



ORDINANCE NO. 22-08

06/09/2022 02:49:32 PM

Fee: \$117.00

**A SPECIAL ORDINANCE ANNEXING TWO CONTIGUOUS PARCELS
TOTTALLING 6.57 ACRES, COUNTY ADDRESSED AS 2913 BROADMORE
STREET AND 2933 HILYARD AVENUE AND ASSIGNING
AN INDUSTRIAL ZONING DESIGNATION**

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation of certain real properties, of which properties are hereinafter described;

WHEREAS, a public hearing was held on February 28, 2022 pursuant to applicable laws, at which time all evidence with reference to said proposed annexation was considered by the Planning Commission;

WHEREAS, the City Council, hearing notices having been duly given, held a public hearing on April 18, 2022, 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 Klamath Falls Urban Area Comprehensive Plan and the City of Klamath Falls and Klamath County Revised Urban Growth Management Agreement (UGMA); and

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

THE CITY OF KLAMATH FALLS HEREBY ORDAINS AS FOLLOWS:

Parcel 1 of Klamath County Land Partition 46-01 addressed as 2933 Hilyard Avenue and Parcel 2 of Klamath County Land Partition 46-01 addressed as 2913 Broadmore Street are hereby annexed into the Klamath Falls City limits. The annexed properties are described and depicted in the attached Ordinance Exhibits B and C. The annexed properties total 6.57 acres and will have an Industrial zoning designation.

This Ordinance shall become effective 30 days from enactment.

Passed by the Council of the City of Klamath Falls this 2nd day of May, 2022

Presented to the Mayor, approved and signed this 3rd day of May, 2022

Mayor

Attested by:
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 2nd day of May, 2022 and therefore approved and signed by the Mayor and attested by the City Recorder.

City Recorder

Ordinance Exhibit “A”
Accepted Findings

RELEVANT REVIEW CRITERIA AND FINDING:

Because the proposal is for an annexation into City limits, the annexation approval criteria contained within the ‘City of Klamath Falls and Klamath County Revised Urban Growth Management Agreement’ (UGMA) apply. Criteria appear below in italics. Findings will subsequently appear in Roman Type preceded by the heading “Findings” in bold.

City of Klamath Falls and Klamath County Revised Urban Growth Management Agreement (UGMA)

The City may annex land after having received a request for annexation when affirmative findings are made in relation to the following:

- 1. Land is contiguous with the City limits and within the Urban Growth Boundary*
- 2. The development of the property is compatible with the rational and logical extension of utilities and roads to the surrounding areas.*
- 3. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City’s ability to adequately serve all areas within the existing City limits.*
- 4. The proposal is in compliance with the comprehensive plans of the City and the County.*

Findings

1. The properties are within the Urban Growth Boundary (UGB) and are contiguous to lots west and north that are within City limits.
2. The properties are already developed and are served by Broadmore Street and Hilyard Avenue, both of which also serve other properties within City limits. Water mains have already been extended along and beyond property frontages for both sites.
3. Agency review did not indicate that provision of urban services to the properties would negatively impact the City’s ability to adequately serve all areas within existing City limits.
4. The proposal complies with the Comprehensive Plan. See additional Comprehensive Plan Findings below.

The Comprehensive Plan does not supply specific requirements for annexation. Therefore, staff’s findings with regard to the Comprehensive Plan will address the Goals outlined within. Because the land to be annexed is within the Urban Growth Boundary, there is no change to the intended zoning, and current zoning has previously been approved by the state and both local bodies, it can reasonably be assumed that, unless otherwise revealed through staff research or contradictory evidence, the requirements of the Comprehensive Plan have already been met.

Comprehensive Plan Findings

1. Agricultural Lands

The annexation will not encroach upon agricultural lands.

2. Forest Lands

The annexation will not encroach upon forest lands.

3. Urban Open Space and Cultural Resources

The annexation is of developed properties currently zoned IH – Heavy Industrial by Klamath County. The Comprehensive Plan recognizes that the properties are not candidates for open space conservation and will automatically receive the zoning designation I –Industrial upon annexation. Additionally, the properties contain neither natural resources in need of protection nor scenic resources.

4. Air, Water, and Land Resources Quality.

Because the existing properties are already developed, air, water, and land quality impacts will remain the same regardless of annexation. However, Parcel 2 is currently listed with the Department of Environmental Quality as a site requiring long term care or control and is restricted from future development with residential or agricultural land uses due to diesel and lead leachate into the groundwater.

5. Natural Hazards

The annexation will pose no threat to life nor property from natural disasters or hazards.

6. Urban Recreation Needs and Opportunities

The annexation will neither positively nor negatively affect the recreational needs of the City as parks and recreational facilities are not allowed permitted the I zone.

7. Economic Development

The annexation will bring developed parcels into City limits, allowing the provision of water to the sites. This will help ensure that economic activity on the sites remains more stable than it otherwise would without access to the City's water system.

8. Housing

The annexation will neither positively nor negatively affect the City's housing needs as housing is not permitted within the I zone, and Parcel 2 is further restricted from residential development.

9. Public Facilities and Services

The annexation will not impact the timeliness, orderliness, or efficiency of the arrangement of public facilities and services as facilities and services already run to and through the properties proposed for annexation.

10. Transportation

The annexation will not impact the provision of a safe, convenient, and economic transportation system as the existing parcels are already part of said transportation system and no changes will be made as a result of the annexation.

11. Energy Conservation

The annexation will have no impact on the conservation of energy.

12. Growth Management and Urbanization

The annexation will have no impact on the orderliness or efficiency of transition from rural to urban land use as the properties are already adjacent to urban services and are bordered by urban uses.

Ordinance Exhibit "B"
Annexation Map – Parcels 1 and 2 of Klamath County Land Partition 46-01

LAND PARTITION 46-01

BADOREK ENTERPRISES
 IN THE
 SW1/4 SW1/4 SEC 3, T36S, R9E, W4E,
 KLAMATH COUNTY, OREGON

DECLARATION

I, the undersigned, being the owner of the above described land, do hereby certify that the same is not subject to any lien, mortgage, or other encumbrance, and that the same is not subject to any claim of any person other than the undersigned.

Handwritten: I, Handwritten Name, do hereby certify that the above described land is not subject to any lien, mortgage, or other encumbrance, and that the same is not subject to any claim of any person other than the undersigned.

STATE OF OREGON
 COUNTY OF Klamath

COMMISSIONER OF LANDS
Handwritten Name

NOTARY PUBLIC
Handwritten Name

LEGEND

- 1. All land shown on this map is owned by Badorek Enterprises.
- 2. All land shown on this map is subject to the same terms and conditions as the land shown on the map.
- 3. All land shown on this map is subject to the same terms and conditions as the land shown on the map.
- 4. All land shown on this map is subject to the same terms and conditions as the land shown on the map.
- 5. All land shown on this map is subject to the same terms and conditions as the land shown on the map.

APPROVED BY: Handwritten Name **DATE:** 3/10/02

APPROVED BY: Handwritten Name **DATE:** 3/10/02

NOTARY PUBLIC: Handwritten Name

EXEMPTIONS

The following land is exempt from the provisions of the Klamath County Land Partition Act:

- 1. All land shown on this map is exempt from the provisions of the Klamath County Land Partition Act.
- 2. All land shown on this map is exempt from the provisions of the Klamath County Land Partition Act.
- 3. All land shown on this map is exempt from the provisions of the Klamath County Land Partition Act.
- 4. All land shown on this map is exempt from the provisions of the Klamath County Land Partition Act.
- 5. All land shown on this map is exempt from the provisions of the Klamath County Land Partition Act.

NOTARY PUBLIC: Handwritten Name

ADKINS

NOTARY PUBLIC
Handwritten Name

NOTARY PUBLIC
Handwritten Name

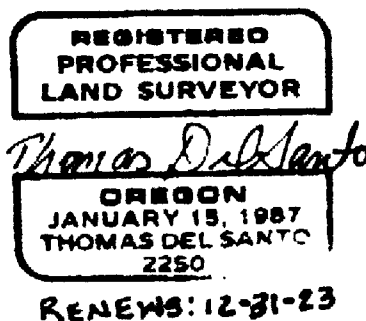
Ordinance Exhibit "C"

Annexation Boundary Description – Parcels 1 and 2 of Klamath County Land Partition 46-01

**ANNEXATION BOUNDARY DESCRIPTION
FOR PARCELS 1 & 2 OF LAND PARTITION 46-01
RECORDED IN THE KLAMATH COUNTY CLERK'S OFFICE
AND SHOWN ON KLAMATH COUNTY ASSESSORS MAP AS
TAX LOTS 700 & 800 ON SHEET 39 09 03CC**

A TRACT OF LAND SITUATED IN THE SW1/4 SW1/4 OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON AND ALSO BEING SHOWN ON LAND PARTITION 46-01 AS PARCELS 1 & 2 RECORDED IN THE KLAMATH COUNTY CLERKS OFFICE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the southwest corner of Parcel 2 as shown on Land Partition 46-01, said corner being the INITIAL POINT of said Land Partition as recorded in the Klamath County Clerk's Office, said southwest corner also being the intersection of the east right of way line of Broadmore Street with the north right of way line of Hilyard Avenue; thence N00deg 09'48"E, along said east right of way line, 353.42 feet to the northwest corner of said Parcel 2; thence S89deg 13'01"E, along the north line of said Parcel 2, 316.00 feet to an angle point on the west line of Parcel 1 of said Land Partition; thence N00deg 09'48"E, along said west line of Parcel 1, 276.00 feet to the north line of said Parcel 1; thence, S89deg 13'01"E, along said north line of Parcel 1, 293.56 feet to the east line of said Parcel 1; thence S00deg 14'05"W, along said east line, 431.08 feet; thence N89deg 06'00"W, 25.00 feet; thence S15deg 50'10"W, 206.54 feet to the south line of said Parcel 1 and being also shown as the said north right of way line; thence N89deg 06'00"W, along said north right of way line, 528.24 feet to the point of beginning; containing 6.57 acres more or less. (See attached map – EXHIBIT A)



Ordinance Exhibit "C" continued

A TRACT OF LAND SITUATED IN THE SW1/4 SW1/4 OF
SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST, OF
THE WILLAMETTE MERIDIAN, KLAMATH COUNTY,
OREGON AND ALSO BEING SHOWN ON LAND
PARTITION 46-01 AS PARCELS 1 & 2 RECORDED IN
THE KLAMATH COUNTY CLERKS OFFICE

Klamath County Assessor Map 39 09 03CC

Drawn by: Jeff Hansen

PLS: Thomas Del Santo

