



ORDINANCE NO. 19-08

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08/01/2019 03:18:24 PM

Fee: \$112.00

**A SPECIAL ORDINANCE ANNEXING A 0.40 ACRE PARCEL
LOCATED AT 2226 WASHBURN WAY 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 2226 Washburn Way. 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 General Commercial.

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

Presented to the Mayor, approved and signed on the 21st day of May, 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 20th 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 Washburn Way, a major commercial corridor. While there are some vacant commercial properties in the vicinity, most of the properties are developed with commercial uses.

2) The annexation will not encroach upon forestland.

Response: This annexation will not encroach upon forestland. The property is located along Washburn Way, a major commercial corridor. While there are some vacant commercial properties in the vicinity, most of the properties are developed with commercial uses.

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

Response: The subject property is approximately 0.70 acres in total size. Approximately 50% 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 CG under Klamath County jurisdiction. Through the requested annexation and concurrent assignment of the GC zoning designation, the entirety of the subject property will be available for the kinds of development permitted within the GC zone in the City. The proposed annexation will help to facilitate the development of the remainder of the property, providing for in-fill development 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 development of the remainder of the property, providing for in-fill development in an area with existing urban infrastructure. Infill development with its increased density of development 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 entirety of 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 developed/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 entirety of 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 development of the remainder of the property, providing for in-fill development 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 Washburn Way, 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 Washburn Way, 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: Through the requested annexation and concurrent assignment of the GC zoning designation, the entirety of the subject property will be available for the kinds of development permitted within the GC zone in the City. The proposed annexation will help to facilitate the development of the remainder of the property, providing for in-fill development in an area with existing urban infrastructure. The use of existing infrastructure and increased density that comes from infill development both help 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 development of the remainder of the property, providing for in-fill development 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 3909-04AD-Tax Lot 900. The applicant is requesting annexation into the City Limits of Klamath Falls. The process requires review 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/Codes, 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.

Exhibit "B"
Annexation Map

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE1/4 NE1/4 SEC. 04 T.39S. R.09E. W.M.
KLAMATH COUNTY

39 09 04AD
KLAMATH FALLS

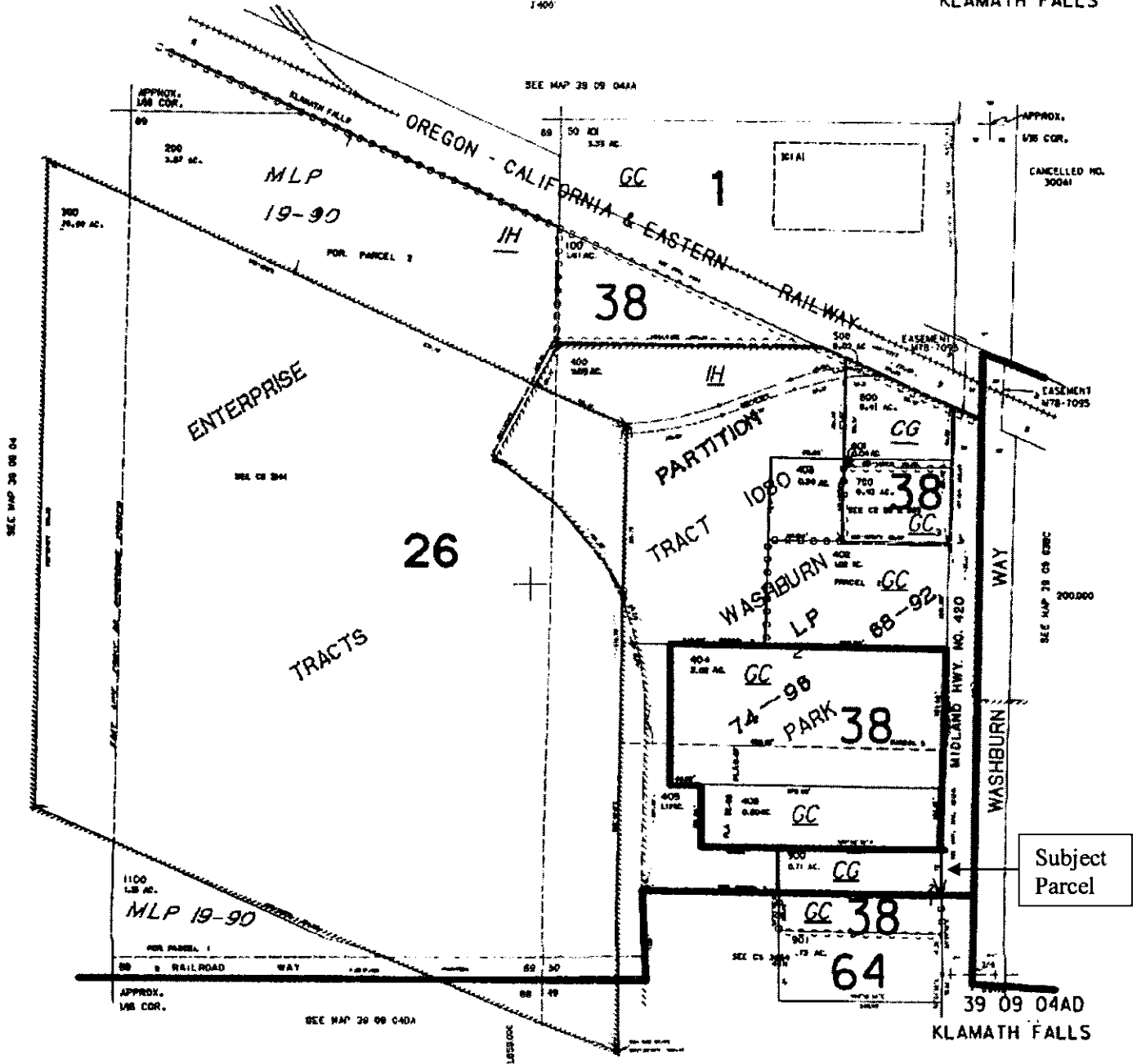


Exhibit 'C'
Legal Description
City of Klamath Falls Annexation

A parcel of land situated in the SE1/4 NE1/4 of Section 4, Township 39 South, Range 09 East, W.M., Klamath County, Oregon, said parcel also being a portion of Lot 2, Block 2, 'Tract 1080 – Washburn Park', a duly recorded subdivision, in the County of Klamath, State of Oregon.

The northerly 70.00 feet of Parcel 1 of Minor Land Partition 12-86, said parcel being more particularly described as follows:

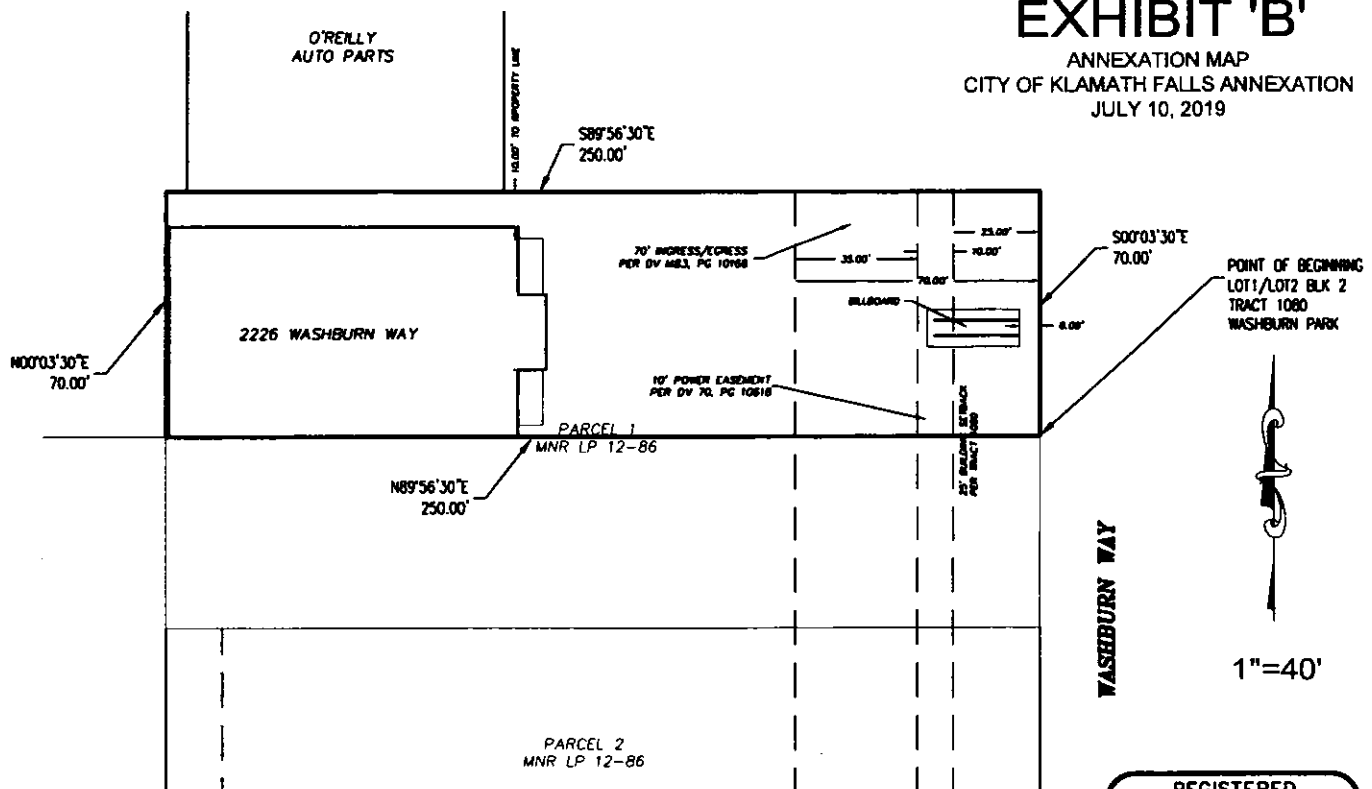
Beginning at the corner common to Lot 1 and said Lot 2, Block 2, 'Tract 1080 – Washburn Park', said point also on the Westerly right of way line of Washburn Way; thence leaving said right of way line of Washburn Way along the south line of said Lot 2, North 89°56'30" West, 250.00 feet; thence North 00°03'30" East, 70.00 feet to the Northwest corner of said Parcel 1 of Minor Land Partition 12-86; thence South 89°56'30" East, 250.00 feet to the Northeast corner of said Parcel 1 of Minor Land Partition 12-86, said point also on the Westerly right of way line of Washburn Way; thence along the said Westerly right of way line of Washburn Way South 00°03'30" West, 70.00 feet to the Point of Beginning.

Said parcel containing 17,500 sq. ft., more or less. Basis of Bearings is per the Survey of Minor Land Partition 12-86, recorded in the Klamath County Surveyors office.

* Per Oregon Dept. of Revenue
Cadastral Information Systems Unit
Revised Ex. B Map to be recorded
with Council approved Ordinance
No. 19-08. Shows Bearings and
distances, Point of Call and
references Minor Land Partition 12-86
on map.

EXHIBIT 'B'

ANNEXATION MAP
CITY OF KLAMATH FALLS ANNEXATION
JULY 10, 2019



R-C
RHINE-CROSS
GROUP

RHINE-CROSS GROUP LLC

ENGINEERING - SURVEYING - PLANNING
112 N 5th ST - SUITE 200 - P.O. BOX 909
KLAMATH FALLS, OREGON 97601

Phone: (541) 851-9405 Fax: (541) 273-9200 admin@rc-grp.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Marcus D. Cross

OREGON
JULY 6, 2010
MARCUS D. CROSS
55506PLS

RENEWS: 12-31-2019