

A GENERAL ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY  
OF KLAMATH FALLS, OREGON.

WHEREAS, there has been submitted to the City of Klamath Falls a written proposal for annexation of certain real property by the owners thereof, which property is hereinafter described; and,

WHEREAS, Ordinance No. 6269 was passed, initiating annexation of said territory, calling a hearing, and directing notice be given thereon; and,

WHEREAS, a hearing was held on December 3, 1979, pursuant to applicable laws at which time all objections or remonstrances with reference to said proposed annexation were considered by the Common Council; and,

WHEREAS, after due consideration of the testimony and evidence presented pursuant to said public hearing, the Council did make the Findings attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the Common Council did determine annexation of said properties to be in the best interest of the City and the contiguous territory; now therefore,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1.

A parcel of land located in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 28 Township 38 South Range 9 East of the Willamette Meridian, Klamath County, Oregon. More particularly described as follows: Beginning at a 2" iron pipe which is the S. E. corner of Section 28; thence North 89°30' West along the South line of Section 28, a distance of 537.71 feet more or less to a point which is the S.E. corner of Pacific Northwest Bell Telephone Co. property. Thence N 0°30' East 100.0 feet to a point which is the N.E. corner of Pacific Northwest Bell Telephone Co. property; thence N 89°30' West 100.0 feet to a point which is the N.W. corner of the Pacific Northwest Bell Telephone Co. property and also the East line of Ponderosa Nursing Home. Thence N 0°49' East a distance of 280.0 feet to a 1/2" iron pipe which is also the N.E. corner of the Ponderosa Nursing Home property. Thence N 89°30' West 24.94 feet to a point which is the S.E. corner of the Senior Apts. property and also the West line of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 28. Thence North along said West line approximately 286.32 feet to the N.W. corner of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 28. Thence East along the North line approximately 659 feet of said 1/4 to a 1/2" iron re-bar for 1/64 corner on the East line of Section 28. Thence South along said East line of Section 28 to point of beginning.

AND

ALL that portion of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 28, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon bounded as follows: Beginning at a point on the South line of said SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 28 a distance of 726.0 feet East of the West line of Williams Avenue in Dixon Addition to Klamath Falls, Oregon; thence East along South line of said Section 28 100.0 feet; thence North at right angles 100.0 feet; thence West 100.0 feet; thence South 100.0 feet to the point of beginning.

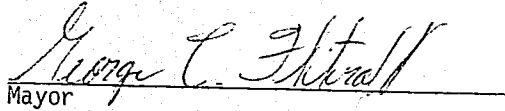
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## Section 2.

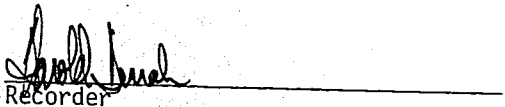
The City Recorder shall submit to the Secretary of the State of Oregon, (1) a copy of this Ordinance, (2) a copy of the statement of consent of the landowners of the territory annexed, and (3) a copy of Ordinance No. 6269 dispensing with an election in the City of the question of annexation. The City Recorder shall also send a description by metes and bounds, or legal subdivision, of the new boundaries of the City within ten (10) days of the effective date of annexation to the Klamath County Assessor and the Klamath County Clerk.

Passed by the Common Council of the City of Klamath Falls this 17th day of December, 1979.

Presented to the Mayor and by him approved and signed this 17th day of December, 1979.

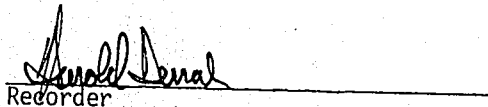
  
Mayor

ATTEST:

  
Recorder

STATE OF OREGON,            )  
COUNTY OF KLAMATH,        )   SS.  
CITY OF KLAMATH FALLS.    )

I, Harold Derrah, Recorder for the City of Klamath Falls, Oregon, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the Common Council of the City of Klamath Falls at a regular meeting held on the 17th day of December, 1979, and thereafter approved and signed by the Mayor and attested by the Recorder.

  
Recorder

## FINDINGS

In applying the facts below to the criteria, specific cross references have been made; however, the facts separately set forth are generally applicable to numerous criteria and should be treated as cumulative and supplementary.

1. Criteria. "Citizen Involvement" state-Wide Planning Goal #1.

Facts. Notice of the public hearing before the Planning Commission was published in the Herald & News Newspaper on October 3, 1979. All eight adjacent property owners were notified by mail on October 1, 1979. The Planning Commission conducted a public hearing pursuant to said notices on October 8, 1979. No citizen response was received by the Planning Department prior to said hearing. Pursuant to the City's agency review policy, 20 affected governmental agencies were notified of the hearing. Response was received in the form of letters from the Klamath Housing Authority, The State Housing Division, and the U. S. Bureau of Reclamation. During the course of the public hearing before the Commission, Joe Riker III, representative of applicant, was the only party who wished to appear.

Notice of the public hearing before the City Council, called by ordinance, was published in the Herald & News newspaper on November 12th and 19th. All eight adjacent property owners were notified by mail on October 31. Public notice was posted in four public places in the City. No citizen response was received prior to the public hearing which was conducted on December 3, 1979. Pursuant to the agency review program, 20 affected governmental agencies were notified; there was no response beyond that received pursuant to the Commission hearing notice.

The only person desiring to appear before the Council during the public hearing was Joe Riker III, applicant's representative.

Justification. Notice of the public hearing and opportunities to appear and testify before the Commission and statutory notice and opportunities to appear and testify before the Council having been afforded to the public, this goal has been satisfied.

2. Criteria. "Land Use Planning" State-Wide Planning Goal #2.

Facts. At present, the City does not have an acknowledged comprehensive plan.

Justification. Since the City does not yet have an acknowledged plan, these Findings which constitute an interim application of the goals, satisfy this criteria.

3. Criteria. "Agricultural Lands" State-Wide Planning Goal #3.

Facts. Soils within the subject property are predominately of the Harriman-Lorella complex, with slopes ranging from 5% to 20%. The S.C.S. Capability Classification is IVe. According to the S.C.S., this soil is used primarily for irrigated crops, home sites, and range, with no crop or pasture capability due to the absence of irrigation.

The property is not presently, and to the applicant's knowledge, never has been, utilized for agricultural purposes. Irrigation water is not available, thereby precluding the utilization of the land for crop or pasture production. Natural vegetation is limited to sagebrush and bunchgrass. The S.C.S. Class IVe description indicates that the property has erosion limitations which further frustrate agricultural use.

At present, the subject property is zoned County Agricultural. It is abuted on the south and west by City R-5A (residential) zoning; to the north and east by County Agricultural. However, 4,800 feet to the north and west there is presently located City Planned Unit Development (residential) zoning, the subject property being part of a finger of unincorporated land pointing into the City boundaries.

Existing land uses are as follows: The subject property is vacant and unutilized for any purpose other than for recreational trespass. Adjacent county lands to the north and east are similarly vacant and unutilized. Adjacent city lands to the west are occupied by the Ponderosa Nursing Home and the Ponderosa Apartments, and to the south and southwest, by the Ponderosa Junior High School.

The subject property is approximately 8.53 acres, generally square and located on the easterly slope of a hill. Remaining county lands in this finger are similarly parcelized. Public services are adequately available. (See Findings #6 and #11 for specifics.)

Justification. The subject property does not represent viable agricultural land as compared to those lands to the south and east of the City. The property is effectively bordered on three sides by urban lands. Public services are readily available to the site. Parcelization of the area, coupled with the marginal agricultural value of the land, renders the property impractical for agricultural use. In addition to the proximity to urban uses, the existing large amount of recreational trespass to which the site is subjected further detracts from any agricultural value and suggests that urban development will promote a better environment for the neighboring residential uses. The subject property is irrevocably committed to non-farm use. This goal is satisfied.

4. Criteria. "Forest Lands" State-Wide Planning Goal #4.

Facts. There is no forest on the subject site or in the general area. At best there exists isolated scrub juniper trees. In addition, the S.C.S. soil interpretation for the Harriman-Lorella complex indicates no productivity potential relative to the woodland suitability of this property.

Justification. Neither the land nor present or future uses associated with it fall within the definition of forest lands established by this goal. This criteria is satisfied.

5. Criteria. "Open Space, Scenic and Historic Areas, and Natural Resources" State-Wide Planning Goal #5.

Facts. The subject property, together with adjacent property on the north and east, is presently undeveloped. There are some views of the downtown area and Hogsback Mountain. The site is located on a southeast slope.

The soil interpretations provided by the S.C.S. indicate that the site exhibits no woodland wildlife potential, very poor wetland wildlife potential, and only fair potential for openland and rangeland wildlife.

No historical values were identified with the site.

Aside from possible access to geothermal and solar resources, no natural resources were identified with the site. At present, the property is subject to a large amount of recreational-vehicle trespass which mars the site with dirt trails. Proposed development envisions cluster housing with common open space areas.

Justification. This annexation will promote the conservation of open space and the protection of natural and scenic resources through the use of proposed development techniques. Significant areas of open space will remain in the lands to the north and east of the property.

Scenic resources of critical concern to the community, such as Lake Ewauna, Upper Klamath Lake, and the Link River, will be preserved through the annexation and subsequent development of this property.

Development will promote use of potential solar and geothermal resources, and will eliminate the detrimental effects of the recreational trespass. This goal is satisfied.

6. Criteria. "Air, Water and Land Resources Quality" State-Wide Planning Goal #6.

Facts. The subject property is located adjacent to the present terminus of Main Street, a major collector which runs to the heart of the downtown area, approximately one mile distant.

Solid waste discharges will be accommodated by the City's franchised collection system.

There exists an eight-inch sewer line located in Main Street approximately 500 feet distant. New flows are unknown and extension to the existing line will be the responsibility of the developer.

Surface water drainage presently enters a City main located in Main Street which eventually drains into the A Canal. It will remain the responsibility of the developer to assure that development on the site does not increase surface water drainage. On the basis of generally accepted drainage formulas, it is estimated that a 100 year storm will result in an 11% increase in volume due to development. Developer proposes to utilize the open and common areas in the development to address surface drainage on site. Said plans remain subject to City approval.

Justification. Auto emissions will be minimized by development in an area of close proximity to the urban center which also allows use of alternative transportation modes such as bicycles, which are non-polluting.

Solid and liquid waste discharges can be adequately handled by existing facilities.

Surface water drainage must be restricted and plans, therefore, remain subject to approval of the City. This goal is adequately satisfied at this time.

7. Criteria. "Areas Subject to Natural Disasters and Hazards" State-Wide Planning Goal #7.

Facts. The subject property is not located within known flood plain boundaries. Seismic risk is moderate and equal to that of the region as a whole.

Justification. This goal is satisfied.

8. Criteria. "Recreational Needs" State-Wide Planning Goal #8.

Facts. Proposed development following annexation is residential. Recreational facilities in proximity to the subject property include Henderson Park (one block to the west), Ponderosa School (adjacent), and the S. D. A. Elementary School (one block to the west).

Justification. Not only are there numerous recreational facilities in close proximity to the subject property, but the proposed development itself should provide open, common areas available for recreational use by the residents. Further, should the proposed development be substantially dedicated to senior housing, the recreational needs impact would be less than it would housing families with children.

9. Criteria. "Economy of the State" State-Wide Planning Goal #9.

Facts. The development of existing vacant buildable lands will provide employment and utilization of local community resources. The development of this land will contribute general tax revenues to the community. The close proximity of urban services will in turn lessen necessary public expenditures required to accommodate urban population growth otherwise necessary in more outlying areas.

Justification. To the extent relevant this goal is satisfied.

10. Criteria. "Housing" State-Wide Planning Goal #10.

Facts. According to the Oregon Department of Commerce, rising housing costs and interest rates place a new single-family residence beyond the means of most Oregonians. More specifically, the minimum price of a home built in Oregon in 1977 was approximately \$35,000. A household must have an annual income of \$17,472 to avoid paying more than 25% of gross income for a home priced at this level. Similarly, the median price of a new home built in Oregon approximated \$50,000 in 1977. The median family income for residents of Klamath Falls in 1976 was only \$12,571. As a result, few city residents can afford the purchase of a home within the area, thus presenting a significant demand for adequate rental housing.

The city currently has only 16.47 acres of vacant buildable land zoned R-5A. Most of this land exists in small parcels which are either infeasible or unavailable for high density residential development due to access problems, lack of services, etc. Consequently, the existing zoning pattern within the city provides limited development potential for multiple-unit rental housing.

The 1970 Census data indicates that 43% of all housing units in Klamath Falls were 30 years or older. Many large multiple housing units are in poor condition. According to the Department of Housing and Urban Development, the overall occupancy rate within the city was at 99.08% by the end of 1976.

The 1970 Census data indicate that nearly one-half of all occupied structures at that time were rentals (49.5%), and that 42% of these rental units were then considered cost-excessive for the renter; i.e., such expenditures represented more than 25% of their gross income. While additional units have since been built, inflation and increased population growth have acted to sustain the short supply of adequate rental units.

Applicant is presently considering HUD assisted elderly housing. The Klamath Housing Authority strongly supports developments addressing the very real needs of seniors in this community. Development envisions 15-20 units per acre on this 8.53 acre parcel.

Justification. Goal 10 provides that cities must encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of the community. This annexation will help to meet the need for additional buildable land zoned for multiple-unit residential housing; will help meet the need for additional well constructed housing units; will increase the supply of adequate rental units and in turn provide a positive effect on the spiraling costs of housing; and possibly help to meet the housing needs of the elderly in our community. This goal is satisfied.

11. Criteria. "Public Facilities and Services" State-Wide Planning Goal #11.

Facts. Those facts relevant to sewer and drainage set forth in Finding #6, and those facts relevant to recreational needs set forth in Finding #8, are by this reference herein incorporated.

A six inch water line located in Main Street is within 150 feet of the site. Extension of the line will be at the expense of the developer. Development on the property where the property exceeds 4,220 feet in elevation will require the developer to either install a booster pump or connect into the water lines which will be coming in from Basin View which is at a higher elevation. New flows are unknown.

School facilities servicing the area are Ponderosa Jr. High, Klamath Union High School, Mills Elementary and S. D. A. Elementary. New attendance is unknown.

Fire protection service will come from the City's main station which will have a response time of approximately one minute.

Justification. Water and sewer service are readily available, though at developer's expense. Furthermore, such services will be available along Old Fort Road to the west as a means of providing service to subsequent development in the area, thus avoiding a later overburdening of lines now serving the subject property. The close proximity of these services to this site minimizes public expenditures otherwise necessary to extend these services to other sites within the area as required to accommodate urban growth. As such, the high cost of "leapfrogging" vacant lands to service-needed residential housing is avoided.

Other public services such as police and fire currently serve developed urban lands adjacent to this property. As a result, additional costs relative to manpower, response time, and equipment are minimized. Moreover, the higher residential densities provided by the proposed use necessarily provide a lower per unit cost relative to the provision of such services. This goal is satisfied.

12. Criteria. "Transportation" State-Wide Planning Goal #12.

Facts. Ingress and egress can be provided by direct access to Main Street, a recently improved major collector with 32 feet of paved surface width. This street provides almost immediate access to the Alameda By-Pass, a major arterial, and runs directly to the urban center, one mile distant. While traffic counts are not presently available for this portion of Main Street, present use appears to be well below capacity.

Residents of the dwelling units to be developed on this site may commute to Oregon Institute of Technology without encumbering the existing central city transportation system. In addition, the close proximity of this development to the downtown core area will allow the use of alternative modes of transportation such as bicycles and walking, thus avoiding an over reliance on one form of urban transportation. Finally, the higher residential densities proposed for this property will directly result in lower transportation costs per individual through the residents' ability to combine trips of common origin/destination. The higher density also minimizes public outlay necessary for the maintenance and construction of transportation facilities serving future residential housing.

Justification. Main Street is more than adequate to provide safe and efficient transportation to many of the major destination points of this residential area. Further, its proximity to the urban center should promote use of alternative means of transportation. This goal is satisfied.

13. Criteria. "Energy Conservation" State-Wide Planning Goal #13.

Facts. Facts set forth in Finding #12 above are incorporated herein by this reference. Proposed development envisions high density residential use. There are known geothermal resources on two sides of the subject property. Finally, the property is located on a southeast slope.

Justification. The transportation access relative to this site encourages energy conservation through shorter trips to major destination points in the city and the encouragement of alternative modes of transportation. The higher densities also facilitate the combination of trips involving similar origin/destination points. Finally, the subject property is located within a significant geothermal resource area, and has sun exposure ideal for development of solar energy, thus providing potential for the use of these alternative energy sources. This goal is satisfied.

14. Criteria. "Urbanization" State-Wide Planning Goal #14.

Facts. The subject property is within all proposed Urban Growth Boundaries currently being considered by the City pursuant to its comprehensive plan. It is located in an isolated finger of county land protruding into the incorporated area and is irrevocably committed to urban use (see Finding #3 incorporated herein by this reference). Public facilities and services are readily available and their extension to this property conforms with efficient long-range planning of such services and facilities to areas in the vicinity which will be subject to future urban development (See Finding #11 incorporated herein by this reference). Efficient and economic transportation access exists for the site. (See Finding #12 incorporated herein by this reference).

Justification. Based upon the conclusions reached in the above reference Findings, this goal is satisfied. Few sites in the area surrounding the City offer similar potential to facilitate the urbanization of such lands with a minimum of public expenditures while providing compatability with adjacent land uses.

15. Criteria. "Public Need": There is a public need and the public need can best be met by the proposed annexation. (Fasano)

Facts. The facts set forth in Findings #10 and #14 are incorporated herein by this reference.

Justification. Additional buildable lands are needed within the City to meet the need for more rental housing, and the annexation of the subject site offers one of the most economically efficient areas for such addressing this need while maintaining uniformity with existing zoning. This criteria is satisfied.

16. Criteria. LCDC Administrative Rule 660-01-315(2).

Facts. The facts set forth in Findings #3 and #11 are incorporated herein by this reference.

Justification. Adequate public facilities and services can reasonably be made available to the subject property.

While not physically developed for urban uses at this time, the subject property is also within an area physically developed for urban uses. Again, such facilities and services are available to the site through the close proximity of water and sewer lines, educational facilities, police and fire protection, parks (Henderson Park) and Main Street as an improved major collector of significant capacity. Furthermore, the property is bordered on the west by Ponderosa Apartments, Ponderosa Nursing Home and Ponderosa School as well as significant residential development immediately west of Williams Street. The existence of these urban uses provide comparable urban development adjacent to the site as well as precluding the "leapfrogging" effect which often results in costly sprawl.

The recent annexation of the Basin View property to the east further serves to necessitate the annexation of these lands as an appropriate infilling measure. The resulting isolation of this arm of county jurisdiction clearly dictates that the area including and adjacent to the subject property is the most appropriate for orderly urbanization and is in turn lost to potential farm use.

In sum, the area of the subject property is physically developed in a manner which facilitates an orderly and efficient conversion to urban use pursuant to the requirements of the Rule. This criteria is met.

After recording, return to City of Klamath Falls, 226 S. 5th St., Klamath Falls, OR  
STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 6th day of  
February A.D., 19 80 at 1:21 o'clock P M., and duly recorded in Vol. M80,  
of Deeds on Page 2383.

FEE \$28.00

WM. D. MILNE, County Clerk  
By Bernard J. Retsch Deputy