



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: September 16, 2015
Jurisdiction: City of Klamath Falls
Local file no.: 2-A-15
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/11/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 45 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-15 {23823}
Received: 9/11/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Klamath Falls

Local file no.: **2-A-15**

Date of adoption: 9-9-15

Date sent: 9-11-15

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): May 7, 2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Erik Nobel

Phone: 541-883-5254

E-mail: Nobel@ci.klamath-falls.or.us

Street address: PO Box 237

City: Klamath Falls

Zip: 97601

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address): T39, R9, Sec 21 TL R-3909-21-800 Address 6600 Washburn Way

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Klamath County, City of Klamath Falls

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

This property was annexed into the City of Klamath Falls. The property is located outside of the UGB. The annexation only relocated the Cities boundary. The UGB did not boundary change nor did the zoning of the subject property. Attached is the ordinance.

Ordinance No. 15-11

**A SPECIAL ORDINANCE ANNEXING
A PROPERTY, TOTALING 20 ACRES OF EXCLUSIVE FARM USE
ZONED PROPERTY (Bureau of Reclamation)**

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 27, 2015 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, held a public hearing on August 17, 2015, 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 will 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 B;

NOW THEREFORE

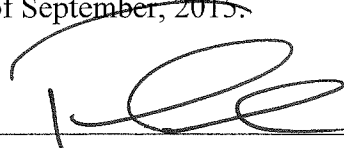
THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

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 Klamath County Assessor Map and Tax Lot R-3909-02100-00800-000.

The zoning designation of the property will be Exclusive Farm Use.

Passed by the Council of the City of Klamath Falls, Oregon, the 8th day of September, 2015.

Presented to the Mayor, approved and signed this 9th day of September, 2015.



Mayor

ATTEST:

Elisabeth Olson
City Recorder

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

SS

I, _____, 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 8th day of September, 2015 and therefore approved and signed by the Mayor and attested by the City Recorder.

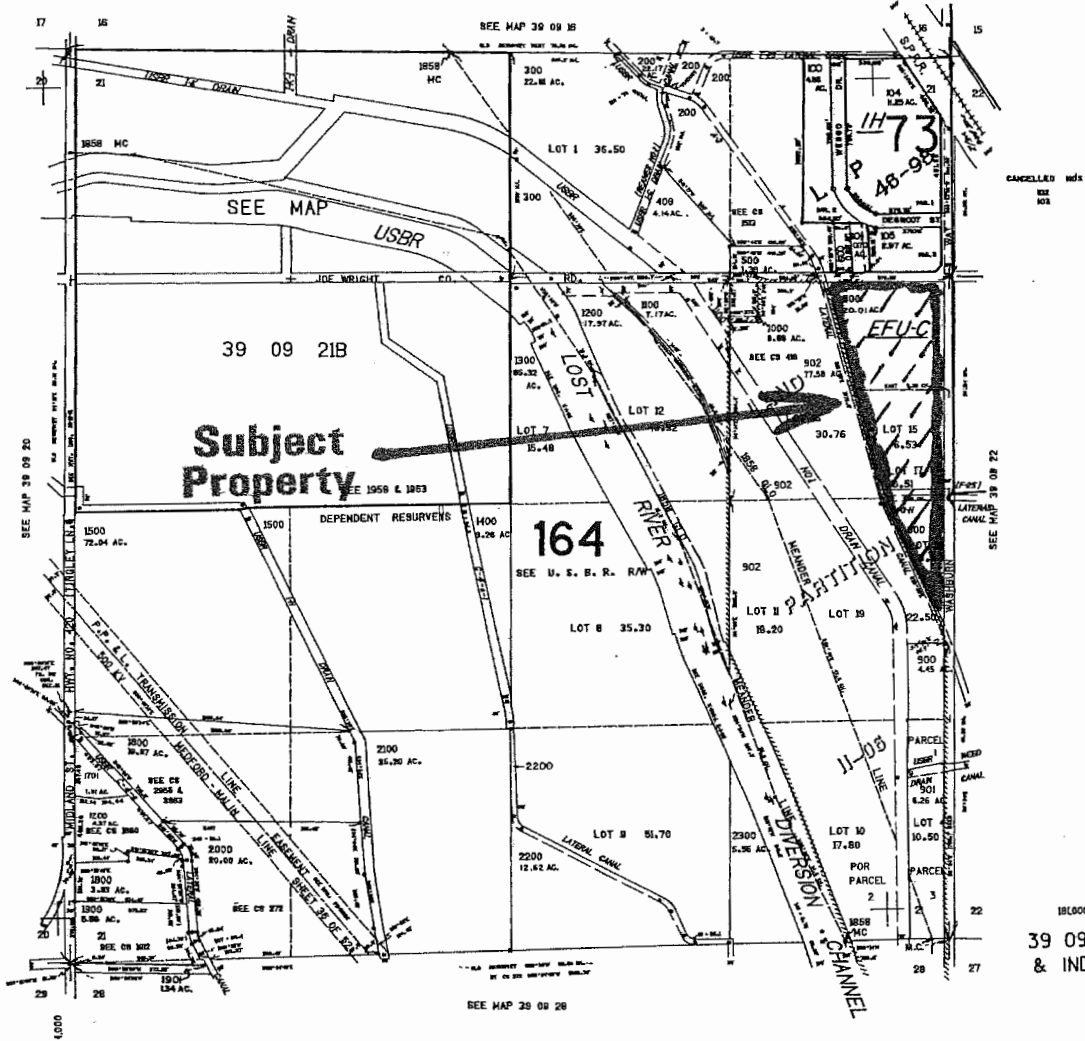
City Recorder

**Exhibit A
VICINITY MAP
NO SCALE**

REVISED 10-11-10
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 21 T.39S. R.09E. W.M.
KLAMATH COUNTY
T-400

39 09 21
& INDEX



181000
39 09 21
& INDEX

Exhibit B FINDINGS

Criterion: The annexation conforms to the Comprehensive Plan.

- 1) The annexation will not encroach upon agricultural ground.
Response: This annexation will annex lands zoned Exclusive Farm Use (EFU) and developed with the administrative office and maintenance facility for the Bureau of Reclamation. After annexation, the property in question will remain zoned EFU. Because the zoning and use of land will remain the same after annexation, the proposed annexation will not encroach on agricultural ground.
- 2) The annexation will not encroach upon forestland.
Response: This annexation will not encroach upon forestland. This property in question is several miles from any forestland. Addressing forestland is not applicable for this annexation.
- 3) The annexation will help conserve open space and protect natural resources.
Response: This property is already developed with an administrative office for a federal agency. Conservation of open space and protection of natural resource is not applicable.
- 4) The annexation will not adversely affect the quality of the community's air, water, and land resources.
Response: The property in question is already developed. By annexing this property, it will help preserve the community water by allowing the treatment of waste water generated by property in question at the City waste water facility. The City's waste water facility treats waste water to a superior level than a traditional septic system.
- 5) The annexation will not endanger life or property from natural disasters or hazards.
Response: The property in questions has been developed for many years with no adverse effects to the community. This annexation will not endanger life or property from natural disaster or hazard.
- 6) The annexation will help satisfy the citizen's recreation needs.
Response: Not applicable
- 7) The annexation will help satisfy the community's housing need.
Response: Not applicable. The property is already zoned for EFU; 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: Not applicable, this property is already developed.

- 9) The annexation will create a timely, orderly, and efficient arrangement of public facilities and services.
Response: OAR 660-011-0060(9b) states: “The extension of an existing sewer system will serve land that, by operation of federal law, is not subject to the statewide planning Goal 11 and, if necessary, Goal 14.” Because this administrative rule allows lands under the operation of federal law to be served by a sewer system, this criteria is not applicable.
- 10) The annexation will help provide a safe, convenient and economic transportation system.
Response: Not applicable. The property in questions is already developed.
- 11) The annexation will aid in conserving energy.
Response: Not applicable. The property in questions is already developed.
- 12) The annexation will promote an orderly and efficient transition from rural to urban land uses.
Response: Not applicable. The property in question is outside of the urban growth boundary and is rural in nature. Annexation will only change the city limit boundary. Annexation will not change the UGB boundary. Even if the property is annexed into the City limits, the property in question will still be classified as rural and zoned EFU.

Finding: The annexation conforms to the Comprehensive Plan. This criterion is met.