

City of Klamath Falls  
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ORDINANCE NO. 19-07

06/25/2019 03:41:25 PM

Fee: \$102.00

**A SPECIAL ORDINANCE ANNEXING A 0.65 ACRE PARCEL LOCATED  
AT 2972 S 6<sup>th</sup> STREET AND ASSIGNING A  
GENERAL COMMERCIAL ZONING DESIGNATION**

**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;

**WHEREAS**, a public hearing was held on April 22, 2019 pursuant to applicable laws, at which time all evidence and objection with reference to said proposed annexation were considered by the Planning Commission;

**WHEREAS**, the City Council, hearing notices having been duly given, held a public hearing on May 6, 2019, on the recommendation of and including the record of the Planning Commission concerning the annexation;

**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 criteria have been met; and

**WHEREAS**, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit A; NOW THEREFORE,

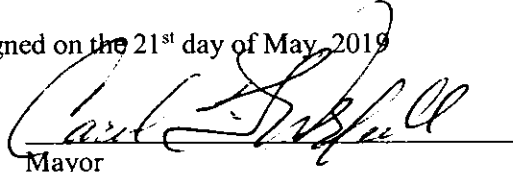
**THE CITY OF KLAMATH FALLS HEREBY ORDAINS AS FOLLOWS:**

Thereby the City of Klamath Falls hereby annexes a parcel of land located at 2972 S 6<sup>th</sup> Street described as Parcel 1 of Klamath County Land Partition 6-11. The annexed parcel is depicted in the attached Exhibit B.

The zoning designation of the annexed property will be General Commercial.

Passed by the Council of the City of Klamath Falls on the 20<sup>th</sup> day of May, 2019.

Presented to the Mayor, approved and signed on the 21<sup>st</sup> day of May, 2019

  
Mayor

ATTEST:

  
City Recorder

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

I, Nicole Barrington, City Recorder for the City of Klamath Falls, Oregon do hereby verify 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 20<sup>th</sup> day of May, 2019 and therefore approved and signed by the Mayor and attested by the City Recorder.

  
City Recorder

## **Exhibit “A”**

Findings – as Accepted by Planning Commission

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

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (CDO) (Chapters 10 to 14), specifically, Sections 13.105-13.150, regarding Annexation.

Criterion: The annexation conforms to the Comprehensive Plan.

**1) The Annexation will not encroach upon agricultural ground.**

Response: This annexation will not encroach upon agricultural ground. The property is located along S 6<sup>th</sup> Street, a major commercial corridor. The property has been previously developed for commercial use under Klamath County jurisdiction.

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

Response: This annexation will not encroach upon forestland. The property is located along S 6<sup>th</sup> Street, a major commercial corridor. The property has been previously developed for commercial use under Klamath County jurisdiction.

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

Response: Except for the subject property, the properties on both side of S 6<sup>th</sup> Street are entirely within the City limits from Main Street (west end) to Austin Street (east end). While the property has been previously developed and used for commercial uses under Klamath County jurisdiction, the requested annexation will help to ensure that future development and uses on the property are consistent with the types of developments occurring on other GC zoned properties in the vicinity. The proposed annexation will help to facilitate the reuse and redevelopment of this property in an area with existing urban infrastructure which helps to conserve open space and natural resources by limiting sprawl.

**4) The annexation will not adversely affect the quality of the community’s air, water and land resources.**

Response: As stated above, the proposed annexation will help to facilitate the reuse and redevelopment of this property in an area with existing urban infrastructure. The reuse/redevelopment of existing commercial sites helps to protect the community’s air quality by reducing sprawl and vehicle miles traveled. It also helps to protect the community’s water and land resources by preserving rural, undeveloped lands in their natural state.

**5) The annexation will not endanger life or property from natural disasters or hazards.**

Response: The property is located in an area with existing commercial development. The land is flat, outside of any mapped floodplain, and not particularly prone to natural disasters or hazards. Any future development of the property will be reviewed for consistency with building codes and all other applicable regulations related to natural hazard mitigation. This annexation will not endanger life or property from natural disaster or hazards.

**6) The annexation will help satisfy the citizen’s recreation needs.**

Response: Not applicable. This property will neither enhance nor detract from citizens’ recreation needs.

**7) The annexation will help satisfy the community's housing need.**

Response: Through the requested annexation and concurrent assignment of the GC zoning designation, the subject property will be available for the kinds of development permitted within the GC zone in the City. Permitted uses include a wide range of both commercial uses and residential densities/types. It is possible the property could be redeveloped to meet a portion of the community's housing needs.

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

Response: Through the requested annexation and concurrent assignment of the GC zoning designation, the subject property will be available for the kinds of development permitted within the GC zone in the City. Permitted uses include a wide range of both commercial uses and residential densities/types. Use and buildout of the subject property will remain similar after annexation if approved. Any future commercial development proposed for the site will need to obtain Design Review approval and meet all current City development standards. The proposed annexation will help to facilitate the reuse and redevelopment of this property in an area with existing urban infrastructure.

The requested annexation is supported by several goals and policies within the Economy element of the Comprehensive plan. These policies 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 requested annexation will aid in diversifying and improving the economy of the community.

**9) The annexation will create a timely, orderly, and efficient arrangement of public facilities and services.**

Response: The property is located along S 6<sup>th</sup> Street, a major commercial corridor with existing public facilities and infrastructure. Notice of the proposed annexation was sent to public and private utility providers. Those agencies that responded presented no concerns related to the proposed annexation or the ability to provide service to the types of uses permitted in the GC zone.

**10) The annexation will help provide a safe, convenient and economic transportation system.**

Response: The property is located along S 6<sup>th</sup> Street, a major commercial corridor. The proposed annexation is not anticipated to have any effect on the existing transportation system in the vicinity.

**11) The annexation will aid in conserving energy.**

Response: While the property has been previously developed and used for commercial uses under Klamath County jurisdiction, the requested annexation will help to ensure that future development and uses on the property are consistent with the types of developments occurring on other GC zoned properties in the vicinity. The proposed annexation will help to facilitate the reuse and redevelopment of this property in an area with existing urban infrastructure which helps to conserve energy by limiting the amount of additional infrastructure that needs to be developed and by limiting vehicle miles traveled.

**12) The annexation will promote an orderly and efficient transition from rural to urban land uses.**

Response: The requested annexation is supported by several goals and policies within the Urbanization element 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 proposed annexation will help to facilitate the reuse and redevelopment of this property in an area with existing urban infrastructure. The proposed annexation is 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).

**City Surveyor Comments –**

**GENERAL INFORMATION & FACTS:**

The property in question is shown as Assessor Map Reference 3909-03BC-Tax Lot 1001 and further identified as Parcel 1 of Land Partition 6-11 recorded in the Klamath County Clerk's Office. The applicant is requesting annexation into the City Limits of Klamath Falls. The process requires review by City of Klamath Falls staff and approval by the City of Klamath Falls City Council and the Oregon Department of Revenue (DOR).

**COMMENTS & CONDITIONS:**

1. The proposed and approved boundary change shall comply with the City of Klamath Falls Community Development Ordinances (CDO's)/Codes (more particularly; CDO Chapter 13, Sections 13.105 through 13.150), the Boundary Change Information requirements per the Oregon DOR, Oregon Revised Statute (ORS) 308.225 and any other conditions noted by the City of Klamath Falls Planning Division.
2. The State of Oregon requires that a proposed and final approved boundary change shall be approved by City Council, being the **appropriate boundary authority**, through order, **ordinance** (per City of Klamath Falls), or resolution with required descriptions and maps.
3. A boundary change description and map shall be prepared in accordance with ORS 308.225(2)(b). The City Surveyor requests that any description and map **not** prepared, signed and stamped by a Professional Land Surveyor licensed in the State of Oregon shall then be reviewed and approved by such Professional prior to forwarding to City Planning and the DOR. The applicant may also request the City Planning Manager to prepare those documents (description & map), by the City Surveyor and City Engineering Division, at a not to exceed determined amount.
4. A signed copy of the order, **ordinance** (per City of Klamath Falls), or resolution must be submitted to the DOR with the descriptions and maps for review and approval.
5. There are three potential errors that may be found by the DOR in their review of the ordinance, description and map. Those are classified as; Typographical errors, Minor error and Major error. Note that, any boundary change information that has to be corrected for any reason requires a correcting order, ordinance, or resolution from the appropriate boundary authority (City of Klamath Falls Council).

As stated above under the City Surveyor Comments, there are certain steps that must be taken to insure the proposed annexation complies with the City of Klamath Falls Community Development Ordinances/Codes and the Boundary Change Information requirements per the Oregon Department of Revenue and Oregon Revised Statute (ORS) 308.225. By following the comments and conditions outlined by the City Surveyor, the applicant can insure the proposed annexation meets applicable standards for the City and the Oregon DOR.

**Proposed Finding: The annexation conforms to the Comprehensive Plan. This criterion is met with the conditions stated above under City Surveyor Comments.**

