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ORDINANCE NO. 09-05

A SPECIAL ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF KLAMATH FALLS, CONSISTING OF APPROXIMATELY 26.34 ACRES OF PROPERTY LOCATED ADJACENT TO WASHBURN WAY, DEGROOT STREET, AND WESGO DRIVE, ESTABLISHING CITY ZONING DESIGNATIONS OF INDUSTRIAL AND LIGHT INDUSTRIAL 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 six of the seven 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 six consenting property owners also own more than half of the land in the territory being annexed (15.09 acres of 26.34 acres in the contiguous territory) and more than half of the assessed value of all real property in the territory being annexed (\$1,180,600 of \$1,210,100 for the contiguous territory); and

WHEREAS, the current owner of one of the affected parcels has not entered into an annexation agreement and has not consented to the annexation, but has 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 one parcel that did not enter into an annexation agreement 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 February 23, 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 March 16, 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 and the Comprehensive Plan; 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, 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 26.34 acres as shown on the maps attached hereto as Exhibits A and B and legally described below, are hereby annexed to the City of Klamath Falls, with the City zoning designations as indicated with each parcel:

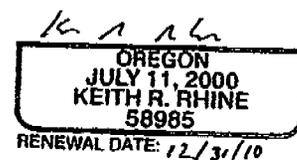
Tax Map	Tax Lot	Address	Zoning	Acres
R-3909-02200	00300	6303 Washburn Way	Light Industrial	1.28
R-3909-02200	00400	No Address (Washburn Way)	Light Industrial	3.54
R-3909-02100	00104	No Address (Wesgo Drive)	Industrial	11.25
R-3909-01600	01300	6025 Wesgo Drive	Industrial	2.38
R-3909-01600	01400	No Address (Wesgo Drive)	Industrial	1.00
R-3909-01600	01500	6115 Wesgo Drive	Industrial	1.08
R-3909-01600	01600	6100 Wesgo Drive	Industrial	5.81

**WESGO AND DEGROOT AREA
ANNEXATION BOUNDARY DESCRIPTION**

February 4, 2009

A tract of land situated in the SE1/4 of Section 16, the NE1/4 of Section 21 and the NW 1/4 of Section 22, 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 Joe Wright Road and the northeasterly right of way line of the Southern Pacific Railroad, said point also being the southwest corner of Parcel 1 of Land Partition No. 32-95, according to the official plat thereof on file in the office of the Klamath County Clerk; thence northwesterly along the north right of way line of Joe Wright Road and westerly prolongation to its intersection with the westerly right of way line of the relocated Washburn Way at the southwest corner of Parcel 3 of Land Partition No. 46-98, according to the official plat thereof on file in the office of the Klamath County Clerk; thence northeasterly, northerly and northwesterly along said westerly right of way line of relocated Washburn Way and east line of said Parcel 3, to the intersection with the southerly right of way line of Degroot Street; thence southwestwardly along said southerly right of way line of Degroot Street to the beginning of a 230 foot radius curve to the right, said point being on the north line of said Parcel 3 of Land Partition 46-98; thence along the arc of said curve a distance of 315.21 feet to a point of tangency on the westerly right of way line of Wesgo Drive, said point being on the east line of Parcel 2 of said Land Partition 46-98; thence northeasterly, along the westerly right of way line of Wesgo Drive, to the northeast corner of said Parcel 2 of Land Partition 46-98; thence northwesterly across the USBR F-23 Lateral to the southeast corner of Lot 1, Tract 1357, according to the official plat thereof on file in the office of the Klamath County Clerk; thence northwesterly along the south line of said Lot 1 to the southwest corner thereof, said point also being on the east line of the USBR 1-G Drain; thence northeasterly along the west and north lines of said Lot 1 to the intersection with the southwestwardly right of way line of Wesgo Drive; thence continuing northeasterly across Wesgo Drive to the most westerly corner of Lot 4 of said Tract 1357; thence northeasterly along the northwesterly line of said Lot 4 to the most northerly corner thereof, said corner also being on the southwestwardly right of way line of the Southern Pacific Railroad; thence southeasterly along the northeasterly line of said Lot 4 to the most easterly corner thereof, thence southwestwardly along the southeasterly line of said Lot 4 to the most northerly corner of Lot 3, said Tract 1357; thence southeasterly along the northeasterly lines of said Lot 3 and Lot 2, to the southeast corner of Lot 2, Tract 1357; thence southeasterly along the southwestwardly right of way line of the Southern Pacific Railroad, to its intersection with the north line of Section 21, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence east along said north line to the section corner common to Sections 21, 22, 15 and 16, of said township and range; thence east along the north line of said Section 22 to its intersection with the northeasterly right of way line of the Southern Pacific Railroad; thence southeasterly along said railroad right of way line to the point of beginning.



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.

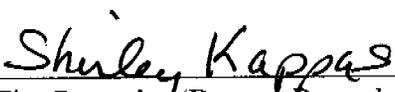
Passed by the Council of the City of Klamath Falls, Oregon, the 20th day of April, 2009.

Presented to the Mayor, approved and signed this 21st day of April, 2009.



 Mayor

ATTEST:



 City Recorder (Deputy Recorder)

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 20th day of April, 2009 and therefore approved and signed by the Mayor and attested by the Deputy Recorder.



 City Recorder (Deputy Recorder)

**Exhibit A
VICINITY MAP**



Wasgo and DeGroot Area

Consent Owners = 6
Triple Majority Owner = 1

Consent Value = \$1,180,800
Triple Majority Owner = \$29,500

Consent Acres = 15.09
Triple Majority Acres = 11.25

- Kamath Falls City Limits
- Kamath Falls Urban Growth Boundary
- Triple Majority Property Proposed for Annexation
- Right-of-Ways Proposed for Annexation
- Consent Properties Proposed for Annexation
- Kamath Falls Parcels

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 and Oregon statutes relating to Annexation (ORS Chapter 222, as applicable).

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).

- 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.

- 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. For example, the City allows for 0 foot front yard setbacks in light industrial and 10 foot front yard setbacks in industrial, in the County both zoning districts require 25 foot front yard setbacks.

Findings:

1. 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 six of the seven 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 owner of one of the affected parcels has not entered into an annexation agreement and has not consented to the annexation, but has been included in this annexation process to organize the City boundary in a manner that provides the most efficient delivery of services.

4. The six consenting property owners own more than half of the land in the territory being annexed (15.09 acres of 26.34 acres in the contiguous territory) and more than half of the assessed value of all real property in the territory being annexed (\$1,180,600 of \$1,210,100 for the contiguous territory).
5. The one parcel that did not enter into an annexation agreement 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.