

## 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.

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 \_\_\_\_\_ day of February, 2016.

\_\_\_\_\_  
Bette J. Roppe, Mayor

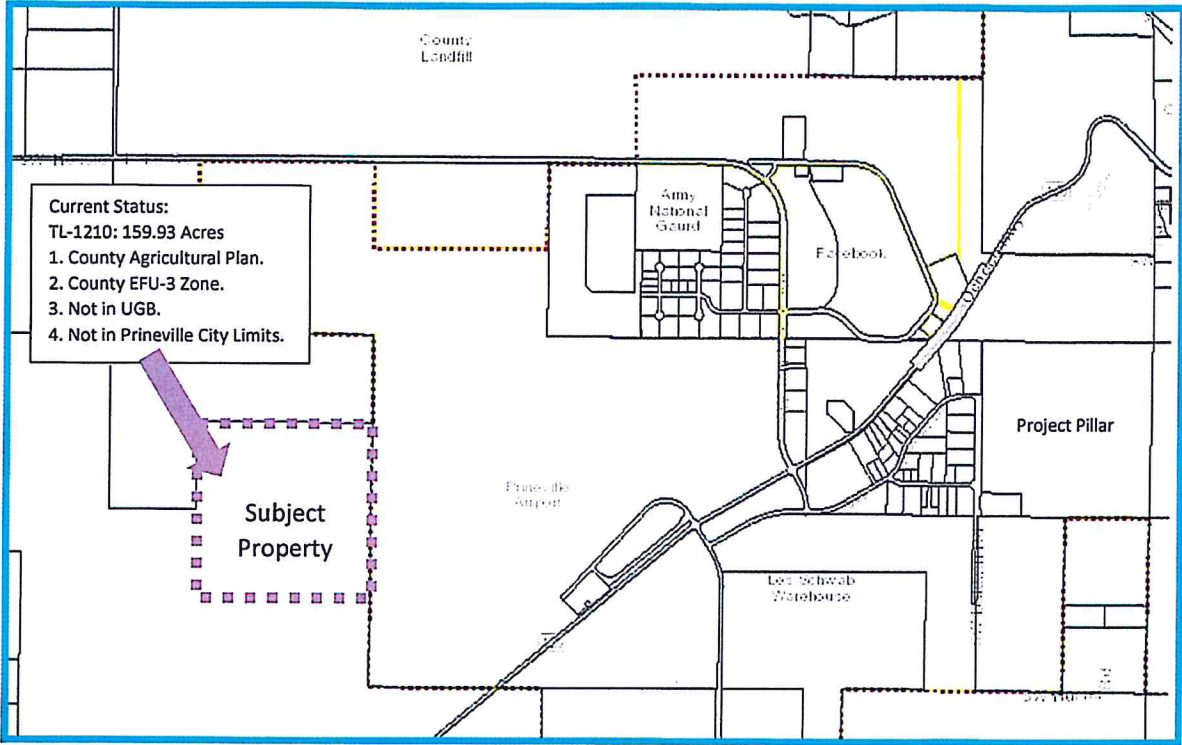
ATTEST:

\_\_\_\_\_  
Lisa Morgan, City Recorder

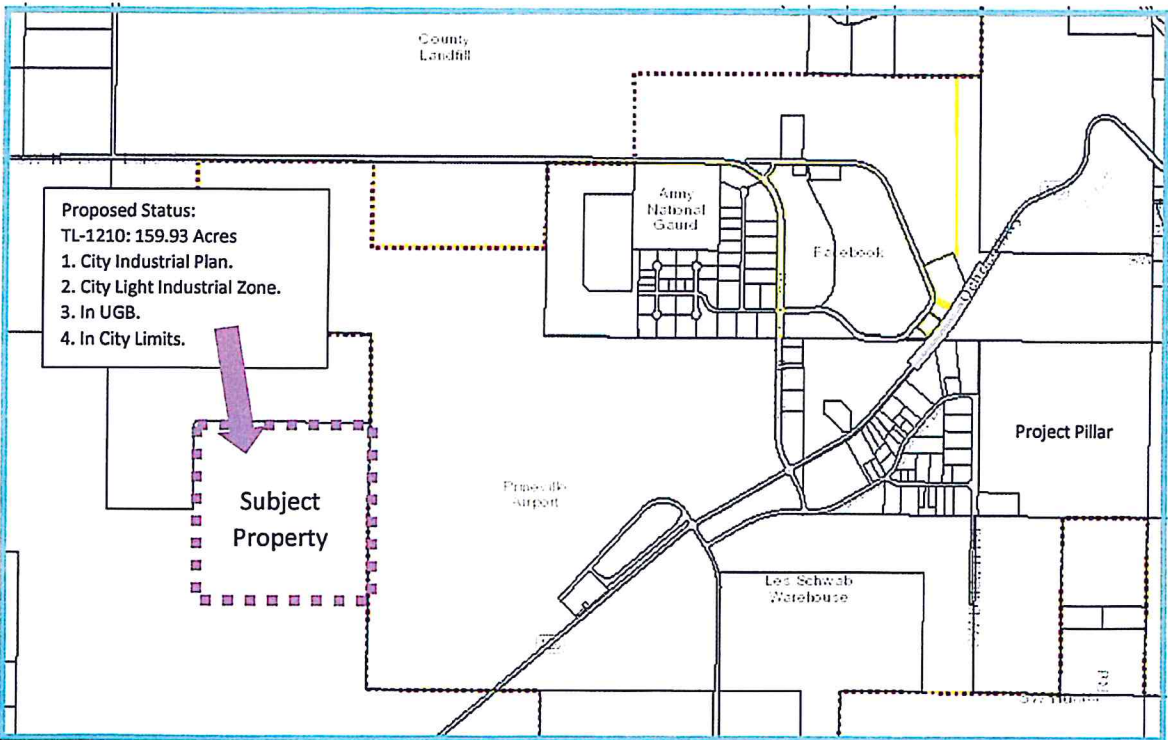
Attachment: Exhibit A – Before and After map showing the changes.  
Exhibit B – Legal description of subject property.  
Exhibit C – Planning Commission recommendation.

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

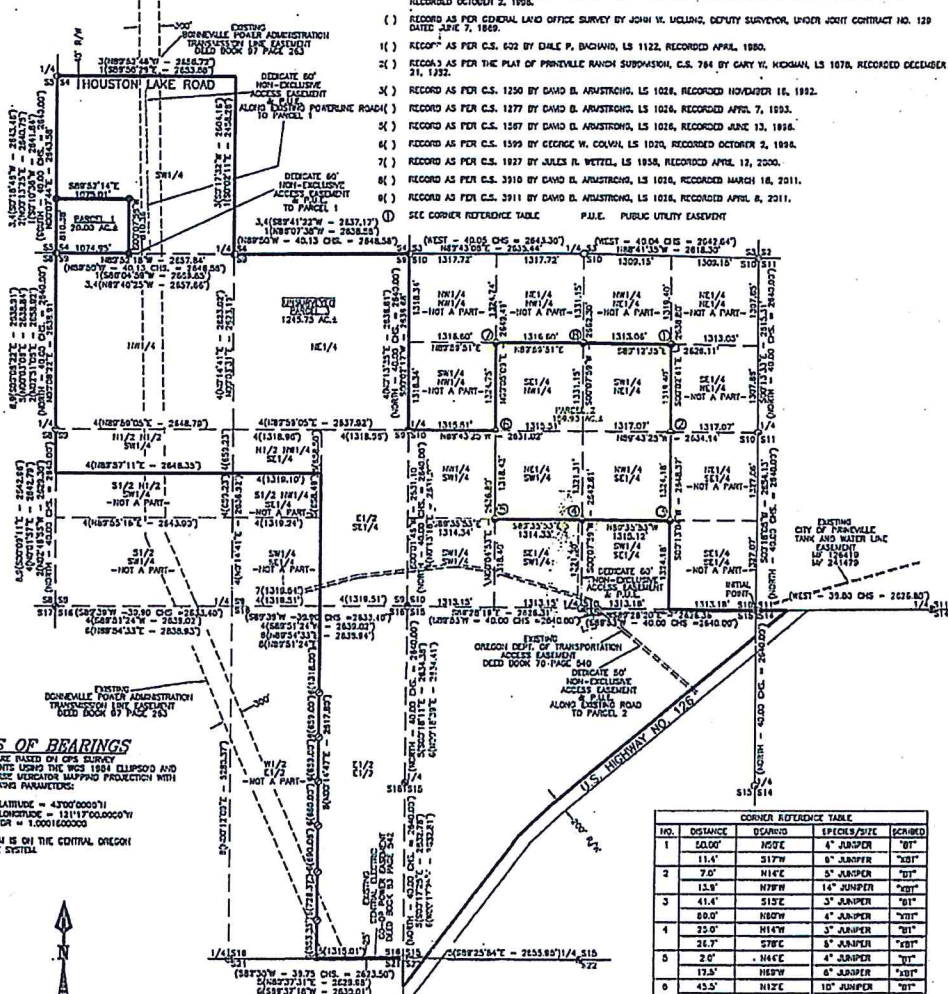
4117-1

**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**

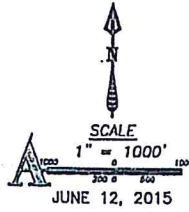
**SURVEY FOR** **SURVEY BY**  
 LEIGHT FARMERS, LLC **ARMSTRONG SURVEYING**  
 500 W. HENRY ST. STE. 2030 **& ENGINEERS, INC.**  
 OREGON, U.S.A. 97131 **287 NE SECOND ST. STE. 100**  
 (541) 418-1027 **PRINCETON, OR 97134**  
 (541) 447-7791

**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 C.A.L.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED SEPTEMBER 4, 2007.
- FOUND 2-1/2" BRASS CAP AS PER C.A.L.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED NOVEMBER 17, 1992.
- FOUND 2-1/2" ALUMINUM CAP AS PER C.A.L.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED APRIL 7, 1993.
- FOUND 2-1/2" ALUMINUM CAP AS PER C.A.L.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED JUNE 9, 1996.
- FOUND 2-1/2" ALUMINUM CAP AS PER C.A.L.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED APRIL 4, 1996.
- FOUND 2" ALUMINUM CAP AS PER C.A.L.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED DECEMBER 16, 1989.
- FOUND 2-1/2" ALUMINUM CAP AS PER C.A.L.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED JULY 16, 2002.
- FOUND 2-1/2" BRASS CAP AS PER C.A.L.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED NOVEMBER 30, 1993.
- FOUND 2-1/2" BRASS CAP AS PER C.A.L.C.M. FORM BY TERRY GOODMAN, PLS 1989, RECORDED APRIL 18, 1996.
- FOUND 3" BRASS CAP AS PER C.A.L.C.M. FORM BY TERRY GOODMAN, PLS 1989, RECORDED APRIL 18, 1996.
- FOUND 3" BRASS CAP AS PER C.A.L.C.M. FORM BY DAVID B. ARMSTRONG, LS 1026, RECORDED JUNE 13, 1996.
- FOUND 3" ALUMINUM CAP AS PER C.A.L.C.M. FORM BY LYNH A. BAIRD, LS 2333, RECORDED APRIL 23, 1995.
- RECORD 3" IRON ROD WITH RED PLASTIC CAP MARKED "LS100" AS PER C.S. 1529 BY GEORGE W. COLMAN, LS 1020, RECORDED OCTOBER 2, 1994.
- ( ) RECORD AS PER FEDERAL LAND OFFICE SURVEY BY JOHN W. HULLING, DEPUTY SURVEYOR, UNDER JOINT CONTRACT NO. 129 DATED JUNE 7, 1969.
- (1) RECORD AS PER C.S. 622 BY DALE P. BACHAND, LS 1122, RECORDED APRIL 1980.
- (2) RECORD AS PER THE PLAT OF PRINCEVILLE RANCH SUBDIVISION, C.S. 764 BY GARY W. MOGAM, LS 1076, RECORDED DECEMBER 21, 1992.
- (3) RECORD AS PER C.S. 1250 BY DAVID B. ARMSTRONG, LS 1026, RECORDED NOVEMBER 16, 1992.
- (4) RECORD AS PER C.S. 1277 BY DAVID B. ARMSTRONG, LS 1026, RECORDED APRIL 7, 1993.
- (5) RECORD AS PER C.S. 1567 BY DAVID B. ARMSTRONG, LS 1026, RECORDED JUNE 13, 1996.
- (6) RECORD AS PER C.S. 1599 BY GEORGE W. COLMAN, LS 1020, RECORDED OCTOBER 2, 1994.
- (7) RECORD AS PER C.S. 1927 BY JAMES R. WETTEL, LS 1858, RECORDED APRIL 12, 2000.
- (8) RECORD AS PER C.S. 3910 BY DAVID B. ARMSTRONG, LS 1026, RECORDED APRIL 18, 2011.
- (9) RECORD AS PER C.S. 3911 BY DAVID B. ARMSTRONG, LS 1026, RECORDED APRIL 8, 2011.
- ① SEE CORNER REFERENCE TABLE



**BASIS OF BEARINGS**  
 BEARINGS ARE FIXED BY GPS SURVEY MEASUREMENTS USING THE WGS 1984 ELLIPSOID AND A TRANSMITTED MERIDIAN LAPPING PROJECTION WITH THE FOLLOWING PARAMETERS:  
 ORIGIN OF LATITUDE = 437070000.0"  
 ORIGIN OF LONGITUDE = 121177000000.0"  
 SCALE FACTOR = 1.0001600000  
 THIS SYSTEM IS ON THE CENTRAL OREGON COORDINATE SYSTEM.



THEY CERTIFY THIS IS AN EXACT COPY OF THE ORIGINAL PLAT.  
*Todd R. Catterson*  
 TODD R. CATTERSON, LS3270

REGISTERED PROFESSIONAL LAND SURVEYOR  
*Todd R. Catterson*  
 794 S OREGON  
 JAN 15, 2002  
 TODD R. CATTERSON  
 REVISED 12/2/15

NO.	DISTANCE	BEARING	SPECIES/SIZE	SCRIBED
1	50.00'	N02E	4" JUMPER	"BT"
2	11.4'	S17W	6" JUMPER	"BT"
3	7.0'	N12E	5" JUMPER	"BT"
4	12.8'	N37W	14" JUMPER	"BT"
5	41.4'	S12E	3" JUMPER	"BT"
6	88.0'	N62W	4" JUMPER	"BT"
7	25.0'	N14W	3" JUMPER	"BT"
8	26.7'	S76E	8" JUMPER	"BT"
9	2.0'	N42E	4" JUMPER	"BT"
10	17.5'	N67W	6" JUMPER	"BT"
11	45.5'	N12E	10" JUMPER	"BT"
12	32.8'	S27E	8" JUMPER	"BT"
13	11.1'	S17W	7" JUMPER	"BT"
14	17.0'	N11W	4" JUMPER	"BT"
15	83.0'	S16W	6" JUMPER	"BT"
16	35.7'	N31W	8" JUMPER	"BT"

**ARMSTRONG**  
 SURVEYING & ENGINEERS, INC.  
 287 NE SECOND ST. STE. 100  
 PRINCETON, OREGON 97134  
 SHEET 1 OF 2  
 C.S. NO. 15-163120  
**W.O. 15-4631**







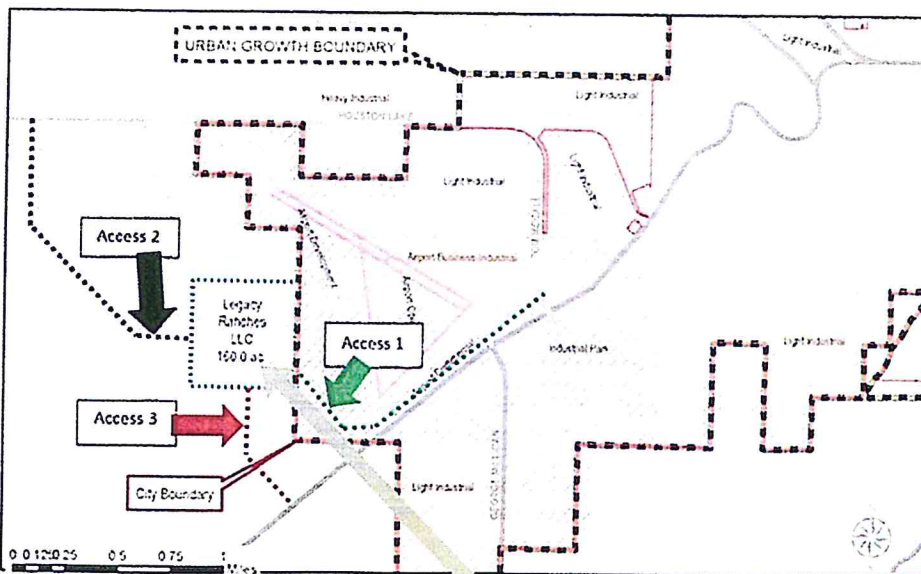
# Resolution 1280 Exhibit C

## 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**



<ul style="list-style-type: none"> <li> Legacy Ranches LLC</li> <li> Enterprise Zone</li> <li> City Boundary</li> <li> UGB</li> </ul>	<p><b>Current Status:</b> 160.0 ac</p> <ol style="list-style-type: none"> <li>1) County Enterprise Zone</li> <li>2) County EFU-3 Zone</li> <li>3) Not in UGB</li> <li>4) Not in Prineville City Limits</li> </ol>	<p><b>Proposed Status:</b> 160.0 ac</p> <ol style="list-style-type: none"> <li>1) County Enterprise Zone</li> <li>2) City Light Industrial</li> <li>3) In UGB</li> <li>4) In Prineville City Limits</li> </ol>
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**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 Bailly *Marty Bailly* Date 1-25-16  
Planning Commission Chair

Exhibit A - Prineville Planning Commission staff report and exhibits.