

**CITY OF KLAMATH FALLS
PLANNING COMMISSION**

**Staff Report
5-A-09**

April 13, 2009

I. TITLE

Request to annex 15.24 acres of property within the Urban Growth Boundary through CDO 10.520 (2) Consent Petition procedures.

II. SUMMARY AND BACKGROUND

The applicant, City of Klamath Falls, proposes to annex approximately 1.84 acres of private property, 13.40 acres of City owned property (future site of the Southside Park), and portions of rights-of-way within the Urban Growth Boundary. The subject properties have two different Klamath County zoning classifications that would be assigned similar City of Klamath Falls zoning classifications per CDO 13.140, if the proposed annexation is adopted.

Some of the property (1.84 acres) is zoned CG (General Commercial) in the County and would become GC (General Commercial) in the City. The remainder of the property which is owned by the City of Klamath Falls (13.40 acres) is zoned RM (Medium Density Residential) in the County and would become MD (Medium Density Residential) in the City.

Oregon Revised Statute 222.170 and City of Klamath Falls procedures allow the City to annex property that has consented through an agreement. Property owners enter into an annexation agreement to obtain immediate service to City utilities, such as sewer and water. Properties being considered for annexation consented through agreement in 1997 and 2009. Actually, the 13.40 acres owned by the City was requested to be annexed through completion of an annexation application on February 11th 2009. City Administration completed the application instead of consenting through an agreement for sewer or water service. The 13.40 acres that is reserved for Southside Park was purchased by the City in April of 2003; however, annexation was not requested until recently by City Administration. All properties proposed for annexation at this time are now contiguous with City of Klamath Falls boundary lines.

Referring Agency Comments:

Engineering Division:

1. An annexation boundary description shall be submitted to the Community Development Department for review and approval. The description shall be written in accordance with the Oregon Department of Revenue standards and Oregon Revised Statute 308.225.

2. Water and Sewer serviceability, along with other public improvements, can be determined at the time of the next land use application relating to these properties that are not currently developed.
3. Klamath County Public Works and City Public Works should discuss street maintenance jurisdiction (including storm drainage and street lights), on those rights of way being annexed.

Klamath County Building Division:

“The County Building Division has no issues or concerns with this proposal at this time.”

Klamath County Planning Division:

“No Comments”

KCFD #1:

“KCFD1 has no objection to the proposed annexation.”

Avista:	No comments were received.
Basin Transit:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
SSSD:	No comments were received.
Charter:	No comments were received.
ODOT:	No comments were received.
Co. Surveyor	No comments were received.
Co. Public Works:	No comments were received.
City Manager:	No comments were received.
City Attorney:	No comments were received.
Airport Director:	No comments were received.
Code Enforcement:	No comments were received.
Police Department:	No comments were received.
City Schools:	No comments were received.
County Schools:	No comments were received.
Waste Management:	No comments were received.
Opponents:	No comments were received.
Proponents:	No comments were received.

III. RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND PROPOSED FINDINGS

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 13.105 to 13.140, regarding Annexations.

Criterion: The annexation conforms to the Comprehensive Plan.

- 1) *The annexation will not encroach upon agricultural ground.*

Facts and Analysis

The proposed annexation involves land that is already developed or approved for development within the Urban Growth Boundary. Said land is not zoned Exclusive Farm Use (EFU) and is in conformance with Oregon Statewide Planning Goal 3: Agricultural Lands, OAR 660-015-0000(3).

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

Facts and Analysis

The proposed annexation involves land that is already developed or approved for development within the Urban Growth Boundary. Said land is not zoned Forestry/Range (FR) and is in conformance with Oregon Statewide Planning Goal 4: Forest Lands, OAR 660-015-0000(4).

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

Facts and Analysis

The proposed annexation involves land that is already developed or approved for development within the Urban Growth Boundary. Said land is not zoned for Open Space or Natural Resource Preservation and is in conformance with Oregon Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces, OAR 660-015-0000(5).

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

Facts and Analysis

The proposed annexation involves land that is already developed or approved for development within the Urban Growth Boundary. Annexation of said land will not adversely affect the quality of air, water, or land resources and is in conformance with Oregon Statewide Planning Goal 6: Air, Water, and Land Resources Quality, OAR 660-015-0000(6).

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

Facts and Analysis

The proposed annexation will not increase the probability of endangering life or property from natural disasters or hazards. Annexation of said land is in conformance with Oregon Statewide Planning Goal 7: Areas Subject to Natural Hazards, OAR 660-015-0000(7).

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

Facts and Analysis

The proposed annexation will not affect the citizen's recreational needs. Annexation of said land is in conformance with Oregon Statewide Planning Goal 8: Recreational Needs, OAR 660-015-0000(8). The 13.40 acres of land was purchased by the City for the development of a neighborhood park. Southside Park will help satisfy citizen recreational needs by providing a park and open space area in the south east corner (Gatewood Subdivision/Regency Estates Subdivision) of Klamath Falls.

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

Facts and Analysis

The proposed annexation will not affect the community's housing needs. Annexation of said land is in conformance with Oregon Statewide Planning Goal 10: Housing, OAR 660-015-0000(10).

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

Facts and Analysis

The proposed annexation will not affect the community's economic needs. Annexation of said land is in conformance with Oregon Statewide Planning Goal 9: Economic Development, OAR 660-015-0000(9).

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

Facts and Analysis

The proposed annexation involves land and rights-of-way that are already developed or approved for development within the Urban Growth Boundary. Annexation of said land will create a timely, orderly, and efficient arrangement of public facilities and services and is in conformance with Oregon Statewide Planning Goal 11: Public Facilities and Services, OAR 660-015-0000(11). **“Local Governments should not allow the establishment or extension of sewer systems outside urban growth boundaries or unincorporated community boundaries.”** Land being annexed would be extended the full range of general fund City services, including City law enforcement. The 13.40 acres for the future site of Southside Park does not currently use City water or sewer services, but has been requested to be annexed. This City land will eventually be developed as a park which will increase opportunity for recreation and provide people in the south east corner of Klamath Falls with additional public facilities.

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

Facts and Analysis

The proposed annexation involves land and rights-of-way that are already developed or approved for development within the Urban Growth Boundary. Annexation of said land will help provide a safe, convenient, and economic transportation system and is in conformance with Oregon Statewide Planning Goal 12: Transportation, OAR 660-015-0000(12).

11) *The annexation will aid in conserving energy*

Facts and Analysis

The proposed annexation will not affect the community's ability to conserve energy. Annexation of said land is in conformance with Oregon Statewide Planning Goal 13: Energy Conservation, OAR 660-015-0000(13).

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

Facts and Analysis

The proposed annexation involves land that is already developed or approved for development within the Urban Growth Boundary. The proposed annexation will promote an orderly and efficient transition from rural to urban land uses. Annexation of said land is in conformance with Oregon Statewide Planning Goal 14: Urbanization, OAR 660-015-0000(14). **“Land within urban growth boundaries shall be considered available for urban development.”** Land currently under County jurisdiction could become more urbanized/dense with the proposed annexation.

Finding

The proposed annexation conforms to the comprehensive plan. **This criterion is met.**

IV. DOCUMENTS ATTACHED

- Table 1: Contiguous Consents Spreadsheet
- Area Maps
 - Stonecrest Homes Area Aerial from GIS Assessor Map R-3908-012D0
 - Southside Park Area Aerial from GIS Assessor Map R-3909-014BA

Table 1 gives a breakdown explaining the following: annexation agreement signee, year signed, reason signed, and if there was a year restriction limiting the City’s ability to annex. In addition, Table 1 provides the following property identification information: tax map, tax lot, Situs (physical) address, subdivision name, County zoning designation, parcel size, current owner, and a notes column with tract information and/or lot numbers.

Table 1: Consents for 5-A-09





Consents

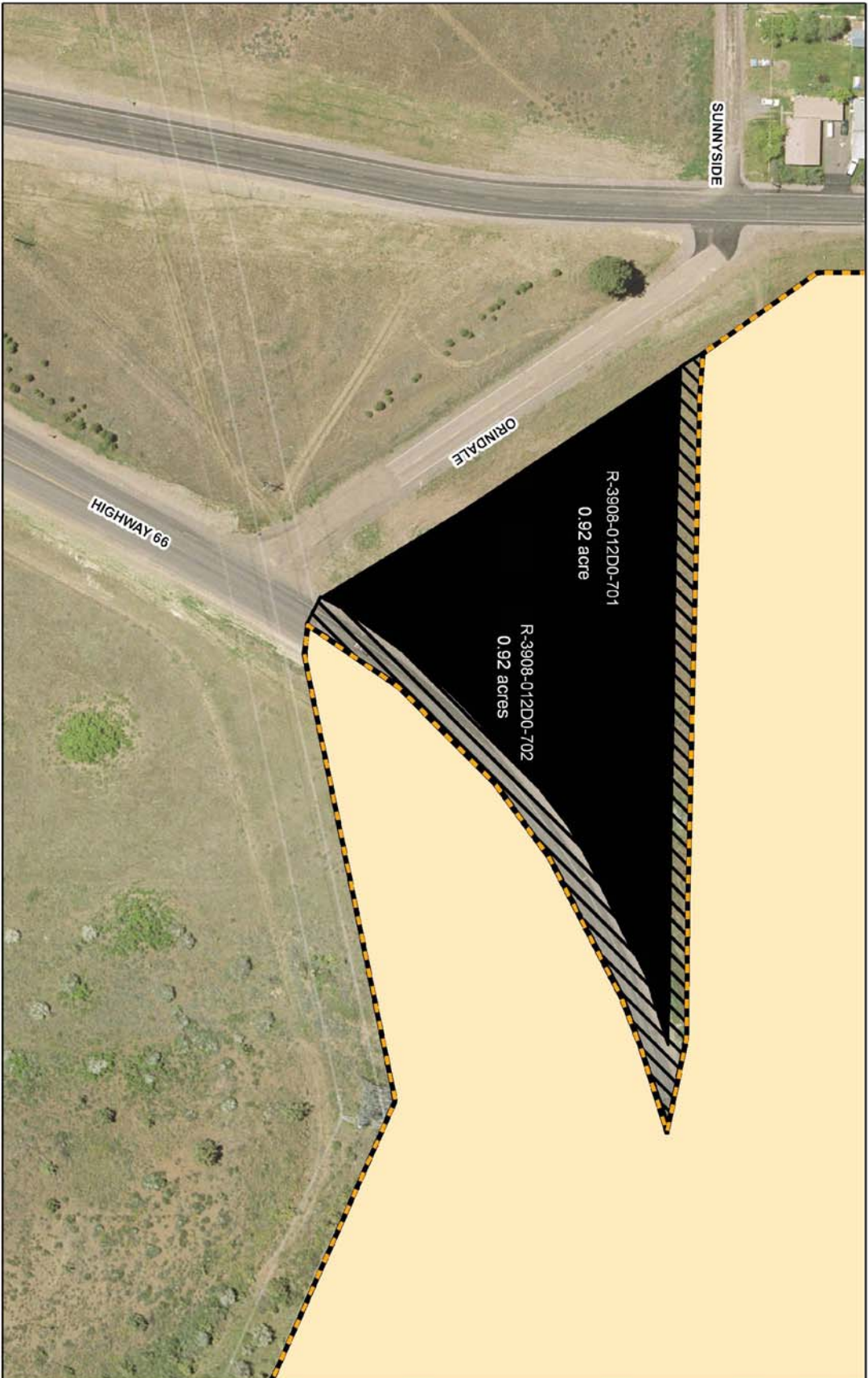
Consent File Name (Last, First)	Year	Tax Map	Tax Lot	Current Owner	Situs Address	Zoning	Parcel Size	Notes	Improved/ Vacant	Reason	Year Restriction
Stonecrest Homes, Inc.	1997	R-3908-012D0	701, 702	Madruga Loving Trust	3847 Orindale Road	CG	1.84	Parcel 1 & 2 of MLP 28-91	Vacant	Sewer/Water	No
City of Klamath Falls	2009	R-3909-014BA	100	City of Klamath Falls	No Address (Orindale Road)	RS	13.40		Vacant	City Land	No

HWY 66 at Orindale Area

Consent Owners = 1 Consent Acres = 1.84



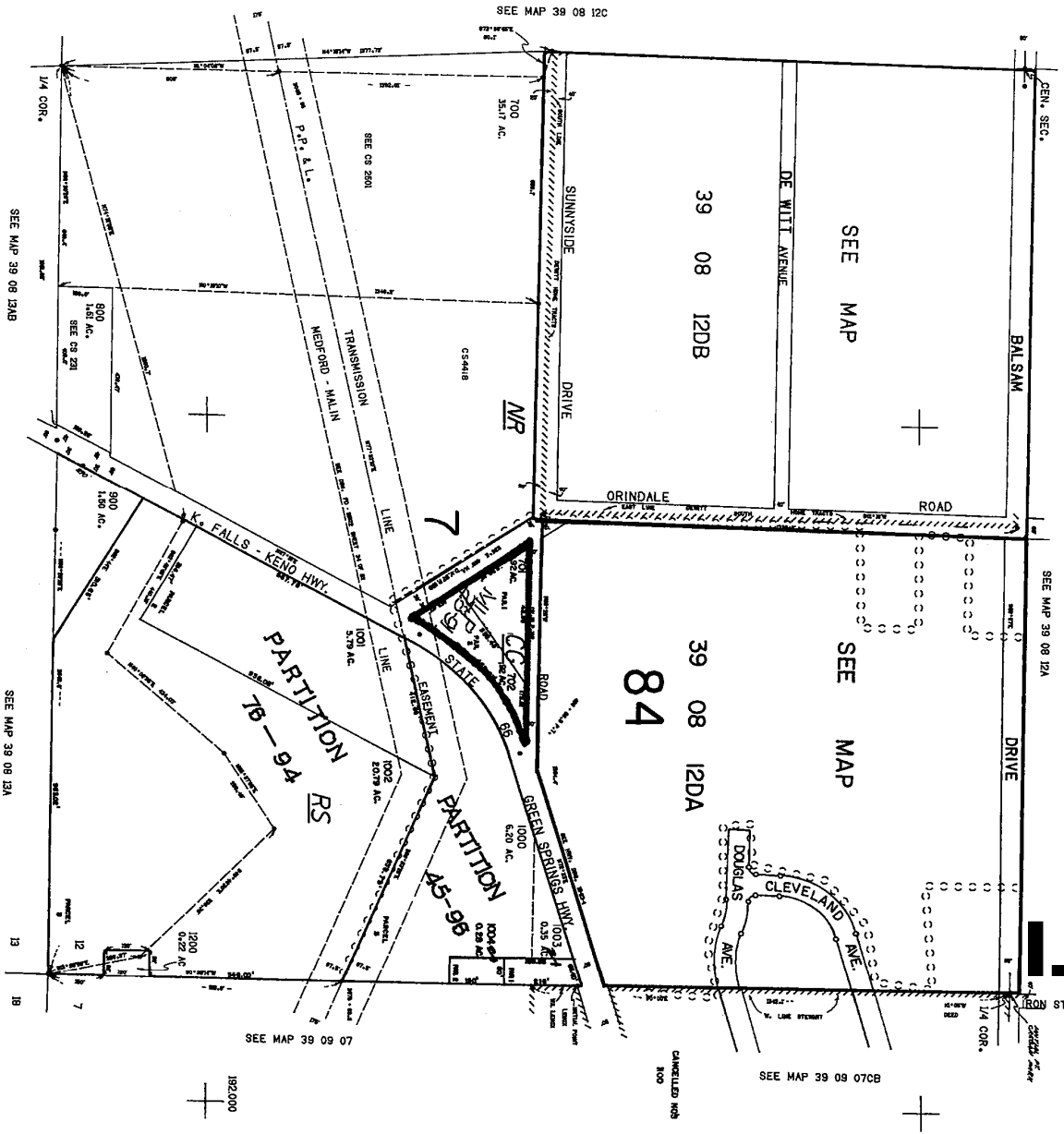
- Legend**
-  Klamath Falls City Limits
 -  Consented Properties Proposed for Annexation
 -  Right-of-Way Proposed for Annexation
 -  Property Inside Klamath Falls Jurisdiction



REVISED 1-16-07
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE 1/4 SEC. 12 T.39S. R.08E. W.M.
KLAMATH COUNTY
1-2007

39 08 12D






39 08 12D

Southside Park Area

Consent Owners = 1

Consent Acres = 13.40



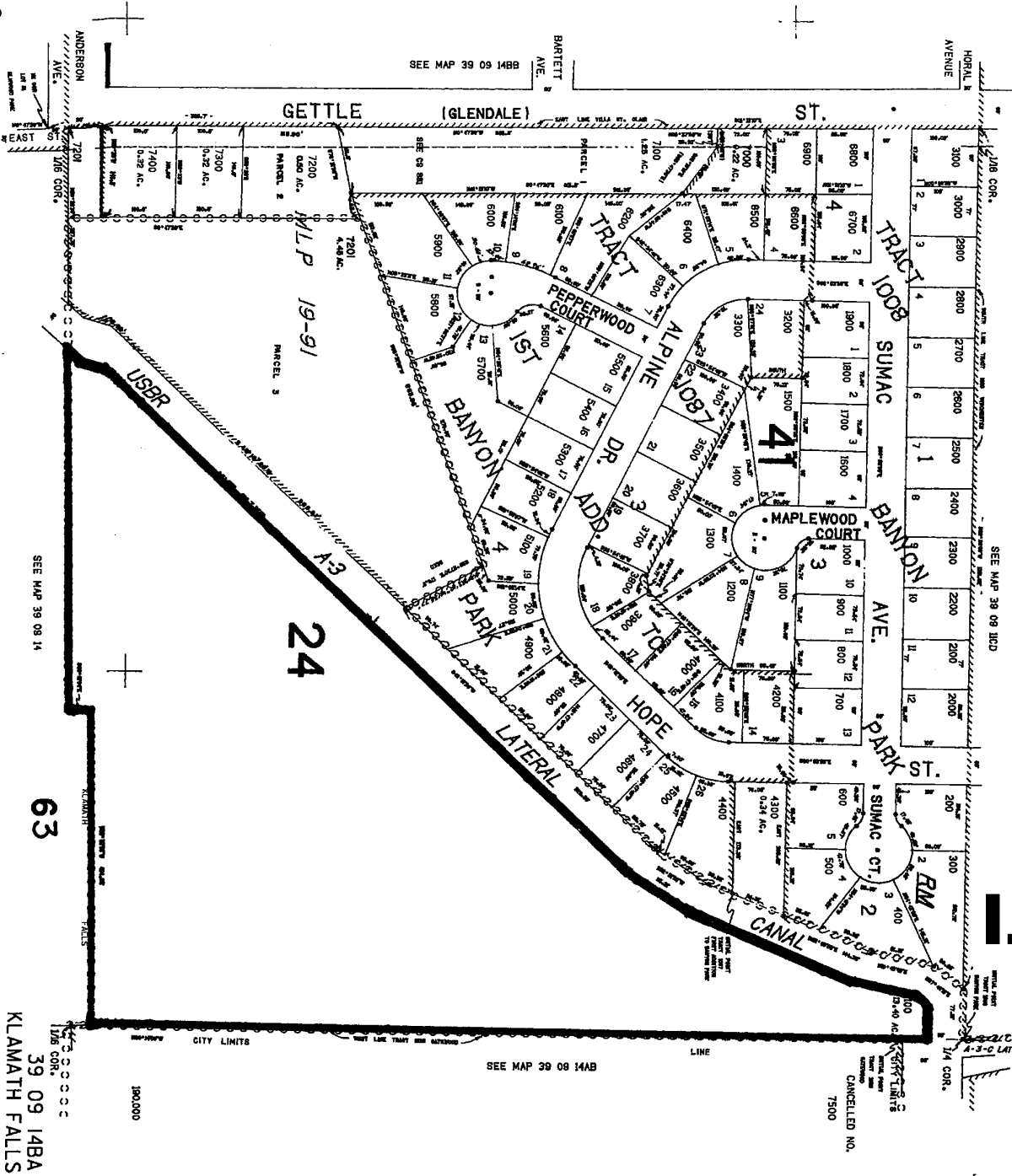
-  Klamath Falls City Limits
-  Property Inside Klamath Falls Jurisdiction
-  Consented City Park Proposed for Annexation



REVISED 10-31-08
 THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY

NE1/4 NW1/4 SEC. 14 T.39S, R.09E, W.M.
 KLAMATH COUNTY
 1-400

39 09 14BA
 KLAMATH FALLS



V. REQUESTED MOTIONS/ACTIONS

- Hold a public hearing and take testimony relative to the Criteria
- If desired, motion to modify the Proposed Findings as stated in the Staff Report
- Motion to accept the Findings
- Motion recommending approval of the annexation request to the City Council, based on the approved Findings

VI. PUBLIC NOTICE

Notice of this public hearing was mailed to 43 property owners on February 12, 2009 and published in the Herald and News on March 22 and March 29, 2009. No written comments were received.

Kelly O'Neill,
Planner