

Ordinance No. 18-10, Page 1 of 7

**Exhibit “A”**  
Findings

**RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND FINDINGS:**

This proposal is being reviewed to determine compliance with the provisions of CDO Sections 13.105-13.150, Annexation, CDO Sections 11.400-11.435, Zone Change; and with the amendment procedures of the Comprehensive Plan.

***Required Findings for Annexation:***

Per CDO Sections 13.115 and 13.130, for the Planning Commission to recommend approval, and for the City Council to approve a requested annexation, findings must be made that the requested annexation “conforms to the Comprehensive Plan.”

Conformance with the Comprehensive Plan for the requested annexation is reviewed along with the requested Change of Zone under the Comprehensive Plan Amendment procedures and criterion (1) of CDO Section 11.415, both of which are set forth below.

***Required findings for Comprehensive Plan Amendments:***

Since the City of Klamath Falls does not have separate comprehensive plan and zoning maps, a change to the adopted zoning map is also a change to the current comprehensive plan map. In this way, all zone changes within the city limits are also amendments to the Comprehensive Plan. Page 3 of “The Planning Process” section of the Comprehensive Plan outlines the procedures for quasi-judicially initiated amendments to the Comprehensive Plan. Prior to making a recommendation on the proposed change, the Commission shall analyze the following criteria and incorporate such analysis in their decision:

- a. The amendment is in conformance with the policies and procedures of the Comprehensive Plan.
- b. Upon finding that the change is in compliance with the Comprehensive Plan, the amendment is also in compliance with the statewide planning goals under the Land Conservation and Development Commission.

Analysis: The amendment’s conformance with the policies and procedures of the Comprehensive Plan are discussed along with the requested Change of Zone under criterion (1) below. One purpose of the Klamath Falls Comprehensive Plan is to implement the Statewide Planning Goals. When the City’s Comprehensive Plan was acknowledged by the State of Oregon, the State confirmed and validated that our Comprehensive Plan was in compliance with, and appropriately implemented all Statewide Planning Goals. Because of this implementation process, there is a large amount of overlap between various elements of the Comprehensive Plan and the corresponding Statewide Goals; for example, since the Economic Element of the Comprehensive Plan implements Goal 9, a finding of consistency with the Economic Element will also demonstrate consistency with Statewide Planning Goal 9. This being the case, the findings below under criterion (1), demonstrating consistency with the Comprehensive Plan also support the finding that the proposed amendment is in conformance with applicable statewide planning goals.

Finding: **These criteria are met.**

***Change of Zone, Required Findings, Section 11.415:***

- (1) The change of zone is in conformance with the Comprehensive Plan and all other provisions of Chapters 10 to 14 and any applicable street plan.

Analysis: The subject property is approximately 1.02 acres in total size. Approximately 40% of the parcel is within the city limits and zoned GC. The remainder of the property is currently outside of the city limits and zoned for high-density residential development. The property is Parcel 1 of Land Partition No. 41-08, which was reviewed and conditionally approved through City file number 6-P-08 which has been attached to this Agenda Report. As a condition of approval for 6-P-08, the portion of the subject property currently outside of the city limits is required to be annexed prior to development. The conditions of approval also require a traffic study to be submitted along with any request for development and they require street improvements on Austin Street, including sidewalk where necessary, to be installed at the time of development.

Through the requested annexation and concurrent zone change to GC, the entirety of the subject property will be available for the kinds of development permitted within the GC zone. Permitted uses include a wide range of both commercial uses and residential densities/types.

The requested annexation and concurrent zone change are supported by several goals and policies within the Urbanization and Economy elements of the Comprehensive plan. The policies of the Urbanization element support the orderly transition from rural to urban uses, the utilization of lands within the Urban Growth Boundary (UGB) for urban development, and the promotion of in-fill development in areas with existing transportation infrastructure and utility services. The policies of the Economy element support diversifying and improving the local economy, supporting development that will help to assure the City of an adequate tax base, and a continued analysis and review of land use needs of the urban area.

The subject property is located along the eastern edge of a large commercial district within the City and along a portion of the eastern edge of the city limits. This portion of Austin Street is a well-established commercial area with existing commercial development on both sides of the street. While there are some other vacant commercial properties in the vicinity, most of the properties are developed with commercial uses. The proposed annexation and change of zone will help to facilitate the development of the property, providing for in-fill development in an area with existing urban infrastructure. The proposed annexation and change of zone are consistent with the policies of the Comprehensive Plan that encourage an orderly transition of properties within the UGB to urban development through annexation and appropriate development controls (through zoning). The proposed annexation and change of zone are also consistent with the Comprehensive Plan policies which encourage the City to continue to evaluate its supply of commercial land and to identify ways to help to grow and diversify its economy.

Notice of the proposed change of zone was sent to public and private utility providers. Those agencies that responded presented no concerns related to the proposed change of zone or the ability to provide service to the types of uses permitted in the GC zone.

If the subject zone change is approved by Planning Commission and City Council, the applicant would still need to obtain Design Review application approval prior to any planned development of the site to ensure that all applicable current City development standards, and the conditions imposed by City file number 6-P-08, are met.

The requested annexation and change of zone are in conformance with the Comprehensive Plan. With the conditions of approval in place through City file number 6-P-08, the requested zone change is also in conformance with all other provisions of Chapters 10 to 14 and applicable street plans.

The City has adequate land supplies available for multi-family use, and the multi-family housing needs of City residents can be met utilizing current land inventories; additionally, this land is not currently in the City, is land-locked and likely undevelopable as high-density residential, so the zone change will not adversely impact multi-family use land inventories in the City. Therefore, this zone change complies with Statewide Goal 10.

Finding: **This criterion is met.**

- (2) The property affected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning.

Analysis: The subject property is approximately 1.02 acres (44,431 square feet) in total size which far exceeds the 5,000 square foot minimum lot size for the GC zone. The property is rectangular in shape and has adequate frontage along Austin Street.

If the subject zone change is approved through orders of Planning Commission and City Council, applicant would still need to obtain Design Review application approval for any planned development to insure the use meets all current City development standards and the conditions imposed by City file number 6-P-08.

The subject property is of adequate size and shape to facilitate those uses that are normally allowed in conjunction with GC zoning.

Finding: **This criterion is met.**

- (3) The property affected by the proposed change of zone is properly related to streets to adequately serve the types of traffic generated by such uses that may be permitted therein.

Analysis: The subject property is rectangular in shape and fronts along Austin Street for approximately 154 feet. Per CDO Section 11.805(22), lots must abut upon a street for a minimum of 30 feet. Notice of the proposed change of zone was sent to the City Streets Division, Klamath County Public Works, and ODOT. No concerns were presented by these agencies regarding the proposed change of zone.

As a condition of approval for 6-P-08, a traffic study must be submitted along with any request for development on the subject property and street improvements on Austin Street, including sidewalk where necessary, must be installed at the time of development.

The subject property is properly related to streets that will be assured to be adequate to serve the type of traffic generated by the uses permitted in the GC zone at the time of development per the conditions of City file number 6-P-08.

Finding: **This criterion is met.**

- (4) The proposed change of zone will have no adverse effect on abutting property or the permitted uses thereof.

Analysis: The subject property is located along the eastern edge of a large commercial district within the city and along a portion of the eastern edge of the city limits. This portion of Austin Street is a well-established commercial area with existing commercial development on both sides of the street. While there are some other vacant commercial properties in the vicinity, most of the properties are developed with commercial uses. The properties to the east of the subject property are accessed from Arthur Street; are zoned High-Density Residential in the County; and are developed primarily with single-family residences. In general, the existing city limit and zoning lines match the boundary between the properties accessed from the Austin Street side and properties accessed from the Arthur Street side. However, the subject property is unique in that the property only has access from Austin Street, but it extends beyond the existing city limit and zoning lines.

Through the requested annexation and concurrent zone change to GC the entirety of the subject property will be available for the kinds of development permitted within the GC zone. Permitted uses include a wide range of both commercial uses and residential densities/types. If the subject zone change is approved by Planning Commission and City Council, the applicant would still need to obtain Design Review application approval prior to any planned development of the site to ensure that all applicable current City development standards, and the conditions imposed by City file number 6-P-08, are met.

In general, Staff would not support a change of zone from High-Density Residential (Apartment Residential in the City) to General Commercial if the property took access from the Arthur Street side, as such a change of zone would likely add commercial traffic to the established residential neighborhood on Arthur Street. However, given that this property only has access to Austin Street, and Austin Street is an established commercial area, the proposed zone and the uses permitted in the zone are consistent with the uses and types of traffic existing on Austin Street.

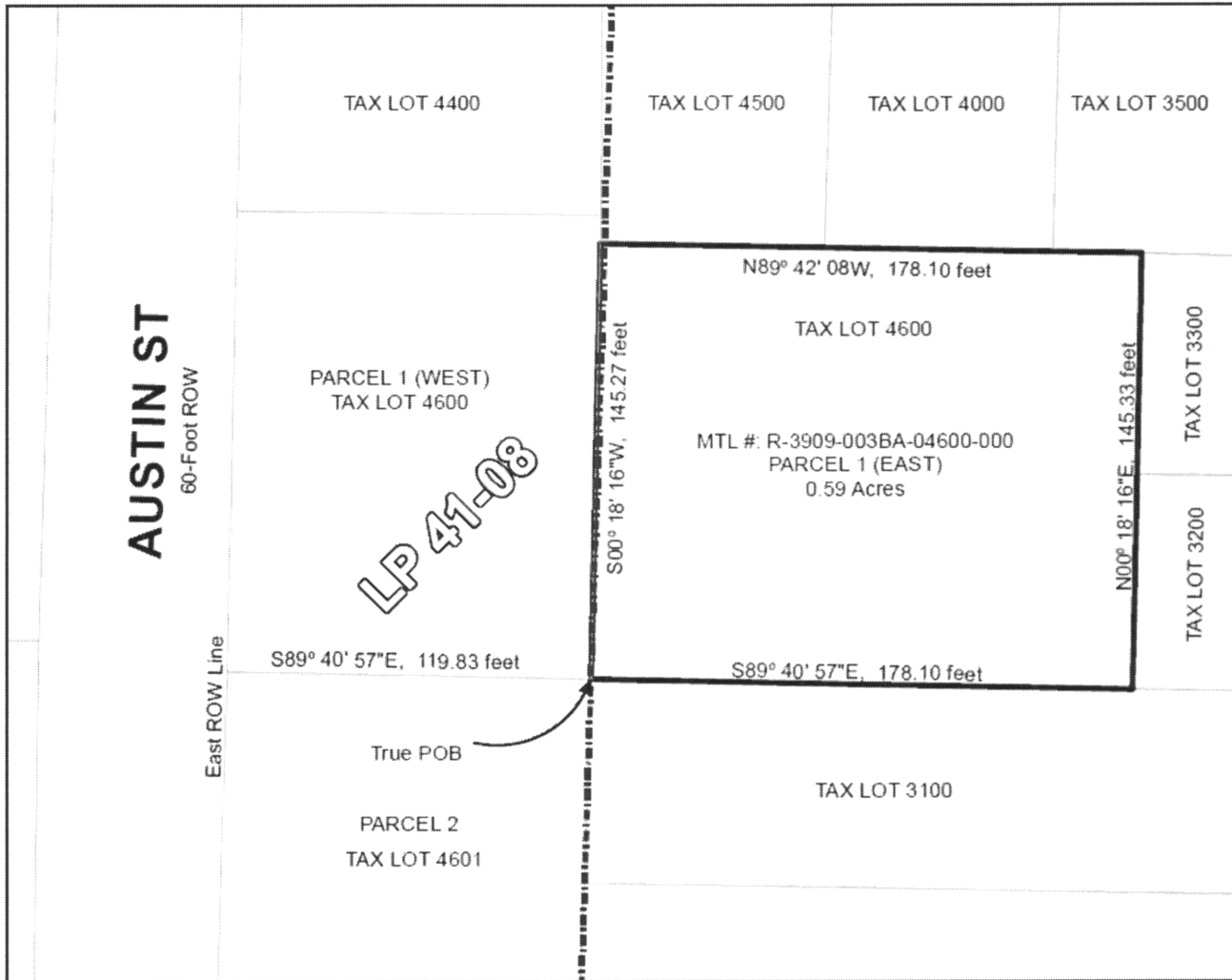
The subject property is much larger than the minimum lot size required for the GC zone, providing ample space to meet and/or exceed all setback distances required by the zone and to provide adequate screening to buffer between any future commercial use and the existing residential uses in the vicinity.

Given the existing development pattern along Austin Street; the fact that the property only has access to/from Austin Street and not Arthur Street; and the size of the subject property, the proposed zone change, along with the ability to develop commercial uses on the property will have no adverse effect on abutting property or the permitted uses thereof.

Finding: **This criterion is met.**

**Exhibit "B"**  
Annexation Map

# ANNEXATION BOUNDARY DESCRIPTION OF THE EASTERLY 178.10 FEET OF TAX LOT 4600 AS SHOWN ON THE KLAMATH COUNTY ASSESSORS MAP 39 09 03BA



MTL # = Map Tax Lot Number  
 Klamath Falls City Limits  
 Tax Lot  
 Annexation Boundary  
  
 0 25 50 Feet



Tom Del Santo PLS, CWRE  
 Jeff Hansen  
 City of Klamath Falls  
 500 Klamath Ave  
 Klamath Falls, OR 97601

**Exhibit "C"**  
Annexation Area

**ANNEXATION BOUNDARY DESCRIPTION  
OF THE EASTERLY 178.10 FEET OF TAX LOT 4600  
AS SHOWN ON KLAMATH COUNTY ASSESSOR MAP  
39 09 03BA**

**A TRACT OF LAND SITUATED IN THE NE1/4 NW1/4 OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON AND ALSO BEING SHOWN ON LAND PARTITION NO. 41-08 AS THE EASTERLY 178.10 FEET OF PARCEL 1, RECORDED IN THE KLAMATH COUNTY CLERKS OFFICE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the southwest corner of Parcel 1 as shown on Land Partition No. 41-08 recorded in the Klamath County Clerk's Office, said southwest corner being on the east right of way line of Austin Street; thence S89deg 40' 57"E, along the south line of said Parcel 1, 119.83 feet to the City of Klamath Falls Limits Line and **true point of beginning**; thence S89deg 40' 57"E, continuing along said south parcel line , 178.10 feet to the southeast corner of said Parcel 1; thence N00deg 18' 16"E, along the east line of said Parcel 1, 145.33 feet to the northeast corner of said Parcel 1; thence N89deg 42' 08"W, along the north line of said Parcel 1, 178.10 feet to the said City Limits Line; thence S00deg 18' 16"W, along said City Limits Line, 145.27 feet to the south line of said Parcel 1 and **true point of beginning**, containing 0.59 acres (25,877.93 square feet) more or less.