

**CITY OF KLAMATH FALLS
PLANNING COMMISSION**

**Staff Report
5-A-08**

February 23, 2009

I. TITLE

Request to annex 26.34 acres of property within the Urban Growth Boundary through CDO 10.520 (2) Consent Petition procedures.

II. SUMMARY AND BACKGROUND

The applicant, City of Klamath Falls, proposes to annex approximately 26.34 acres of private property and portions of rights-of-way within the Urban Growth Boundary. The proposed area is directly north of Joe Wright Road at Washburn Way; south of HWY 140. The subject properties have two different Klamath County zoning classifications that would be assigned similar City of Klamath Falls zoning classifications per CDO 13.140, if the proposed annexation is approved.

Most of the property (21.52 acres) is zoned IH (Heavy Industrial) in the County and would become I (Industrial) in the City. Two of the proposed tax lots (4.82 acres) are zoned IL (Light Industrial) in the County and would become LI (Light Industrial) in the City.

Oregon Revised Statute (ORS) 222.170 and City of Klamath Falls procedures allow the City to annex property that has consented through an agreement. Property owners enter into an annexation agreement to obtain immediate service to City utilities, such as sewer and water. Properties being considered for annexation consented through agreement between 1981 and 2007. All properties proposed for annexation at this time are now contiguous with (next to) City of Klamath Falls boundary lines. The City, having recently identified several of these properties which are now adjacent to the City boundary, is in the process of annexing these properties. In order to organize the City boundary in a manner that provides the most efficient delivery of City services; certain properties adjacent to the consented properties have also been included in this annexation process.

ORS 222.170 and City of Klamath Falls procedures allow the City to annex property contiguous with City boundary lines without holding an election when more than half of the owners of land in the area, who also own more than half of the land and own more than half of the assessed property value in the contiguous area; consent to annexation. The area proposed for annexation meets the aforementioned "triple-majority" consent criteria (majority of property owners, majority of property area, and majority of property value). The owners of 6 (85.7%) of the 7 properties in the area proposed for annexation have consented to annexation. These "consented" properties represent approximately 15.09 acres (57.3%) of the approximately 26.34 acres proposed for annexation and approximately \$1,781,580 (98.7%) of the approximately \$1,803,580 of assessed property value proposed for annexation.

Referring Agency Comments:

Engineering Division:

1. An annexation boundary description shall be submitted to the Community Development Department for review and approval. The description shall be written in accordance with the Oregon Department of Revenue standards and Oregon Revised Statute 308.225.
2. Water and Sewer serviceability, along with other public improvements, can be determined at the time of the next land use application relating to these properties.

Klamath County Building Division:

“The County Building Division has no issues or concerns with this project at this time.”

Basin Transit:

“No Comments”

KCFD #1:

“KCFD #1 has no concerns or comments.”

Avista:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
SSSD:	No comments were received.
Charter:	No comments were received.
ODOT:	No comments were received.
Co. Surveyor	No comments were received.
Co. Planning:	No comments were received.
Co. Public Works:	No comments were received.
KCFD #4:	No comments were received.
City Manager:	No comments were received.
City Attorney:	No comments were received.
Airport Director:	No comments were received.
Code Enforcement:	No comments were received.
Police Department:	No comments were received.
City Schools:	No comments were received.
County Schools:	No comments were received.
Waste Management:	No comments were received.
Opponents:	No comments were received.
Proponents:	No comments were received.

III. RELEVANT REVIEW CRITERIA, FACTS AND ANALYSIS, AND PROPOSED FINDINGS

This proposal is being reviewed according to the provisions of the Klamath Falls Community Development Ordinance (Chapters 10-14), specifically Sections 13.105 to 13.104, regarding Annexations.

Criterion: The annexation conforms to the Comprehensive Plan.

- 1) *The annexation will not encroach upon agricultural ground.*

Staff Response

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.*

Staff Response

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.*

Staff Response

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). Preservation of wetlands or other natural resource areas will be addressed as development occurs.

- 4) *The annexation will not adversely affect the quality of the community's air, water, and land resources.*

Staff Response

The proposed annexation involves land that is already developed or is appropriate 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.*

Staff 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.*

Staff 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.*

Staff Response

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.*

Staff Response

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.*

Staff Response

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.*

Staff Response

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*

Staff 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*

Staff Response

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.

Proposed Finding

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

IV. DOCUMENTS ATTACHED

- Table 1: Consent and Non-consent for proposed annexation (file no. 5-A-08)
- Area Map of proposed annexation
- Portions of four County Assessor maps showing proposed annexation area

Table 1 is divided into two sections. The first section contains properties that have annexation consents and the second section contains the property that has no signed consent, but is being proposed for annexation.

Table 1: Consents and Non-consent for 5-A-08

Consents

Consent File Name (Last, First)	Year	Tax Map	Tax Lot	Current Owner	Situs Address	Zoning	Parcel Size	Notes	Assessed Value	Improved/ Vacant	Reason	Year Restriction
Bettendorf Enterprises, Inc.	1997	R-3909-02200	300	Bettendorf Enterprises, Inc.	6303 Washburn Way	IL	1.28		\$216,720.00	Improved	Water	No
Bettendorf Enterprises, Inc.	1997	R-3909-02200	400	Bettendorf Enterprises, Inc.	No Address (Washburn Way)	IL	3.54		\$272,930.00	Vacant	Water	No
Wesgo Partnership	2001	R-3909-01600	1300	Gold River Real Estate	6025 Wesgo Drive	IH	2.38	Tract 1357, Lot 4	\$103,530.00	Vacant	Water/Sewer	No
Wesgo Partnership	2001	R-3909-01600	1400	Gastaldi, Thomas	No Address (Wesgo Drive)	IH	1.00	Tract 1357, Lot 3	\$43,500.00	Vacant	Water/Sewer	No
Wesgo Partnership	2001	R-3909-01600	1500	Alpen Properties LLC	6115 Wesgo Drive	IH	1.08	Tract 1357, Lot 2	\$46,980.00	Vacant	Water/Sewer	No
Wesgo Partnership	2001	R-3909-01600	1600	Klamath County Public Works	6100 Wesgo Drive	IH	5.81	Tract 1357, Lot 1	\$1,097,920.00	Improved	Water/Sewer	No
							Total Size = 15.09	Total Value =	\$1,781,580.00			

Non-consent:

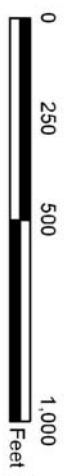
Consent File Name (Last, First)	Year	Tax Map	Tax Lot	Current Owner	Situs Address	Zoning	Parcel Size	Notes	Assessed Value	Improved/ Vacant	Reason	Year Restriction
N/A	N/A	R-3909-02100	104	Washburn Airport Partners	No Address (Wesgo Drive)	IH	11.25	LP 46-98, Parcel 1	\$22,000.00	Vacant	N/A	N/A
							Total Size = 11.25	Total Value =	\$22,000.00			

Wesgo and DeGroot Area

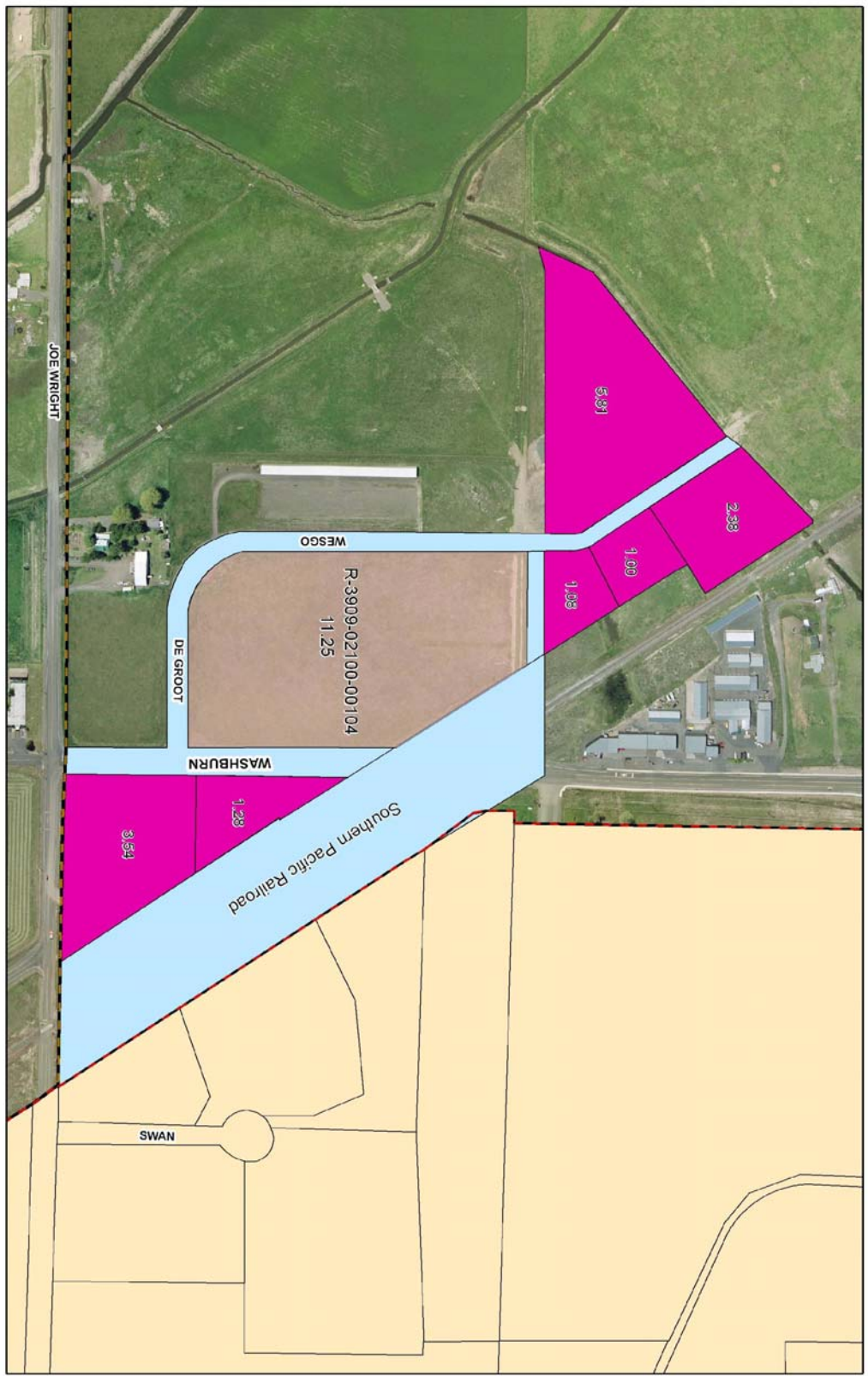
Consent Owners = 6
Triple Majority Owner = 1

Consent Value = \$1,781,580
Triple Majority Owner = \$22,000

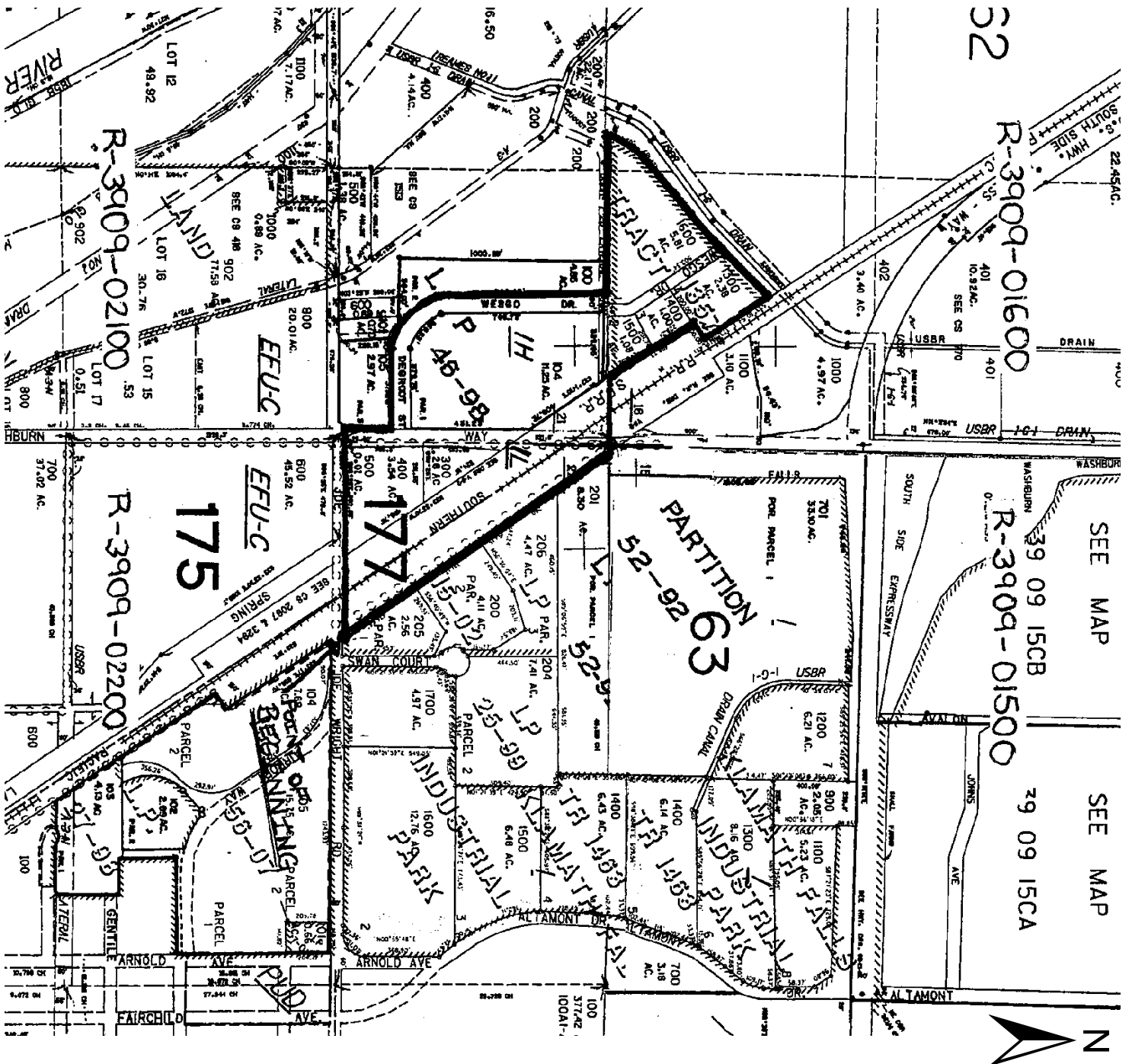
Consent Acres = 15.09
Triple Majority Acres = 11.25



- Kiamath Falls City Limits
- Kiamath Falls Urban Growth Boundary
- Triple Majority Property/Proposed for Annexation
- Right-of-Ways/Proposed for Annexation
- Consented Properties Proposed for Annexation
- Kiamath Falls Parcels



Portions of four County Assessor maps (area proposed for annexation identified with outline)



V. REQUESTED MOTIONS/ACTIONS

- Hold a public hearing and take testimony relative to the Criteria
- If desired, motion to modify the Proposed Findings as stated in the Staff Report
- Motion to accept the Findings
- Motion recommending approval of the annexation request to the City Council, based on the approved Findings

VI. PUBLIC NOTICE

Notice of this public hearing was mailed to 22 property owners on December 30, 2008 and published in the Herald and News on January 27 and February 3, 2009. No written comments were received.

Kelly O'Neill,
Planner