

2009-010780

Klamath County, Oregon



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Fee: \$76.00

Returned to Council

ORDINANCE NO. 09-07

**A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORIES TO THE CITY OF KLAMATH FALLS, CONSISTING OF APPROXIMATELY 281 ACRES OF PROPERTY LOCATED IN THE AREA OF THE INTERSECTIONS OF HIGHWAY 66, HIGHWAY 97, AND HIGHWAY 140; ESTABLISHING CITY ZONING DESIGNATIONS OF GENERAL COMMERCIAL, LIGHT INDUSTRIAL, PLANNED UNIT DEVELOPMENT, AND SINGLE FAMILY RESIDENTIAL AS APPLICABLE TO EACH PARCEL; DECLARING AN EFFECTIVE DATE FOR THE ANNEXATION OF JANUARY 1, 2010; AND PROVIDING FOR LIMITED, PARTIAL CITY TAX ABATEMENTS
PURSUANT TO ORS 222.111(3)**

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation of certain parcels of real property by the City of Klamath Falls; all such parcels are hereinafter described; and

WHEREAS, ORS 222.170 allows a city to annex territory contiguous with the city "if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory. . .;" and

WHEREAS, the current or previous owners of twenty-five of the forty affected parcels have entered into annexation agreements consenting to annexation in exchange for immediate access to City utilities and memoranda of all such agreements have been recorded in the property records of Klamath County; and

WHEREAS, the twenty-five consenting property owners own more than half of the land in the territory being annexed (251 acres of 281 acres in the contiguous territory) and more than half of the assessed value of all real property in the territory being annexed (\$5,002,820 of \$7,117,010 for the contiguous territory); and

WHEREAS, the current owners of fifteen of the affected parcels have not entered into annexation agreements and have not consented to the annexation, but have been included in this annexation process to organize the City boundary in a manner that provides the most efficient delivery of services; and

WHEREAS, the fifteen parcels that did not enter into annexation agreements comprises less than half of the owners of land in the territory, comprises less than half of the ownership of land in the territory and represents less than half of the assessed property value in the contiguous territory; and

WHEREAS, hearing notices were duly given and a public hearing was held on March 9, 2009, at which time the Planning Commission considered all evidence and objection regarding the proposed annexation of the described parcels and recommended approval of the annexation to City Council; and

WHEREAS, hearing notices were duly given and the City Council held a public hearing on April 6, 2009, on the recommendation of and including the record of the Planning Commission concerning the proposed annexations; and

WHEREAS, pursuant to such record and hearing the City Council has determined the annexation of the parcels described herein to be in compliance with the Community Development Ordinance, Comprehensive Plan and State statutes; and

WHEREAS, pursuant to ORS 222.111(3) the City has agreed to partial City property tax abatements for a period of five (5) fiscal years; and

WHEREAS, the City Council adopted the findings of the Planning Commission, as modified by City Staff, which are attached hereto as Exhibit C and incorporated by this reference; NOW, THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1.

The following parcels of property, consisting of approximately 281 acres as shown on the maps attached hereto as Exhibits A and B and legally described as a group below, are hereby annexed to the City of Klamath Falls, with the City zoning designations as indicated with each parcel:

Map & Tax Lot	Site Address	Zone	Acres
R-3909-00700-00701		Single Family Residential	9.20
R-3909-00700-00800		Single Family Residential	0.71
R-3909-00700-01200	3006 GREENSPRINGS DR	General Commercial	3.91
R-3909-00700-01500		Planned Unit Development	61.75
R-3909-00700-01600		General Commercial	1.92
R-3909-00700-01700		General Commercial	0.75
R-3909-00700-01900	3801 GREENSPRINGS DR	Single Family Residential	1.08
R-3909-00700-02700		General Commercial	0.41
R-3909-00800-00500	2817 MEMORIAL DR	Light Industrial	1.28
R-3909-00800-00501		Light Industrial	0.54

R-3909-00800-00700		Single Family Residential	3.82
R-3909-00800-00800	4207 HWY 97 S	General Commercial	93.44
R-3909-00800-00900	3300 MEMORIAL DR	Light Industrial	4.62
R-3909-00800-01900		Light Industrial	0.42
R-3909-008BC-00400		Single Family Residential	1.17
R-3909-008BC-00500		General Commercial	1.53
R-3909-008BC-00600		General Commercial	0.69
R-3909-008BC-00700	2933 GREENSPRINGS DR	General Commercial	2.61
R-3909-008BC-00800		General Commercial	1.29
R-3909-008BC-01100		Single Family Residential	3.14
R-3909-008BC-01200		Single Family Residential	7.51
R-3909-008CA-00100		Single Family Residential	3.66
R-3909-008CA-00200		Single Family Residential	4.79
R-3909-008CA-00300		General Commercial	8.74
R-3909-008CA-00400	2670 FAIRWAY DR	Single Family Residential	0.61
R-3909-008CA-00500		Single Family Residential	0.36
R-3909-008CA-00600	2527 FAIRWAY DR	Single Family Residential	1.46
R-3909-008CA-00700	2664 FAIRWAY DR	Single Family Residential	0.59
R-3909-008CA-00800	2658 FAIRWAY DR	Single Family Residential	0.76
R-3909-008CA-00900	2652 FAIRWAY DR	Single Family Residential	0.49
R-3909-008CA-01000	2646 FAIRWAY DR	Single Family Residential	0.68
R-3909-008CA-01100		Single Family Residential	1.00
R-3909-008CA-01200	2540 FAIRWAY DR	Single Family Residential	1.41
R-3909-008CA-01300	3090 MEMORIAL DR	Single Family Residential	4.4
R-3909-008CA-01400		Single Family Residential	1.42
R-3909-008CA-01401		Single Family Residential	0.84
R-3909-008CA-01402		Single Family Residential	0.94
R-3909-008CA-01500		Light Industrial	0.91
R-3909-01700-00300	4201 HWY 97 S	General Commercial	10.33
R-3909-01800-00100		General Commercial	35.67

REAMES-SOUTHWEST HIGHWAYS AREA ANNEXATION BOUNDARY DESCRIPTION

Revised April 9, 2009

A tract of land situated in Sections 7, 8, 17 and 18 of Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the intersection of the north right of way line of the Southside Expressway and the easterly right of way line of Memorial Drive; thence easterly along the north right of way line of the Southside Expressway, across the Klamath River, to its intersection with the west right of way line of the Klamath Falls-Malin power transmission line; thence southerly following the said west right of way line, to the south right of way line of the Southside Expressway; thence westerly along the south right of way line of the Southside Expressway, across the Klamath River, to the intersection with the southeasterly right of way line of the Burlington Northern Railroad; thence southwesterly along said southeasterly right of way line to a 5/8" iron pin marking the northwest corner of Parcel 1 of Land Partition No. 4-92, and the northeast corner of Parcel 1 of Land Partition No. 40-95; thence continuing southwesterly along the southeasterly right of way line of the Burlington Northern Railroad to its intersection with the section line common to Sections 8 and 17 of Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence westerly along said section line, across Burlington Northern Railroad, to the north right of way line of the Burlington Northern Railroad, and the easterly corner of that property described as Parcel 1 in Deed Volume M02 page 36705 of Klamath County Record of Deeds; thence southwesterly along the north right of way line of the Burlington Northern Railroad to its intersection with the section line common to Sections 17 and 18 of said Township 39 South, Range 9 East, said point also being the southerly corner of said Parcel 1 in Deed Volume M02 page 36705 of Klamath County Record of Deeds; thence continuing southwesterly along the north right of way line of the Burlington Northern Railroad to its intersection with the south line of the NE1/4 NE1/4 of said Section 18; thence westerly along the said south line of said NE1/4 NE1/4, to the southwest corner thereof; thence northerly along the west line of said NE1/4 NE1/4 to the northwest corner thereof; thence northerly along the west line of the SE1/4 SE1/4 of Section 7, of said Township 39 South, Range 9 East, to its intersection with the east right of way line of the Dalles-California Highway (US 97); thence southerly along the east right of way line of the Dalles-California Highway to its intersection with the south line of the NW1/4 NE1/4 said Section 18; thence west along said south line, across the Dalles-California Highway to the west right of way line; thence northerly along said west right of way line to the intersection of the west right of way line of the Dalles-California Highway and the south line of the north 15 acres of the SW1/4 SE1/4 of said Section 7 as shown on Record of Survey No. 1939, on file in the Klamath County Surveyor's Office; thence N.89°15'44"W., 1104.92 feet, along the south line of said 15 acres, to the west line of the said SW1/4 SE1/4; thence N.00°55'07"W., 1888.78' along the center section line of said Section 7, to the center ¼ corner as shown on said Record of Survey No. 1939; thence continuing northerly along said center section line to its intersection with the southwesterly right of way line of the Lake of the Woods Highway (US 140); thence northwesterly along said southwesterly right of way line to its intersection with the north line of the SE1/4 NW1/4 of said Section 7;

thence easterly across the Lake of the Woods Highway to the intersection of the northeasterly right of way line of said highway and the north line of the SW1/4 NE1/4 of said Section 7, said point being the northwest corner of that property described in Deed 2006-024964 of Klamath County Record of Deeds; thence southeasterly along said northeasterly right of way line to its intersection with the north right of way line of the Green Springs Highway (US 66); thence easterly along said north right of way line to its intersection with the easterly right of way line of the Delap Road (60 feet wide); thence northeasterly along said easterly right of way line to its intersection with the north line of the SE1/4 NE1/4 of said Section 7; thence southeasterly across the right of way of the Dalles-California Highway (US 97) to a 1 inch iron pipe on the west line of Section 8 of said Township 39 South, Range 9 East, said 1 inch iron pipe being S.00°43'E., 11.13 feet from the northwest corner of the SW1/4 NW1/4 of said Section 8, as shown on Record of Survey No. 1565, on file in the Klamath County Surveyor's Office; thence S.00°43'E., 67.1 feet along said west line of Section 8; thence S.45°09'30"E., 366.7 feet along the northeast line of that property described as Parcel 1 in Deed Volume M95 page 6649 of Klamath County Record of Deeds, to its intersection with the northwesterly right of way line of Green Springs Drive; thence continuing southeasterly 60.00 feet across Green Springs Drive, to the southeasterly right of way line; thence northeasterly 419.3 feet more or less, along the southeasterly right of way line of Green Springs Drive, to a 5/8" rebar monument marking the northeast corner of that property described as Parcel 2 in Deed 2007-009200 of Klamath County Record of Deeds, and shown on Record of Survey No. 7325, on file in the Klamath County Surveyor's Office; thence S.50°22'16"E., 320.10 feet; thence southwesterly along the arc of a 2259.86 foot radius curve to the right a distance of 242.85 feet (long chord bears S.42°44'39"W., 242.74 feet); thence S.44°16'15"E., 299.40 feet; thence S.44°40'21"W., 127.08 feet to a point on the north right of way line of the Southside Expressway; thence southeasterly along the north right of way line of the Southside Express Way to the Point of Beginning.

Excepting there from, that property previously annexed to the City of Klamath Falls, by Ordinance No. 5961 lying within the above described boundary.

Also Excepting there from, a tract of land situated in the NE1/4 of Section 18, of Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the south line of the NE1/4 NE1/4 of said Section 18, from which the NE1/16 of said Section 18 bears N.89°27'32"W., 271.10 feet; thence N61°17'44" E., 761.78 feet; thence S.28°42'16"E., 107.97 feet, more or less, to the northwesterly right of way line of the Burlington Northern Railroad; thence along said right of way line, S.41°30'04"W., 243.44 feet, S.45°38'50"W., 76.73 feet, S.47°14'27"W., 53.40 feet and S.44°22'40"W., 4.63 feet to a point on the said south line of the NE1/4 NE1/4 of Section 18; thence N.89°27'32"W., 461.42 feet to the Point of Beginning, containing 2.45 Acres more or less.

Section 2.

The effective date for the annexation of all parcels described herein shall be January 1, 2010.

Section 3.

Pursuant to ORS 222.111(3), the rate of taxation by the City for City real property taxes due in the annexed territory, as described in Section 1 of this Ordinance, (hereinafter collectively referred to as "City Taxes") shall be as follows:

- Tax Year 1 (July 1, 2010 – June 30, 2011): Owner pays \$.80 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 2 (July 1, 2011 – June 30, 2012): Owner pays \$1.60 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 3 (July 1, 2012 – June 30, 2013): Owner pays \$2.40 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 4 (July 1, 2013 – June 30, 2014): Owner pays \$3.20 of City tax rate per \$1,000.00 of taxable assessed property value;
- Tax Year 5 (July 1, 2014 and thereafter): 0% abatement of City Taxes; Owner pays 100% of City tax rate.

Passed by the Council of the City of Klamath Falls, Oregon, the 18th day of May, 2009.

Presented to the Mayor, approved and signed this 19th day of May, 2009.



Mayor

ATTEST:



City Recorder, Deputy

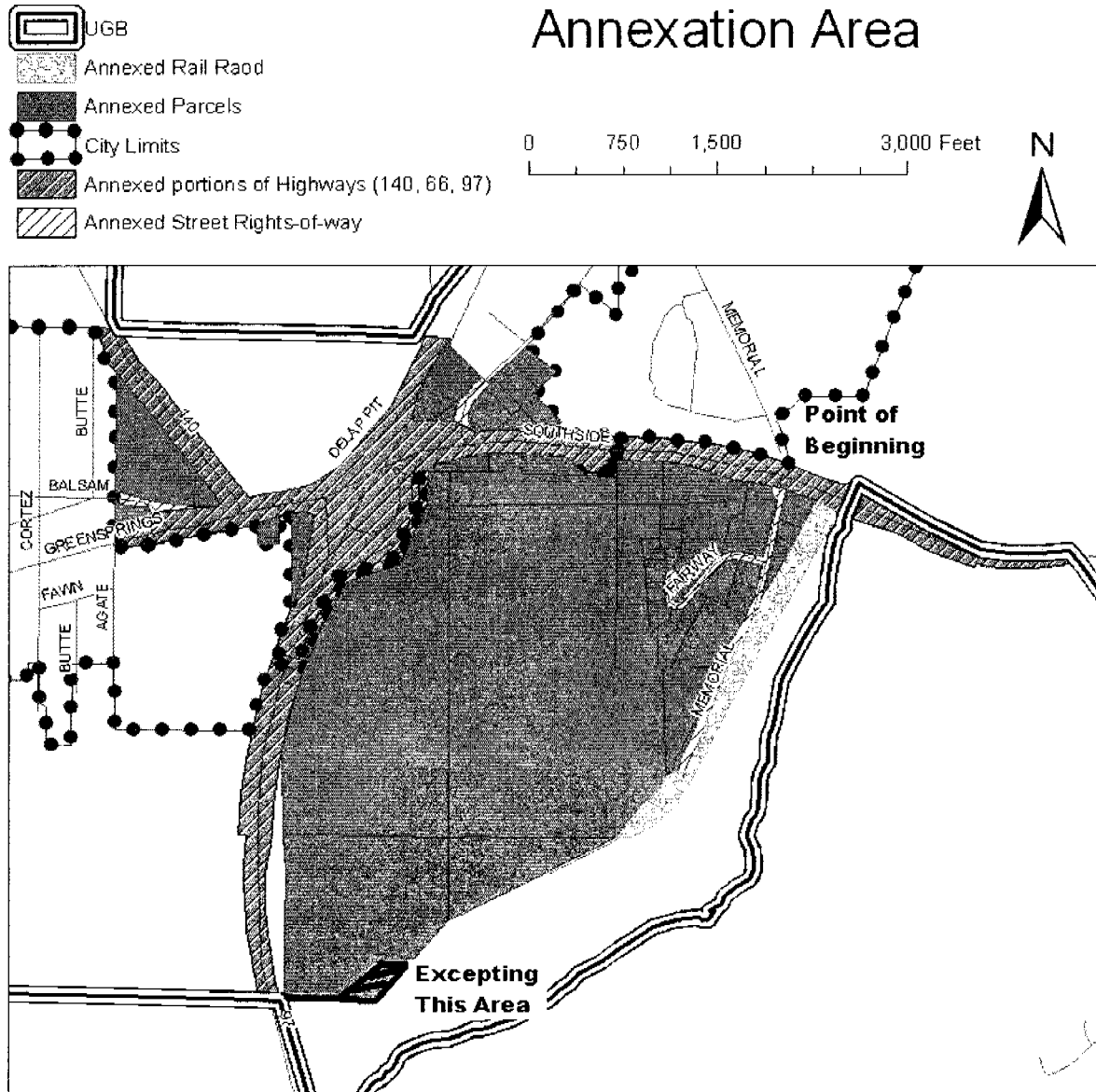
STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

I, Shirley Kappas, Recorder (Deputy Recorder) for the City of Klamath Falls, Oregon, do hereby certify 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 18th day of May, 2009 and therefore approved and signed by the Mayor and attested by the City Recorder



City Recorder (Deputy Recorder)

Exhibit A VICINITY MAP



Properties Included in Annexation

R-3909-00800-00900-000	R-3909-008CA-00600-000	R-3909-008CA-01400-000	R-3909-008CA-01100-000
R-3909-00800-01900-000	R-3909-01700-00300-000	R-3909-008CA-01401-000	R-3909-00800-00500-000
R-3909-008BC-00400-000	R-3909-01800-00100-000	R-3909-008CA-01402-000	R-3909-00800-00501-000
R-3909-008BC-00500-000	R-3909-008CA-01300-000	R-3909-00700-00701-000	R-3909-00800-00800-000
R-3909-008BC-00600-000	R-3909-008CA-00700-000	R-3909-00700-00800-000	R-3909-00700-01500-000
R-3909-008CA-00200-000	R-3909-008CA-00900-000	R-3909-00700-01200-000	R-3909-00700-01600-000
R-3909-008CA-01500-000	R-3909-008CA-01200-000	R-3909-008CA-00800-000	R-3909-00700-02700-000
R-3909-008BC-01200-000	R-3909-00800-00700-000	R-3909-008CA-01000-000	R-3909-008BC-00700-000
R-3909-008CA-00100-000	R-3909-00700-01700-000	R-3909-008CA-00400-000	R-3909-008BC-00800-000
R-3909-008CA-00300-000	R-3909-00700-01900-000	R-3909-008CA-00500-000	

STUDY ON

Γ-400'

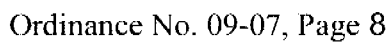


Exhibit C FINDINGS

RELEVANT REVIEW CRITERIA AND PROPOSED FINDING

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.*

Response

The proposed annexation involves land that is already developed or zoned for residential, commercial, or industrial 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.*

Response

The proposed annexation involves land that is already developed or zoned for residential, commercial, or industrial 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.*

Response

The proposed annexation involves land that is already developed or zoned for residential, commercial, or industrial 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.*

Response

The proposed annexation involves land that is already developed or zoned for residential, commercial, or industrial 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.*

Response

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.*

Response

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).

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

Response

The proposed annexation will reduce the minimum lot size of the residentially zoned properties from 10,000 sq ft to 7,000 sq ft; allowing a higher level of residential density. The annexation of these properties helps to facilitate the extension of City sewer and water services for residential development on the properties that do not already have City services. 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.*

Response

The proposed annexation will help to facilitate the extension of City water and sanitary sewer services to those commercial properties within the proposed annexation area that do not currently receive those services.. 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.*

Response

The proposed annexation involves land and rights-of-way that are already developed or zoned for residential, commercial, or industrial 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.

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

Response

The proposed annexation involves land and rights-of-way that are already developed or zoned for residential, commercial, or industrial 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

Response

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

Response

The proposed annexation involves land that is already developed or zoned for residential, commercial, or industrial 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.**

Criterion: The annexation complies with the requirements of ORS 222. 170, which allows a city to annex territory contiguous with the city "if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory. . [.]"

Findings:

1. The territory being annexed is contiguous with the City.
2. The current or previous owners of twenty-five of the forty affected parcels have entered into annexation agreements consenting to annexation in exchange for immediate access to City utilities and memoranda of all such agreements have been recorded in the property records of Klamath County.
3. The current owners of fifteen of the affected parcels have not entered into annexation agreement and have not consented to the annexation, but have been included in this annexation process to organize the City boundary in a manner that provides the most efficient delivery of services.

4. The twenty-five consenting property owners own more than half of the land in the territory being annexed (251 acres of 281 acres in the contiguous territory) and more than half of the assessed value of all real property in the territory being annexed (\$5,002,820 of \$7,117,010 for the contiguous territory).
5. The fifteen parcels that did not enter into annexation agreements comprises less than half of the owners of land in the territory, comprises less than half of the ownership of land in the territory and represents less than half of the assessed property value in the contiguous territory.