

CITY OF
GEARHART

Staff Report

For City Council Meeting - 5/1/2024

Subject - New Business - Discussion - Annexation of Undeveloped Properties in the City's Urban Growth Boundary During the Development Application Process

Synopsis: Peter will lead a discussion of the annexation of undeveloped properties in Gearhart's UGB and the policy implications associated with future planned developments.

Recommendation: N/A

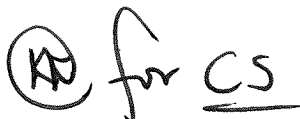
Legal Analysis: State law (SB 1573) requires annexations that meet the following requirements to be approved without a vote by city electors. Annexations do not require voter approval when:

- (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;
- (b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;
- (c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and
- (d) The proposal conforms to all other requirements of the city's ordinances.

The annexation can happen through an annexation agreement which would be required as a condition of approval for the land use application. Conversely, it could be done through a non-remonstrance agreement, preventing a future property owner from not annexing.

Financial Analysis: N/A

Respectfully Submitted,

A handwritten signature consisting of the letters 'KD' inside a circle, followed by the word 'for' and the letters 'CS' with a horizontal line underneath.

Chad