

ORDINANCE NO. 93-17

AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE CITY OF KLAMATH FALLS, OREGON
("KNOWN AS THE KAGO HILL PROPERTY");
AMENDING THE COMPREHENSIVE PLAN AS ADOPTED
BY ORDINANCE NO. 6336 TO DESIGNATE A LAND
USE CATEGORY TO THE TERRITORY A PORTION OF
T.38S., R.09E., SECTION 31; AND GRANTING
A ZONE CHANGE FOR THE LAND FROM SUBURBAN
RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL
AND GENERAL COMMERCIAL

WHEREAS, the City of Klamath Falls has initiated a proposal for annexation of certain real property which property is hereinafter described;

WHEREAS, a hearing was held on May 10, 1993, pursuant to applicable laws, at which time all objections or remonstrances with reference to said proposed annexation were considered by the Planning Commission;

WHEREAS, The City Council hearing notice having been duly given, did hold a public hearing on June 21, 1993, on the record of the Planning Commission on the annexation request;

WHEREAS, the Council has adopted the findings of the Planning Commission, determining the annexation to be in compliance with the Comprehensive Plan and Community Development Ordinance;

WHEREAS, the Council did determine annexation of said properties to be in the best interest of the City and the continuous territory;

WHEREAS, the City of Klamath Falls adopted a Comprehensive Plan for the City on April 20, 1982, by virtue of passage of Ordinance No. 6336;

WHEREAS, the Planning Commission and pursuant thereto, the City Council did conduct public hearings in accordance with applicable laws to consider a request for a Comprehensive Plan Amendment of approximately 280 acres from Urban Residential (County designation) to Low Density Residential and Commercial (City designation), as petitioned under Sections 12.670 to 12.710 of the Community Development Ordinance;

WHEREAS, pursuant to such record and hearing, the City Council has determined the plan change to be in compliance with the Community Development Ordinance and the Comprehensive Plan;

WHEREAS, the owner of the real property hereinafter described, desires to have a zone change for said property;

WHEREAS, after notice having been duly given, the City Planning Commission held a public hearing on May 10, 1993, on requests;

WHEREAS, the City Council hearing notice having been duly given, did hold a hearing on June 21, 1993 on the record of the Planning Commission on the request of the City Council; and

WHEREAS, pursuant to such record and hearing, the City Council has determined the zone change to be in compliance with the Community Development Ordinance and the Comprehensive Plan and adopts those findings attached hereto as Exhibit "A"; NOW
THEREFORE,

AFTER RECORDING RETURN TO:

City Recorder

P. O. Box 237

Klamath Falls, OR 97601

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THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

21262

Section 1

There is hereby annexed to the City of Klamath Falls, a tract of land situated in Section 31, T.38S., R.09E., W.M., being further described as the SE 1/4 of the NW 1/4, the SW 1/4 of the NE 1/4, the E 1/2 of the SW 1/4, the W 1/2 of the SE 1/4, and the SE 1/4 of the SE 1/4.

All within Klamath County, Oregon, as shown on Exhibit "B" (attached hereto and incorporated herein by this reference).

Section 2

The Land Use Designation for the above described property is hereby changed from Urban Residential (County designation) to Low Density Residential (City designation), except for Klamath County Tax Lot Number R-3809-031DD-00100 is hereby changed to Commercial (City designation), as defined by the Comprehensive Plan and Community Development Ordinance of the City of Klamath Falls.

Section 3

The zoning designation for the above described property is hereby changed from Suburban Residential and Low Density Residential (Klamath County designation) to Single Family Residential (City designation), except for Klamath County Tax Lot Number R-3809-031DD-00100 is hereby changed to General Commercial (City designation), as set forth in the City's Community Development Ordinance No. 6337, the CDO being amended accordingly.

Passed by the Council of the City of Klamath Falls, Oregon, the 19th day of July, 1993.

Presented to the Mayor (Mayor Pro-tem) and by him approved and signed this 20 day of July, 1993.

Traci R. Brace
Mayor (Mayor Pro-tem)

ATTEST:

Elesad R. Tule
City Recorder (Deputy Recorder)

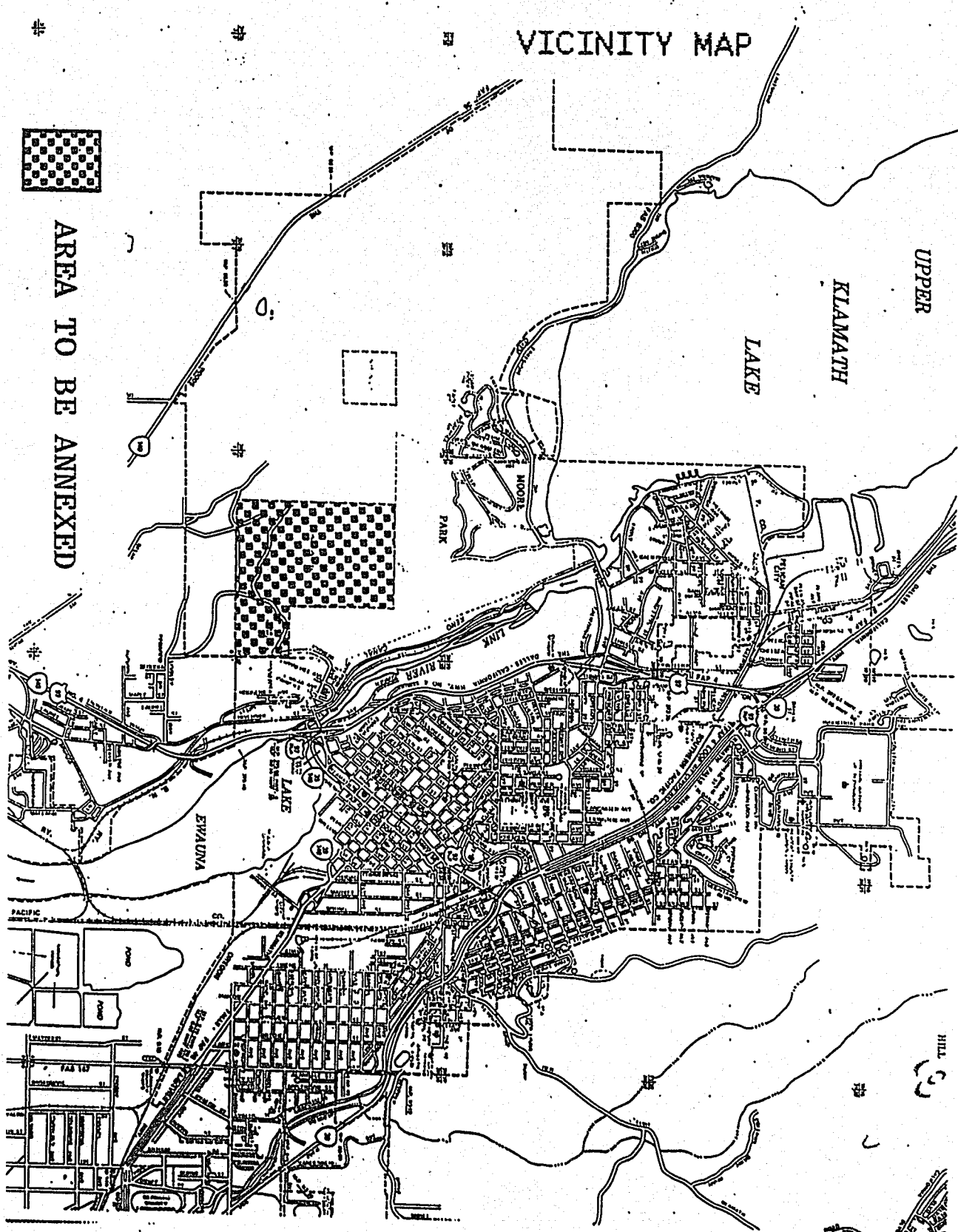
STATE OF OREGON }
COUNTY OF KLAMATH } ss.
CITY OF KLAMATH FALLS }

I, TRACI R. BRACE, 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 regular meeting held on the 19th day of July, 1993 and thereafter approved and signed by the Mayor (Mayor Pro-tem) and attested by the City Recorder (Deputy Recorder).

Traci R. Brace
City Recorder (Deputy Recorder)

FINDINGS

1. The subject parcel is surrounded by the city limits and is within the Urban Growth Boundary.
2. The proposed annexation is in conformance with the City's Comprehensive Plan, specifically the Urbanization Elements.
3. The subject property is planned and zoned for low density residential use. Currently the property is vacant except for KAGO Radio Station. These uses will not change with the proposed annexation or plan and zone change. No adverse affects on surrounding properties is expected as a result of the proposed annexation.
4. Future development of the property is compatible with the rational and logical extension of utilities and roads to the surrounding area and will conform with the City's Comprehensive Plan and applicable regulations within the Community Development Ordinance. At the time of development, the City will provide and maintain its full range of urban services to the property, subject to city policies and standards.
5. The subject property is not located in a floodplain and will not encroach upon agricultural or forest lands.
6. The annexation will not adversely affect the quality of the community's air, water and land resources.
7. The proposed annexation of the site is consistent with City Council goals to annex county islands.
8. The proposed annexation is in conformance with ORS 222.750 which allows city's to annex county islands within their boundaries without consent of the owner. Consent of the owner has not been received, nor has it been sought.
9. The parcel will receive the same level of services that adjacent properties in the city are receiving.



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 24th day
 of Aug. A.D., 19 93 at 3:25 o'clock PM., and duly recorded in Vol. M93
 of Deeds on Page 21261.

FEE \$25.00

Evelyn Biehn County Clerk

By Pauline Muelinck