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ORDINANCE NO. 19-11

07/19/2019 12:27:02 PM

Fee: \$107.00

**A SPECIAL ORDINANCE ANNEXING A 1.95 ACRE PARCEL
LOCATED AT 5602 HOMEDALE ROAD, AND ASSIGNING
A SINGLE-FAMILY RESIDENTIAL 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 May 13, 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 June 3, 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 5602 Homedale Road. The annexed parcel is depicted in the attached Exhibit B and is legally described in the attached Exhibit C.

The zoning designation of the annexed property will be Single Family Residential.

Passed by the Council of the City of Klamath Falls on the 17th day of June, 2019.

Presented to the Mayor, approved and signed on the 19th day of June, 2019

Mayor

ATTEST:

City Recorder

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

I, _____, 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 17th day of June, 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.

The Annexation will not encroach upon agricultural ground.

Response: This annexation will not encroach upon agricultural ground. The property is located along a portion of Homedale Road that has historically been developed with lower-density single family homes on large lots. Much of the area has been annexed into the City and developed with higher density residential development. The process of annexation and conversion to more intensive urban use is consistent with the Comprehensive Plan and Statewide Planning Goals as this property, along with the surrounding properties, is within the Urban Growth Boundary (UGB) and has been designated for urban development.

The annexation will not encroach upon forestland.

Response: This annexation will not encroach upon forestland. There are no forest lands in the vicinity and as discussed above, the property and surrounding area are within the UGB and designated for urban development.

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

Response: The proposed annexation is consistent with the Comprehensive Plan and Statewide Planning Goals as this property and surrounding area are within the UGB and designated for urban development. By establishing an UGB and distinguishing between urbanizable lands and resource lands the City of Klamath Falls' Comprehensive Plan helps to limit urban/suburban sprawl, thereby helping to conserve open space and protecting natural resources.

The annexation will not adversely affect the quality of the community's air, water and land resources.

Response: As stated above, the proposed annexation is consistent with the Comprehensive Plan and Statewide Planning Goals as this property and surrounding area are within the UGB and designated for urban development. By establishing an UGB and distinguishing between urbanizable lands and resource lands the City of Klamath Falls' Comprehensive Plan helps to limit urban/suburban sprawl, thereby helping to preserve the quality of the community's air, water and land resources.

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

Response: The property is located in an area with existing residential 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.

The annexation will help satisfy the citizen's recreation needs.

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

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

Response: The property is currently zoned for residential development under Klamath County jurisdiction and is developed with a single-family residence. Although the owners have no plans to further develop or redevelop the property with higher-density residential development at this time, the availability of urban services from the City through annexation will make further development more feasible. The proposed annexation could have the effect of helping to satisfy a portion of the community's housing need.

The annexation will diversify and improve the community economy.

Response: Not applicable. The property is currently zoned for residential use under Klamath County jurisdiction and will remain zoned for residential use under City jurisdiction if annexed.

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

Response: The property is located along a portion of Homedale Road that has historically been developed with lower-density single family homes on large lots. Much of the area has been annexed into the City and developed with higher density residential development. The process of annexation and conversion to more intensive urban use is consistent with the Comprehensive Plan and Statewide Planning Goals as this property, along with the surrounding properties, is within the UGB and has been designated for urban development. Public facilities and services have been developed into this area as it has annexed to the City and redeveloped. This being the case, there are public facilities and services that can be made available to the subject property and extended in a timely, orderly and efficient arrangement.

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

Response: The property is located along Homedale Road, a major transportation corridor. The proposed annexation is not anticipated to have any effect on the existing transportation system in the vicinity.

The annexation will aid in conserving energy.

Response: While the property has been previously developed and used for residential use under Klamath County jurisdiction, the requested annexation will help to provide urban infrastructure to the property, providing opportunity for future redevelopment of the site with additional density. The proposed annexation will help to facilitate the 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.

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 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 eventual 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).

US Bureau of Reclamation (USBR) Comments –

It has been determined that the proposed project does not intersect Reclamation property or facilities in its current configuration. However, the A-3-b lateral lies along the western edge of the property. This Lateral is a buried pipeline, so care must be taken if the applicant is wanting to do any digging towards the western side of the property. It might be advisable to conduct a survey to make sure that boundary lines are observed. If for any reason, the project proponent should need access to Reclamation property they can initiate a permit application with the Klamath Basin Area Office for consideration.

City Engineering Comments –

City Engineering Division has determined this residence can construct a sewer service lateral from the City's existing sanitary sewer main line which fronts the north portion of this property. Construction of the lateral shall be per City Standards and also shall be approved by Klamath County Public Works because Homedale Road is under their jurisdiction. A City Site Construction Permit and a \$90 excavation fee will be required.

City Surveyor Comments –

GENERAL INFORMATION & FACTS: The property in question is shown as Assessor Map Reference 3909-14DB-Tax Lot 8800 and located on the west side of Homedale Road just north of the Southside Expressway. The applicant is requesting annexation into the City Limits of Klamath Falls so as to obtain wastewater services from the City 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.
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 Engineering and 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 City Engineering and 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 Engineering and Surveyor Comments.

Exhibit "B"
Annexation Map

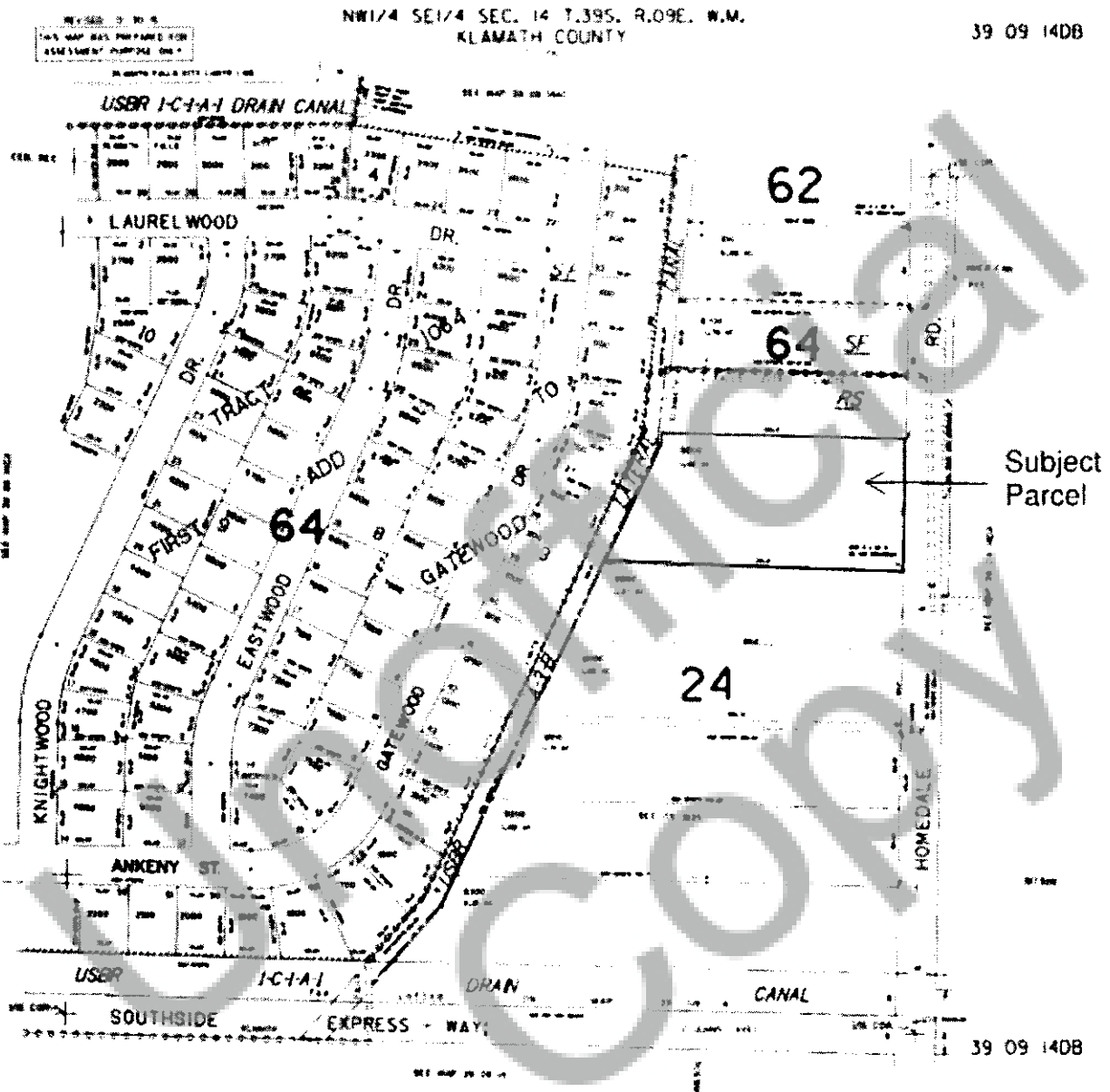


Exhibit "C"
Legal Description
City of Klamath Falls Annexation

A tract of land situated in the NW1/4 SE1/4 of Section 14 Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at an iron pin on the West boundary of Homedale Road, said point being West a distance of 30 feet and South a distance of 1720 feet from the Northeast corner of the SW1/4 NE1/4 of said Section 14; thence South along the West boundary of Homedale Road a distance of 200.0 feet to an iron pin: thence West a distance of 470.6 feet to an iron pin on the Easterly right of way line of Lateral F-5 (or Lateral A-3-B); thence Northeasterly along said Easterly right of way line to an iron pin located West a distance of 390.2 feet from the above described beginning point; thence East a distance of 390.2 feet, more or less, to the Point of Beginning.