

ORDINANCE NO. 6334

A GENERAL ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF KLAMATH FALLS, OREGON. ("KNOWN AS THE "A" CANAL AREA ANNEXATION")

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. 6327 was passed, initiating annexation of said territory, calling a hearing, and directing notice be given thereon; and,

WHEREAS, a hearing was held on February 2, 1931, 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, the Council has made Findings (Exhibit "A" attached hereto and incorporated herein by this reference) determining the annexation to be in compliance with applicable land use law; 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 SW $\frac{1}{4}$ of Section 34, T.38S., R.9E. W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at the northeast corner of Block 2, Sunnyland, a duly recorded subdivision on file in the Klamath County Clerk's office, said point also being the northwest corner of Lot 10, Elm Park, a duly recorded subdivision on file in the Klamath County Clerk's office; thence N.89°06'E. 392.65 feet to the northeast corner of Lot 9 of said Elm Park; thence N.0°53'W. 246.95 feet to a point on the south line of "A" Canal; thence continuing N.0°53'W. across said "A" Canal and Alameda Avenue to the northeasterly right-of-way line of Alameda Avenue; thence northwesterly along said right-of-way line to its intersection with the centerline of Eberlein Avenue; said centerline also being the south line of Tract 30, of Enterprise Tracts; thence westerly along the westerly prolongation of said centerline to its intersection with the southeasterly line of Tract 38A of Enterprise Tracts; thence southwesterly to the northeast corner of Tract 37 of Enterprise Tracts; thence S.0°15'30"E. along the east line of said Tract 37, said east line also being the centerline of Avalon Street, to its intersection with the westerly prolongation of the north line of said Sunnyland; thence N.89°45'30"E. along the north line of said Sunnyland to the point of beginning.

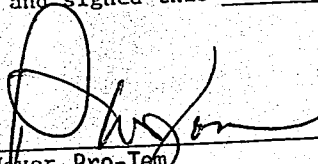
Section 2.

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. 6327 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.

MAR 13 AM 11 35

Passed by the Common Council of the City of Klamath Falls this 17th day
February , 1981.

Presented to the Mayor and by him approved and signed this 17th day
February , 1981.



Mayor Pro-Tem

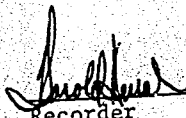
ATTEST:



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 February, 1981,
and thereafter approved and signed by the Mayor and attested by the
Recorder.



Recorder

EXHIBIT A

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 January 21, 1981. The Planning Commission conducted a public hearing pursuant to said notices on January 26, 1981. No citizen response was received by the Planning Department prior to said hearing. Pursuant to the City's agency review policy, affected governmental agencies were notified of the hearing. During the course of the public hearing before the Commission, no one wished to appear.

Notice of the public hearing before the City Council, called by ordinance, was published in the Herald & News newspaper on January 21 and 28, 1981. The property owners were notified by mail. Public notice was posted in four public places in the City. One letter of citizen response was received prior to the public hearing which was conducted on February 2, 1981. Pursuant to the agency review program, affected governmental agencies were notified; there was response from various City departments and divisions. At the public hearing, no one wished to appear before the Council.

Finding. 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.

Finding. 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" and Forest Lands" State-Wide Planning Goals #3 and #4.

Facts. The 13.26 acres of the subject property are fully developed as follows:

| | | |
|-------------------------|------|------------|
| <u>Residential:</u> | 8.92 | |
| <u>Multi-family:</u> | 6.36 | (97 Units) |
| <u>Single-family:</u> | 2.56 | (1 Unit) |
| <u>Public Facility:</u> | 4.34 | (Canal) |

There are currently no lands within the area available for or devoted to agricultural use.

There are no forest lands existing within the proposed annexation area. All existing vegetation is intended for personal landscaping only and has been planted during the past for that specific purpose. In addition, there are no existing forest areas adjacent to the proposed area.

Finding. Not relevant because of the developed state of the site, this goal is satisfied.

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

Facts. There are currently no dedicated open space areas within the area. However, there are dedicated open spaces within the immediately adjacent city limits. These include a playground area at Lucille O'Neill school and play fields at the YMCA. The area does contain a portion of the "A" Canal used to provide water for irrigation to lands further south in the Klamath Basin, which is paralleled by a bike trail and, therefore, relatively pleasing esthetically.

No historic values are associated with this area. Aside from possible access to geothermal resources, no natural resources were identified with the site.

Finding. This goal is satisfied.

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

Facts. This area is currently served by both City sewer and water, although not all properties necessarily receive both services. Some properties are served by South Suburban Sanitary District for wastewater service while receiving water from the City. It is expected that these properties will continue to be served by SSSD pursuant to an existing agreement between City and SSSD.

The area currently suffers from few, if any, noise or air pollution impacts. This is due to its separation from major arterials and its elevation.

Finding. Impacts on this goal are minimal. It is satisfied.

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

Facts. The area does not lie within a designated floodplain. There are no other natural hazard areas.

Finding. This goal is not relevant.

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

Facts. The area is part of the Wiard Memorial Park District and is served by one primary park and some scattered tennis courts. There is also a playground located adjacent to the area and playfields at the YMCA. In addition, a five-mile long bike trail runs through the property.

Finding. Recreational facilities in the area are sufficient to serve the recreational needs of the properties' residents. This goal is satisfied.

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

Facts. Annexation is expected to result in lower fire insurance rates for the subject property due to an improved fire rating. Annexation would also result in increased revenues to the City which are expected to exceed costs to the City of providing services by \$7,021 (See Finding #10.)

Finding. Since the property is developed, impact on this goal will be minimal. Increased taxes, a benefit to the City, will be partially offset by lower fire insurance rates. On balance this goal is satisfied.

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

Facts. This area currently supports 98 residential housing units, 97 of which are in multi-family complexes. Projected population levels are approximately 235 persons.

Finding. The residential character of this developed property supports this goal.

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

Facts. Those facts relevant to sewer and water set forth in Finding #5, and those facts relevant to recreational needs set forth in Finding #9, are by this reference herein incorporated.

Police protection is currently provided by the Klamath County Sheriff's office and the State Police. Upon annexation, the City will provide patrol.

Fire protection is currently provided by the South Suburban Fire District. This level of service would be maintained or improved under the City. Present City response time is under five minutes. The City would also anticipate that the area would receive a fire rating of 4, which is what the City rating is.

Revenues to the City as a result of the annexation are estimated to exceed additional costs of providing City services by \$7,921.

City Revenue Projections

| | |
|-----------------------|--------------|
| 1. Property tax levy | \$12,509 |
| 2. Per Capita Income | 13,289 |
| 3. Franchise payments | <u>3,332</u> |

Total Estimated Revenue

\$29,130

City Expenditure Estimate

| | |
|-----------------------|--------------|
| 1. Fire Protection | \$ 6,553 |
| 2. Police Protection | 7,125 |
| 3. Streets | 911 |
| 4. Parks & Recreation | <u>7,520</u> |

Total Estimated Expenditures

\$22,109

Surplus

\$ 7,021

Servicing schools are Klamath Union High School, Ponderosa Jr. High School, and Lucille O'Neill Elementary.

Finding. Since the area is already developed, public services have already been provided to the property. This goal is satisfied.

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

Facts. Local streets in the area are currently paved with a 60' right-of-way. Two major streets directly serve development within the area. These include Avalon along the western boundary and Arthur entering from the south. A five-mile long bike path runs through the property. The area is also served by public transit. (See attached map incorporated herein.)

Finding. Transportation facilities are adequate to serve the needs of the residents of the site, and this goal is satisfied.

12. Criteria. "Energy Conservation" State-Wide Planning Goal No. 13.

Facts. There are known geothermal resources being used within developments immediately to the north of this area. However, there are no existing uses of geothermal within the area. The site has access to the public transit service and the area's best developed bike path. It is located in the vicinity of a major shopping complex.

Finding. Potential geothermal heat and reduced levels of gas consumption due to access to alternative transportation facilities and shopping areas all serve to satisfy this goal.

13. Criteria. "Urbanization" State-Wide Planning Goal #14 and LCDC Administrative Rule #660-01-315(2).

Facts. Within the area, 67.2% of the land is currently committed to residential development at a gross density of 11 units per acre. The remaining land area is reserved as right-of-way for the canal and is not available for development. The site is within the developed urban area of the community and all proposed UGBs.

Finding. The area is already fully developed to urban uses, receives a full range of urban services, and is within the urban area and the proposed UGB. This goal and criteria are satisfied.

21⁰⁰ck

Filed for record at request of City of Klamath Falls
 this 13th day of March A. D. 1981 at 11:35 clock A M., and
 duly recorded in Vol. M81, of Deeds on Page 4592

By Evelyn Biehn County Clerk

Fee \$21.00