

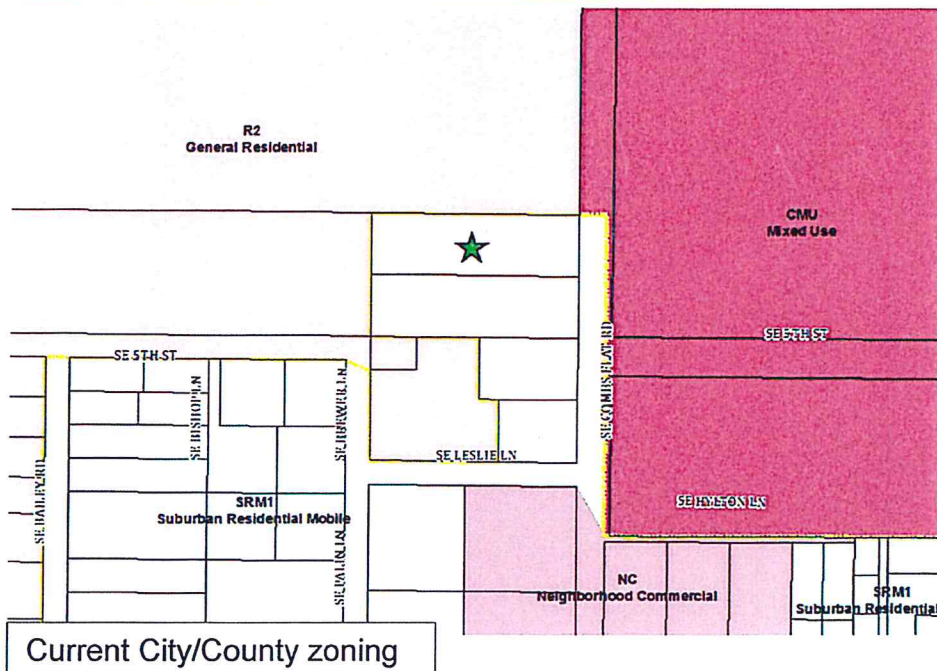
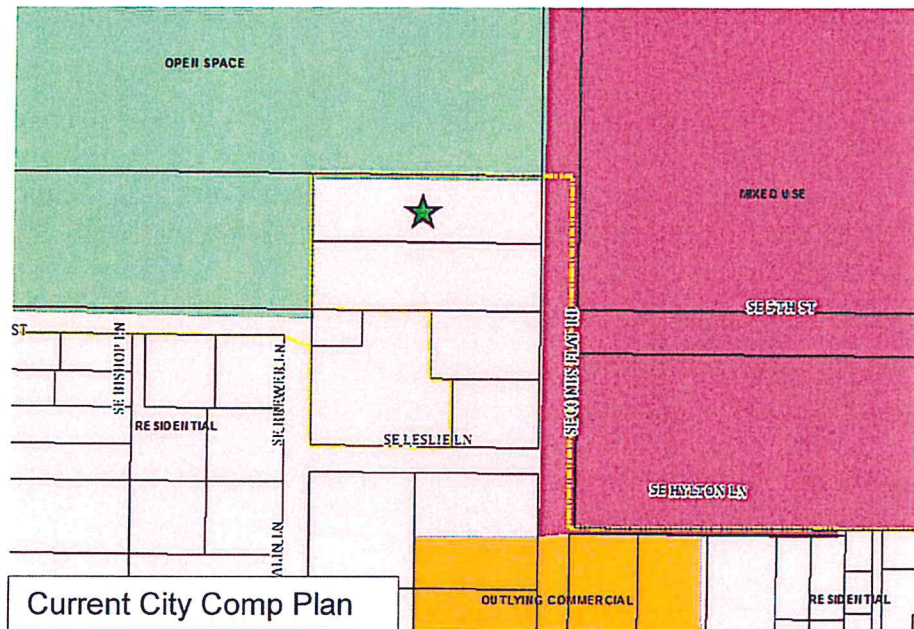


# City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT  
PC RECOMMENDATION

03/21/2017

**Annexation Overview:** The property described as Map & Tax lot 15-16-05DA00100, is a 1.29 acre property located at 427 SE Combs flat Road. The property currently has a single family home that is not occupied. The property was approved for a 30 space RV park on October 4<sup>th</sup> 2016. That approval was based on a City residential zone of R2 9General Residential) and requires as a condition of approval for the property to be annexed. This annexation will annex the property into City limits and re-assign the current County zone of Suburban Residential Mobile (SRM1) to the City's General Residential Zone (R2).



**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 and/or the City/County Urban Growth Management Agreement. The determination shall be made by the City Council upon receipt of a recommendation relative thereto from the City Planning Commission.*

**URBAN GROWTH BOUNDARY AGREEMENT**

*Article V (F) - As a part of any annexation process, the City shall rezone unincorporated lands within the Prineville Urban Growth Boundary Area from the current County Zoning to the appropriate City zoning in compliance with the Urban Area Comprehensive Plan.*

**Finding 1:** The Comprehensive Plan designation for the proposed property is residential and the County zoning is Suburban Residential Mobile (SRM1) as shown above. The surrounding area within the City is zoned General Residential (R2) and Commercial Mixed Use (CMU).

The Urban Growth Boundary Agreement with the County requires the City to comply with the comprehensive plan but also select an appropriate City zone based on the current County zone. The zoning determination is based on three factors: first, the Comprehensive plan designation; second, the current County zoning; and third, the surrounding City zoning and function of the area.

The Comprehensive Plan designation for the proposed property is residential and the County zoning is Suburban Residential mobile (SRM1) as shown above. The surrounding area within the City is zoned General Residential (R2).

**PC Recommendation:** The Planning Commission recommends this property be zoned General Residential (R2) upon annexation to the City based on the following:

- Comprehensive Plan designation of residential
- Current County Zone of Suburban Residential Mobile (SRM1)
- Surrounding properties within the City are zone R2.

Marty Bailly *M M Bailly* DATE 3-16-17  
Planning Commission Chair

## RESOLUTION NO. 1313

### A RESOLUTION ANNEXING CERTAIN PROPERTY INTO THE CITY OF PRINEVILLE

The Prineville City Council (“Council”) makes the following findings:

#### **BACKGROUND:**

The City of Prineville (“City”) has received from Deidre Stenbeck, a petition to annex into the City real property located in Crook County, Oregon, owned by Deidre & Phillip Stenbeck, and described as follows:

Beginning at a point on the Westerly right of way line of Combs Flat Road, as now located and constructed, said point being 30 feet West of the East Quarter corner of Section 5 in Township 15 South of Range 16 East of the Willamette Meridian, thence West 431 feet, thence South 130 feet, thence East 431 feet to a point on said right of way line, thence North along the said right of way line 130 feet to the point of beginning, a.k.a. Tax Map No. 15-16-05DA Tax Lot 00100, and shown on Exhibits A and B attached hereto, 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 sufficient transportation infrastructure to serve urban uses. City services can be extended to serve the Property. The Property is designated for residential 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 it was requested by the property owner for the purpose of connecting to City water. The Property is contiguous to the City and the annexation will benefit the City by extending City limits in an orderly fashion and increasing the 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 owners 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 landowners of the territory proposed for annexation have 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 owners of the territory to be annexed have consented in writing to the annexation and there are no electors residing on the property. 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 owners 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 as part of a proposal for a 30 space RV park at its September 20 & October 4, 2016, meetings. The application approval was signed on October 18, 2016 and conditioned by the Planning Commission to annex the Property prior to development. A recommendation of approval to the City Council was signed at the Commissions March 21, 2017 meeting. Based on the fact that the Comprehensive Plan designation for the Property is residential, the current County zoning is Suburban Residential Mobile (SRM1), the surrounding area within the City is zoned (R2) and the RV Park approval was based on R2 zoning, the Planning Commission recommended the zoning classification for the Property be General Residential (R2).

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

1. The Property described above and shown in Exhibits 'A' and 'B' and any adjacent rights-of-way are hereby annexed into the City of Prineville.
2. The Property is hereby rezoned to General Residential (R2) from the current Crook County zone of Suburban Residential Mobile (SRM1), 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.

Approved by the City Council on the \_\_\_\_ day of April, 2017.

\_\_\_\_\_  
Betty J. Roppe, Mayor

ATTEST:

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

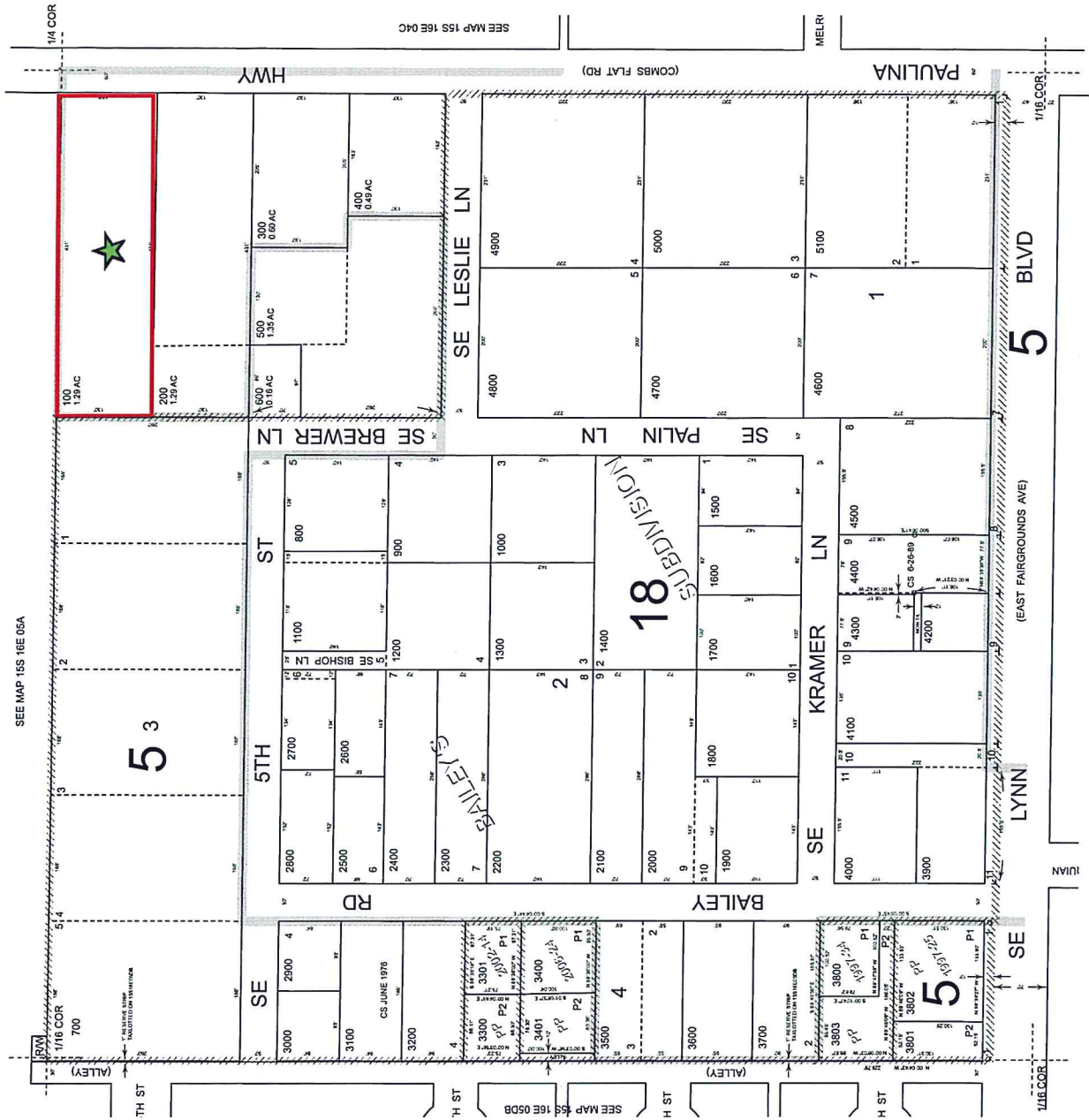
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

0 50 100 200 Feet

N.E. 1/4 S.E. 1/4 SEC. 5 T.15S. R. 16E. W.M. CROOK COUNTY 1" = 100'

# Exhibit A

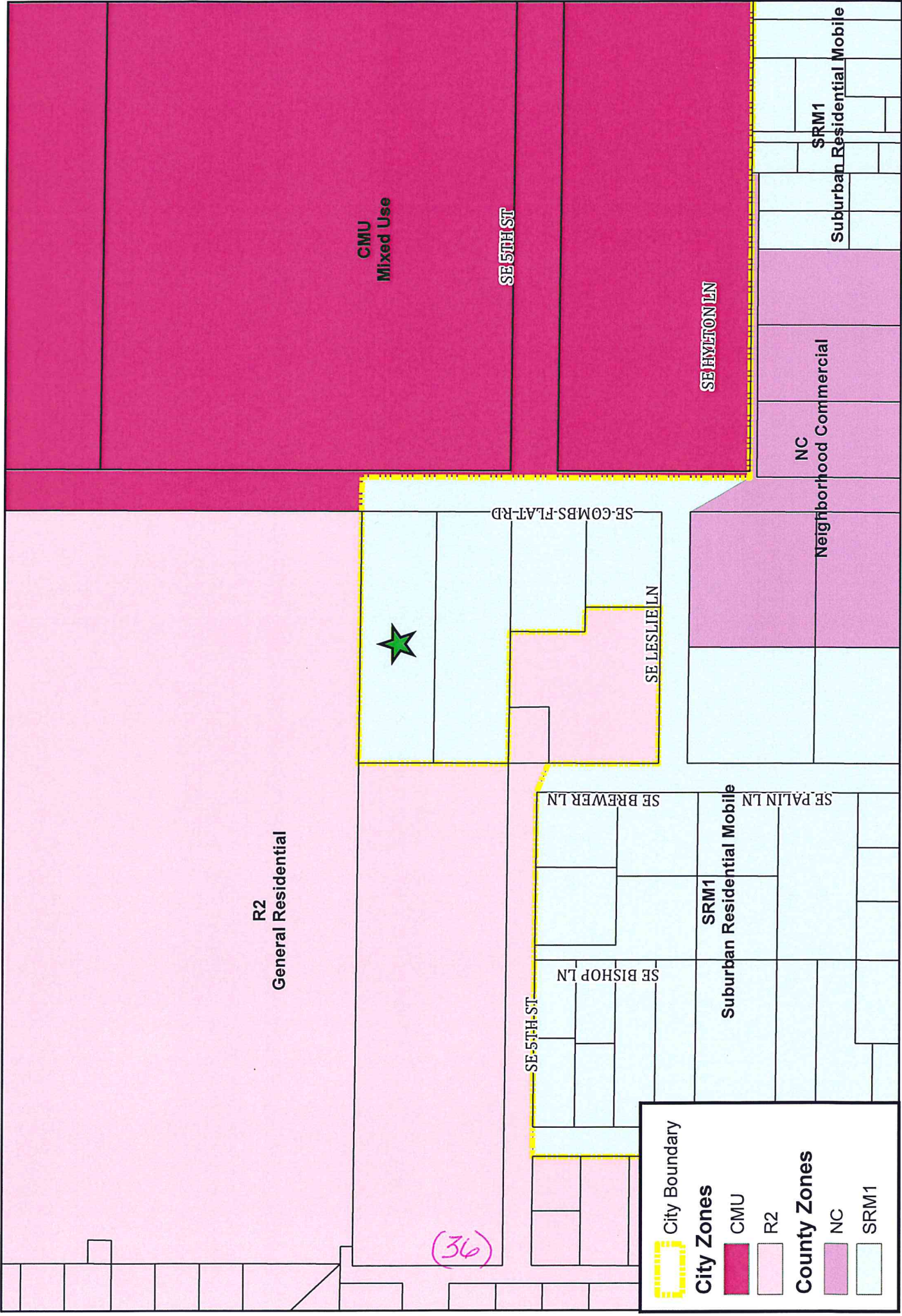
CANCELLED: 4301



(35)

Revised: 2/18/2011

PRINEVILLE 15S16E05DA



R2  
General Residential

CMU  
Mixed Use

SE 5TH ST

SE HYLTON LN

NC  
Neighborhood Commercial

SRM1  
Suburban Residential Mobile

SE COMBS FLAT RD

SE LESLIE LN

SRM1  
Suburban Residential Mobile

SE 5TH ST

SE BISHOP LN

SE BREWER LN

SE PALIN LN

(36)



Zoning prior to annexation  
Date: 03/14/2017  
ANX-2017-101

# Exhibit 'B'

Disclaimer: COOK COUNTY MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE ACCURACY OF THE INFORMATION PROVIDED FOR ANY PARTICULAR PURPOSE, OR ANY OTHER MATTER. THE COUNTY IS NOT RESPONSIBLE FOR POSSIBLE ERRORS, OMISSIONS, MISUSE, OR INADEQUACIES OF ANY KIND. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE USED, AND IS NOT A SUBSTITUTE FOR PROFESSIONAL SURVEYING, ENGINEERING, ARCHITECTURAL, AND/OR PRACTICE LOCATION OF BOUNDARIES, TITLED HUMAN WORKS, AND/OR CONSENTING TO THE LOCAL STATUS OF ANY APPLICANT'S USE OF LAND IDENTIFIED IN DIGITAL OR HARD COPY MAPPING OF GEOSPATIAL INFORMATION CURRENT. DATA IS UPDATED AS SCHEDULES AND RESOURCES PERMIT. PLEASE NOTIFY COOK COUNTY OF ANY ERRORS (611) 414-3333.