

## ORDINANCE NO. 6333

A GENERAL ORDINANCE ANNEXING CERTAIN TERRITORY TO THE  
CITY OF KLAMATH FALLS, OREGON. ("KNOWN AS JEFFERSON  
SQUARE")

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.

A parcel of land located in the NW $\frac{1}{4}$  of Section 3, T.39S., R.9E. W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Section Line between Sections 3 & 4, T.39S., R.9E., W.M., said point being the intersection of the centerline of Washburn Way and the northerly right-of-way line of the Oregon, California, and Eastern Railroad; thence S.66°57'30"E. along said northerly right-of-way line 1025.92; thence N.34°07'30"E. a distance of 183.80 feet along a line perpendicular to South Sixth Street; thence N.55°52'30"W. parallel with South Sixth Street a distance of 145.00; thence N.34°07'30"E. perpendicular to South Sixth Street 204.00 feet to the southerly right-of-way line of said South Sixth Street at a point 40 feet from at right angles to Engineers Station 29+00.37; thence N.55°52'30"W. along said southerly right-of-way line 795.36 feet to a point 40 feet from at right angles to Engineers Station 21+05.01; thence S.34°07'30"W. 160.00 feet; thence N.55°52'30"W. parallel with South Sixth Street 354.54 feet to the centerline of Washburn Way; thence S.00°00'30"E. 513.49 feet to the point of beginning.

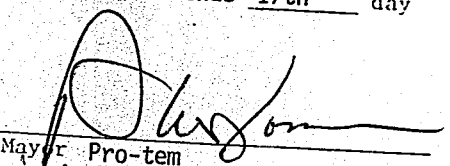
## Section 2.

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.

MAR 13 AM 11 35

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, ) SS.  
CITY OF KLAMATH FALLS. )

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

## 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 January 21, 1981. The Planning Commission conducted a public hearing pursuant to said notices on January 26, 1981. No citizen response was 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, no one appeared.

Notice of the public hearing before the City Council, called by ordinance, was published in the Herald and News newspaper on January 21 and 28 and the property owner was notified by mail. Public notice was posted in four public places in the City. No citizen response was received prior to the public hearing which was conducted on February 2, 1981. Pursuant to the agency review program, affected governmental agencies were notified; there was response from various City divisions. No one desired to appear before the Council during the public hearing.

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 subject property is the location of the Jefferson Square Mall, a self-enclosed shopping mall. The entire parcel is developed with either structures or parking lot. Soil type underlying the development is Class IV. There are currently no lands within the parcel devoted to agriculture.

Finding. Existing development of the property precludes any agricultural use. This goal is satisfied.

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

Facts. The facts set forth in Finding #2 above are incorporated herein. There is no forest on the subject site or in the general area.

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. There are currently no dedicated open space areas within the area. All adjacent lands are fully developed to commercial use levels. No historic or scenic values were identified relevant to the property.

Finding. To the extent relevant, this goal is satisfied.

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

Facts. As found above, the subject property is fully developed as a commercial shopping Mall. The property is currently being served by the South Suburban Sanitary District for wastewater service. It is expected that it will continue to be served by the District. The City is currently providing water service, no additional capital outlay is required.

The property is located at the major intersection with the Klamath Falls urban area and receives impacts from a very heavy traffic load, affecting both noise and air quality levels.

Finding. Though impacts on this goal do exist, the developed state of the property means these impacts will continue, whether or not annexation occurs. Therefore, these impacts are largely irrelevant to this action.

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 no greater than that of the region as a whole.

Finding. This goal is satisfied.

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

Facts. This property generates no traffic seeking recreational needs. Instead it draws traffic to the area for use of existing recreational facilities. An amusement arcade is located within the development as well as several "browse" retail stores.

Finding. This action does not adversely affect this goal, marginal positive impacts exist relevant to this goal, and the goal is satisfied.

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

Facts. The area is totally developed. Annexation will result in approximately \$8,400 in surplus revenues to the City after expenditures for services (See Finding #11.)

Finding. Since the area is totally developed, impacts on this goal by this annexation will be marginal. City revenues will be slightly increased. The minimal impacts on this goal are satisfactory.

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

Facts. There is no land within the area utilized or available for housing.

Finding. This goal is satisfied in that impacts are at best minimal.

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

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

Police protection is currently provided by the Klamath County Sheriff's office and the State Police. Upon annexation, the City will provide patrol.

Fire protection is currently provided by the South Suburban Fire District. This level of service would be maintained or improved under the City. Present city response time is under five minutes. The City would also anticipate that the area would receive a fire rating of 4, which is what the City rating is.

Estimated expenditures for increased City police and fire protection can be covered by estimated increased City revenues resulting from the annexation:

City Revenue Projections

1. Property Tax Levy	\$77,520
2. Franchise Payments	11,160

Total Estimated Revenue

\$88,680



City Expenditure Estimate

1. Police protection:	\$41,520
2. Fire protection:	38,760
Total Estimated Expenditures	\$80,280
Surplus	\$ 8,400

The area is also served by the Basin Transit Service, operated under the City, and is proposed for inclusion within the proposed transportation district.

Finding. This property is already developed and the full range of public services have already been provided. There will be no adverse impacts on this goal occasioned by the changeover to City services as a result of this action. This goal is satisfied.

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

Facts. Adjacent streets are designated as arterials. These include Washburn Way and South Sixth Street. Both are also State highways. Both streets carry heavy loads of traffic and are accessible from on-site. (See attached map incorporated herein.)

The area is also served by public transit, and has access to an adjacent railway line.

Finding. The area is serviced with adequate transportation facilities. This goal is satisfied.

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

Facts. Facts set forth in Finding #12 above are incorporated herein. The Mall provides a wide range of shopping opportunities and is located in a heavily developed commercial area.

Finding. Nature and location of the property development allows shoppers to make only one trip to the area to accomplish a large array of shopping needs, thus minimizing the level of fuel consumption. The same result is realized through the availability of public transit to the site. This goal is satisfied.

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

The area in question is completely developed for urban purposes. All adjacent properties are also completely committed and developed to urban levels.

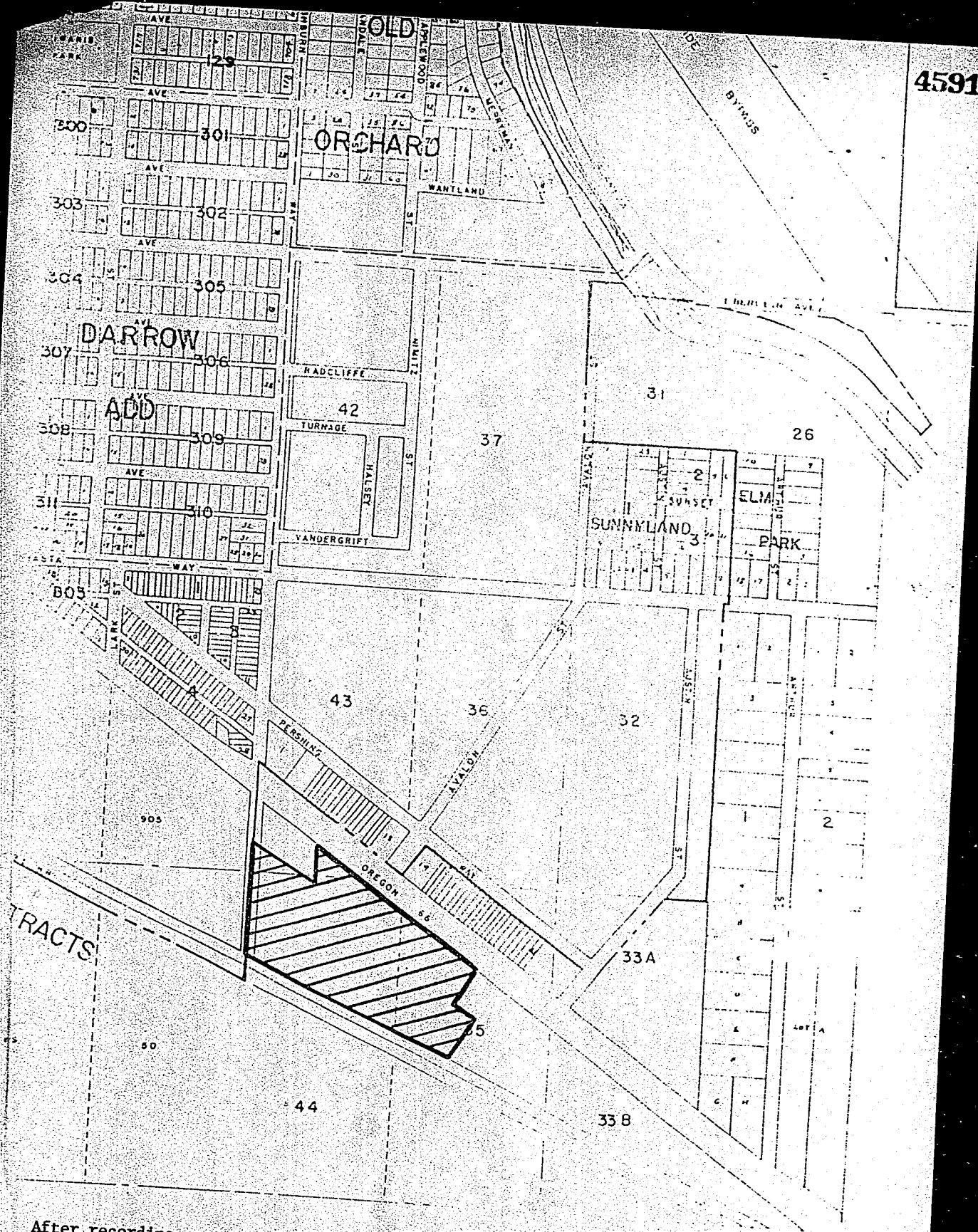
Findings. This goal is satisfied.

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.

Adequate levels of public facilities and services are currently available to the area. The area is physically developed at a complete level. It is contiguous to the existing city limits for the City of Klamath Falls and is contained within the proposed Urban Growth Boundary for both the City and the County.

Finding. 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

on the 13th day of March A.D. 19 81 at 11:35 o'clock A.M., and  
 duly recorded in Vol. M81, of Deeds on Page 4586.

EVELYN BIEHN, County Clerk

By Debra A. Jansen

Fee \$21.00

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