

Staff Report

For the Meeting of

MAYOR AND MEMBERS OF THE CITY COUNCIL

Agenda Item #

NO. 2015 –

**SUBJECT: Gehring
Annexation Request SW 10th
Street**

Subject

Frank Gehring has petitioned the city to annex two lots encompassing two acres on the west side of SW 10th Street at the intersection of W Olive Ave.

Summary and Background

The City of Hermiston has received an annexation application from Frank Gehring for property located on the west side of SW 10th Street at the intersection of W Olive Ave. The property lies within the urban portion of the urban growth boundary and currently has a Low Density Residential comprehensive plan map designation. The applicant proposes to annex the property with a Duplex Residential (R-2) zoning designation which corresponds to the Low Density comprehensive plan designation. The property is described as 4N 28 15CB Tax Lots 301 and 600.

The property is surrounded on all four sides by similarly zoned land. The entire neighborhood is single family housing. Following annexation, the applicant plans to develop the property with a single-family residential subdivision. Municipal water and sewer lines are in place in SW 10th Street to the north boundary of the property. At the time development occurs on the property, the applicant will be responsible for extending these lines to the south boundary.

The city published a notice of public hearing in the Hermiston Herald 20 days prior to the planning commission hearing and a second notice was published 20 days prior to the city council hearing. A notice of proposed land use action was physically posted on the property 20 days prior to the planning commission hearing. Additionally, notice was provided to all property owners within 100 feet of the property.

The planning commission held a public hearing on the proposed annexation on April 8, 2015. Following the conclusion of the hearing, the planning commission made a unanimous recommendation that the annexation be approved.

Annexations to the city are subject to the approval criteria established in 150.05 of the Hermiston Code of Ordinances. These criteria are as follows:

1. The proposal is in conformance with all applicable state annexation requirements.

2. The property is contained within the urban portion of the urban growth boundary as identified on the comprehensive plan.
3. The proposed zoning is consistent with the underlying comprehensive plan designation.
4. Findings of fact are developed in support or denial of the annexation.
5. All city services can be readily extended and the property owner is willing to bear costs associated with sewer, water and roads.

Findings of fact in support of the application are attached to this report. Ordinance 2228 annexing the property is attached as well.

Fiscal Information

The property has an assessed value of \$86,000. Following annexation of the site, the value of the property will increase. The assessment within city limits will be approximately \$590 as undeveloped land. An 8 lot subdivision was approved by the planning commission for the site and 8 developed lots will generate approximately \$12,000 in tax revenue.

Alternatives and Recommendation

The city council may choose to:

1. Adopt the findings of fact and adopt Ordinance 2228 annexing the property
2. Modify the findings of fact and adopt Ordinance 2228 annexing the property
3. Reject the findings of fact and deny Ordinance 2228 leaving the property in the county

Recommendation:

Staff recommends that the council choose option 1 and annex the property

Requested Action/Motion

Motion to approve the findings of fact

Motion to adopt Ordinance 2228

Reviewed by:



Department Head – Clinton Spencer, City Planner

A handwritten signature in black ink, appearing to read "Byron D. Smith", written in a cursive style. The signature is positioned above the text "City Manager Approval".

City Manager Approval

ORDINANCE NO. 2228

AN ORDINANCE DECLARING CERTAIN LANDS TO BE ANNEXED TO THE CITY, OUTLINING THE NEW BOUNDARIES, DESCRIBING SAID PROPERTY, WITHDRAWING SAID LANDS FROM SPECIAL DISTRICTS, AND DESIGNATING ZONING.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described property be and the same is annexed to the City of Hermiston, withdrawn from the Umatilla County Library District and the Umatilla County Sheriff's Office Law Enforcement District due to annexation, and the City zoning map is expanded to include said property as Duplex Residential (R-2); to-wit:

Beginning at West Quarter corner of Section 15, Township 4 North, Range 28, E.W.M., thence South 0 degree 01' East along West line of said Section 15, a distance of 330 feet; thence South 89 degree 34' East and parallel with East-West centerline of said Section 15, a distance of 330 feet to the TRUE POINT OF BEGINNING of this description; thence continuing South 89 degree 34' East 330 feet; thence South 0 degree 01' East and parallel with West line of said Section 15, a distance of 95 feet; thence South 89 degree 34' East and parallel with East-West centerline of Section 15, a distance of 50 feet; thence South 0 degree 01' East and parallel with West line of said Section 15, a distance of 179 feet; thence North 89 degree 34' West and parallel with East-West centerline of said Section 15, a distance of 380 feet; thence North 0 degree 01' West and parallel with West line of said Section 15, a distance of 274 feet to the Point of Beginning;

All Being East, Willamette Meridian, Umatilla County, Oregon;

SECTION 2. The findings of fact as adopted by the City Council on April 27, 2015 are incorporated herein by reference.

SECTION 3. The city recorder shall promptly transmit a record of annexation proceedings to the Secretary of State and notify the County Assessor of the change in boundary.

SECTION 4. The effective date of this ordinance shall be the thirtieth day after enactment.

SECTION 5. This annexation shall be complete when all necessary documents have been accepted and filed by the Secretary of State.

PASSED by the Common Council this 27th day of April 2015.
SIGNED by the Mayor this 27th day of April 2015.

MAYOR

ATTEST:

CITY RECORDER

FINDINGS OF FACT

Gehring Annexation Request – April 27, 2015

Draft Findings on Annexation

1. The City has received consent to annexation from the property owners for approximately 2 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on March 18 and 25, 2015. Notices were also posted in four public places in the city for a like period. No comments or remonstrances have been received at this date as a result of the publication or posting.
3. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the city council hearing on April 8 and 15, 2015. Notices were also posted in four public places in the city for a like period. No comments or remonstrances have been received at this date as a result of the publication or posting.
4. Notice of public hearing was physically posted on the property on March 18, 2015.
5. Affected agencies were notified. No comments were received from any agency.
6. A public hearing of the planning commission was held on April 8, 2015. Comments received at the hearing are incorporated into the planning commission record.
7. A public hearing of the city council was held on April 27, 2015. Comments received at the hearing are incorporated into the city council record.
8. The proposal is consistent with all applicable state annexation requirements contained in ORS 222.
 - a. The city has received consent from the property owners within the affected area
 - b. An election has been deemed not necessary since consent from more than half the owners has been received
 - c. The property is contiguous with the existing city limits
 - d. All statutorily required notices have been published and posted
9. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to insure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
10. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
11. The property is located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.

12. Sewer is available to service this property in SW 10th Street. When residential development is proposed, the applicant will be responsible for costs associated with extending the sewer to the southern boundary of the property.
13. Water service is available to service this property in SW 10th Street. When residential development is proposed, the applicant will be responsible for costs associated with extending the water to the southern boundary of the property.

Draft Findings on Zoning Designation

1. The property lies within the urban portion of the urban growth boundary and has a comprehensive plan map designation of Low Density Residential.
2. The proposed Duplex Residential zoning designation corresponds with the underlying comprehensive plan map designation.

PROCLAMATION

IT IS HEREBY PROCLAIMED that at the regular meeting of April 27, 2015, the City Council of the City of Hermiston, Umatilla County, Oregon, did by unanimous vote annex the following described property, to-wit:

Beginning at West Quarter corner of Section 15, Township 4 North, Range 28, E.W.M., thence South 0 degree 01' East along West line of said Section 15, a distance of 330 feet; thence South 89 degree 34' East and parallel with East-West centerline of said Section 15, a distance of 330 feet to the TRUE POINT OF BEGINNING of this description; thence continuing South 89 degree 34' East 330 feet; thence South 0 degree 01' East and parallel with West line of said Section 15, a distance of 95 feet; thence South 89 degree 34' East and parallel with East-West centerline of Section 15, a distance of 50 feet; thence South 0 degree 01' East and parallel with West line of said Section 15, a distance of 179 feet; thence North 89 degree 34' West and parallel with East-West centerline of said Section 15, a distance of 380 feet; thence North 0 degree 01' West and parallel with West line of said Section 15, a distance of 274 feet to the Point of Beginning;

All Being East, Willamette Meridian, Umatilla County, Oregon;

EXCEPTING THEREFROM any portion lying within City Right-Of-Way.

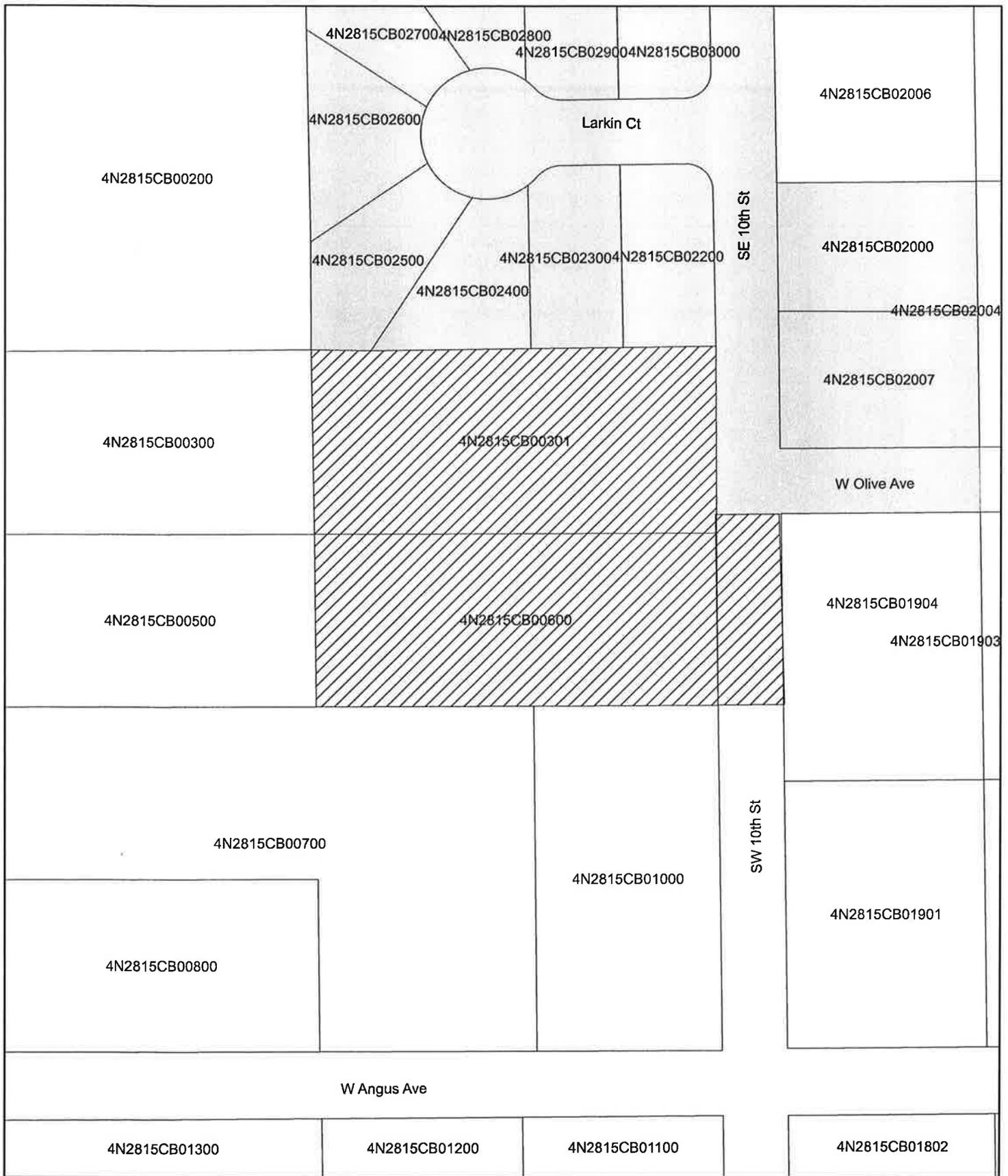
IT IS FURTHER PROCLAIMED that copies of this Proclamation be posted in four places in the City of Hermiston for two weeks.

DATED AT HERMISTON, OREGON, this 28th day of April 2015.

MAYOR

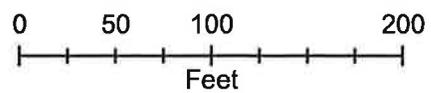
ATTEST:

CITY RECORDER



Legend

-  Area of Proposed Annexation and Subdivision
-  Property Line
-  City Limits

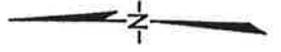


LARKIN COURT SUBDIVISION

SW 10th ST

EDGE OF EXISTING PAVEMENT

OLIVE AVE.



EXISTING WATER LINE

EXISTING SEWER LINE

EDGE OF EXISTING PAVEMENT

NEW SEWER LINE

N90°00'00"E
80.00ft.

LOT #1
8912sf

LOT #8
8912sf

N90°00'00"E
80.00ft.

N90°00'00"E
80.00ft.

LOT #2
8430sf

LOT #7
8430sf

N90°00'00"E
80.00ft.

N90°00'00"E
145.00ft.

LOT #3
8818sf

LOT #6
8818sf

N90°00'00"E
145.00ft.

S46°28'33"E
142.63ft.

LOT #4
8587sf

LOT #5
8587sf

S46°28'33"E
142.63ft.

N90°00'00"E
85.00ft.

M 00°00'00"E
137.00ft.

M 00°00'00"E
137.00ft.

M 00°00'00"E
88.01ft.

M 00°00'00"E
88.01ft.

M 00°00'00"E
112.00ft.

M 00°00'00"E
112.00ft.

N00°00'00"E
97.00ft.

N00°00'00"E
97.00ft.

A=23.88ft
R=15.00ft

A=23.88ft
R=15.00ft

A=23.88ft
R=15.00ft

A=23.88ft
R=15.00ft

A=44.29ft
R=50.00ft

CITY OF HERMISTON

APPLICATION FOR ANNEXATION

Pursuant to the provisions of ORS Chapter 222 and Chapter 150 of the Hermiston Code of Ordinances, application is hereby made to annex the following described property:

Name of Applicant: FRANK W. GERING TRUST, INC. REX HEIDT Phone: 541-571-2961

Mailing Address: 79344 PRINDLE LOOP RD. HERMISTON OR. 97838

Contact Person: FRANK GERING Phone: 541-571-2961

Mailing Address: 79344 PRINDLE LOOP RD. HERMISTON OR. 97838

Name of Owner (If Different): _____ Phone: _____

Mailing Address: _____

Legal Description: Assessor's Map No: 4N2815 CB Tax Lot No: 301 E 600

Subdivision (If Applicable): _____

Street Address: _____

Current Comprehensive Plan Designation: PT CREATE SUB-DIVISION Proposed Zoning Designation: R-2

Land Area (In Acres): 2

Existing Use of Property:
Number of Single-Family Units: _____ Number of Multi-Family Units: _____
Number of Commercial Units: _____ Number of Industrial Units: _____
Public Facilities or Other Uses: _____
Population: Owners: _____ Tenants: _____ Voters: _____

Please Include the Names and Ages of All Residents:
[Empty Box]

Surrounding Use of Property:
North: LARKIN COURT (CITY OF HERMISTON SUB-DIVISION)
South: UMATILA COUNTY HOMES

East: S.W. 10th st

West: Umatilla County HOMES

Current Year Taxes: \$587.81

Previous Year Taxes: \$587.81

Total Assessed Valuation: \$90,000.00

Please provide a general description of the property including topography, vegetation, drainage basins, flood plain areas, etc.:

VACANT LEVEL LOTS. CURRENTLY BEING USED FOR HORSE PASTURE.

Please explain why the annexation has been proposed:

Sub-division DEVELOPMENT OF RESIDENTIAL HOMES

If the property is undeveloped, please describe plans for future development. This description should describe whether the development will be residential, commercial or industrial and include building types, public facilities, number of units, etc.:

DEVIDING ACREAGE INTO 8 LOTS AND WILL BUILD SINGLE FAMILY DWELLING HOMES

Does the proposed development conform to the uses allowed under the proposed zoning designation?

YES

Please provide the following information regarding services and utilities:

Location and size of the nearest water line:

8" LINE AT INTERSECTION OF S.W. 10th ST AND OLIVE AVE.

Location and size of the nearest sewer line:

8" PVC LINE AT INTERSECTION OF
SW 10th ST AND OLIVE AVE

Proximity of other facilities (storm drains, gas lines, irrigation lines, etc.):

GAS LINE S.E. CORNER OF SW 10th ST & OLIVE AVE

The time at which services can be reasonably provided by the city or other district:

UPON SUB-DIVISION COMPLETION

The estimated cost of extending such facilities and/or services and the method of financing:

ESTIMATED COST \$200,000⁰⁰ TO \$250,000⁰⁰ TO CREATE SUBDIVISION
FINANCED BY FRANK W. GERRARD CONST. INC. AND REX HEIDT.

Availability of the desired service from any other unit of local government (Please indicated which government):

Please indicate the roads that adjoin the parcel or will provide service to the parcel:

S.W. 10th ST. / OLIVE AVE

Please indicate the condition of the roads and any improvements that are projected:

S.W. 10th ST AT ^{NORTH} CORNER OF OLIVE AVE TO BE RE-PAVED
WITH CURB TO END OF SOUTH CORNER OF OLIVE COURT
SUB-DIVISION AND S.W. 10th AVE

Please indicate if any new roads will be created or extended through the property:

CULDESAC FOR ACCESS TO 8 LOTS

If the property is presently included within the boundaries of any of the following types of governmental units, please indicate by stating the name or names of the governmental units involved.

Rural Fire District: _____ Irrigation District: HERMISTON
School District: _____ Drainage District: _____
Library District: _____ Parks and Recreation District: _____
Special Road District: _____

Please indicate which services are presently being received in the territory (For example, are residents receiving municipal water or sewer services?):

ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:

- 1. Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
- 2. Two copies (one digital copy) of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed building(s), highways, streets and alleys.
- 3. A metes and bounds legal description of the entire property proposed for annexation. A metes and bounds legal description of each individual parcel is not sufficient.

The above statements are true to the best of my beliefs and knowledge. As applicant, I understand that the city council, planning commission and annexation advisory committee request the attendance of me, or my representative, at the meeting(s) where this request is scheduled for consideration and that the city council, planning commission and annexation advisory committee retain the right to approve or deny this request and impose those conditions as may be necessary to lessen probable adverse impacts based upon the testimony provided at the hearing.

I am the owner owner(s) authorized representative.
(If authorized representative, attach letter signed by owner or owners.)

[Signature]
Signature of Applicant

2-13-15
Date

OUT OF POCKET EXPENSES FOR PUBLICATION COSTS WILL BE BILLED LATER

For further information, please feel free to contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, Oregon 97838, or telephone (541) 567-5521. The City's fax number is (541) 567-5530.

OFFICE USE ONLY

Date Filed: 2/18/2015 Received By: Walter Labean Meeting Date: 4/8/2015
Fee: \$700.00 Date Paid: 2/18/2015 Receipt No: 12.00728