

Ordinance No. 05- 07

**A SPECIAL ORDINANCE ANNEXING 15.7 ACRES OF LAND
WITHIN THE CREGAN PARK SUBDIVISION 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 15.7acre annexation of Cregan Park; 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 "B";

NOW THEREFORE;

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

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

Parcel A - Lots 60, 69, 70, 71, 72, 73, 74, 75, 76, 77, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 129, and 147 thru 162 CREGAN PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath Falls, Oregon.

AND vacated lots 138 thru 146 and 163 thru 171 of CREGAN PARK in the SW ¼ NW ¼ Section 7, Township 39 South, Range 9 East of Willamette Meridian, in the County of Klamath, State of Oregon.

Parcel B - Lots 52 to and including lots 59; lots 61 to and including lot 68; Lots 78 to and including lot 85; Lots 95 to and including lot 98; Lots 101 and 102 and lots 120 to and including 128 all in CREGAN PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath Falls, Oregon.

Parcel C - Lots 29 thru 31 CREGAN PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath Falls, 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:

41✓ Over the Counter: Shirley Kappas


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)

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

39 09 07BC

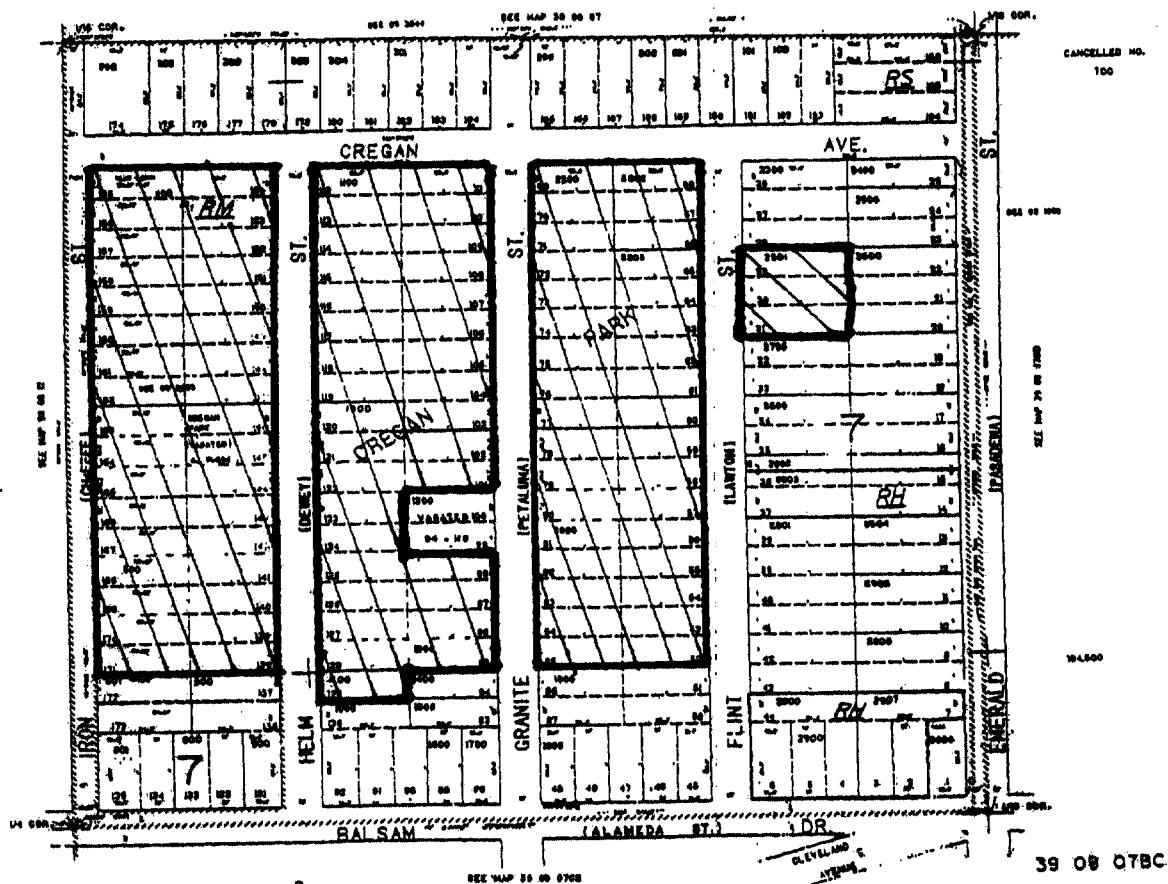


Figure 1 The annexed areas are cross hatched.

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. This area has already been subdivided into 50' x 130' residential lots. The closest property zoned for agricultural use is approximately 0.5 miles away and to the North.

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

Staff Response: This annexation will not encroach on agricultural lands. This area has already been subdivided into 50' x 130' residential lots. The closest property zoned for agricultural use is approximately 0.5 miles away and to the North.

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

Staff Response: This annexation will not encroach upon forestland. This area has already been subdivided into 50' x 130' residential lots. The closest property zoned for forestry use is approximately 0.5 miles away and to the North.

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

Staff Response: The Stewart Lennox area is a low lying basin, which has difficulty draining. The developed subdivisions in this area already have storm water issues. The development of the land would further compound this problem. The mere act of annexation will not change storm water issues. Before this property is developed, the developer must develop and implement a storm water plan that meets the approval of Klamath County Public Works, the City of Klamath Falls, and Oregon Department of Transportation. This annexation will not adversely affect the community's air, water, and land resources.

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. The proposed single family residential development will not affect any natural disaster or hazard.

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

Staff Response: This annexation will not enhance nor distract from citizen's recreation needs, therefore is not applicable.

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

Staff Response: The annexation of these lots will help to facilitate the development of the subdivision providing the City of Klamath Falls with additional residential lots.

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

Staff Response: This annexation will prove the community with available housing for individuals gaining employment opportunities in the Klamath Basin.

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

Staff Response: This annexation will create a timely, orderly and efficient arrangement of public facilities and services only if the immediate area is analyzed. This subdivision is surrounded by water lines and sewer lines. However, there are issues within the infrastructure system of the Stewart Lennox area. Water is the most critical. A recent model of the Stewart Lennox area predicts that there are only 40 ERU's of water available without major infrastructure improvements. The improvements needed are

storage, enhancement of the existing Debbie well, and maybe the development of a new well. The sewer system currently has approximately 400 ERU's available before reaching capacity. The City has commissioned a comprehensive study of the sewer system to identify the needed improvements. The study is anticipated to be complete December 2006

To the best of our knowledge, the natural resources are present to provide the water. The infrastructure will need to be developed. Annexation provides the first step in the development of this property. If annexed, the City would be able to extend service to this development when they become available.

The City, at this time, does not have the infrastructure to provide water and sewer to these lots. If annexed, the developer would have some choices to make. In order to provide water and sewer to this property the developer should consider the following: 1) Form a private water district with a private well, 2) Help the City, financially, build the needed domestic water infrastructure, and 3) Help the City, financially, build the needed sewer system.

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. This in fill will use roads already in existing and develop roads already ready platted.

11) The annexation will aid in conserving energy.

Staff Response: This annexation will aid in conserving energy. Once developed, it will help create "in-fill" within the urban area and therefore use existing public facilities and services, if they are available.

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

Staff Response: The site in question is already urban in nature, therefore it is not applicable

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