

ORDINANCE NO. 6332

A GENERAL ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF KLAMATH FALLS, OREGON ("KNOWN AS TRACTS 20 AND 21, ENTERPRISE TRACTS - ALAMEDA DEVELOPMENT CO.")

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation of certain real property by the owners thereof, which property is hereinafter described; and,

WHEREAS, Ordinance No. 6327 was passed, initiating annexation of said territory, calling a hearing, and directing notice be given thereon; and,

WHEREAS, a hearing was held on February 2, 1981, pursuant to applicable laws at which time all objections or remonstrances with reference to said proposed annexation were considered by the Common Council; and,

WHEREAS, the Council has made Findings (Exhibit "A" attached hereto and incorporated herein by this reference) determining the annexation to be in compliance with applicable land use law; and

WHEREAS, the Common Council did determine annexation of said properties to be in the best interest of the City and the contiguous territory; now, therefore,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1.

PARCEL 1: A parcel of land lying in the Tracts 20 and 21 of Enterprise Tracts, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows: Beginning at a point which is the center of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, thence East along said centerline of Section 34, 670 feet, more or less to the East line of Tract 21; thence North along the East line of said Tracts 21 and 20 to the Northeast corner of Tract 20, thence West along the North line of Tract 20 to the Northwest corner of Tract 20; thence South along the West line of Tracts 20 and 21 to the point of beginning, TOGETHER WITH a right-of-way along existing roads on the East side of Tract 21.

EXCEPTING THEREFROM the following described parcel: Beginning at a point at the Northeast corner of Tract 20 Enterprise Tracts of Klamath County, thence Westerly along the Northern boundary line of said tract a distance of 664.2 feet, more or less to the Northwest corner of said Tract 20; thence Southerly 30 feet along the West boundary line to the fence; thence Easterly along said fence line a distance of 164.2 feet, more or less parallel to the Northern boundary line of said tract; thence continuing East along said fence line a distance of 500 feet more or less to a point on the East boundary line of said Tract 20 which is 37 feet South from the point of beginning; thence Northerly along the East boundary line 37 feet to the point of beginning.

PARCEL 2: All of Tract 21 of Enterprise Tracts, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, saving and excepting therefrom that portion conveyed to Joe Bart and Edith Bart by Deed Volume 305, page 230, and those portions conveyed to the State of Oregon by and through its State Highway Commission by Deed Volume 337, page 350, and by Deed Volume M67, page 7464, all Records of Klamath County, Oregon.

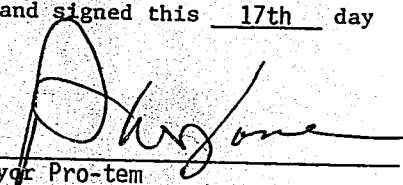
MAR 13 AM 11 35

Section 2.

The City Recorder shall submit to the Secretary of the State of Oregon, (1) a copy of this Ordinance, (2) a copy of the statement of consent of the landowners of the territory annexed, and (3) a copy of Ordinance No. 6327 dispensing with an election in the City of the question of annexation. The City Recorder shall also send a description by metes and bounds, or legal subdivision, of the new boundaries of the City within ten (10) days of the effective date of annexation to the Klamath County Assessor and the Klamath County Clerk.

Passed by the Common Council of the City of Klamath Falls this 17th day February , 1981.

Presented to the Mayor and by him approved, and signed this 17th day February , 1981.


Mayor Pro-tem

ATTEST:


Recorder

STATE OF OREGON,)
COUNTY OF KLAMATH,)
CITY OF KLAMATH FALLS.) SS.

I, Harold Derrah, Recorder for the City of Klamath Falls, Oregon, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the Common Council of the City of Klamath Falls at a regular meeting held on the 17th day of February, 1981, and thereafter approved and signed by the Mayor and attested by the Recorder.


Recorder

EXHIBIT A

FINDINGS

In applying the facts below to the criteria, specific cross references have been made; however, the facts separately set forth are generally applicable to numerous criteria and should be treated as cumulative and supplementary.

1. Criteria. "Citizen Involvement" State-Wide Planning Goal #1.

Facts. Notice of the public hearing before the Planning Commission was published in the Herald & News Newspaper on November 5, 1980. Fourteen adjacent property owners were notified by mail on November 5, 1980. The Planning Commission conducted a public hearing pursuant to said notices on December 8, 1980. Two letters in support of the annexation were received by the Planning Department prior to said hearing. Pursuant to the City's agency review policy, affected governmental agencies were notified of the hearing. During the course of the public hearing before the Commission, Alan Lee, representative of applicant and one of the property owners, was the only party who wished to appear.

Notice of the public hearing before the City Council, called by ordinance, was published in the Herald & News newspaper on January 21 and 28. The property owners were notified by mail. Public notice was posted in four public places in the City. No additional citizen response was received prior to the public hearing which was conducted on February 2, 1981.

The only person desiring to appear before the Council during the public hearing was Alan Lee, applicant's representative and one of the property owners.

Finding. Notice of the public hearing and opportunities to appear and testify before the Commission and statutory notice and opportunities to appear and testify before the Council having been afforded to the public, this goal has been satisfied.

2. Criteria. "Land Use Planning" State-Wide Planning Goal #2.

Facts. At present, the City does not have an acknowledged comprehensive plan.

Finding. Since the City does not yet have an acknowledged plan, these Findings which constitute an interim application of the goals, satisfy this criteria.

3. Criteria. "Agricultural Lands" State-Wide Planning Goal #3.

Facts. The upper portion of the property is presently zoned under the Klamath County C.L.U.P. as "agricultural", but is not presently used for agricultural pursuits. Historically it has been used as a site for fill dirt operations as well as the original site of the Klamath Speedway. It is bordered on the north by single family residences, on the southwestern side by the Klamath County Juvenile Department and Mental Health buildings and other related or similar uses. On the northeast side is the present Alameda Park Speedway and various out buildings. Said property is within the proposed urban growth boundaries of both the City of Klamath Falls and Klamath County. The majority of the soil within the parcel is made up of Dodes loam series with a small portion of Lorella loam and Harriman loam series. The parcel is not irrigated, although there exists an abandoned well on the southern end which has not been tested. The slopes range from two per cent (2%) to fifteen per cent (15%) and ground cover is limited to sagebrush, juniper and bunch grasses. The Soil Conservation Service non-irrigated capability classification is VIe, with primary uses under irrigation of crops, range, wildlife habitat, and home sites. The erosion hazard for the property is severe. The property has been totally unused for the last 6-7 years.

The property is approximately 39.3 acres, generally trapezoidal in shape, and is part of a finger of unincorporated land pointing into the City boundaries. The property will be cut off at its "neck" by the proposed construction of Foothills Blvd., a major arterial planned to service the needs of a major residential development to the east of the property. Public services are adequately available. (See Findings #6 and #11 for specifics.)

Finding. It is doubtful that the parcel could be effectively or economically farmed due to the topography and erosion potential. In addition, the fact that the property sits adjacent to both urban land as well as Klamath Falls Speedway makes use doubtful as range land.

It is questionable whether this land falls within Goal 3, State Wide Planning Goals due to the classification of soil and the fact that it is located within the proposed urban growth boundaries. It is further clear that it in no way has any capabilities of the agricultural land which exists to the south of the City of Klamath Falls. This goal is satisfied.

4. Criteria. "Forest Lands" State-Wide Planning Goal #4.

Facts. There is no forest on the subject site or in the general area, in fact at best there exists but one tree on the site. In addition, the S.C.S. soil interpretation for the Dodes loam complex indicates no productivity potential relative to the woodland suitability of this property.

Finding. Neither the land nor present or future uses associated with it fall within the definition of forest lands established by this goal. This criteria is satisfied.

5. Criteria. "Open Space, Scenic and Historic Areas, and Natural Resources" State-Wide Planning Goal #5.

Facts. The subject property is the former site of a speedway and is presently underdeveloped as are much of the surrounding properties. There are some views of Hogsback Mountain and the Klamath Basin from the site.

The entire parcel was used in the past as a site for a source of fill dirt. There exist no water areas, wetlands, water sheds or ground water resources. The area does provide habitat for small mammals; however, the soil interpretations provided by the S.C.S. indicate that the site exhibits no woodland wildlife potential, very poor wetland wildlife potential, and only fair potential for openland and rangeland wildlife.

No historical values were identified with the site.

Aside from possible access to geothermal, no natural resources were identified with the site.

Finding. This property is neither a scenic nor historic area, nor does it provide fish habitat or significant mammal habitat. Annexation and future development of this relatively unattractive parcel will help relieve potential developmental pressures on other more valuable and scenic areas. This goal is satisfied.

6. Criteria. "Air, Water and Land Resources Quality" State-Wide Planning Goal #6.

Finding. Development of the property following annexation will remain subject to City approval at each of the various phases. Residential and commercial development is proposed.

Transportation access to the site will be immediate by either the Alameda Bypass or the planned Foothills Blvd., both major arterials. Noise levels from the adjoining Alameda Park Speedway are high when operating, though existing pollutant emissions are minimal.

The southern end of the property is adjacent to a sewer trunk line in Eberlein. New flows are unknown and extension to the existing lines will be the responsibility of the developer. The City's Public Works Department raised no objection to the annexation.

Surface water drainage in this area is a problem. Efforts are underway by the Bureau of Reclamation and the City in regard to the "A" Canal, and by the City and County in general to resolve this problem. In the interim, it will remain the responsibility of the developers of this property to assure that development does not increase off-site run-off flows. Such future development and the means taken to address storm drainage remain subject to City approval.

Finding. Increased auto noise and emissions are dependent upon the nature of the development.

Surface water drainage must be restricted and plans therefore remain subject to approval of the City. This goal is adequately satisfied at this time. This goal is satisfied.

7. Criteria. "Areas Subject to Natural Disasters and Hazards" State-Wide Planning Goal #7.

Facts. The subject property is not located within known flood plain boundaries. Seismic risk is equal to that of the region as a whole. There have been no known landslides in the area.

Finding. This goal is satisfied.

8. Criteria. "Recreational Needs" State-Wide Planning Goal #8.

Facts. Proposed development following annexation is part residential and part commercial. Proposed residential development must be submitted through the City's Parks and Recreation Board, pursuant to which the City may require the dedication of park land within the residential development, or the tender of monies to be used to serve the recreational needs of residents off-site. This northern half is near YMCA and Ponderosa School playing fields and facilities.

Proposed commercial development would occur on the southern portion of the property, adjacent to the Alameda Bypass, a major throughfare through the City. This area would be oriented toward serving tourists with lodging, food, etc.

Finding. In its present undeveloped state, the area is not serving recreational needs. Residential development which creates such needs depends on the nature and extent of the development and can be addressed at a later stage in that the City retains controls in this matter. The proposed commercial development could address needs of the area's tourists, though discussion of this matter is also somewhat premature. As it relates to the question of annexation, this goal is satisfied.

9. Criteria. "Economy of the State" State-Wide Planning Goal #9.

Facts. The development of existing vacant buildable lands will provide employment and utilization of local community resources. The development of this land will contribute general tax revenues to the community. The close proximity of urban services will in turn lessen necessary public expenditures required to accommodate urban population growth otherwise necessary in more outlying areas. At full development, maximum residential would be around 1500 people in that area which would be \$40-45 per capita which would bring in state revenue sources of roughly \$55-60 thousand dollars at a 5.98 tax levy to the City so that would be \$650,000 assessed valuation or \$750,000 increased revenue before expenditure for City services. However initially, estimated City revenues will exceed expenditures by only \$1,552 (see Finding #11.)

Finding. To the extent relevant this goal is satisfied.

10. Criteria. "Housing" State-Wide Planning Goal #10.

Facts. Proposed development following this annexation is for medium-density residential in part and commercial in part. Adjacent zoning is residential on the east, west, and south. The property is a finger of land pointing into the City limits, presently unused and zoned agricultural.

Finding. At this annexation stage, consideration of the impact on this goal is premature, specific developmental plans are necessary. Therefore, detailed examination of this goal is reserved for a later stage of City review of any proposed development. Generally, the fact that residential uses surround the site which is not presently used for any residential-related purposes, suggests this goal cannot be adversely affected by this action.

11. Criteria. "Public Facilities and Services" State-Wide Planning Goal #11.

Facts. Those facts relevant to sewer and drainage set forth in Finding #6, and those facts relevant to recreational needs set forth in Finding #8, are by this reference herein incorporated.

No water lines are presently available to serve the site. The City recently released bids for the construction of a well on Beverly Drive that may provide feeder service to a portion of the property. Internal lines and extension to such City main line(s) as may be constructed will be the responsibility of the developer.

Police protection will be provided by the City Police Department. City fire protection will come from either the Main Station or Substation #2. Servicing schools are Klamath Union High School, Ponderosa Junior High, and Lucille O'Neill Elementary. Upon annexation, City services' expenditures will be covered by increased City revenues as a result of the annexation:

City Revenue Projections

1. Property Tax Levy	\$10,635
2. Per Acre Income	4,715
3. Franchise Payments	<u>1,535</u>
Total Estimated Revenue	<u>\$16,885</u>

City Expenditure Estimate

1. Fire Protection	\$ 5,325
2. Police Protection	6,073
3. Streets	45
4. Parks & Recreation	<u>3,890</u>
Total Estimated Expenditures	<u>\$15,333</u>
Surplus	<u>\$ 1,552</u>

Finding. With the exception of water, public services necessary to serve the needs of future development of the property should not occasion capital outlay off-site. Internal water, sewer, and storm drainage lines remain the responsibility of the developer, as do streets. For this annexation stage of the proceedings, this goal is satisfied.

12. Criteria. "Transportation" State-Wide Planning Goal #12.

Facts. Ingress and egress can be provided by Beverly Drive, Eberlein Drive, and the planned Foothills Blvd., all of which provide immediate access to the Alameda Bypass, a major arterial, which runs to the urban center some two miles distant. No traffic counts are available on these streets. In addition, there is a newly created bike trail on the opposite side of Alameda, access by Eberlein, which runs to the urban center. Internal street layout and development is subject to later City review, and developer's expense.

Finding. Immediate access to the Alameda arterial should be sufficient for any proposed residential/commercial development of the property, regardless of its nature or extent. Proximity of access to the bike trail allows for alternative modes of transportation. This goal is satisfied.

13. Criteria. "Energy Conservation" State-Wide Planning Goal #13.

Facts. The Facts set forth in Finding #12 above are incorporated herein by this reference. The property is located within a significant geothermal resource area, and the applicants propose to develop this resource for the benefit of the entire parcel.

Finding. The transportation access relative to this site encourages energy conservation through shorter trips to the urban center and the encouragement of alternative modes of transportation. Potential geothermal resource development would serve to conserve other forms of higher cost energy. This goal is satisfied.

14. Criteria. "Urbanization" State-Wide Planning Goal #14.

Facts. The subject property is within all proposed Urban Growth Boundaries currently being considered by the City pursuant to its comprehensive plan. It is located in an isolated finger of county land protruding into the incorporated area and is irrevocably committed to urban use (see Finding #3 incorporated herein by this reference.) Public facilities and services are available and their extension to this property conforms with efficient long-range planning of such services and facilities to areas in the vicinity which will be subject to future urban development (See Finding #11 incorporated herein by this reference.) Efficient and economic transportation access exists for the site. (See Finding #12 incorporated herein by this reference.)

Finding. Based upon the conclusions reached in the above referenced Findings, this goal is satisfied. Few sites in the area surrounding the City offer similar potential to facilitate the urbanization of such lands with a minimum of public expenditures while providing compatibility with adjacent land uses.

15. Criteria. LCDC Administrative Rule 660-01-315(2).

Facts. The facts set forth in Findings #3 and #11 are incorporated herein by this reference.

Justification. Adequate public facilities and services can reasonably be made available to the subject property.

While not physically developed for urban uses at this time, the subject property is also within an area physically developed for urban uses. Again, such facilities and services are available to the site through the close proximity of sewer, educational facilities, police and fire protection, recreational facilities, and the Alameda Bypass, an improved major collector of significant capacity. The existence of these urban uses provide comparable urban development adjacent to the site as well as precluding the "leapfrogging" effect which often results in costly sprawl.

The recent annexation of the Basin View property to the east further serves to necessitate the annexation of these lands as an appropriate infilling measure. The resulting isolation of this arm of county jurisdiction clearly dictates that the area including and adjacent to the subject property is the most appropriate for orderly urbanization and is in turn lost to potential farm use.

In sum, the area of the subject property is physically developed in a manner which facilitates an orderly and efficient conversion to urban use pursuant to the requirements of the Rule. This criteria is met.

After recording, return to City of Klamath Falls, P. O. Box 237, Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of _____ City of Klamath Falls

his 13th day of March, A. D. 1981, at 11:35'clock A. M., and
duly recorded in Vol. M81, of Deeds on Page 4579.

By EVELYN BIEHN, County Clerk
Debra A. Sprague

Fee \$24.50

2450
CK