

Ordinance No. 05- 08**A SPECIAL ORDINANCE ANNEXING 40 ACRES OF LAND INTO THE CITY OF KLAMATH FALLS**

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

**WHEREAS**, a public hearing was held on July 11, 2005, pursuant to applicable laws, at which time all evidence and objection with reference to said proposed annexation were considered by the Planning Commission; and

**WHEREAS**, the City Council hearing notices having been duly given, continued the agenda item on August 1, 2005 to the August 8, 2005 meeting; and

**WHEREAS**, the City Council, hearing notices having been duly given, held a public hearing on August 8, 2005 on the recommendation of and including the record of the Planning Commission concerning the annexation of 40 acres into the City of Klamath Falls; and

**WHEREAS**, pursuant to such record and hearing the City Council has determined the vacation to be in compliance with the Community Development Ordinance and the Comprehensive Plan; and

**WHEREAS**, the City Council adopted the findings of the Planning Commission attached hereto and incorporated by this reference as Exhibit C;

**NOW THEREFORE****THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:**

There is hereby annexed to the City of Klamath Falls, a parcels of land as shown on the maps attached hereto as Exhibit "A", and described as:

**Parcel A** - The NW ¼, SW ¼, NW ¼, of Section 17, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

**Parcel B** - The NE ¼, SW ¼, NW ¼, of section 17, Township 38 South, Range 9 East Willamette Meridian, Klamath County, Oregon.

**Parcel C** - The S ½, SW 1/4 , NW ¼ of Section 17, Township 38 South, Range 9 East Willamette Meridian, Klamath County, Oregon.

Passed by the Council of the City of Klamath Falls, Oregon, the 15th day of August, 2005

Presented to the Mayor, approved and signed this 16th day of August, 2005

  
\_\_\_\_\_  
Mayor

ATTEST:

  
City Recorder (~~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 15th day of August, 2005 and therefore approved and signed by the Mayor and attested by the City Recorder (~~Deputy Recorder~~).

  
~~City Recorder~~ (Deputy Recorder)

Exhibit A  
VICINITY MAP  
NO SCALE

SECTION 17 T.38S. R.09E. WM.  
KLAMATH COUNTY

38 09 17  
& INDEX

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.

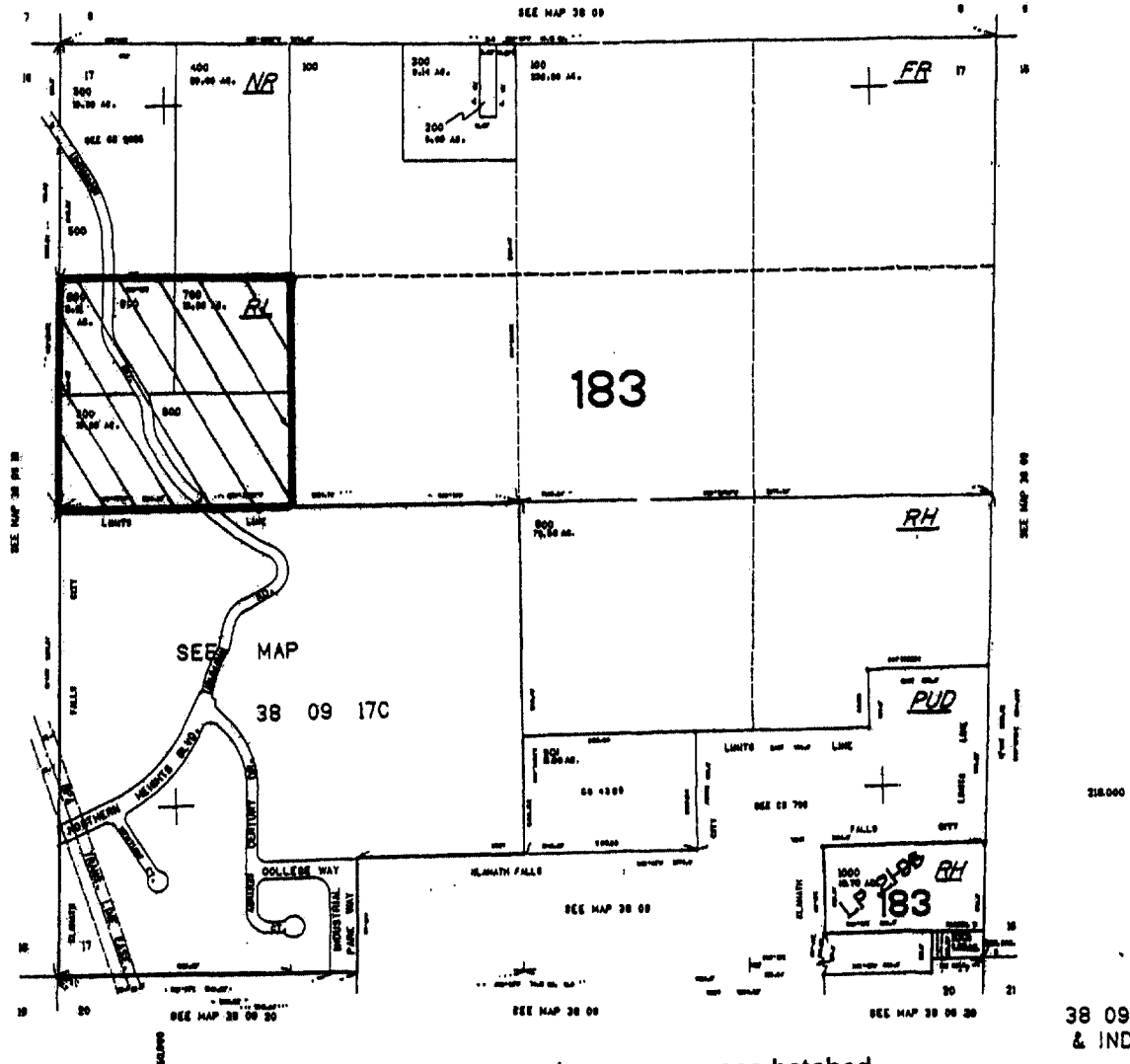


Figure 1 The annexed areas are cross hatched.

**Exhibit B**  
**PLANNING COMMISSION FINDINGS**

**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 Annexation.*

**Criterion**      *The annexation conforms to the Comprehensive Plan.*

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

**Staff Response:** ; This annexation will not encroach on agricultural lands. The closest property zoned for agricultural use is approximately 0.5 miles away to the North. The adjacent property to the north is zoned non resource, which is a zoning given area with poor soil unable to produce agricultural products.

2) *The annexation will not encroach upon forestland.*

**Staff Response:** This annexation will not encroach upon forestland. This property is within the Urban Growth Boundary. No forestry operations take place in the area. The property to the east is zoned Forestry/Range, however this area is devoid of trees.

3) *The annexation will help conserve open space and protect natural resources.*

**Staff Response:** This annexation will help conserve open space. This annexation will make it possible to develop existing residential lots within the Urban Growth Boundary. This "in fill" will preserve lands dedicated to open space.

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

**Staff Response:** The mere act of annexation will not adversely affect the quality of the community's air, water and land resource. However, the development of this property could lead to some issues. The eastern side of the property has slopes of over 20%, which could lead to severe erosion if developed incorrectly.

5) *The annexation will not endanger life or property from natural disasters or hazards.*

**Staff Response:** This annexation will not endanger life or property from natural disaster or hazards. Nor will the proposed single family residential development.

6) *The annexation will help satisfy the citizen's recreation needs.*

**Staff Response:** Not applicable, this annexation will not enhance nor distract from citizen's recreation needs.

7) *The annexation will help satisfy the community's housing need.*

**Staff Response:** The annexation of these lots will facilitate the development of the subdivision providing the City with additional residential lots.

8) *The annexation will diversify and improve the community economy.*

**Staff Response:** This annexation will provide the community with available housing for individual gaining employment opportunities through construction and ongoing real estate sales. The annexation will increase the City's tax base annually in real and personal property tax revenue.

9) *The annexation will create a timely, orderly, and efficient arrangement of public facilities and services.*

**Staff Response:** The land is adjacent to other land and City services within the City limits. It is logical to expand these services.

10) *The annexation will help provide a safe, convenient and economic transportation system.*

**Staff Response:** This annexation will help provide a safe, convenient and economic transportation system. Part of the development proposal is to develop Urhmann Road from New Way to the Northern edge of the property. This will create an alternate route around the weight station to access HWY 97.

*11) The annexation will aid in conserving energy.*

**Staff Response:** This annexation will aid in conserving energy. If developed this area will provide single family dwellings in an area close to major employers, where little housing exists.

*12) The annexation will promote an orderly and efficient transition from rural to urban land uses.*

**Staff Response:** The property in question is zoned for low density residential use. The minimum lot size is the largest of all zoning category, which promotes an orderly transition from rural to urban land use.

**Finding** This annexation conforms to the Comprehensive Plan based on the analysis. This criterion is met.