

74342

ORDINANCE NO. 94-1Vol. 94 Page 1126

A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF KLAMATH FALLS, OREGON (KNOWN AS CRYSTAL RIDGE ANNEXATION); AMENDING THE COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 6336 TO DESIGNATE A LAND USE CATEGORY TO THE TERRITORY A PORTION OF TOWNSHIP 38 SOUTH, RANGE 9 EAST, SECTION 20; AND GRANTING A ZONE CHANGE FOR THE LAND FROM HIGH DENSITY RESIDENTIAL TO APARTMENT RESIDENTIAL AND PUBLIC FACILITY

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation of certain real property by the owners thereof, which property is hereinafter described;

WHEREAS, a hearing was held on November 8, 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 December 20, 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, 1981, 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 34.31 acres from Urban Residential (County designation) to High Density Residential (City designation) and 0.69 acres from Urban Residential (County designation) to Public Facility (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 November 8, 1993, on requests;

WHEREAS, the City Council hearing notice haven been duly given, did hold a hearing on December 20, 1993 on the record of the Planning Commission on the request of the property owner; 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 has adopted the attached Findings, attached hereto as Exhibit "B" and incorporated herein by this reference; NOW THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1

There is hereby annexed to the City of Klamath Falls, a tract of land situated in the SE¼, NE¼, Section 20, T38S, R09E, W.M., being further described in Volume 92, Page 28424-28425 and Volume 78, Page 8335 & 8341 of Deed of Records in Klamath County Clerks Office, all within Klamath County, Oregon, as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

Section 2

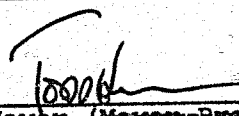
The Land Use Designation for the above described property is hereby changed from Urban Residential (County designation) to High Density Residential (City designation) for the 34.31 acre parcel and to Public Facility (City designation) for the 0.69 acre parcel, as defined by the Comprehensive Plan and Community Development Ordinance of the City of Klamath Falls.

Section 3

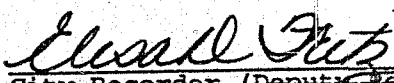
The zoning designation for the above described property is hereby changed from High Density Residential (County designation) to Apartment Residential (City designation) for the 34.31 acre parcel and to Public Facility (City designation) for the 0.69 acre parcel, as set forth in the City's Community Development Ordinance No. 6337, the CDO being amended accordingly.

Passed by the Council of the City of Klamath Falls, Oregon, the 3rd day of January, 1994.

Presented to the Mayor (~~Mayor-Pro-tem~~), approved and signed this 4th day of January, 1994.



Mayor (~~Mayor-Pro-tem~~)

ATTEST:


City Recorder (~~Deputy Recorder~~)

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

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 meeting held on the 3rd day of January, 1994 and thereafter approved and signed by the Mayor (~~Mayor-Pro-tem~~) and attested by the City Recorder (~~Deputy Recorder~~).


City Recorder (Deputy Recorder)

The SE1/4 NE1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, saving and excepting therefrom the portion conveyed to State of Oregon, acting by and through the Oregon State Board of Higher Education, by deed recorded July 28, 1961, in Volume 331 of Deeds page 299, records of Klamath County, Oregon, and also saving and excepting therefrom that portion conveyed to Presbyterian Intercommunity Hospital, Inc., an Oregon non-profit corporation, by Deed Volume 355 page 643, Records of Klamath County, Oregon.

EXCEPTIONS:

1. Right of way, including the terms and provisions thereof, given by E.A. Thomas and Nora E. Thomas, husband and wife, to The Pacific Telephone and Telegraph Company, dated October 14, 1929, recorded November 19, 1929, in Volume 88 page 290, Deed Records of Klamath County, Oregon.
2. Easement, including the terms and provisions thereof, given by Nora Thomas, a widow, to Beaver State Telephone Company, a corporation, dated June 24, 1959, recorded August 24, 1959, in Volume 315 page 236, Deed Records of Klamath County, Oregon.
3. Water-line Easement, including the terms and provisions thereof, as disclosed by deed from Nora Thomas, a widow, to Presbyterian Intercommunity Hospital, Inc., an Oregon non-profit corporation, dated September 1, 1964, recorded September 1, 1964, in Volume 355 page 643, Deed Records of Klamath County, Oregon.
4. Pipeline Easement, including the terms and provisions thereof, as disclosed by deed from the State of Oregon, acting by and through the State Board of Higher Education to Oregon Water Corporation, recorded September 20, 1965, in Volume M65 page 1807, Deed Records of Klamath County, Oregon.

Not Applicable as per City Attorney.

PARCEL 16:

A tract of land in the SE 1/4 of NE 1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at a point on the North line of said SE 1/4 NE 1/4 which lies East a distance of 684.5 feet, more or less, from the Northwest corner thereof, said point also being East a distance of 140.0 feet from the Northeast corner of that certain tract conveyed by Nora Thomas, a widow, to the State of Oregon, by deed dated July 14, 1961, recorded July 28, 1961 in Volume 331, page 299, Deed Records of Klamath County, Oregon; thence continuing East, along said North line, a distance of 200.0 feet to a point; thence South, at right angles to said North line a distance of 150.0 feet to a point; thence West, parallel with said North line a distance of 200.0 feet to a point; thence North, at right angles to said North line, a distance of 150.0 feet, more or less, to the point of beginning.

EXHIBIT "B"
Page 1 of 2

BEFORE THE KLAMATH FALLS CITY COUNCIL

In the Matter of an)	
Annexation, Comprehensive)	5-A-93
Plan Amendment and Zone)	
Change)	
Crystal Ridge Annexation)	FINDINGS
_____)	

THIS MATTER came on for hearing before the Klamath Falls City Council on December 20, 1993. Following the required public notice, the City Planning Commission conducted a public hearing on this matter at its November 8, 1993, meeting. The Planning Commission recommended approval with conditions. The record before Planning Commission has been provided to Council in advance of its September 20, 1993, hearing, and required public notice of the Council hearing has been given.

DECISION

Based upon the findings set forth below, the proposed annexation, comprehensive plan amendment and zone change is granted.

FINDINGS

1. The subject property is located in the Urban Growth Boundary and is planned and zoned for high density residential use. Except for the 0.69 acre parcel which will be zoned Public Facility to reflect its current use as a city water reservoir, the use will not change with the proposed annexation or plan and zone change. Currently the property is vacant. Future development will conform with the City's Comprehensive Plan and applicable regulations with the Community Development Ordinance.
2. The subject property is not located in a floodplain or other natural hazard or resource area.
3. The annexation will not encroach upon agricultural lands or forest lands. The subject property is hilly and unsuitable for agricultural use. There are no marketable timber stands near the site.
4. The annexation will promote the conservation of open space and the protection of natural and scenic resources. Proposed density is low enough to retain the open space and scenic resources. Extensive landscaping is planned. The steeper portions of the surrounding area are outside of the urban growth boundary and will remain undeveloped.
5. The annexation will not adversely affect the quality of the community's air, water and land resources. Due to the nature of this request, there should be little impact on these resources.
6. The annexation will promote the satisfaction of citizen's recreation needs. Recreation support facilities and outdoor recreation facilities are planned.

7. The annexation will promote satisfaction of the community's housing needs. Very little housing of this nature presently exists within the city. Residential development of all types, especially affordable housing and housing for the elderly is needed in the Klamath Falls community.
8. The annexation will promote a timely, orderly and efficient arrangement of public facilities and services. Fire and police services are currently available to the site. Water is available and sewer is within 1000 feet and will be extended per City policy.
9. The annexation will promote a safe, convenient and economic transportation system. Design of the site with access points to Campus Way can help mitigate the traffic congestion on local streets. Future connections to the Nob Hills subdivision may also assist with an overall better circulation pattern in the area. A shuttle bus system is anticipated by the applicant, which could tie into the Basin Transit System. Vehicle trips will also be reduced due to the type of land use proposed and the close proximity to local services.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of City of Klamath Falls the 12th day
of Jan A.D., 19 94 at 10:17 o'clock A.M., and duly recorded in Vol. M94
of Deeds on Page 1126.
Evelyn Biehn - County Clerk
By Pauline Mulholland

FEE \$30.00