

Fee: \$107.00

Witness
Returned at Counter

Ordinance No. 20-02, Page 1 of 6

Exhibit "A"
Findings – as Accepted by Planning Commission

RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS:

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 suburban 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. City Medium Density Residential zoning allows for the construction of single family and duplex uses while triplex and fourplex units may be approved through a Conditional Use Permit.

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 suburban-style 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).

Klamath County Public Works Comments -

1. A road overlay (Homedale) is scheduled in the next 2 years which will trigger a pavement cutting moratorium. Any connection to utilities may require boring depending on timing.
2. Permits will be required for any work in the County road right-of-way of Homedale. Please contact John Claybaugh for this permit.

City Surveyor Comments –

General Information & Facts: The property in question is shown as Assessor Map Reference 3909-14DA-Tax Lots 5700 & 5800; located on the east side of Homedale Road and contiguous with Tract 1439 Prairie Meadows Subdivision. 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, who is experienced in preparing those documents, 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).
6. Prior to above items 1 through 5 being accomplished, the Engineering Division of the City of Klamath Falls Public Works Department will need to verify; 1) if the City Sanitary Sewer Main can be accessed from this property per City of Klamath Falls Public Works Engineering Standards, 2) if additional public/private legal access per easement or other public right of way means will be required, 3) if there is an existing cost recovery agreement on file with the City that may pertain to a proposed connection to this existing City Sanitary Sewer Main.

Proposed Finding: The annexation conforms to the Comprehensive Plan.

Exhibit "B" Annexation Map

Annexation Boundary Exhibit Map
For Tax Lots 5700 & 5800 Shown On
Klamath County Assessor's Map 39-09-14DA
Located in the NW 1/4 SE1/4 Sec. 14 T39S, R09E, WM, Klamath County OR

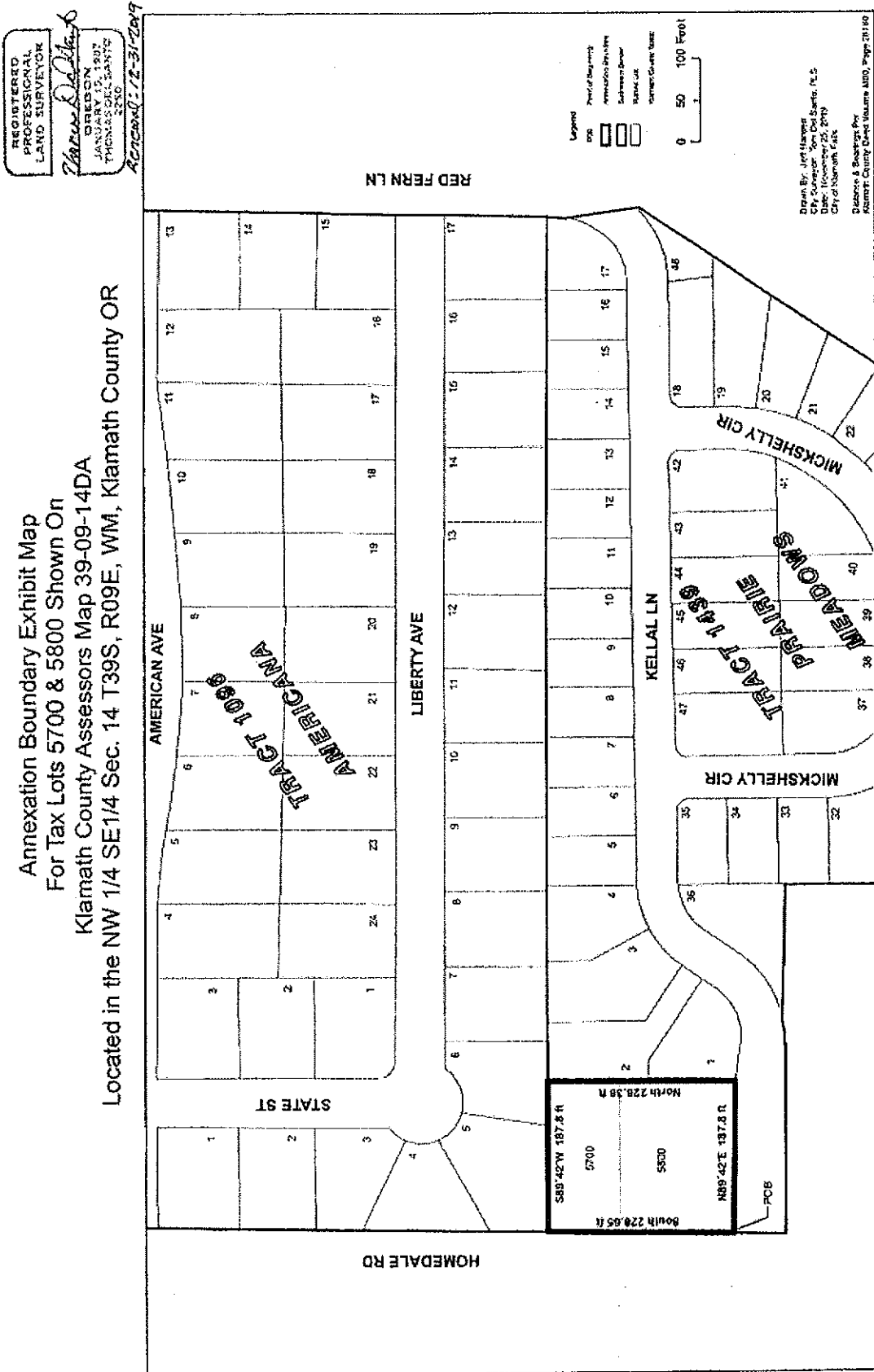


Exhibit "C"

**ANNEXATION BOUNDARY DESCRIPTION
OF TAX LOTS 5700 & 5800 AS SHOWN ON
KLAMATH COUNTY ASSESSOR MAP 39 09 14DA**

A TRACT OF LAND SITUATED IN THE NE1/4 SE1/4 OF SECTION 14, TOWNSHIP 39 SOUTH, RANGE 9 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON. SAID TRACT BEING CONTIGUOUS ON THE NORTH WITH TRACT 1096 AMERICANA (SUBDIVISION), ON THE SOUTH WITH PUBLIC RIGHT OF WAY KELLAL LANE, ON THE WEST WITH PUBLIC RIGHT OF WAY HOMEDALE ROAD AND ON THE EAST WITH TRACT 1439 PRAIRIE MEADOWS (SUBDIVISION), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point that is at the intersection of the east right of way line of Homedale Road with the north right of way line of Kellal Lane as shown on Tract 1439 Prairie Meadows recorded in the Klamath County Clerk's Office; thence N89deg 42'E, along said north right of way line, 187.8 feet to the west boundary line of said Tract 1439; thence North, along said west boundary line, 228.38 feet to the south boundary line of Tract 1096 Americana recorded in the Klamath County Clerk's Office; thence S89deg 42'W, along said south boundary line, 187.8 feet to the east right of way line of said Homedale Road; thence South, along said east right of way line, 228.65 feet to the north right of way line of said Kellal Lane and point of beginning, containing 0.98 acres more or less. Bearings and distances per Deed Vol.M00, Page28160, recorded in the Klamath County Clerk's Office.