

**A SPECIAL ORDINANCE ANNEXING 124.43 ACRES OF LAND NORTH OF  
BALSAM DRIVE AND WEST OF ORINDALE ROAD 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 25, 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, did hold a public hearing on August 15, 2005, on the recommendation of and including the record of the Planning Commission concerning the annexation; and

**WHEREAS**, pursuant to such record and hearing the City Council has determined the annexation 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 are hereby annexed to the City of Klamath Falls, parcels of land as shown on the maps attached hereto as Exhibit A, and described as:

Parcel 1

**Description -** Beginning at the Northwest corner of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence South 1348.93 feet to the Southwest corner of the NW ¼ NW ¼ of said section; thence East to the Southeast corner of the NE ¼ NW ¼ of said section; thence North to the Northeast corner of the NE ¼ NW ¼ of said section; thence West to the point of beginning situated in Section 12, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon

Parcel 2

**Description -** Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter (NW ¼ NE ¼ ) of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence North along the centerline of the County Road (AKA Orindale Road) 330 feet; thence West 1320 feet, more or less, to the center section common to NW ¼, NE ¼ of said section line; thence South 330 feet; thence East 1320 feet, more or less, to the point of beginning.

Parcel 3

**Description -** Parcels 1, 2, and 3 of Land Partition 5-04, situated in the SW ¼ NE ¼ of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 4

**Description -** Beginning at the northeast corner of Lot 1 of said Dewitt Home Tracts; thence S89° 49'00"W along the north line of said lot 1, 229.31 feet to a 5/8 iron pin; thence S00° 04'00"W parallel with the east line of said lot 1, 145.00 feet to a 5/8" iron pin; thence N89° 49'00"E parallel with the north line of said lot 1, 229.31 feet to a 5/8 inch iron pin on the east line of said lot 1; thence N00° 04'00"E along the east line of said lot 1, 145.00 feet to the point of beginning containing 0.76 acres more or less.

Passed by the Council of the City of Klamath Falls, Oregon, the 6th day of September, 2005

Presented to the Mayor, approved and signed this 7th day of September, 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 6th day of September, 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

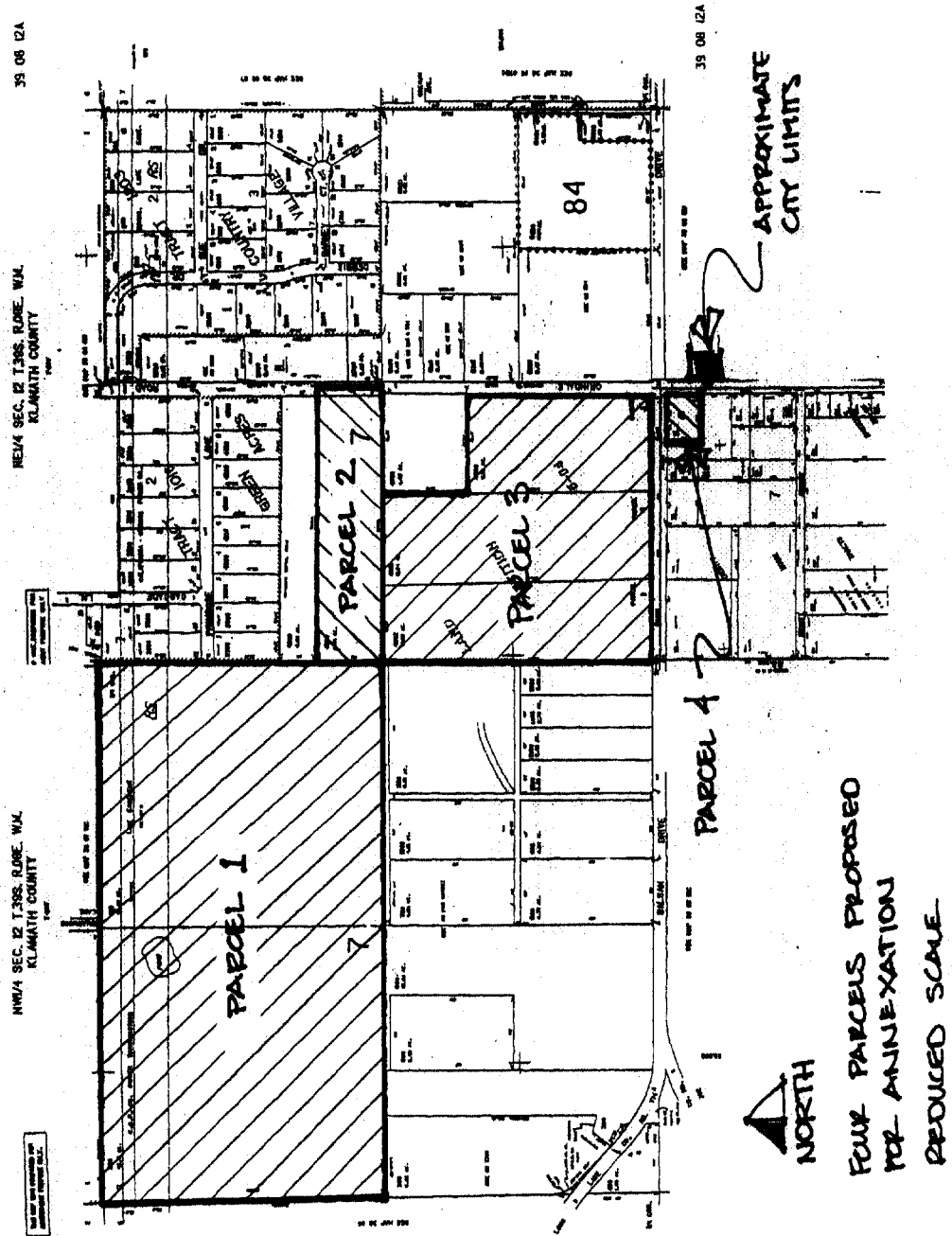


Figure 1 The annexed areas are cross hatched.

## Exhibit B 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*

***Response:*** This annexation will not encroach on agricultural lands. These properties are zoned for urban residential uses. Most of these properties are idle with native and invasive grasses, forbs, and shrubs. The area to the north is subdivided and developed for residential use. Streets have been developed to the properties in question from this subdivision to connect the two subdivisions.

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

***Response:*** This annexation will not encroach upon forestland. These properties are zoned for urban residential uses. Most of these properties are idle with native and invasive grasses, forbs, and shrubs. The properties to the west are zoned Non-Resource, which is zoning given to areas that cannot produce economic timber and agricultural products.

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

***Response:*** This annexation will help conserve open space. This annexation will make it possible to develop residential land within the Urban Growth Boundary.

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

***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.*

***Response:*** This annexation will not endanger life or property from natural disaster or hazard. If annexed, the single family residential zoning permits only residential uses and will not create a hazard.

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

***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.*

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

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

***Response:*** This annexation will provide the community with available residential lots. Development of these lots will provide economic opportunities for individuals in the building industry, and once developed, dwellings will be available for individuals relocating to Klamath Falls.

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

**Response:** This annexation will create a timely, orderly and efficient arrangement of public facilities and services only if the immediate area is analyzed. There are issues within the infrastructure systems of the Stewart Lennox area. Water is the most critical. A recent model of the Stewart Lennox area predicts that there are only 40 ERUs 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(s). The sewer system currently has approximately 400 ERUs 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 became available.

The City, at this time, does not have the infrastructure to provide water and sewer to these lots. If annexed and the developer chooses to develop the property in question, the developer should consider the follow in order to provide water and sewer to these properties: 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.*

**Response:** This annexation will help provide a safe, convenient and economic transportation system. The area proposed for annexation fronts two developed county roads, Orindale Road, and Balsam Drive. Two local streets have been stubbed to the property in question to provide connectivity between the subdivisions.

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

**Response:** This annexation will aid in conserving energy. Once developed, it will help create "in-fill" within the urban area, and therefore, use of 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*

**Response:** The area in question has a "rural feel" even though it is zoned for urban uses. The zoning, if annexed, will be single family residential. This zoning has the largest lot size of any City zoning, 7,000 square feet, and large lot size promotes the efficient transition from rural to urban land uses.

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