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08/11/2009 02:59:48 PM

Fee: \$111.00

ORDINANCE NO. 09-06

A SPECIAL ORDINANCE ANNEXING CERTAIN PARCELS OF PROPERTY TO THE CITY OF KLAMATH FALLS, LOCATED ADJACENT TO LAKESHORE DRIVE, OLD FORT ROAD, HOMEDALE ROAD, STURDIVANT AVENUE, MALLARD LANE, GREENSPRINGS DRIVE, EMERALD STREET, CREGAN AVENUE, BALSAM DRIVE, AND ORINDALE ROAD, ESTABLISHING THE CITY ZONING DESIGNATIONS OF SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, AND 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, the current or previous owners of all the 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, hearing notices were duly given and a public hearing was held on February 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 March 2, 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, 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 48.59 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:

- 1. Abell (R-3908-012DB-02000)** *(See Assessor's map at Page 15)*
Zoning: Single Family Residential
Northerly 120 feet of East 120 feet Lot 10 De Witt Home Tract, located in the NW ¼ SE ¼, Section 12, T39S, R8E, WM, Klamath County, Oregon.
- 2. Anderson (R-3809-035DB-04100 through 05102)** *(See Assessor's map at Page 9)*
Zoning: Single Family Residential
Tract 1420-Sherwood Forest Subdivision, according to the official plat thereof on file in the office of the Klamath County Clerk, situated in the NW ¼ SE ¼ of Section 35, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.
- 3. Cooper (R-3909-007BC-01000)** *(See Assessor's map at Page 13)*
Zoning: Single Family Residential
Lots 90, 91, 92 and 130 of Cregan Park Addition, located in the SW ¼ NW ¼, Section 7, T39S, R9E, WM, Klamath County, Oregon.
- 4. Greater Klamath Development Corporation (R-3909-005D0-01000 & 01002)** *(See Assessor's map at Page 11)*
Zoning: Industrial
Parcel 1 and Parcel 2 of Land Partition No. 63-97, according to the official plat thereof on file in the office of the Klamath County Clerk, situated in the SE ¼ SE ¼ of Section 5, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.
- 5. Massey (R-3909-007BC-00305)** *(See Assessor's map at Page 13)*
Zoning: Single Family Residential
Lots 175 and 176 of Cregan Park, located in the SW ¼ NW ¼, Section 7, T39S, R9E, WM, Klamath County, Oregon.
- 6. Merkel (R-3808-025DA-02700)** *(See Assessor's map at Page 7)*
Zoning: Single Family Residential
Easterly ½ Lot 9, Lakeshore Gardens, Tax Lot 2700, located in the NE ¼ SE ¼, Section 25, T38S, R8E, WM, Klamath County, Oregon.
- 7. Mitchell (3808-025DA-00900)** *(See Assessor's map at Page 7)*
Zoning: Single Family Residential
Lot 13 B Lakeshore Gardens, located in the NE ¼ SE ¼, Section 25, T38S, R8E, WM, Klamath County, Oregon 97603.

8. Mouchawar (R-3909-005CD-08901 & 09000) (See Assessor's map at Page 12)

Zoning: Medium Density Residential

All of Blocks 8 and 9 and Lots 1, 2, 3, 4, 5, and 6 in Block 10 of Vacated Fairfield Subdivision, situated in the SE1/4 SW1/4 of Section 5, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. Together with all of the vacated alleys running through said Block 8 and 9; all of vacated Elk (Ailsa) Avenue, between Greensprings Drive and Lilac (Kesterson) Street; all of vacated Lilac (Kesterson) Street, between the south right of way line of Dover (Fairfield) Avenue and the south right of way line of vacated Elk (Ailsa) Avenue.

9. Smith, David and Hesla (R-3909-011DD-04600 through 05800) (See Assessor's map at Page 10)

Zoning: Single Family Residential

Tract 1412 – Lauren Estates, situated in the SE ¼ SE ¼ of Section 11, T39S, R9EWM, Klamath County, Oregon. Beginning at a 2" iron pipe marking the initial point, said point being the intersection of the south line of said Section 11 bears S89°55'40"E 20.00 feet; thence N89°55'40"W, along the said south line, 647.47 feet to the southeast corner of "Tract 1072 – Third Addition to Cypress Villa"; thence, along the east boundary of said "Tract 1072", N00°04'20"E 150.00 feet, N04°41'20"E 60.20 feet and N00°04'20"E 120.00 feet; thence leaving said boundary, S89°55'30"E 640.57 feet to the said west line of the USBR A-3 Lateral; thence S00°17'02"E 330.00 feet to the point of beginning. The total area of this subdivision is 3.95 acres, more or less.

10. Smith, Theodore and Jacqueline (R-3909-00700-02000 and R-3909-007CB-10800)

(See Assessor's maps at Pages 16 and 17) **Zoning: Single Family Residential**

The W ½ SW ¼ SW ¼ of Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. Also, all that portion of the NW ¼ of SW ¼ of Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon described as follows: Beginning at the Northwest corner of SW ¼ of SW ¼ of said section; thence East along the South line of NW ¼ of SW ¼ of said section, 40 feet; thence North to the highway through said NW ¼ of SW ¼; thence West along the Highway to point North of the point of beginning; thence South to the point of beginning, said parcel also being described as the West 40 feet of Lot 15, Block 8, Lenox Addition, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

11. Thompson, Bernie and Patricia (R-3909-007BC-02800) (See Assessor's map at Page 13)

Zoning: Single Family Residential

Lots 16, 17, 34, and 35 of Cregan Park Subdivision according to the official plat thereof on file in the office of the Klamath County Clerk, situated in the SW1/4 NW1/4 of Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

12. United Pentecostal Church (R-3809-028DB-00101, 00400, & 00500) (See Assessor's map at Page 8)

Zoning: Medium Density Residential

A tract of land situated in the N 1/2 SE 1/4 of Section 28, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southerly right-of-way line of Loma Linda Drive, from which the CE 1/16 corner of said Section 28 bears North 15° 13' West 631.40 feet and South 89° 10' East 106.09 feet; thence South 15° 13' East, 177.74 feet to the Northerly right-of-way line of Loma Linda Drive; thence South 34° 59' West, along said Northerly right-of-way line, 368.28 feet to the beginning of a 542.96 foot radius curve to the right; thence southwesterly along the arc of said curve (central angle = 04°21'31") a distance of 41.30 feet, to a point on the north right of way line of Old Fort Road; thence South 46° 29' West, along said Old Fort Road right of way line, 120.36 feet; thence North 15°13' West, 366.4 feet; North 46°29' East, 138.38 feet to the southerly right of way line of Loma Linda Drive and a point on the arc of a 160.22 foot radius curve to the left; thence northeasterly along the arc of said curve (central angle= 60°01'02") a distance of 167. 83 feet; thence North 45° 36' East 118.68 feet to the beginning of a 65.49 foot radius curve to the right; thence northeasterly along the arc of said curve (central angle = 32° 41' 12") a distance of 37.36 feet to the Point of Beginning, containing 2.72 acres more or less. Bearings based on record of survey No. 4362 as filed in the office of the Klamath County Surveyor.

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.

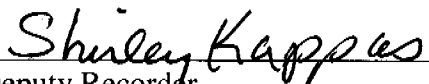
Passed by the Council of the City of Klamath Falls, Oregon, the 20th day of April, 2009.

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



Mayor

ATTEST:



Deputy Recorder

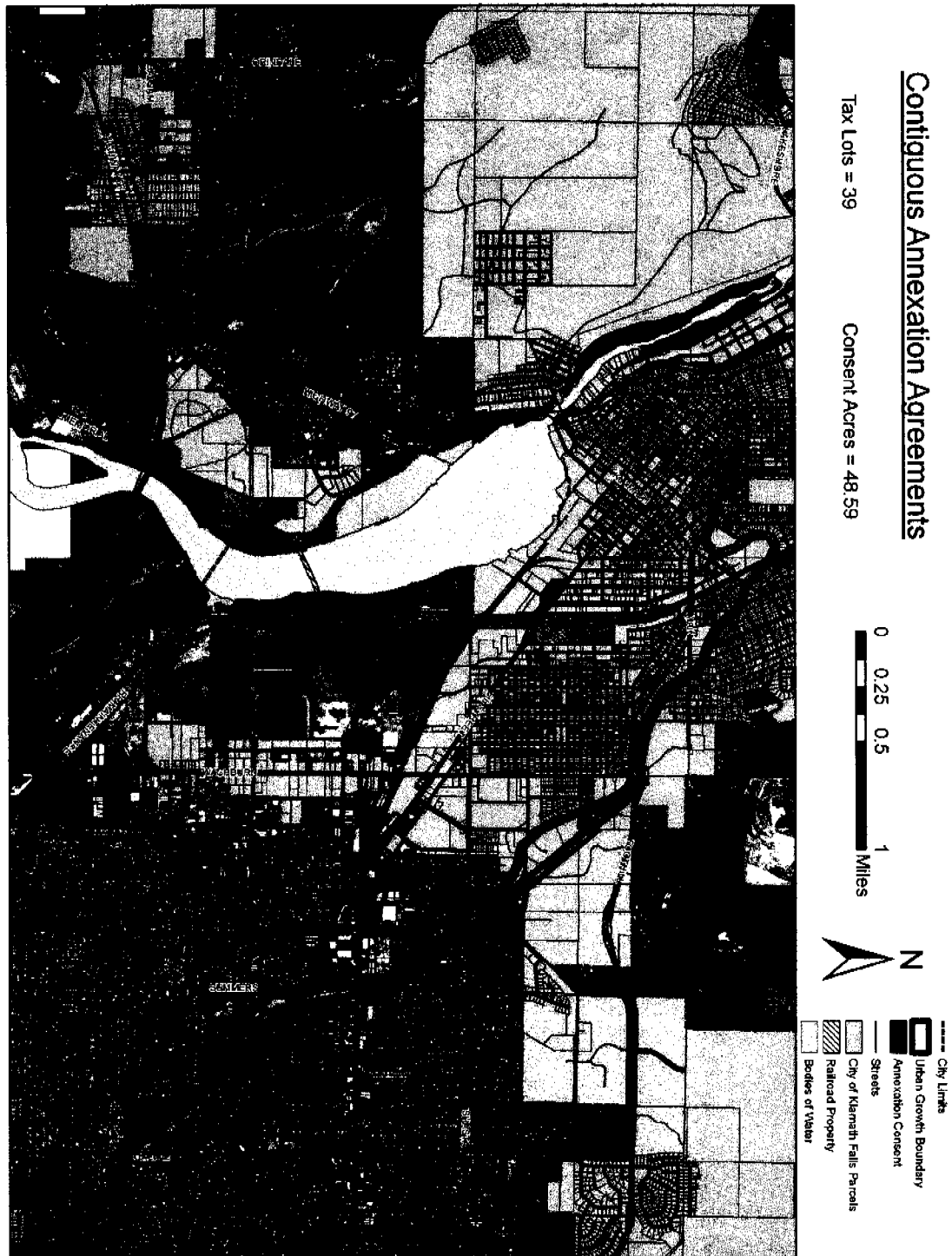
STATE OF OREGON }
COUNTY OF KLAMATH }
CITY OF KLAMATH FALLS } SS

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.



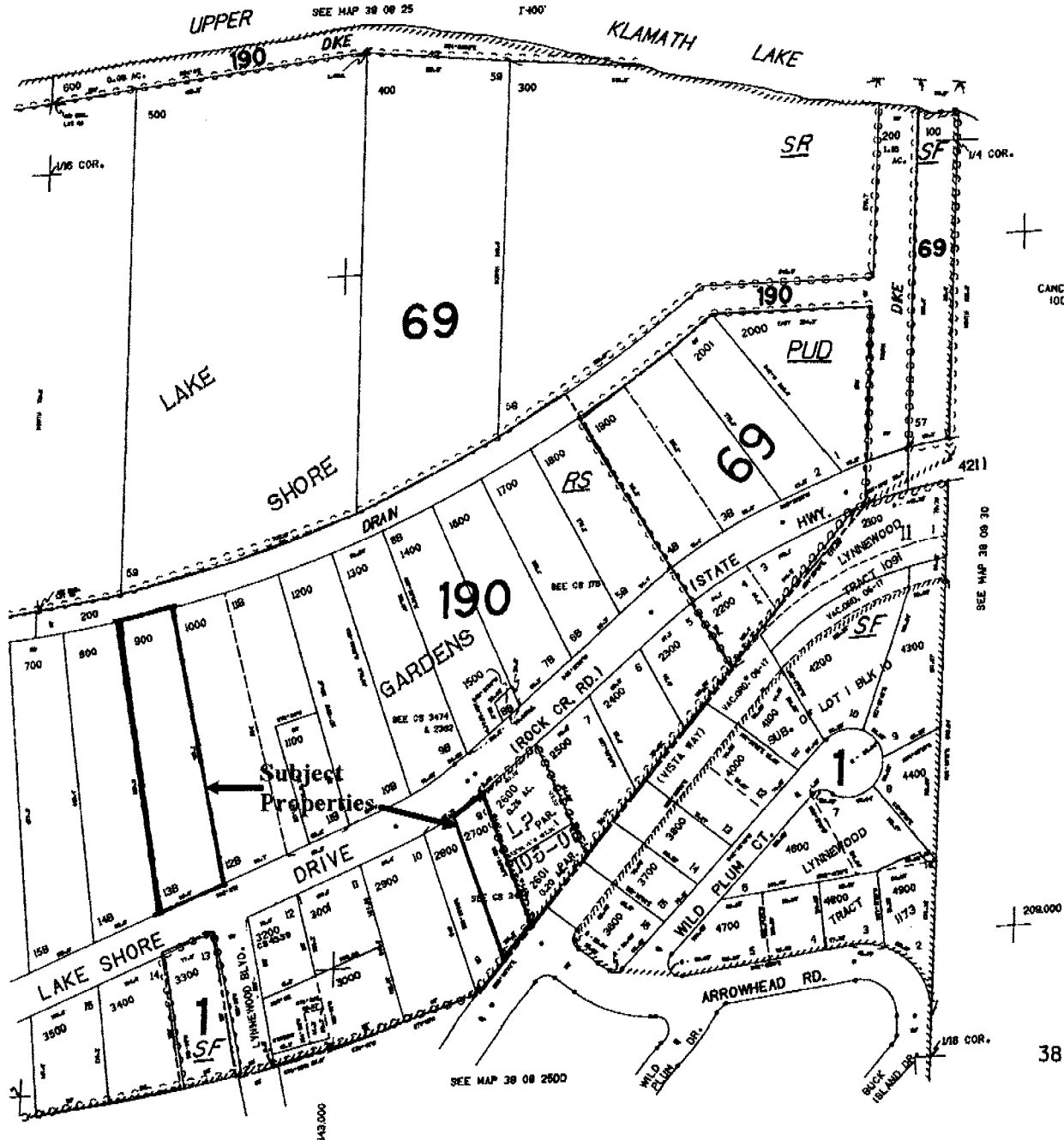
City Recorder (Deputy Recorder)

Exhibit A VICINITY MAP



38 08 25DA

CANCELLED NO.
100A1

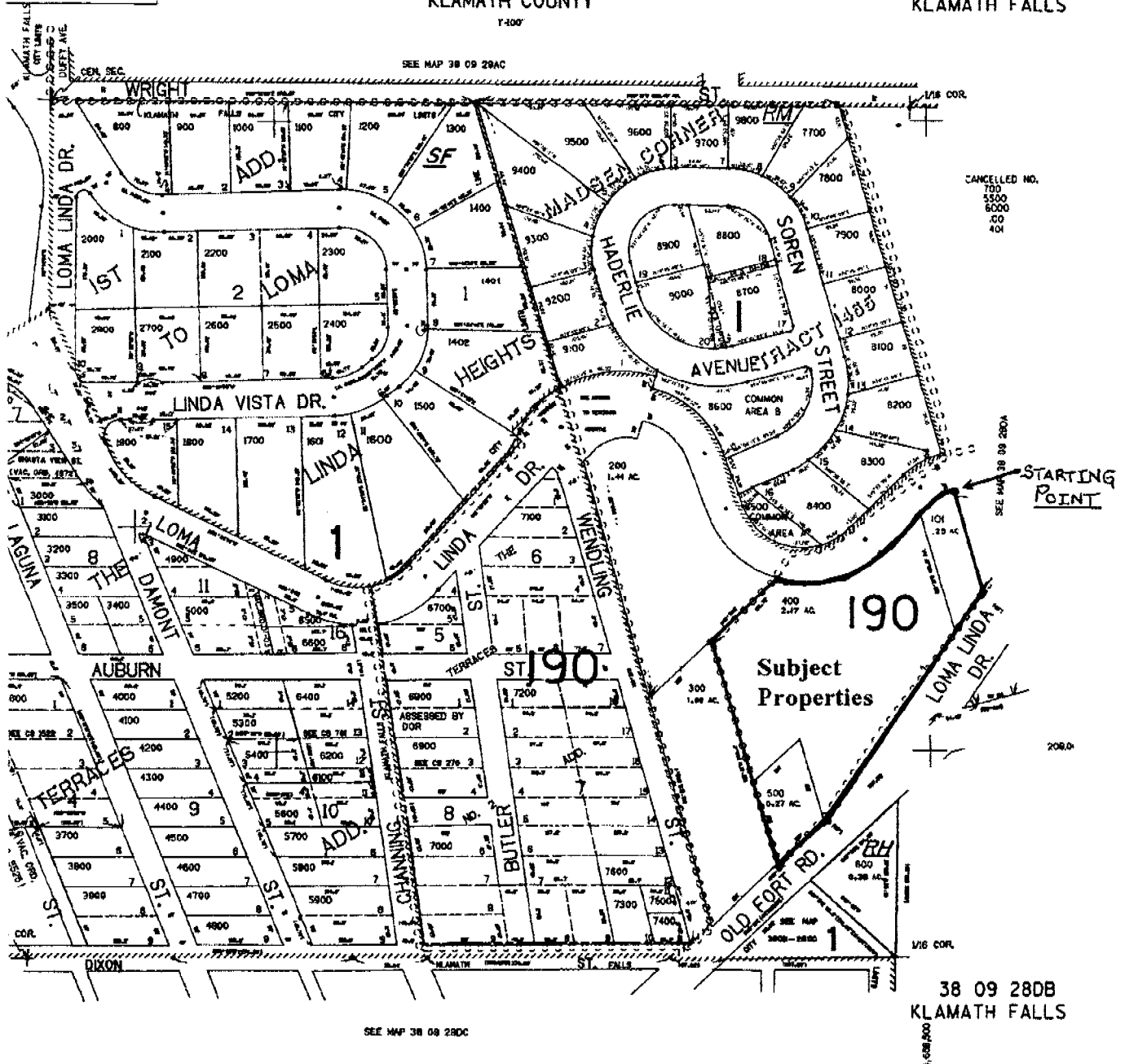


38 08 25DA

REVISED 7-9-08
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NW1/4 SE1/4 SEC. 28 T.38S. R.09E. W.M.
KLAMATH COUNTY
T-400'

38 09 28DB
KLAMATH FALLS



HIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

400

CANCELLED NO.
100

Subject Properties

203.5¢

38 09 35DB
KLAMATH FALLS

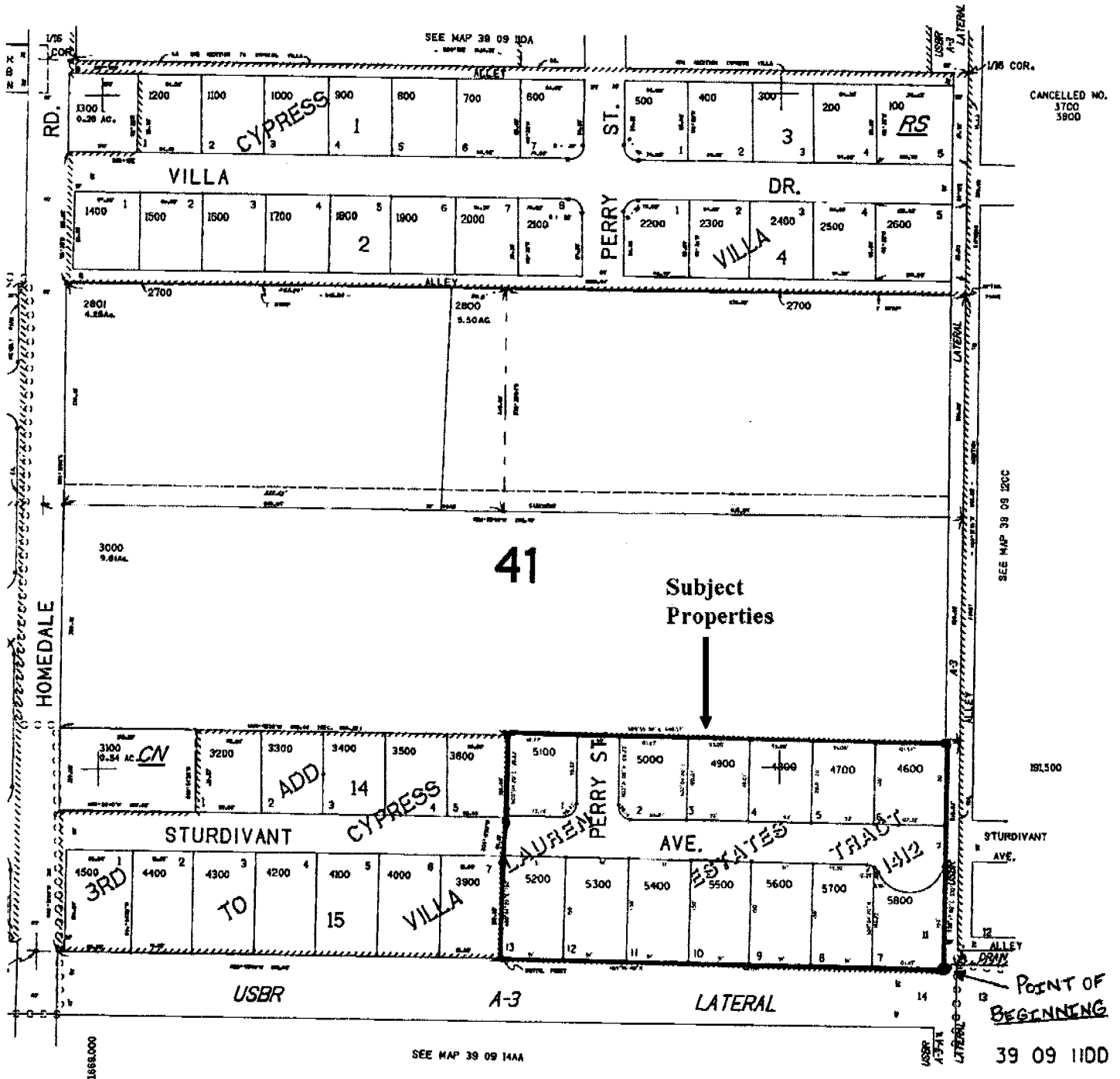
Ordinance No. 09-06, Page 9

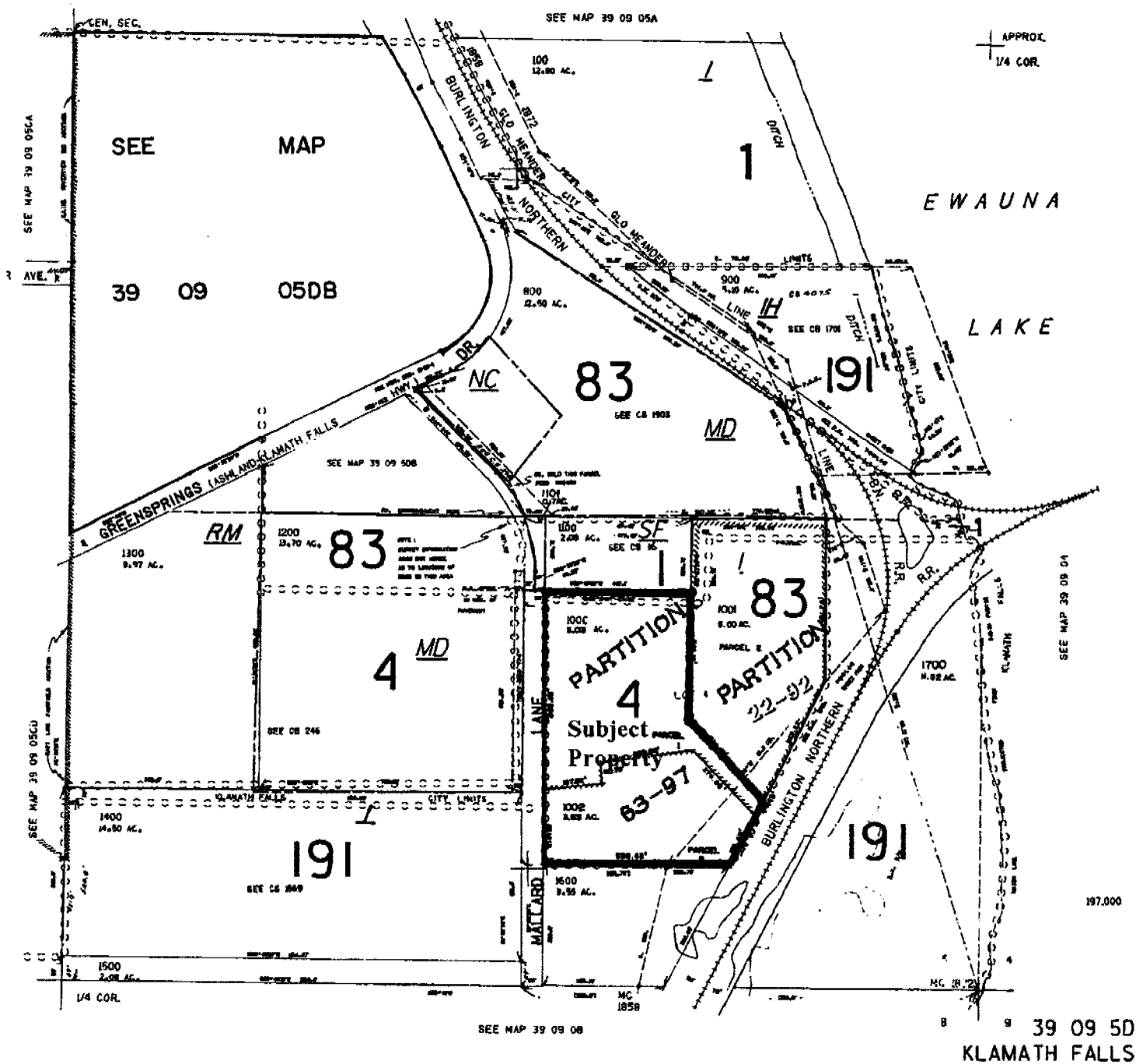
HIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE1/4 SE1/4 SEC. 11 T.39S. R.09E. W.M.
KLAMATH COUNTY

39 09 11DD

T-400'





REVISED 6-27-08

HIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SE1/4 SW1/4 SEC. 05 T.39S. R.09E. W.M.
KLAMATH COUNTY

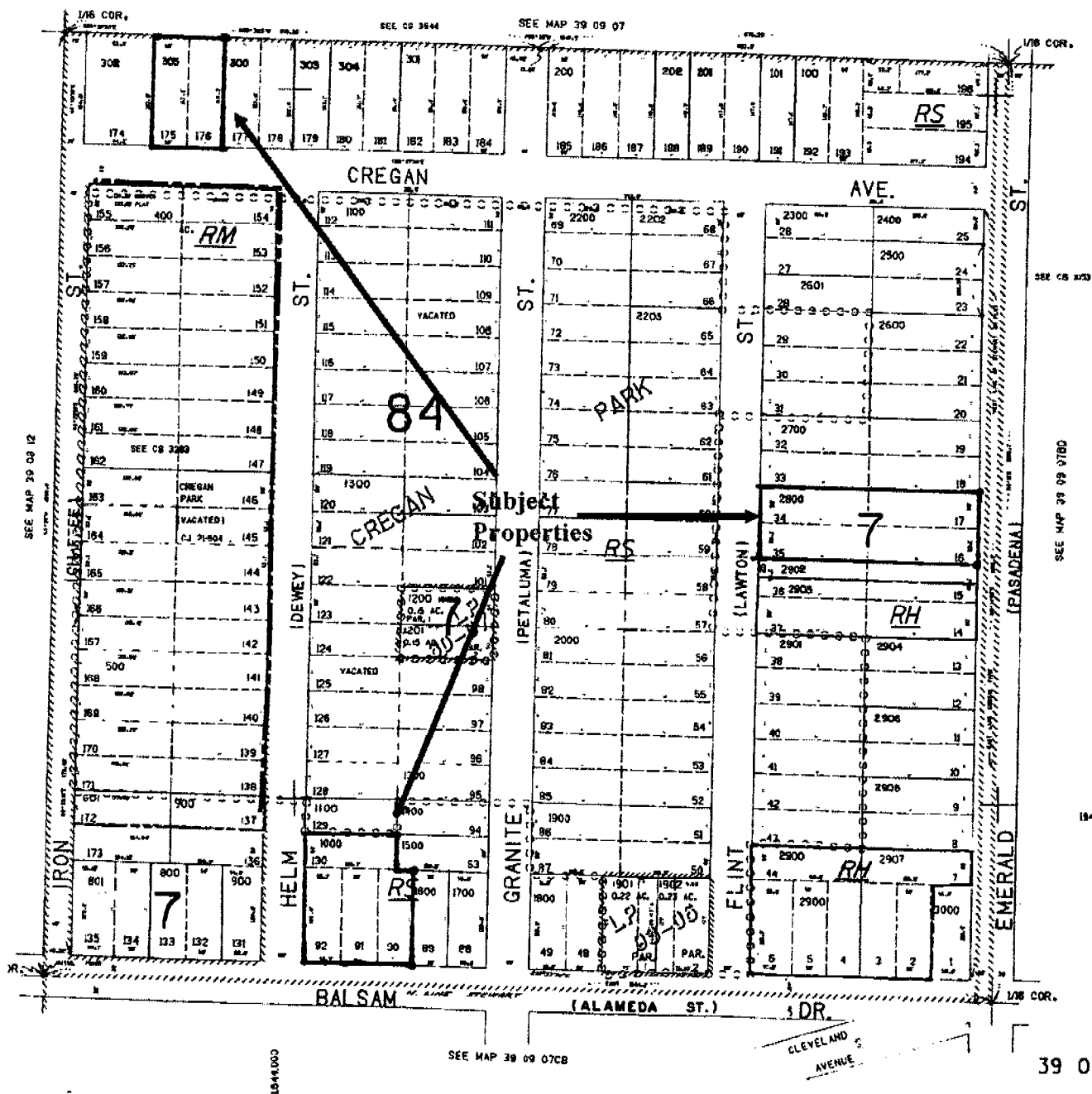
39 09 05CD



HIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

150F.1

39 09 07BC



CANCELLED NO.
700

SEE MAP 39 09 2780

194.500

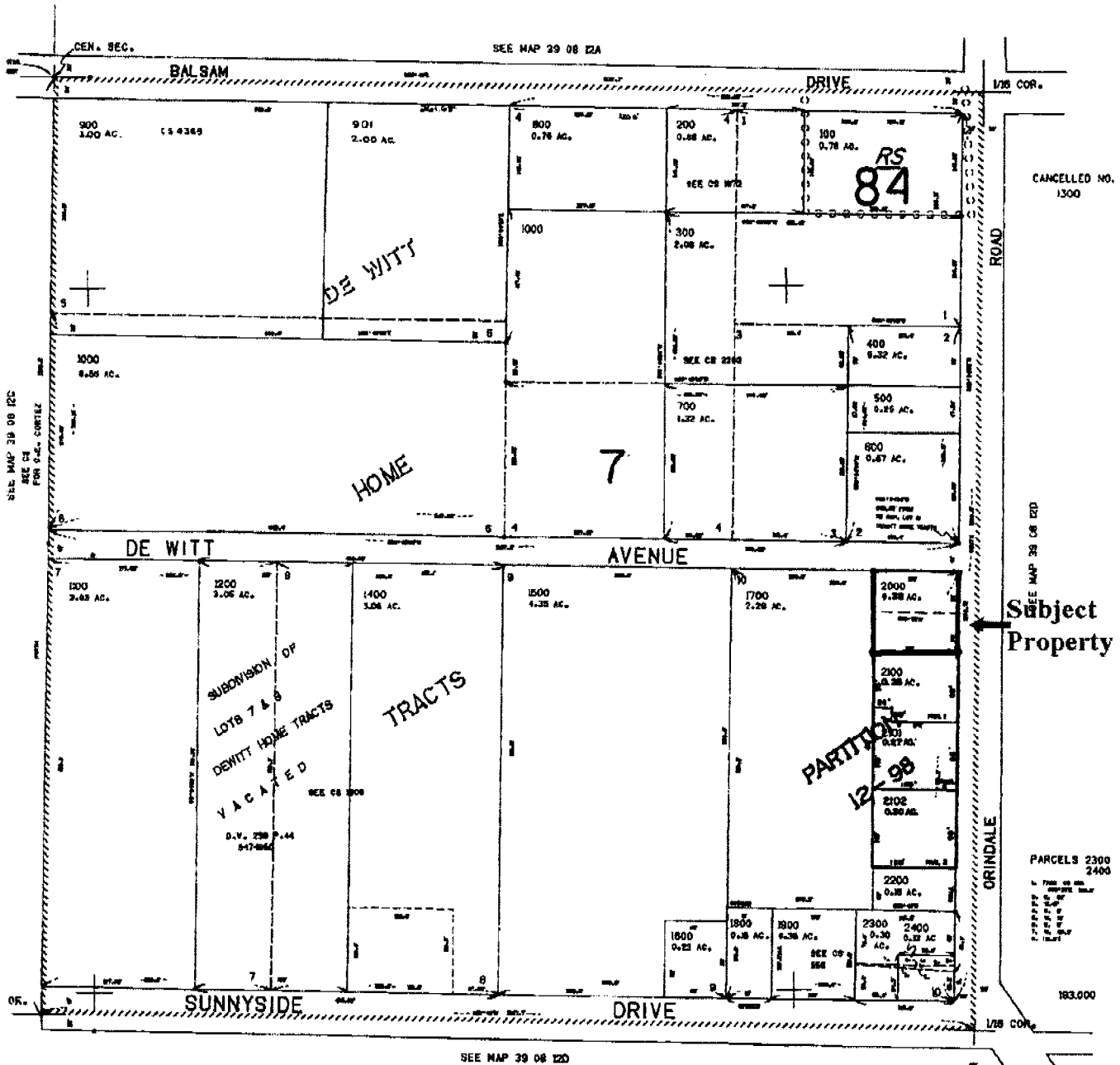
39 09 07BC

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NW1/4 SE1/4 SEC. 12 T.39S. R.08E. W.M.
KLAMATH COUNTY

1"=100'

39 08 120B



CANCELLED NO.
1300

Subject
Property

PARCELS 2300
2400

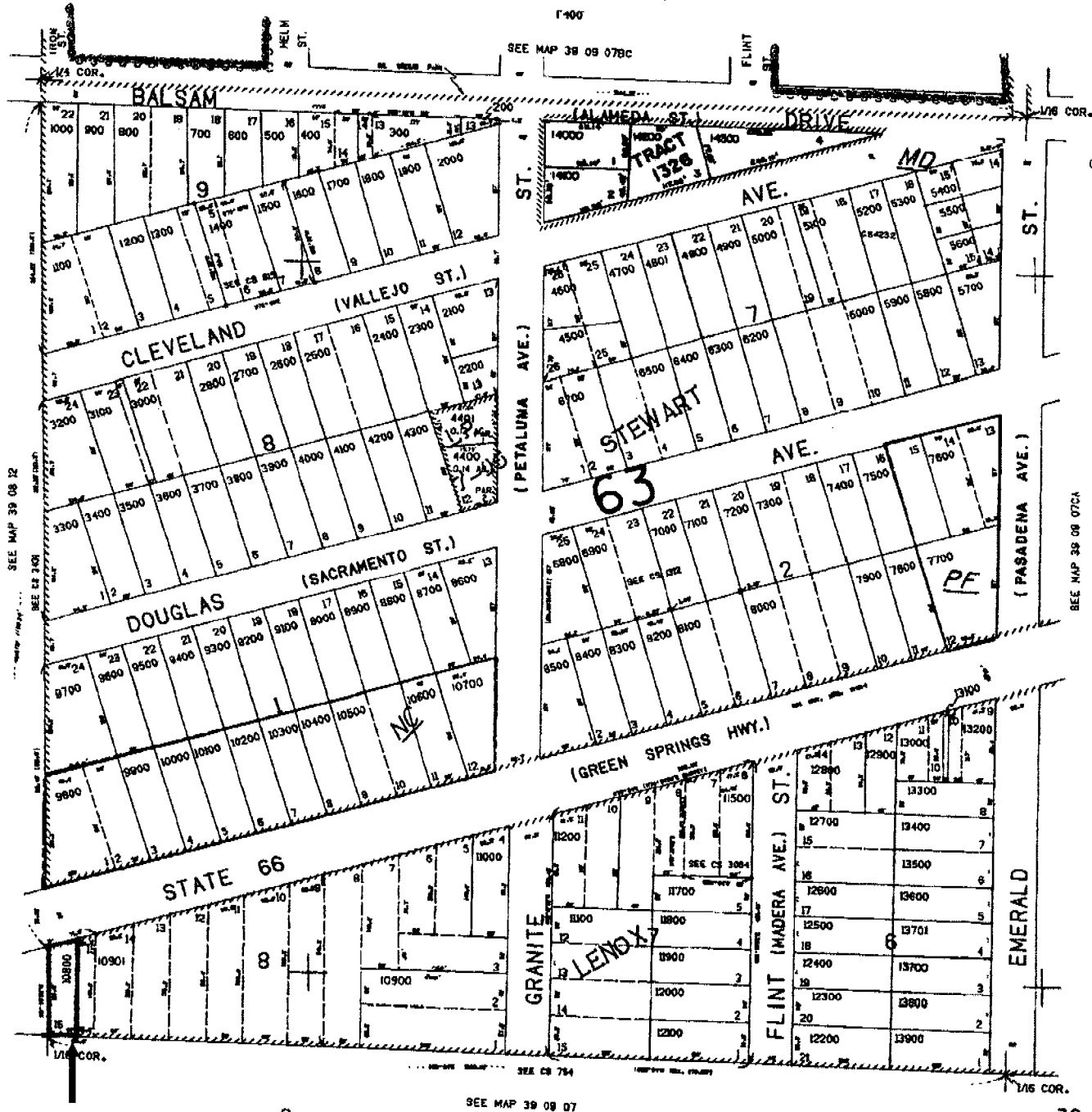
39 08 120B

REVISED 1-30-07

HIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NW1/4 SW1/4 SEC. 07 T.39S. R.09E. WM.
KLAMATH COUNTY

39 09 07CB



CANCELLED NO.
100
11300
11400
11500
6100
1201
6600

SEE MAP 39 09 07CA

193.000

Subject
Property

1944.000

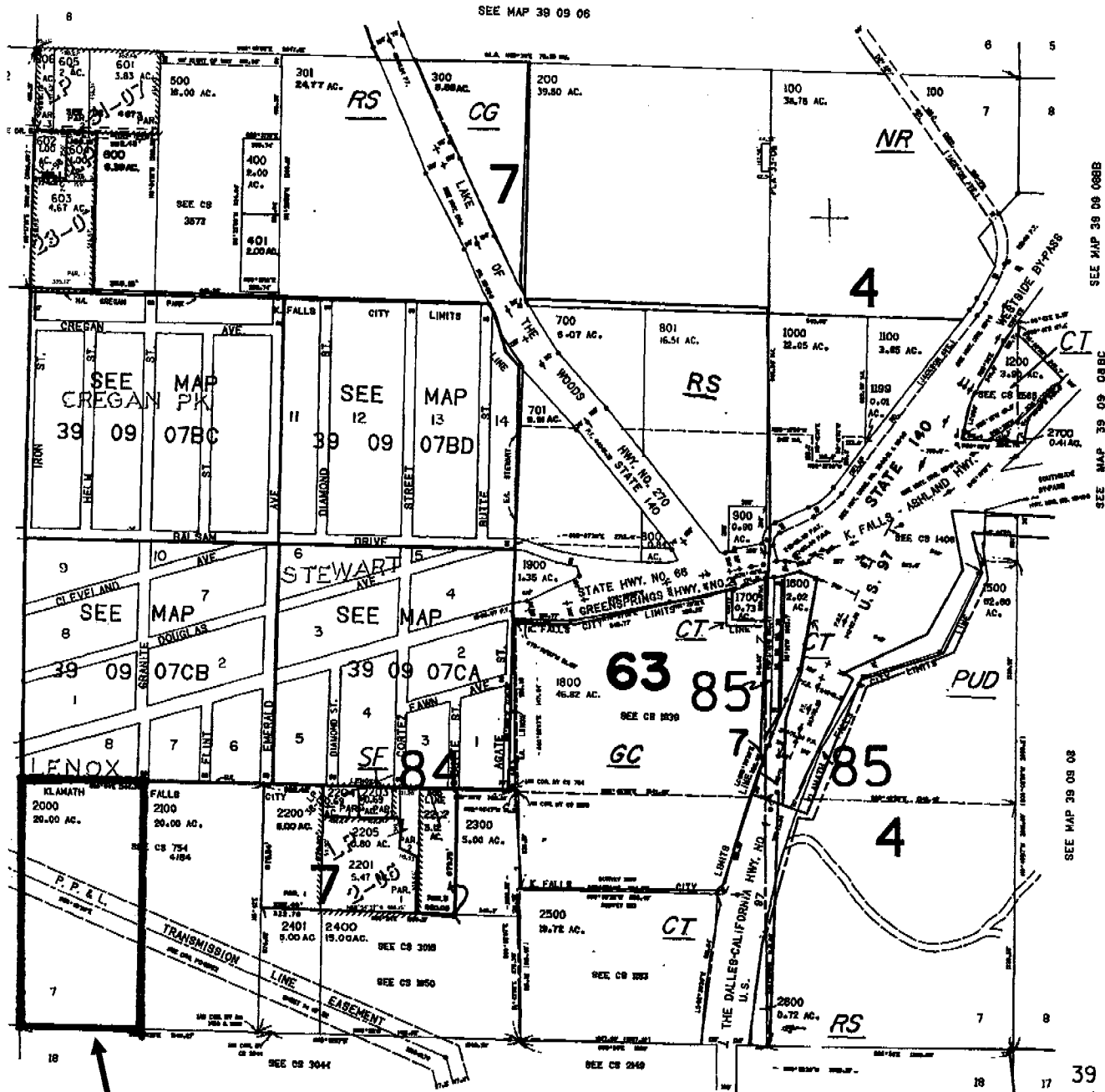
SEE MAP 39 09 07

39 09 07CB

S MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1-400'

198,000



Subject Property

17 39 09 07
& INDEX
KLAMATH FALLS

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.*

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). Property located at 3810 Emerald Street, otherwise known as R-3909-00700-02100, was removed from this proposed annexation because the 20 acre parcel is used for agricultural purposes. Since this 20 acre parcel will be used for farmland practices for the foreseeable future, allowing the property to remain in Klamath County jurisdiction is appropriate. Once the agricultural practices cease and the property becomes sub-dividable the 20 acres should be annexed.

- 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, land in Suburban Residential (RS) in the County has to have a minimum lot size of 10,000 sq ft. However, land in Single Family Residential (SF) in the City can have a minimum lot size of 7,000 sq ft.

Findings

The proposed annexation conforms to the comprehensive plan. **This criterion is met.**