

**CITY OF KLAMATH FALLS
PLANNING COMMISSION**

**Staff Report
2-A-09**

March 23, 2009

I. TITLE

Request to annex approximately 25.16 acres of property in the area of Washburn Way, Laverne Ave, Brooke Dr, Dakota Ct, and Bristol Ave; within the urban growth boundary of the city of Klamath Falls.

II. SUMMARY AND BACKGROUND

The applicants, the owners of property within the proposed annexation area who signed consent to annex agreements (listed in attached "Consent" properties table) and City of Klamath Falls, propose to annex approximately 25.16 acres of property located in the area of Washburn Way, Laverne Ave, Brooke Dr, Dakota Ct, and Bristol Ave. The area consists of 17 individual properties owned by 9 separate property owners. Portions of the Washburn Way right-of-way, the Laverne Avenue right-of-way, the Brooke Drive right-of-way, the Dakota Court right-of-way, and the Bristol Avenue right-of-way are also included in the proposed annexation area.

The properties proposed for annexation have the following Klamath County zoning designations: Approximately 12.7 acres of CG (General Commercial), approximately 6.3 acres of IH (Heavy Industrial), and approximately 6.1 acres of IL (Light Industrial). These properties, when annexed, will be assigned similar City zoning designations, which are identified in Community Development Ordinance (CDO) Section 13.140. All CG properties will become GC (General Commercial), all IH properties will become I (Industrial), and all IL property will become LI (Light Industrial).

As a result of requests to extend City water and/or sewer service to properties outside of the City boundary lines; several property owners throughout the urban area around Klamath Falls have recorded documents consenting annexation to the City once their properties become contiguous with (next to) the City boundary. 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 to the City. In order to organize the City boundary in a manner that provides the most efficient delivery of City services; certain properties adjacent to the contiguous, consented properties have also been included in the annexation process.

Oregon Revised Statute (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 real 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 10 (59%) of the 17 properties in the area proposed for annexation have consented to annexation. These

“consented” properties represent approximately 14.89 acres (59%) of the approximately 25.16 acres proposed for annexation and approximately \$2,994,580 (53%) of the approximately \$5,614,750 of assessed property value proposed for annexation.

The recommended effective date for the proposed annexation is January 1, 2010. The proposed rate of taxation by the City for City real property taxes due in the territory proposed to be annexed will 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.

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 that are not currently developed.
3. Klamath County Public Works and City Public Works should discuss street maintenance jurisdiction (including storm drainage and street lights), on those rights of way being annexed, if any there are any changes being considered.

Fire District # 1:

“No objections from KCFD1.”

Basin Transit:

“No Comments”

South Suburban SD:

“As you are aware this is inside the SSSD service boundary. As stated in the “Intergovernmental Urban Service Agreement for Sanitary Service” signed by the City, County and SSSD, the City agrees not to extend sanitary sewer service into this area

without prior express consent on the District. The intent is to maintain the integrity of the service area for District regardless of City annexation.

With these comments I would like to clarify that the City does not want to extend sewer service to this area and that SSSD has not given prior express consent.”

Avista:	No comments were received.
PP & L:	No comments were received.
Qwest:	No comments were received.
Charter:	No comments were received.
ODOT:	No comments were received.
Co. Planning:	No comments were received.
Co. Public Works:	No comments were received.
City Manager:	No comments were received.
Police:	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 zoned for 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.*

Staff Response

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

Staff Response

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

Staff Response

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

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 help to facilitate the extension of City water and sanitary sewer services to those commercial and industrial 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.*

Staff Response

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

Staff Response

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

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 zoned for 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.”**

Proposed 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 ten of the seventeen 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 seven 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 ten consenting property owners own more than half of the land in the territory being annexed (14.89 acres of 25.16 acres in the contiguous territory) and more than half of the assessed value of all real property in the territory being annexed (\$2,994,580 of \$5,614,750 for the contiguous territory).
5. The seven 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.

IV. 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 with an effective date of January 1, 2010 and a 5 year incremental tax increase, based on the approved Findings

V. DOCUMENTS ATTACHED

- Map 1 of Proposed Annexation Area
- Map 2 of Proposed Annexation Area
- Table of "Consent" and "Other" Properties Proposed for Annexation

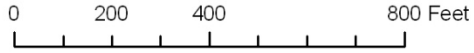
VI. PUBLIC NOTICE

Notice of this public hearing was mailed to 23 adjacent property owners on January 29, 2009 and published in the Herald and News on February 24 and March 3, 2009. No comments were received.

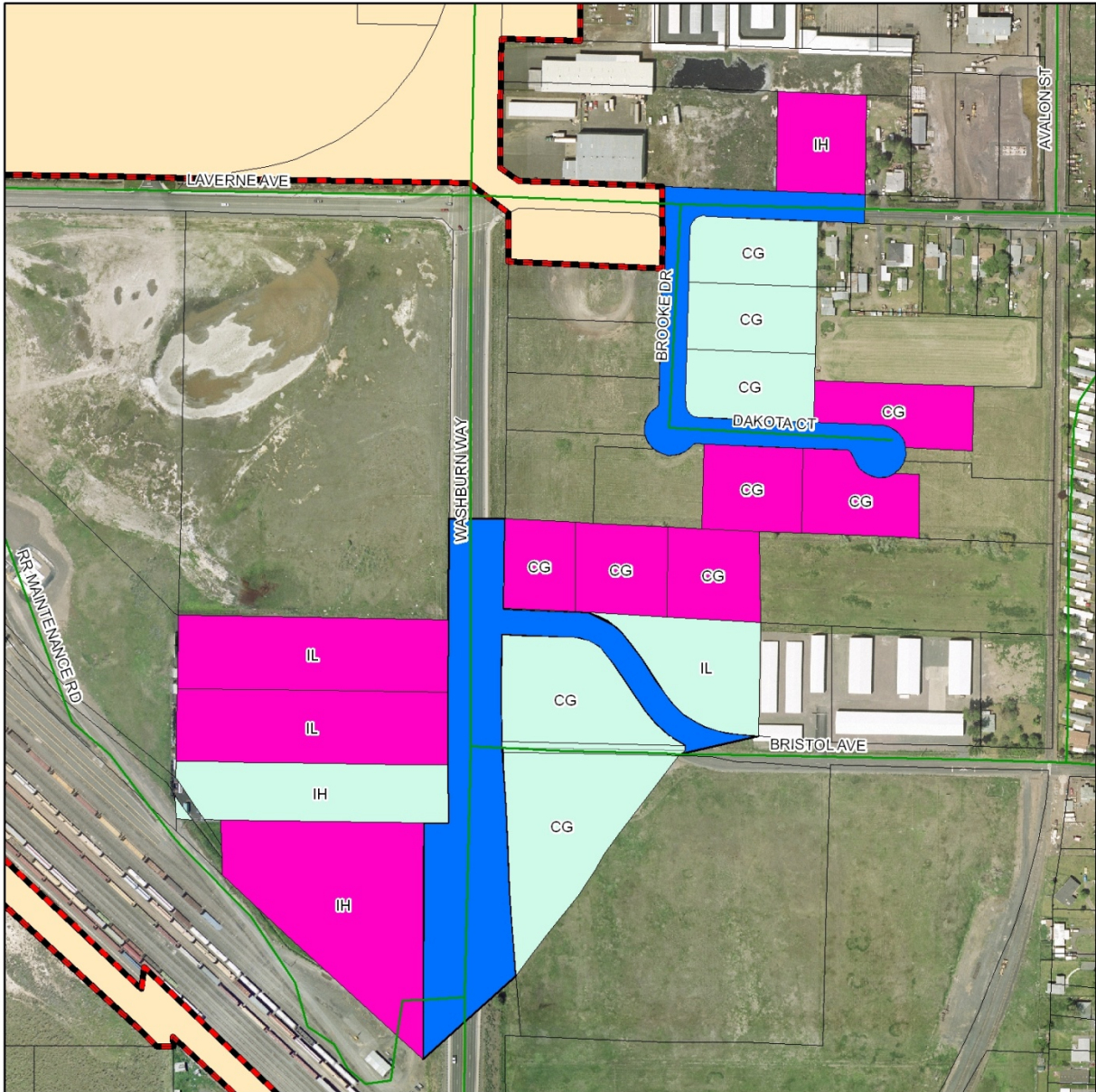
Joe Slaughter,
Associate Planner

Map 1 of Proposed Annexation Area

Washburn and Laverne



- City Limits
- Consent Parcels
- Other Parcels
- Rights-of-way



Consent Owners = 10
Other Owners = 7

Consent Acres = 14.89
Other Acres = 10.27

Consent Value = \$2,994,580
Other Value = \$2,620,170

Table of “Consent” and “Other” Properties Proposed for Annexation

Consent Properties Proposed for Annexation

Map & Tax Lot	Site Address	Owner Name	Assessed Value(\$)	Improved?	Acres	Zone
R-3909-010CB-02400	2825 DAKOTA CT	AVISTA CORPORATION	38190	yes	3.47	IH
R-3909-010CB-01000	2615 BRISTOL AVE	HILL DEAN FLEMING CO-TRUSTEE &	87550	yes	2.33	IL
R-3909-010CB-01002		HILL DEAN FLEMING CO-TRUSTEE &	98810	no	2.34	IL
R-3909-010CB-01003		HILL DEAN FLEMING CO-TRUSTEE &	74110	no	1.04	IH
R-3909-009D0-00103	4240 WASHBURN WAY	KLAMATH HUMANE SOCIETY	0	yes	1.00	CG
R-3909-010CB-02000	2716 DAKOTA CT	LAVA ROCK LLC	41820	yes	1.00	CG
R-3909-010CB-02100		LAVA ROCK LLC	39070	yes	0.99	CG
R-3909-010BC-02800	2815 LAVERNE AVE	SIEBEN-NASH PROPERTIES LLC	362890	yes	0.75	CG
R-3909-009D0-00200	4120 WASHBURN WAY	WASHBURN WAY INDUSTRIAL PARK LLC	1126070	yes	0.97	CG
R-3909-009D0-00300	4160 WASHBURN WAY	WASHBURN WAY INDUSTRIAL PARK LLC	1126070	yes	0.99	CG

Total = 2994580 14.89

Other Properties Proposed for Annexation

Map & Tax Lot	Site Address	Owner Name	Assessed Value (\$)	Improved?	Acres	Zone
R-3909-009D0-00400	4204 WASHBURN WAY	BRUUN KELLY C &	57090	no	1.82	IH
R-3909-010CB-01200		CARSON STEVEN M TRUSTEE &	29910	no	1.43	IL
R-3909-010CB-01202	4141 WASHBURN WAY	CARSON STEVEN M TRUSTEE &	369130	yes	1.64	CG
R-3909-010CC-00202		CARSON STEVEN M TRUSTEE &	30560	yes	1.03	CG
R-3909-010CB-02500	3901 BROOKE DR	WRMS LLC	2016980	yes	1.02	CG
R-3909-010CB-02600	3901 BROOKE DR	WRMS LLC	46040	yes	0.99	CG
R-3909-010CB-02700	3901 BROOKE DR	WRMS LLC	70460	yes	2.34	CG

Total = 2620170 10.27