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CITY BOUNDARY CHANGES

CHAPTER 13

VACATIONS AND REPLATS

13.005 Procedure. A ~~person~~Person who desires to vacate all or any part of any street, plat, ~~public square or other or~~ public place, shall submit an application in accordance with the provisions of Section 10.515.

13.010 Combined Vacations. Vacation of two or more streets, plats, ~~public squares or other or~~ public places or any portion thereof, may be concurrently applied for and considered, provided they are contiguous or in the case of streets, parallel and separated by no more than one block.

13.015 Vacation on Council's Own Resolution. The Council may initiate vacation proceedings authorized by ORS 271.130 and make such vacations without an application or consent of abutting property owners. Such vacation shall not be made before the dates set for Commission and Council hearings, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.130, object in writing thereto, nor shall any street area be vacated without the consent of the owners of abutting property if the vacation will substantially affect the market value of such property, unless the Council provides for paying damages. Provisions for paying such damages may be made by a local assessment.

13.020 Commission Hearing Date and Notice. Pursuant to ORS 271.210, the Council shall delegate the initial hearing to the Commission. ~~Upon~~Upon receipt of an acceptable application or Council resolution, the Director shall fix a date for a public hearing before the Commission in accordance with Section 10.515. Notice of such hearing shall be given in accordance with Section 10.625(1).

13.025 Hearings - ~~Planning~~ Commission. The Commission shall conduct a public hearing on the application or resolution and any objections ~~thereto~~ and make a recommendation to the Council to either grant or deny the proposed vacation, in whole or in part, as appears to be for the public interest. Such recommendation shall be in writing and accompanied by findings supporting the decision. The following factors, among others, shall be considered by the Commission:

- (1) Whether the consent of the owners of the requisite area has been obtained~~;~~;
- (2) Whether the notice of the proposed vacation has been duly given~~;~~;
- (3) Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof~~;~~ and

- (4) Whether the proposed vacation conforms to the Comprehensive Plan, all applicable provisions of Chapters 10 to 14 and any applicable street plans.

13.030 Council Hearing Date and Notice. Upon receipt of a Commission recommendation, the ~~Planning Department~~Director shall fix a date for public hearing and provide notification of Council hearings upon the vacation application or resolution in accordance with the provisions of Section 10.625.

13.035 Hearings - ~~City Council.~~ At the time fixed by the Council for hearing the application or resolution and any objections, ~~filed thereto~~ or at any postponement or continuation of such matters, the Council shall hear the application or resolution and objections and shall determine:

- (1) Whether the consent of the owners of the requisite area has been obtained;
- (2) Whether the notice of the proposed vacation has been duly given;
- (3) Whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof; and
- (4) Whether the proposed vacation is in conformance with the Comprehensive Plan, all applicable provisions of Chapters 10 to 14, and any applicable street plan.

The Council shall by ordinance make such decision a matter of record, ~~and vacate such area as requested; otherwise, it shall deny said application.~~ The Council may, upon hearing, approve or deny in whole or in part the application, and make the application in part and deny it in part and make such conditions, ~~or either~~ as appear to be for the public interest.

13.040 Vacation Records to be Filed. Pursuant to ORS 271.150, ~~C~~certified copies of the vacating ordinance and map shall be filed for record by the City Recorder with the County Clerk, the County Assessor, and County Surveyor ~~and City Surveyor.~~

13.045 Title to Vacated Areas. Pursuant to ORS 271.140, ~~T~~he title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different personPersons and the fee title to such area has not been otherwise disposed of; and original boundary lines shall be adhered to and the street area which lies on each side of such boundary lines shall attach to the abutting property on such side. ~~If the public square is vacated, the title thereto shall vest as provided by ORS 271.060.~~

13.050 Vacation for Purposes of Replatting or Rededication. As provided by ORS 271.160, ~~N~~o street or plat or portion thereof shall be vacated upon the application of any personPerson when it is proposed to replat or rededicate all or part of any street or plat in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof, which may subsequently be made meets with the approval of the Council, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededicating or may make any vacation conditional or to take effect only upon the consummation of such replatting or

rededicationng.

13.055 Certification. No ordinance for the vacation of all or part of a street or plat shall be passed by the Council ~~unless until the City Recorder has filed in his/her office or endorsed on the petition for each vacation, a certificate showing that~~ all City liens and all taxes have been paid on the lands covered by the street or plat or portion thereof to be vacated.

ANNEXATIONS

13.105 Authority to Annex. Pursuant to the provisions of Sections 13.105 to ~~13.140~~13.150, the boundaries of the City may be extended by the annexation of land not within the City pursuant to State statute.

13.110 Hearing Date/ and Notice. Upon receipt of an application for annexation or upon initiation by the Council by resolution, the Director shall set a date for public hearing upon the proposed annexation before the Commission. Notice of the hearing shall be provided pursuant to the provisions of Sections 10.605 to 10.635.

13.115 Hearing - Commission. The Commission shall conduct a public hearing on the annexation at the time and place designated on the notice of public hearing. After consideration of all pertinent information and testimony, the Commission shall announce its recommendation at that time or within thirty five (35) days thereof; provided however, the matter may be continued to a future hearing and the decision announced at the close of such hearing. The recommendation of the Commission shall be to approve, disapprove or modify the proposed annexation boundary. Said decision shall incorporate findings as to whether or not the proposed annexation conforms to the Comprehensive Plan and shall be in writing. The recommendation shall be filed with the City Recorder and a copy mailed to the applicant.

13.120 Hearing Date - Council. Upon receipt of the recommendation from the Commission, the ~~City Recorder~~Director shall set a date for public hearing before the Council in accordance with Section 10.630.

13.125 Hearing - Council. The Council shall conduct a public hearing de novo and including ~~on~~ the record of the Commission hearing. ~~The scope of the Council hearing shall be limited to the record made before the Commission. If the Council determines that new testimony should be taken, it shall refer the matter back to the Commission for a hearing of such new testimony.~~ The Council shall announce its decision at that time or within thirty five (35) days thereof; provided however, the matter may be continued to a future hearing and the decision announced at the close of such hearing.

13.130 Decision of Council. The Council shall, by ordinance containing a legal description of the land in question, reverse or modify the recommendation of the Commission or may refer the matter back to the Commission for further consideration. Upon reconsideration by the Commission, the Council shall, by ordinance containing a legal description of the land in question, sustain, reverse or modify the recommendation of the Commission. Any decisions made by the Council shall incorporate findings as to whether or not the proposed annexation conforms to the Comprehensive Plan and shall be in writing. Because of the fundamental political nature of an annexation, the Council may reject an annexation solely on political grounds.

13.135 Conformance with Oregon Revised Statutes. If the decision of the Council is that the annexation would be consistent with the Comprehensive Plan, and the Council desires to approve the annexation, the Council shall conform to all applicable legislative procedure requirements of ORS Chapter 222.

13.140 Land Use and Zone Designation of Annexed Property. Any land area annexed to the City shall be assigned a land use and zoning classification as provided within the table below, provided however, that the City pursuant to Section 10.505 or a landowner may request that the City land use and zoning designations contained within said table may be amended by following provisions contained within the Comprehensive Plan and Sections 11.400 to 11.440. Said request may be considered and acted upon concurrently with annexation proceedings. Such concurrent proceedings shall comply with amendment procedures of the Comprehensive Plan and the provisions of Sections 11.400 to 11.440.

13.150 Annexation on Council's Own Resolution. Oregon Revised Statute (ORS) Chapter 222 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. ORS Chapter 222 procedures also allow the City to annex property contiguous with City boundary lines without holding an election when more than half of the owners of land in the area, who also own more than half of the land and own more than half of the assessed property value in the contiguous area; consent to annexation. ORS 222.750 allows the City to annex territories that are surrounded by the corporate boundaries of the City without holding an election. The purpose of annexing these "islands" is to provide the most efficient delivery of City services.

JURISDICTIONAL ZONING COMPARISON CHART

COUNTY DESIGNATIONS

CITY DESIGNATIONS

<u>Land Use</u>	<u>Zone</u>	<u>Land Use</u>	<u>Zone</u>
Urban Residential	RS	Residential	SF
	RL		SF
	RM		MD
	RH		A
General Commercial	CN	Commercial	NC
	CC		NC
	CG		GC
	CR		GC
Transp. Commercial	CT		GC
	CH		GC
Industrial	IL	Industrial	LI
	<u>IH</u>		I

(County Zoning Definitions)

(City Zoning Definitions)

RS - Suburban Residential
 RL - Low Density Residential
 RM - Medium Density Residential
 RH - High Density Residential
 CN - Neighborhood Commercial
 CC - Community Commercial
 CG - General Commercial
 CT - Transportation Commercial
 CH - Highway Commercial
 CR - Recreation Commercial
 IL - Light Industrial
IH - Heavy Industrial
 FR - Forestry/Range

SF - Single Family Residential
 MD - Medium Density Residential
 A - Apartment Residential
 NC - Neighborhood Commercial
 GC - General Commercial
 LI - Light Industrial
 I - Industrial
 SR - Special Reserve
 PF - Public Facility
 PUD - Planned Unit Development
 MU - Mixed Use

EFU - Exclusive Farm Use

~~[Amended by Ordinance 6413, Enacted January 3, 1983]~~

~~[Amended by Ordinance 00-09, enacted May 1, 2000]~~

Appendix

RESOLUTION NO. 13-18

A RESOLUTION AMENDING WATER & WASTEWATER SERVICE POLICIES FOR THE CITY OF KLAMATH FALLS AND RESCINDING RESOLUTION NO. 04-23

WHEREAS, the wastewater and water extension policy in Resolution 04-23 contained policies for areas outside of City limits and within the Urban Growth Boundary, but such policies were confusing and led to unforeseen consequences in interpreting the Resolution; and

WHEREAS, the City would like to clarify Resolution 04-23 and to maintain the original intent of the Resolution to require either annexation or an annexation agreement to be completed by the property owner who seeks city services, the City desires to amend its water and wastewater services policies; and NOW, THEREFORE,

THE CITY OF KLAMATH FALLS RESOLVES AS FOLLOWS:

Section 1

1. The City provides water and wastewater service in its proprietary capacity.
2. Water service will be granted to new applicants as long as surplus water capacity exists. Applicants will receive water service according to the following priority schedule:
 - a. New residential, commercial and industrial developments within the City Limits.
 - b. Existing residential, commercial and industrial property outside of the City Limits.
 - c. Newly proposed subdivisions and land partitions for residential, commercial and industrial developments outside of the City Limits.
3. City will continue to provide water and wastewater service to all existing services outside the City Limits as of the date of this policy.
4. Any person or business requesting:
 - a. new water or wastewater service;
 - b. proposing to extend a dedicated water or wastewater main line to a subdivision, land partition or commercial/industrial tract of land;
 - c. an increase or change to existing commercial or industrial water or wastewater service, including, but not limited to a fire service, irrigation meter, additional water meter, additional sewer service lateral, etc.; or
 - d. proposing the conversion of existing residential use to commercial or industrial use, shall, for property being contiguous with the City, apply for Consent To Annexation Limits; or for all other property, sign an Annexation Agreement to consent to future annexation once the property becomes contiguous with the City limits.

The requested water or wastewater service will be not be provided by the City until either the property is annexed under Consent to Annexation or the applicant signs an Annexation Agreement.

5. All new wastewater service requests outside of the City Limits (including main line extensions) are subject to City Council approval.
6. City will comply with state laws regarding water and wastewater service beyond the Urban Growth Boundary.

Section 2

This Resolution shall become effective immediately upon enactment.

Passed by the Council of the City of Klamath Falls, Oregon on the 15th day of July, 2013.

Presented to the Mayor, approved and signed this 16th day of July, 2013.