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Ordinance No. 06- 22

**A SPECIAL ORDINANCE ANNEXING 0.80 ACRES OF LAND LOCATED SOUTH OF  
CORTEZ BETWEEN DIAMOND AND BUTTE STREETS  
INTO THE CITY OF KLAMATH FALLS**

**WHEREAS**, the applicants, Lewis J. Erickson, have submitted a written proposal for an annexation of certain real property which is hereinafter described; and

**WHEREAS**, a public hearing was held on June 12, 2006, 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 July 17, 2006, 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 is hereby annexed to the City of Klamath Falls, a parcel of land as shown on the map attached hereto as Exhibit A, and described as:

A Tract of land situated in the SE 1/4 SW 1/4 of section 7, T39S, R9EWM Klamath County, Oregon, being more particularly described as follows:

Beginning at the Northeast corner of said parcel 2; thence, along the boundary of said parcel 2, S00°31'37"E 373.17 feet, N61° 38'40"W 115.53 feet, N00° 31'37"W 319.73 feet and S89° 11'12"E 101.20 feet to the point of beginning, containing 0.80 acres, more or less. The property is currently shown on Klamath County Tax Assessors Map, Sheet 3909, 07 Index, Tax Lot 2005.

Passed by the Council of the City of Klamath Falls, Oregon, the 7th day of August, 2006.

Presented to the Mayor, approved and signed this 8th day of August, 2006.

\_\_\_\_\_  
Mayor

ATTEST: .

Shirley Kappas  
City Recorder (Deputy Recorder)

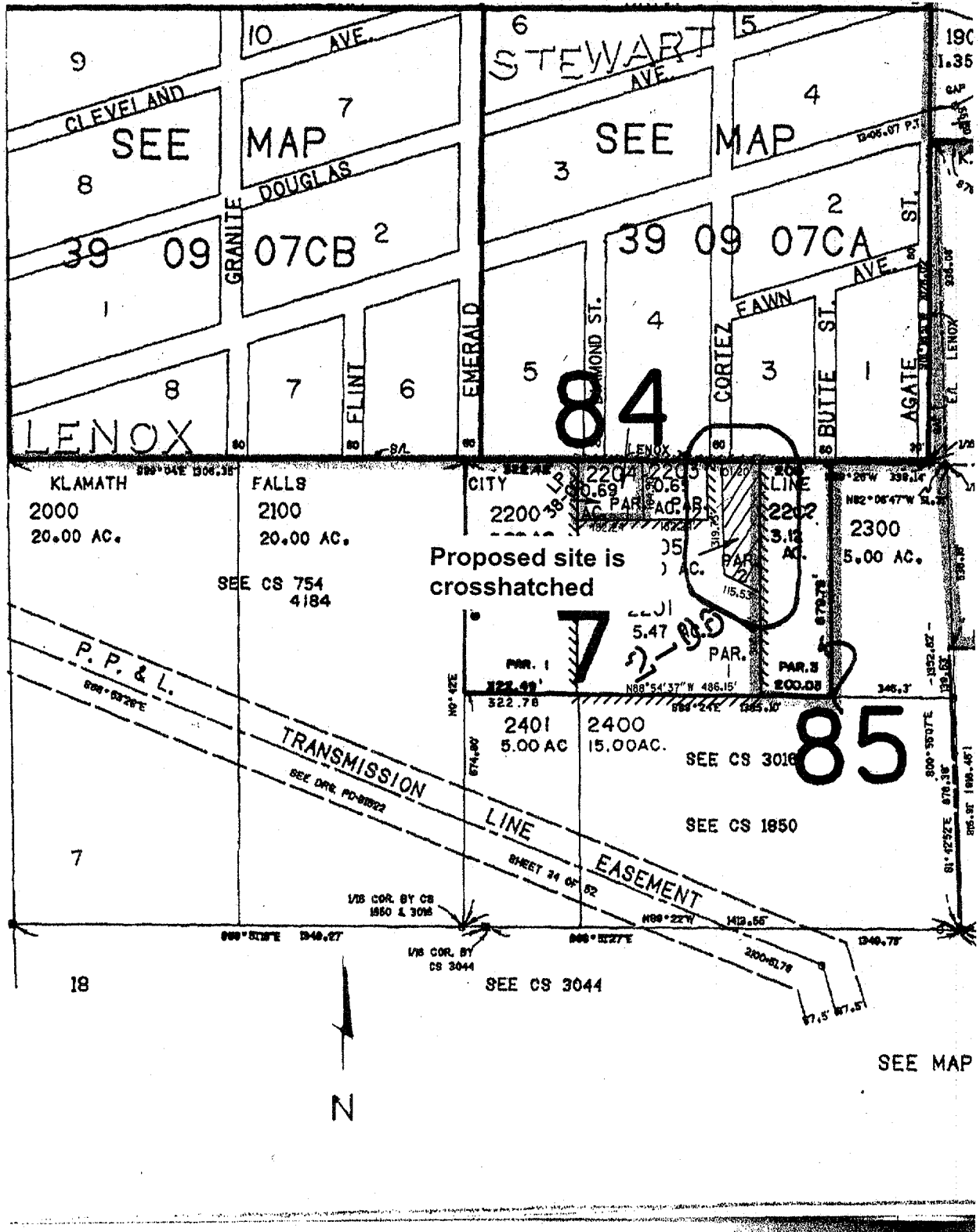
STATE OF OREGON                    }  
COUNTY OF KLAMATH            }  
CITY OF KLAMATH FALLS        }       SS

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 7th day of August, 2006 and therefore approved and signed by the Mayor and attested by the City Recorder (Deputy Recorder).

Shirley Kappas  
City Recorder (Deputy Recorder)

Exhibit A

VICINITY MAP  
(Not to Scale)



## **Exhibit B FINDINGS**

### **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. This is an existing 0.80-acre residential lot that is zoned Suburban Residential, and if annexed would become Single Family Residential. Property to the north and east is zoned Medium Density Residential within the city limits, property to the south and west is zoned Suburban Residential (RS) under county jurisdiction.

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

#### **Response**

This annexation will not encroach upon forestland. This is an existing 0.80-acre residential lot that is zoned Suburban Residential, and if annexed would become Single Family Residential. Property to the north and east is zoned Medium Density Residential within the city limits, property to the south and west is zoned Suburban Residential (RS) under county jurisdiction.

*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 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.*

#### **Response**

The most intense use for this property (not proposed) would be a subdivision into four single family lots. The creation of 4 residential lots and the associated infrastructure would not adversely affect the affect the community's air, water, and land resources if there is capacity available for water.

*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 hazards. The proposed single-family residential site will not affect any natural disaster or 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 this lot with help to facilitate the development of a single family structure and provide the City of Klamath Falls with a minimum of one additional residential tax lot.

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

#### **Response**

This annexation, if approved, will increase the City's tax base through an increase in real and personal property tax revenue in addition to generating funds through system development charges and income through ongoing water and sewer fees. The construction of a single family dwelling and/or the partition or subdivision will provide employment opportunity.

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

#### **Response**

The lot is adjacent to other land within the City limits and to City services, so it is logical to expand these services to the property. There are concerns regarding 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 30 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. The sewer system currently has approximately 400 ERUs available before it reaches capacity. The City has commissioned a comprehensive study of the sewer system to identify the needed improvements. The study is anticipated to be complete in December, 2006.

To the best of our knowledge, the natural resources are present to provide the water necessary for one residence. The infrastructure will need to be developed. Annexation provides the first step in the development of this property. The City is providing services on a first-come first-serve basis with priority given to properties within the city limits.

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

**Response**

The annexed property, if subdivided or partitioned, will be required to create additional city streets. If the property is developed with a single family residence then it will contribute a fair and proportionate share toward development of the City's sidewalks, curbs and gutters through a Local Improvement Contract.

*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 existing public facilities and services, provided they are available.

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

**Response**

The site in question is already urban in nature, therefore it is not applicable.

**Proposed Finding**

The proposed annexation conforms to the comprehensive plan. This criterion is met.