

RESOLUTION NO. 1280

A RESOLUTION ANNEXING CERTAIN PROPERTY INTO THE CITY OF PRINEVILLE

The Prineville City Council makes the following findings:

BACKGROUND:

The City of Prineville has received from Legacy Ranches, LLC, a petition to annex into the City a parcel of real property described as a parcel of land located in Section 10, Township 15 South, Range 15 East of the Willamette Meridian, a portion of Tax Lot 1210 in Crook County, Oregon, more particularly described as follows: Parcel 2 of Partition Plat 2015-17, containing 159.93 acres, more or less. (Hereafter referred to as the "Property").

LEGAL CRITERIA AND FINDINGS:

I. OREGON REVISED STATUTES

A. ORS 222.111, Authority and Procedure for Annexation.

(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

FINDING: The Property is contiguous to the Prineville City limits, is located within the City's Urban Growth Boundary, which has been acknowledged to be suitable for urban development and is developed with and is planned to be developed with sufficient transportation infrastructure to serve urban uses. City services can be efficiently be extended to serve the Property. The Property is designated for future light industrial use.

In addition to the statutory criteria of ORS Chapter 222, the City finds that the proposed annexation meets the judicially imposed "reasonableness" test set forth in *Portland General Elec. Co. v. City of Estacada*, 194 Or. 145, 291 P.2d 1129 (1952) and the cases following it (citations omitted). Although the question of reasonableness is based on a case by case analysis, the reasonableness factors identified by the Oregon courts include:

- whether the contiguous territory represents the actual growth of the city beyond its city limits;
- whether it is valuable by reason of its adaptability for prospective town uses;
- whether it is needed for the extension of streets or to supply residences or businesses for city residents; and
- whether the territory and city will mutually benefit from the annexation.

DLCD v. City of St. Helens, 138 Or App. 222, 227-28, 907 P.2d 259 (1995).

The present annexation satisfies the reasonableness factors because the Property is contiguous to the City, was brought into the City's UGB as necessary for future urban, industrial development, is needed to provide a large light industrial parcel upon which to locate a large scale light industrial use and annexation will benefit the City in the form of economic growth and increased tax base.

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

FINDING: The present proposal was initiated by the property owner of the territory to be annexed.

(3) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.

FINDING: The present annexation is being conducted pursuant to and meets the requirements for annexation under ORS 222.125 because the sole landowner of the territory proposed for annexation has consented to the annexation in writing and there are no electors residing in the territory to be annexed.

B. ORS 222.125, Annexation by consent of all owners of land and majority of electors: proclamation of annexation.

The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. [1985 c.702 §3; 1987 c.738 §1]

FINDING: The sole property owner of the territory to be annexed has consented to the annexation and there are no electors residing within the territory. The above statute does not require a hearing on the annexation.

C. ORS 222.177, Filing of annexation records with Secretary of State.

When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the

city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:

- (1) A copy of the resolution or ordinance proclaiming the annexation.
- (2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.
- (3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.
- (4) A copy of the ordinance issued under ORS 222.120 (4).
- (5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4). [1985 c.702 §4; 1987 c.737 §7; 1987 c.818 §10]

FINDING: The City will submit the necessary documents to the Secretary of State following Council approval of this Resolution.

D. ORS 222.180, Effective date of annexation.

(1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

(2) For annexation proceedings initiated by a city, the city may specify an effective date that is later than the date specified in subsection (1) of this section. If a later date is specified under this subsection, that effective date shall not be later than 10 years after the date of a proclamation of annexation described in ORS 222.177. [Amended by 1961 c.322 §1; 1967 c.624 §15; 1973 c.501 §2; 1981 c.391 §5; 1985 c.702 §12; 1991 c.637 §9]

FINDING: The present annexation request was initiated by the property owner and will be complete as of the date of filing with the Secretary of State.

II. OREGON ADMINISTRATIVE RULES

A. OAR 660-014-0060, Annexation of Lands Subject to an Acknowledged Comprehensive Plan.

A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation. [Stat. Auth.: ORS Ch 196 & 197]

FINDING: The City of Prineville's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission pursuant to ORS 197.251 and 197.625. Therefore, the present annexation request is considered to be made in accordance with the statewide planning goals and the goals need not be directly applied to this decision.

III. CITY OF PRINEVILLE CODE

A. Chapter 153, Land Development; Section 153.034, Zoning of Annexed Areas.

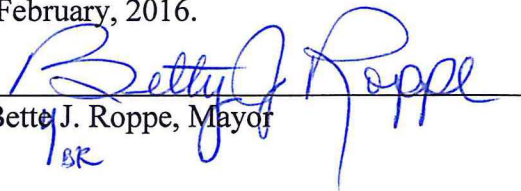
An area annexed to the City shall, upon annexation, assume the zoning classification determined by the City to be in compliance with the Comprehensive Plan; the determination shall be made by the City Council upon receipt of a recommendation relative thereto from the City Planning Commission.

FINDING: The Planning Commission considered the present annexation request at its December 15, 2015 and January 5, 2016 meetings and recommended approval to the City Council. Based on the fact that the Comprehensive Plan designation for the Property is Light Industrial and the current County zoning is Light Industrial (LM), the Planning Commission recommended the zoning classification for the Property be Light Industrial (M1).

BASED UPON the above findings the City of Prineville resolves as follows:

1. The Property, shown on the maps attached hereto as Exhibit 'A' and Exhibit 'B,' is hereby annexed into the City of Prineville.
2. The Property is hereby rezoned to M1 (Light Industrial) from the current County zone as shown on the map attached hereto as the Before map on Exhibit A, which zoning is in compliance with the City's comprehensive plan and City policy concerning the rezoning of annexed properties for compatibility with the existing uses and/or previous Crook County zoning designations.
3. The City Manager or his designee shall submit to the Oregon Secretary of State the necessary documents showing the Property has been annexed into the City of Prineville.
4. This Resolution becomes effective immediately.

Passed by the City Council this 9th day of February, 2016.


Betty J. Roppe, Mayor
BR

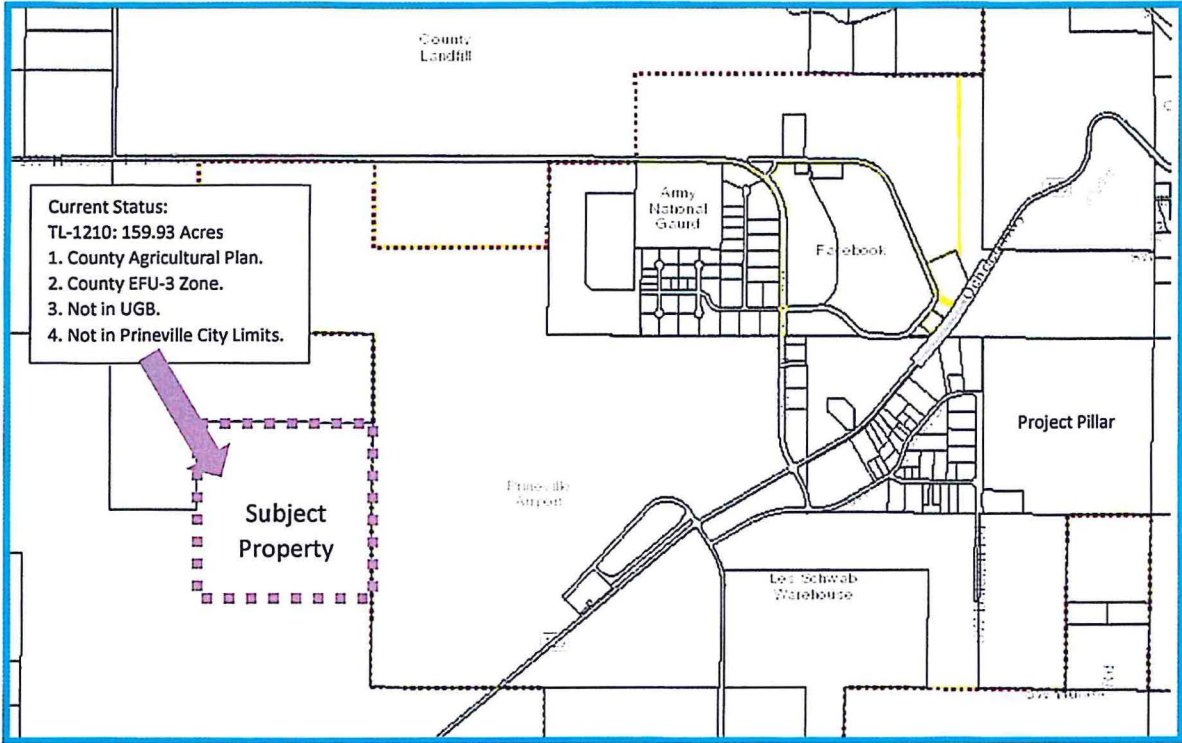
ATTEST:


Lisa Morgan, City Recorder

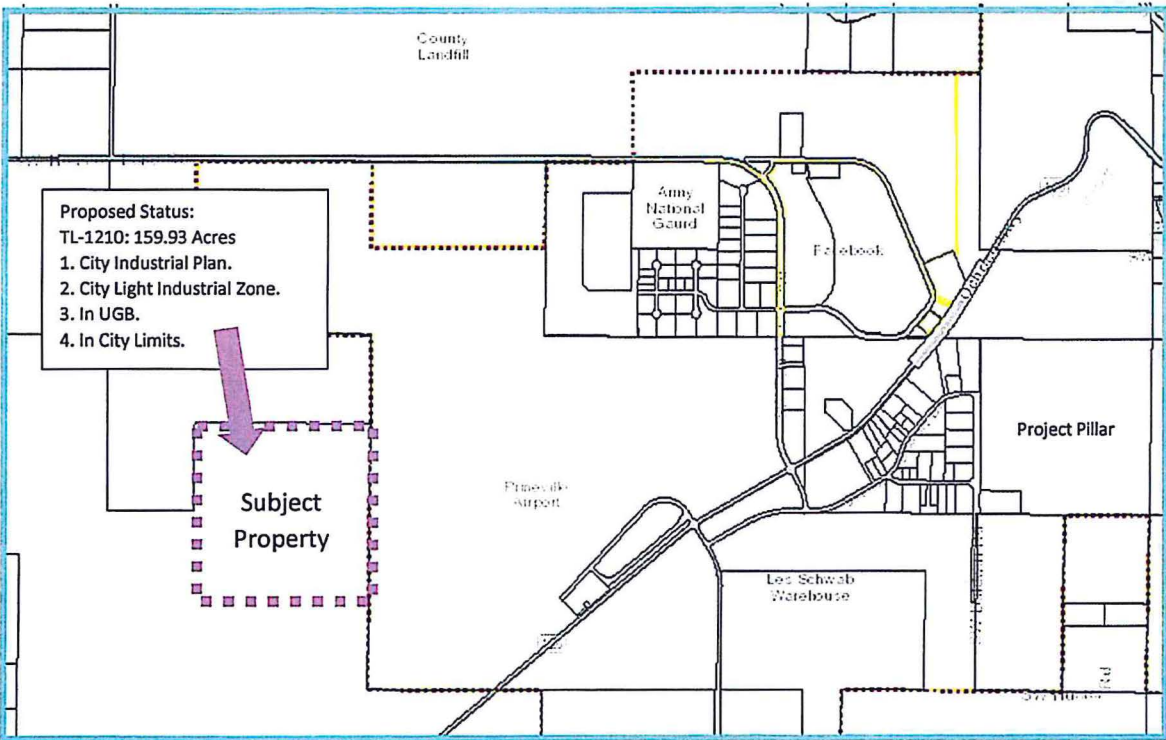
Attachment: Exhibit A – Before and After map showing the changes.
Exhibit B – Legal description of subject property.
Exhibit C – Planning Commission recommendation.

AM-2015-103 - Plan Amendment proposing a UGB Expansion, Comprehensive Plan and Zone Map Amendment and Annexation (ANX-2015-101)
T15S, R16E, S07, TL 100 (159.93 acres more or less)
Prineville/Crook County Airport Area

Before



After



Resolution No. 1280 - Exhibit A

Resolution 1280 Exhibit B

4117-1

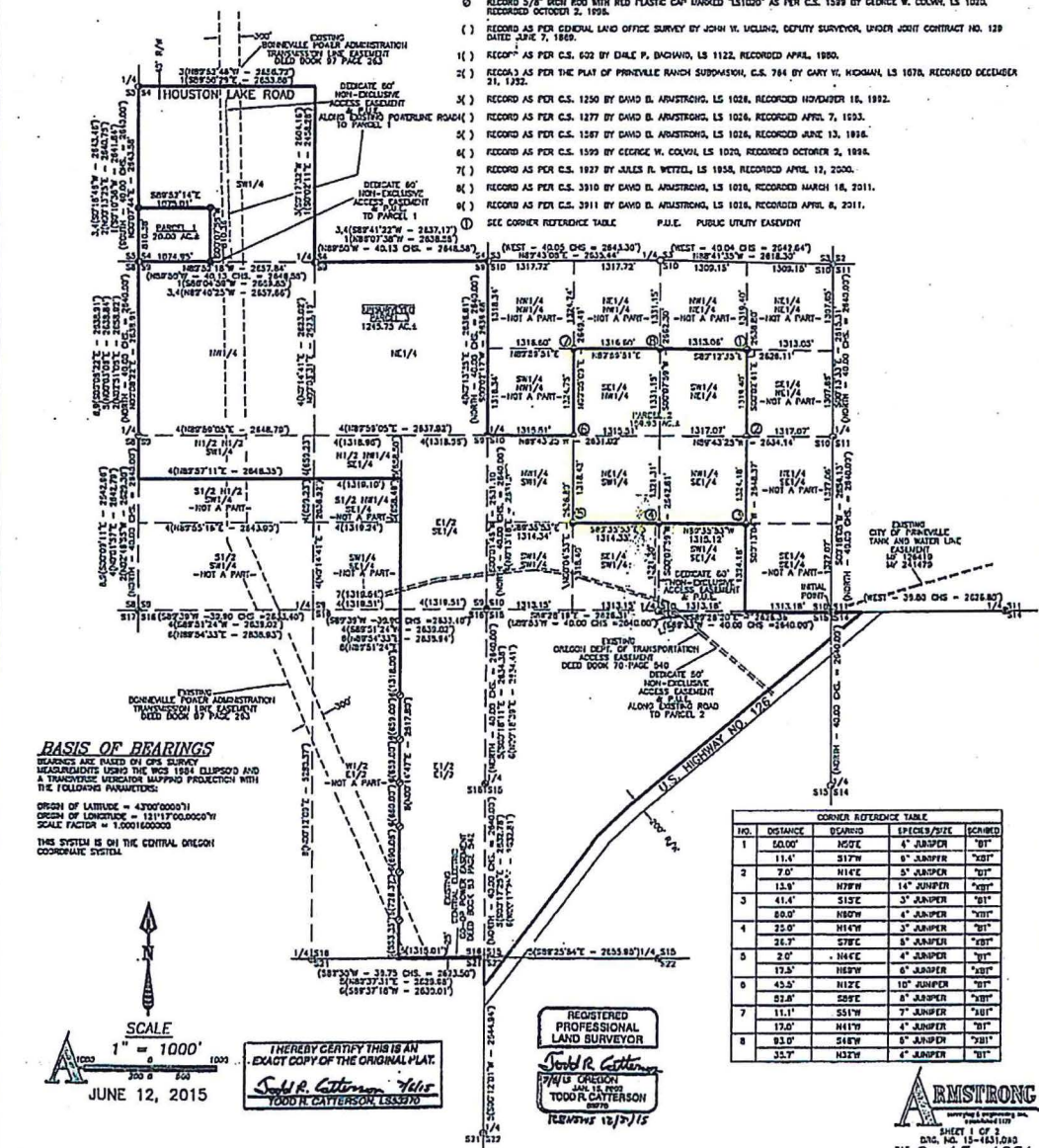
PARTITION PLAT NO. 2015-17
PARTITION PLAT OF A PARCEL OF
LAND, LOCATED IN PORTIONS OF
SECTIONS 4, 9, 10, 14, 15, 16, AND 22
T.15S.,
R.15E., W.M., CROOK COUNTY, OREGON
217-15-000120-PLNG
217-15-000121-PLNG
W.O. 15-4631

SURVEY FOR SURVEY BY
 LEGACY RANCHES, LLP
 202 N. MONROE ST. STE. 200
 OREGON, 97101
 (503) 419-1027

ARMSTRONG SURVEYING & ENGINEERING, INC.
 287 NE SECOND ST. STE. 103
 PRINEVILLE, OR 97724
 (541) 447-7771

LEGEND

- SET 5/8" x 30" LONG IRON ROD WITH YELLOW PLASTIC CAP MARKED "ARMSTRONG S&E", SET STEEL FENCE POST ALONGSIDE.
- SET 5/8" x 30" LONG IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "ARMSTRONG S&E", SET STEEL FENCE POST ALONGSIDE.
- FOUND 2-1/2" ALUMINUM CAP AS PER CALL.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED SEPTEMBER 4, 2007.
- FOUND 2-1/2" BRASS CAP AS PER CALL.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED NOVEMBER 17, 1992.
- FOUND 2-1/2" ALUMINUM CAP AS PER CALL.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED APRIL 7, 1992.
- FOUND 2-1/2" ALUMINUM CAP AS PER CALL.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED JUNE 9, 1998.
- FOUND 2-1/2" ALUMINUM CAP AS PER CALL.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED APRIL 4, 1996.
- FOUND 2" ALUMINUM CAP AS PER CALL.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED DECEMBER 16, 1995.
- FOUND 2-1/2" ALUMINUM CAP AS PER CALL.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED JULY 16, 2002.
- FOUND 2-1/2" BRASS CAP AS PER CALL.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED NOVEMBER 30, 1992.
- FOUND 2-1/2" BRASS CAP AS PER CALL.C.M. FORM BY TERRY GOODMAN, PLS 1989, RECORDED APRIL 18, 1996.
- FOUND 2" BRASS CAP AS PER CALL.C.M. FORM BY TERRY GOODMAN, PLS 1989, RECORDED APRIL 18, 1996.
- FOUND 2" BRASS CAP AS PER CALL.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED JUNE 13, 1994.
- FOUND 3" ALUMINUM CAP AS PER CALL.C.M. FORM BY LYNN J. BRUND, LS 2335, RECORDED JUNE 23, 1995.
- RECORD 5/8" IRON ROD WITH RED PLASTIC CAP MARKED "S1020" AS PER C.S. 1599 BY GEORGE W. COLVIL, LS 1026, RECORDED OCTOBER 2, 1994.
- () RECORD AS PER FEDERAL LAND OFFICE SURVEY BY JOHN W. WELCH, DEPUTY SURVEYOR, UNDER JOINT CONTRACT NO. 129 DATE JUNE 7, 1969.
- () RECORD AS PER C.S. 602 BY DALE P. BACHARD, LS 1122, RECORDED APRIL 1980.
- () RECORD AS PER THE PLAT OF PRINEVILLE RANCH SUBDIVISION, C.S. 784 BY GARY W. KODMAN, LS 1078, RECORDED DECEMBER 21, 1932.
- () RECORD AS PER C.S. 1250 BY DAVID B. ARMSTRONG, LS 1026, RECORDED NOVEMBER 16, 1992.
- () RECORD AS PER C.S. 1277 BY DAVID B. ARMSTRONG, LS 1026, RECORDED APRIL 7, 1992.
- () RECORD AS PER C.S. 1287 BY DAVID B. ARMSTRONG, LS 1026, RECORDED JUNE 13, 1998.
- () RECORD AS PER C.S. 1599 BY GEORGE W. COLVIL, LS 1026, RECORDED OCTOBER 2, 1994.
- () RECORD AS PER C.S. 1927 BY JAMES R. WETZEL, LS 1026, RECORDED APRIL 12, 2000.
- () RECORD AS PER C.S. 3910 BY DAVID B. ARMSTRONG, LS 1026, RECORDED MARCH 18, 2011.
- () RECORD AS PER C.S. 3911 BY DAVID B. ARMSTRONG, LS 1026, RECORDED MARCH 18, 2011.



BASIS OF BEARINGS
 BEARINGS ARE BASED ON GPS SURVEY MEASUREMENTS USING THE NAD 83 ELLIPSOID AND A TRANSDUCER MIRROR MAPPING PROJECTION WITH THE FOLLOWING PARAMETERS:
 ORIGIN OF LATITUDE = 4300000.0000
 ORIGIN OF LONGITUDE = 1211700.000000
 SCALE FACTOR = 1.0001000000
 THIS SYSTEM IS ON THE CENTRAL OREGON COORDINATE SYSTEM.

SCALE
 1" = 1000'
 0 500 1000
 JUNE 12, 2015

I HEREBY CERTIFY THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.
 Todd R. Cattertson
 TODOR CATTERTSON, LS3370

REGISTERED PROFESSIONAL LAND SURVEYOR
 Todd R. Cattertson
 217-15-000120 AND 217-15-000121
 TODOR CATTERTSON
 12/27/15

CORNER REFERENCE TABLE					
NO.	DISTANCE	BEARING	SPECIES/SIZE	SHAPE	SCABBED
1	50.00'	N07E	4"	JUMPER	"BI"
2	11.4'	S17W	6"	JUMPER	"BI"
3	7.0'	N14E	5"	JUMPER	"BI"
4	41.4'	N09W	1 1/2"	JUMPER	"BI"
5	50.0'	N02W	4"	JUMPER	"BI"
6	32.0'	N16W	3"	JUMPER	"BI"
7	34.7'	S76E	5"	JUMPER	"BI"
8	2.0'	N44E	4"	JUMPER	"BI"
9	17.5'	N09W	6"	JUMPER	"BI"
10	45.2'	N12E	10"	JUMPER	"BI"
11	52.8'	S09E	8"	JUMPER	"BI"
12	11.1'	S51W	7"	JUMPER	"BI"
13	12.0'	N11W	4"	JUMPER	"BI"
14	93.0'	S48W	5"	JUMPER	"BI"
15	35.7'	N02W	4"	JUMPER	"BI"

ARMSTRONG
 SHEET 1 OF 2
 D.W. 15-151203
 W.O. 15-4631

PARTITION PLAT NO. 2015-17
 PARTITION PLAT OF A PARCEL OF
 LAND LOCATED IN PORTIONS OF
 SECTIONS 4, 9, 10, 14, 15, 16, AND 22
 T.15S.
 R.15E., W.M., CROOK COUNTY, OREGON
 217-15-000120-PLNG
 217-15-000121-PLNG
 W.O. 15-4631

DECLARATION AND DEDICATION
 I, DAVE TRUHL, MANAGER, OF THE LANDS BELONGING TO THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE MADE THE NECESSARY INVESTIGATION AND HAVE FOUND THAT THE LANDS DESCRIBED IN THE ABOVE TITLED PARTITION PLAT ARE SUBJECT TO THE PUBLIC UTILITY RIGHTS OF THE STATE OF OREGON, AND I HEREBY DEDICATE AND CONVEY TO THE PUBLIC THE PUBLIC UTILITY RIGHTS TO THE LANDS DESCRIBED IN THE ABOVE TITLED PARTITION PLAT.

[Signature]
 DAVE TRUHL, MANAGER

SURVEYOR'S CERTIFICATE
 I, TODD R. CANTRELL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE MADE THE NECESSARY INVESTIGATION AND HAVE FOUND THAT THE LANDS DESCRIBED IN THE ABOVE TITLED PARTITION PLAT ARE SUBJECT TO THE PUBLIC UTILITY RIGHTS OF THE STATE OF OREGON, AND I HEREBY DEDICATE AND CONVEY TO THE PUBLIC THE PUBLIC UTILITY RIGHTS TO THE LANDS DESCRIBED IN THE ABOVE TITLED PARTITION PLAT.

ACKNOWLEDGEMENT
 I, *[Signature]*, MANAGER OF THE LANDS BELONGING TO THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THE ABOVE TITLED PARTITION PLAT AND HAVE REVIEWED THE SAME AND HAVE FOUND THAT THE SAME ARE IN ACCORDANCE WITH THE PUBLIC UTILITY RIGHTS OF THE STATE OF OREGON.



TAX CERTIFICATES
 I, *[Signature]*, COUNTY TAX COLLECTOR, HEREBY CERTIFY THAT ALL TAXES ARE PAID AS OF THIS DATE.

11/22/15
 DATE
 11/22/15
 DATE

EXACT COPY OF THE ORIGINAL PLAT
 TODD R. CANTRELL 71615
 TODD R. CANTRELL, L.S. 53370

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 TODD R. CANTRELL
 71615
 TODD R. CANTRELL, L.S. 53370

RECORDATION - SURVEYOR
 STATE OF OREGON
 COUNTY OF CROOK
 PARTITION PLAT NO. 2015-17
 PARTITION PLAT OF A PARCEL OF
 LAND LOCATED IN PORTIONS OF
 SECTIONS 4, 9, 10, 14, 15, 16, AND 22
 T.15S.
 R.15E., W.M., CROOK COUNTY, OREGON

RECORDATION - CLERK
 STATE OF OREGON
 COUNTY OF CROOK
 PARTITION PLAT NO. 2015-17
 PARTITION PLAT OF A PARCEL OF
 LAND LOCATED IN PORTIONS OF
 SECTIONS 4, 9, 10, 14, 15, 16, AND 22
 T.15S.
 R.15E., W.M., CROOK COUNTY, OREGON

APPROVALS
[Signature]
 COUNTY TAX COLLECTOR

11/4/2015
 DATE
 11/4/2015
 DATE



W.O. 15-4631

SURVEY NARRATIVE
 WE WERE EMPLOYED BY LEGAL SERVICES TO COMPLETE THE SURVEY AND MAPS. RECORDS OF THIS APPROVED SURVEY AND MAPS ARE FILED IN THE OFFICE OF THE COUNTY TAX COLLECTOR, COUNTY OF CROOK, OREGON, AS FOLLOWS:
 1. RECORDS OF THIS APPROVED SURVEY AND MAPS ARE FILED IN THE OFFICE OF THE COUNTY TAX COLLECTOR, COUNTY OF CROOK, OREGON, AS FOLLOWS:
 2. RECORDS OF THIS APPROVED SURVEY AND MAPS ARE FILED IN THE OFFICE OF THE COUNTY TAX COLLECTOR, COUNTY OF CROOK, OREGON, AS FOLLOWS:
 3. RECORDS OF THIS APPROVED SURVEY AND MAPS ARE FILED IN THE OFFICE OF THE COUNTY TAX COLLECTOR, COUNTY OF CROOK, OREGON, AS FOLLOWS:



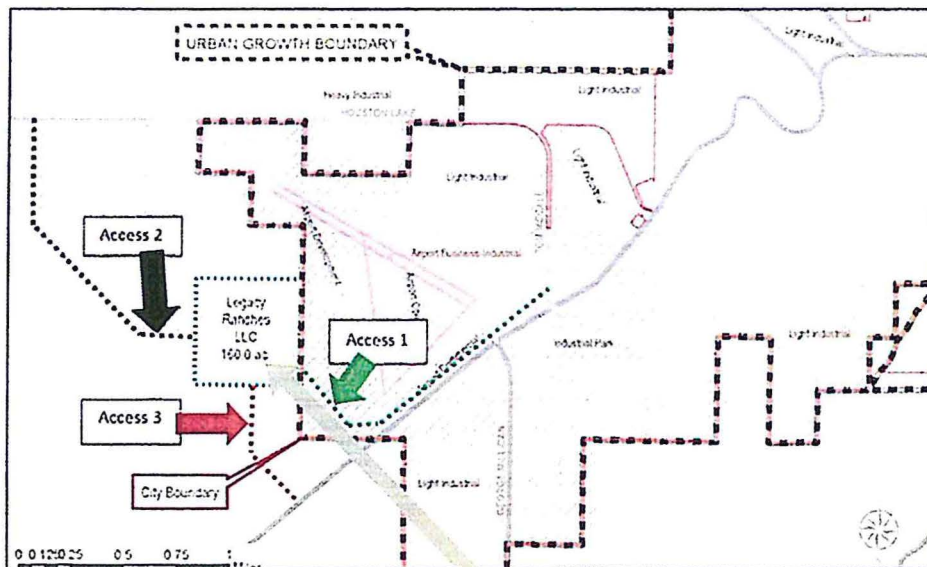
Resolution 1280 Exhibit C

City DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT PLANNING COMMISSION RECOMMENDATION AND FINDINGS

File No.: AM-2015-103 and ANX-2014-101
Applicant: Legacy Ranches, LLC
Location: Township 15S, Range 15E, Section 10, a portion of Tax Lot 1210 (Parcel 2 of Partition Plat 2015-17).
Notice to DLCD: 11/10/2015
Newspaper Notice: Planning Commission Notice - 12/1/15 and 12/8/15
Public Hearing: Planning Commission Hearing - 12/15/15 and 1/5/16.

Proposal: Proposal: Legacy Ranches, LLC ("Legacy Ranches") proposes to add 159.93 acres of land (for convenience referred to as 160 acres in this analysis) to the Urban Growth Boundary ("UGB") and City Limits. The request is to include the land within the UGB, change the Comprehensive Plan designation from County Agriculture to City Industrial, with a concurrent Annexation to the City which would change the County Light Industrial Zone designation to the City's Light Industrial designation. The Subject Property is within the City/County designated Enterprise Zone.

**Map 1 - Proposed UGB Expansion, Plan Amendment, Zone Change and Annexation
Township 15S, Range 15E, Section 10. Tax Lot 1210 – 160 Acres**



Legacy Ranches LLC	Current Status 160.0 ac 1) County Enterprise Zone 2) County EFU-3 Zone 3) Not in UGB 4) Not in Prineville City Limits	Proposed Status 160.0 ac 1) County Enterprise Zone 2) City Light Industrial 3) In UGB 4) In Prineville City Limits
Enterprise Zone		
City Boundary		
UGB		

Planning Commission Findings

Finding 1: The Planning Commission finds the staff report, exhibits and testimony taken at the public hearing (including powerpoint presentation) outline the requirements found in law for this request from Legacy Ranches, LLC to expand the UGB and add 160 acres of land to the City Limits. Oregon land use law requires consideration of many things including but not limited to Oregon's Statewide Land Use Program, the City of Prineville Comprehensive Plan and Land Use Code, the Crook County Comprehensive Plan and Land Use Code and being in accordance with the City/County Urban Growth Management Agreement.

Finding 2: The Planning Commission finds the proposed request for a UGB expansion, Plan Amendment, Zone Change and Annexation will add needed Industrial land to the City Limits of Prineville.

Finding 3: The Planning Commission finds the applicants request to add the proposed Industrial land to the UGB, change the Comprehensive Plan to City Industrial, change the Zoning to City Light Industrial and Annex the property into City Limits appears to have met the requirements of Oregon's Statewide Planning Program and appears to be consistent with the City of Prineville's Comprehensive Plan and Land Use Code. The information substantiating the request is found in the City and County staff reports and exhibits, and testimony taken at the public hearing (including powerpoint presentation).

Finding 4: The Planning Commission also finds the application from Legacy Ranches, LLC and supporting information found in the City and County staff reports, appears to adequately prove the applicant has made the case that the UGB expansion, Plan Amendment, Zone Change and Annexation will be adequately served by City Services and facilities without detriment to other users within the City.

Conclusion

The Planning Commission discussed this request at a joint public hearing with the Crook County Planning Commission on December 15, 2015 at 6:30pm in the Prineville City Council Chambers and at a second City Planning Commission only meeting on January 5, 2016. At the second public hearing the Prineville Planning Commission heard the staff report, took public testimony, deliberated and voted:

___ in favor and ___ against to:

Recommend approval of the request to the Prineville City Council, with the caveat that the issues raised by the Oregon Department of Transportation found in Exhibit J be resolved prior to City Council approval.

Recommend denial of the request to the Prineville City Council.

Marty Baily *M. Baily* Date 1-25-16
Planning Commission Chair

Exhibit A - Prineville Planning Commission staff report and exhibits.