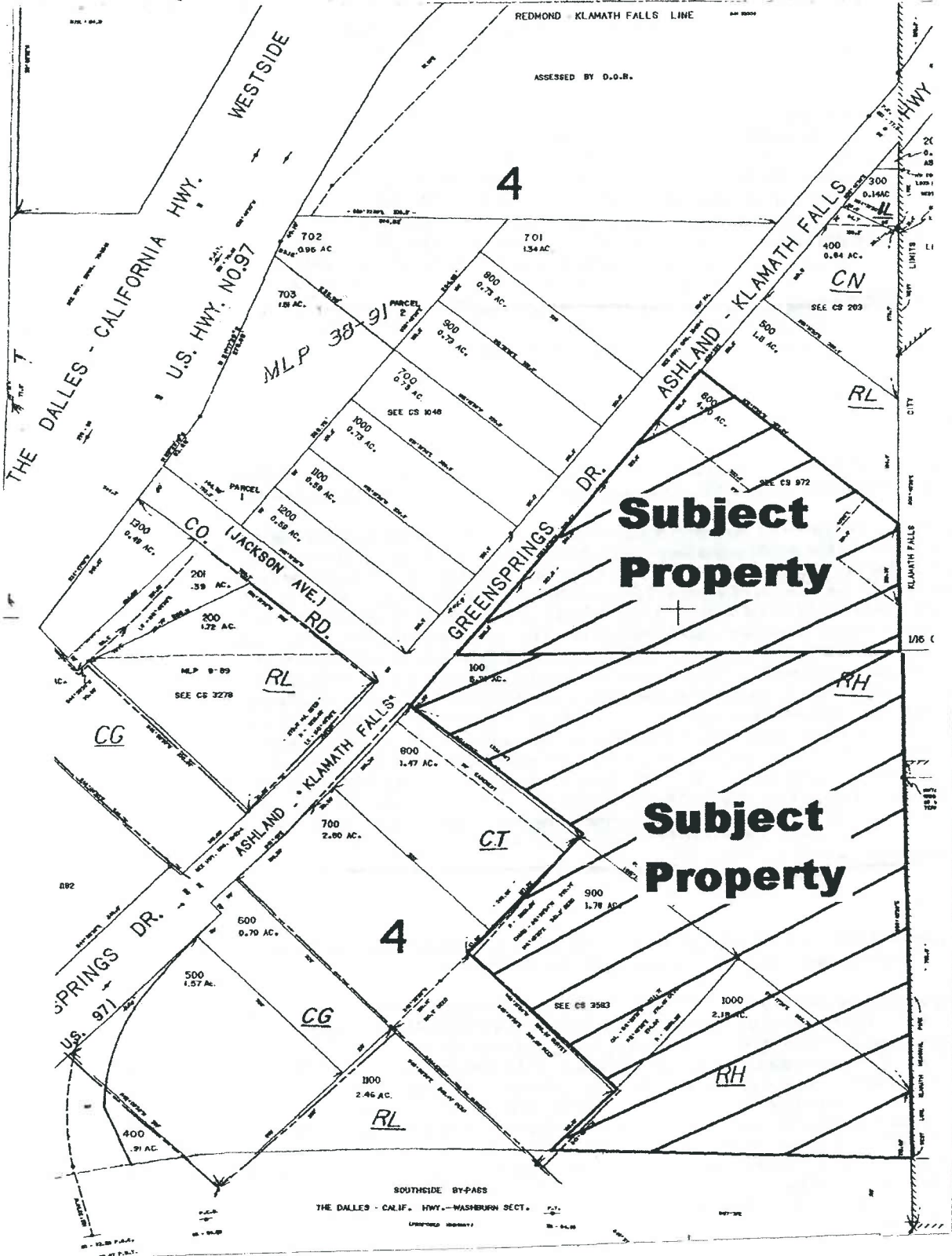
STATE OF OREGON                    }  
COUNTY OF KLAMATH               }  
CITY OF KLAMATH FALLS           }

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 19<sup>th</sup> day of May, 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)**



**Exhibit B**  
**LEGAL DESCRIPTION**

**PARCEL 1 LEGAL FOR ANNEXATION**

A parcel of land situated in the NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point that bears South 34°23'44" West, 2361.24 feet from the N1/4 of said Section 8, said point being a 1/2" rebar; thence South 00°13'24" East, 108.29 feet to the northerly right-of-way line of the Southside Expressway; thence along said right-of-way line, North 87°30'50" West, 523.99 feet to a point of spiral; thence along the arc of said spiral to the left (the centerline radius of which is 1909.86 feet and theta is 7°30'00") a chord bearing of North 87°30'53" West, 1.44 feet; thence leaving said right-of-way line, North 44°40'21" East, 127.08 feet to a point of curvature; thence along the arc of a 2559.86 foot radius curve to the left, through a central angle of 6°09'06" (the chord of which bears North 42°47'53" East, 274.71 feet) and arc distance of 274.84 feet; thence South 50°22'45" East, 323.74 feet to the point of beginning. Basis of bearings is Grid North on the Oregon State Plane Coordinate System of 1983, South Zone as indicated on Record of Survey #7325 on file at the Klamath County Surveyors office.

Containing 2.11 acres, more or less.

**PARCEL 2**

Being a portion of the SW1/4 NW1/4 and NW1/4 NW1/4 of said Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows

Beginning at an iron pin on the Southeasterly right of way line of the Ashland-Klamath Falls Highway, which iron pin is 30 feet at right angles Southeasterly from the center of said highway, that lies South 89° 22 1/2' East along the section line a distance of 1321 4 feet and South 0° 40 1/2' East along the 40 line, which is also the West line of Westover Terraces, a distance of 626 5 feet and North 89° 22 1/2' West a distance of 106 2 feet and South 38° 40 1/2' West along the Southeasterly right of way line of said highway a distance of 300 feet to the Westerly corner of property conveyed by William Ganong and Mildred Ganong, his wife, to Emery Hebert, Wilfred Hebert and Delma Hebert by deed recorded in Volume 147, page 215, Deed Records of Klamath County, Oregon, thence continuing South 38° 40 1/2' West along the Southeasterly line of said highway a distance of 682 6 feet to an iron pin, which pin is at the most northerly corner of property conveyed to E W Melosh by deed recorded in Volume 194, page 307, Deed Records of Klamath County, Oregon, thence at right angles South 51° 19 1/2' East along the Northeasterly line of property conveyed to Melosh, VanHoosen and Patricia V McBee, Jimmie A Warner and Dean C Mason, a distance of 930 feet, more or less, to the 40 line, which is also the West line of Westover Terraces, thence North 0° 40 1/2' West along said 40 line a distance of 875 feet, more or less, to an iron pin which is the most Southerly corner of the property conveyed to Heberts by the above described deed, thence North 51° 19 1/2' West along the Southeasterly line of said property conveyed to Heberts a distance of 383 5 feet, more or less, to the true point of beginning

**PARCEL 3**

Being a portion of the SW1/4 NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows

Beginning at an iron pin which lies North 0° 43' West along the West section line a distance of 629 feet and North 44° 50 1/2' East along the Southerly right of way line of the Weed-Klamath Falls Highway a distance of 438 feet and North 45° 09 1/2' West along the right of way line a distance of 20 feet and North 44° 50 1/2' East along the right of way line a distance of 210 5 feet and South 45° 09 1/2' East a distance of 320 feet from the iron pin which marks the quarter corner common to Sections 7 and 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and running thence, Northeasterly along the arc of a 2° 32' Curve to the left (the long chord of which curve bears North 41° 45 1/2' East a distance of 243 1 feet) a distance of 243 2 feet to an iron pin, thence South 51° 19 1/2' East a distance of 300 feet to an iron pin, thence Southwesterly along the arc of a 2° 14' curve to the right (the long chord of this curve bears South 41° 45 1/2' West a distance of 275 4 feet) a distance of 275 4 feet to an iron pin, thence North 45° 09 1/2' West a distance of 300 feet more or less, to the point of beginning

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 zoned and developed for light industrial uses. This property is in a developed area.

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

Response

This annexation will not encroach upon forestland. This property is zoned and developed for light industrial uses. This property is in a developed area.

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

Response

This annexation will help conserve open space. This annexation was a requirement of receiving water and sewer service from the City. The availability of these services made the development of this property (an industrial property within the Urban Growth Boundary) possible.

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 zoned for light industrial uses. The development of the property does not 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

A private storm water detention system was required on the subject property to mitigate any increase in storm water run-off that would have been caused by the development of this property. 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

Not Applicable. The property is already zoned for light industrial use therefore the annexation of the property will not have an effect on the community's housing needs.

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

Response

This annexation will provide the City with Light Industrial property. The existing lumber/building supply store and truss plant located on the property will provide employment opportunities for citizens of the community and increase the economic base of the community.

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. There are services already available to the subject property.

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 proposed for annexation fronts Greensprings Drive, a county street, and Southside Expressway, an ODOT Highway. A Traffic Impact Analysis was completed prior to the development of this property and any required traffic mitigation measures were implemented through the development process with Klamath County.

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. This area contains commercial, residential and industrial developments.

Finding

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

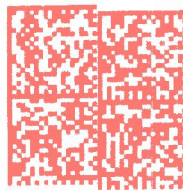


CITY OF KLAMATH FALLS, OREGON

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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05/27/2008

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