

APPLICATION WITHDRAWN 8-15-97
LUISI/CONFORTH ANNEXATION
(north side of E. Theater Lane east of N. First Street - also requires comp plan amendment) 8-3 4N28 02B TL 1500
Initiated on 7-14-97
Joint PC/CC hearing X
Annexation Ord# X
Effective date: X
Date X

Andy Conforth
(Luisi Property - North side of E. Theater Ln)

Annexation Committee Meeting

~~5/27/97 at 2:30 P.M.~~ 5/27/97
would prefer Friday ✓ at 2:30

Recommend approval w/a
R-2 (Low Density) designation

CC July 14, 1997

PC July 16, 1997

CC July 28, 1997 initiation procedure

ANNEXATION CHECK LIST

Hearing includes annexing, establishing zone & withdrawing from special districts
(comp plan map amendment application submitted in conjunction with this annexation)

Applicant Andy Conforth, P.O. Box 38, Umatilla, OR 97882 Phone: 922-4165 (H); Phone: 509-544-9464(W)
 Property owner(s) Gary Luisi, P.O. Box 153, Hermiston, OR 97838 Phone: 567-3739
 Description of area - 4N 28 02B Tax Lot 1500 Acres: 8.94

General location: on north side of E. Theater Lane approx. 670' west of Alora Heights

1. Date signed APPLICATION FOR ANNEXATION submitted: _____ Date: _____
 Date application fee paid: _____ 1 annexations X \$300 = \$300 Paid: _____
 2. Requested zone designation: _____ R-2
 3. Area outlined on assessor's map _____ O.K. ()
 4. Metes/bounds desc. approved by city engr. (incl. street R-O-W) - _____ Need by: _____ O.K. ()
 5. Irrevocable consent agreement needed: No (); yes (). If yes, date signed: _____ / Date recorded: _____
 6. Annexation advisory committee (AAC) meeting Date: _____ Time: _____
 Recommendation to CC: _____

7. City council consideration of AAC recommendation and recommendation to PC: _____ Date: _____
 (staff report to be ready 7 days before: _____)
 8. Planning commission consideration and recommendation: _____ Date: _____
 (staff report to be ready 7 days before: _____)
 9. City council action on hearing request: (staff report to be ready 7 days before: _____) Date: _____

Hearing Date & Time: 9-8-97 at or after 7:00 pm **Publication Dates:** 8-26-97 & 9-2-97

10. Ord.# 1935 - Initiate annexation proceedings Date: 7-14-97
 11. Publish notice of public hearing (for annexation: 2 weeks in succession prior to hearing; for to HH 821 conversion: 1 pub. at least 20 days before - take to HH on Thurs. prior to 1st pub.) Dates published: 8-26-97 & 9-2-97
Affidavit of publication in file Yes ()
 12. Post notice of public hearing at city hall, post office, library & PSC
 (post in 4 places no more than 14 & no less than 7 days before hearing (per Annex. Ord. 1477) Date posted: 8-26-97
Affidavit of posting in file Yes ()
 13. Mail letter to assessor requesting assessed value of land within 20 days after initiating ord. is passed. Enclose legal description & assessor's map. (include full street R-O-W) Date: 7-29-97
Date: _____ **Assessed value** \$ _____
 16. Mail letter to following for review and comment (enclose staff report/notice of hearing/ initiating ordinance/assessor's map) Date mailed: 7-29-97
 *County planning commission - Response: _____ Date: _____
 *County commission - Response: _____ Date: _____
 *County roadmaster - Response: _____ Date: _____

APPLICATION WITHDRAWN 8-15-97

17. Joint public hearing by council/planning commission & action: (staff report to be ready 7 days before: _____) Date: _____

18. Findings of fact on /zoning/annexation presented/city council accepts Date: _____
Effective date: _____

19. Ord.# _____ - Annex land, withdraw from special districts & establish zoning Date: _____
 20. Annexation proclamation: _____ Post annexation proclamation for 2 wks / Date posted: _____
Affidavit of posting in file O.K. ()

21. Record annexation ordinance Date mailed: _____ Filed: _____
 22. Bill hearing costs (for publication of notice) Date billed: _____ Paid: _____
 23. Copy of annexation ord. & assessor's map in "Increase in Tax Base by Annexation" file O.K. ()
 24. a) To fire marshal: ISO form, annexation ordinance & assessor's map Date: _____
 b) Mail completed ISO form/annexation ord./assessor's map (make copy for file) Date: _____
 25. Send annexation information to: (on assessor's map, outline boundary, add street addresses, annexation ord. number & date passed) Date: _____

- * State Dept. of Revenue - Assessor's map & annexation ordinance Date Approved: _____
- * County Assessor - Assessor's map, initiating & annexation ordinances Ack: _____
- * County Clerk - Initiating & annexation ordinances, assessor's map & city map Ack: _____
- * County Planning Dept. - Annexation ordinance, assessor's map & city map Ack: _____
- * LCDC - Annexation ordinance, assessor's map & city map Ack: _____
- * Secretary of State - All documents listed in recorder's affidavit Ack: _____
- * Library District - Annexation ordinance, assessor's map & stamped card Ack: _____
- * Each franchised utility - 2 assessor's maps, 2 annexation ord. & stamped card:
 - >>U.S. West Ack: _____ >>PP&L Ack: _____
 - >>U.E.C.A. Ack: _____ >>Cascade Gas Ack: _____ >>TCI Cablevision Ack: _____
- * Community Development - Annexation ord. / assessor's & city map / card Ack: _____
- * Police Department - Annexation ord. / assessor's & city map / card Ack: _____
- * Fire Department - Annexation ordinance / assessor's & city map / card Ack: _____

26. Complete & return annexation questionnaire to Center for Population Research and Census (Portland State University) Rec'd: _____ Ret'd: _____
 27. Outlined assessor's map in file O.K. ()
 28. Plat map updated (possibly order new page?) O.K. ()

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the city council and planning commission of the City of Hermiston will hold a public hearing on September 8, 1997, at or after 7:00 pm in the council chambers of the City Hall, Hermiston, on the proposed annexation to the City of Hermiston, withdrawal from the Hermiston Rural Fire District and Umatilla County Library District, and zoning designation of the following described property lying on the north side of E. Theater Lane approximately 670 feet west of Alora Heights, to-wit:

The east half of the east half of the southwest quarter of the northwest quarter of Section 2, Township 4 North, Range 28, E.W.M., Umatilla County, Oregon;

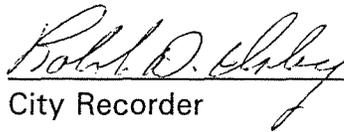
EXCEPTING THEREFROM beginning at the southeast corner of the east half of the east half of the southwest quarter of the northwest quarter of said Section 2; thence north 209 feet; thence west 209 feet; thence south 209 feet; thence east 209 feet to the point of beginning;

ALSO EXCEPTING THEREFROM the south 20 feet.

The above described land area shall be designated as R-2, duplex residential zone, on the city zoning map.

The public may appear and be heard on the above stated questions.

DATED this 26th day of August, 1997.



City Recorder

(Robert D. Irby)

PUBLISH: August 26 and September 2, 1997

Not published

PIONEER ESCROW

(541) 567-9743

P.O. BOX 187 330 S. W. HWY 328
HERMISTON OREGON 97138



ESCROW

REAL ESTATE
CLOSING

FAX TRANSMISSION COVER SHEET

NAME : STEVE

LOCATION: CITY OF HERMISTON

FROM : PIONEER ESCROW

RE : KAL, INC. to COPPER BASIN, INC.

DATE : AUGUST 21 1997 TIME: 1:55 PM

NUMBER OF PAGES (INCLUDING COVER SHEET) : 3

We are transmitting from a OKIFAX 1000.

If you do not receive all of the above described material,
please telephone immediately to:

BUSINESS PHONE: (541) 567-9743

FAX PHONE : (541) 567-7307

SENDERS NAME : ROSA

COMMENTS: RECORDED WARRANTY DEED FROM GARY R. LUISI TO KAL, INC.

ALSO OFFICES LOCATED AT 132 S. E. COURT PENDLETON, OREGON
AND 178 So. MAIN ST. MILTON-FREEWATER, OREGON



1997-234454-1

234454

REEL 314 PAGE 0357

STATUTORY WARRANTY DEED

Gary R. Luisi and Bonita K. Luisi, husband and wife, Grantors, conveys and warrants to KAL, Inc., an Oregon corporation, Grantee, the following described real property, free of encumbrances except as specifically set forth herein:

East Half of East Half of Southwest Quarter of Northwest Quarter of Section 2, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon;

EXCEPTING THEREFROM, beginning at Southeast corner of East Half of East Half of Southwest Quarter of Northwest Quarter of said Section 2; thence North 209 feet; thence West 209 feet; thence South 209 feet; thence East 209 feet TO THE POINT OF BEGINNING;

SUBJECT to any and all water rights of way and roads.

RECEIVED

SUBJECT to the 1997-1998 taxes which are a lien but not yet payable.

AUG 5 1997

UMATILLA COUNTY RECORDS

The true and actual consideration for this conveyance is \$76,500.

Until a change is requested, all tax statements are to sent to the following address: Andy Conforth, 11005 Lorayne J. Blvd, Kennewick WA 99337.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

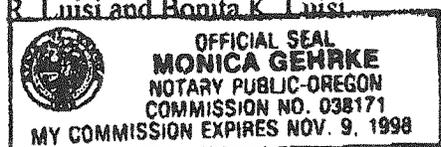
Dated this 31st day of July, 1997.

Gary R. Luisi (Signature)

Bonita K. Luisi (Signature)

STATE OF OREGON)
) .ss
County of Umatilla)

The foregoing instrument was acknowledged before me this 31st day of July, 1997, by Gary R. Luisi and Bonita K. Luisi.



Monica Gehrke (Signature)
Notary Public for Oregon
My Commission Expires: 11/9/98

AFTER RECORDING RETURN TO:

Andy Conforth
11005 Lorayne J. Blvd
Kennewick WA 99337

58323-1
ONEER TITLE CO.
6 SE Court, Pend. OR, 97801



GARY LUISI
230 S E FOURTH ST
P O Box 153
HERMISTON, OR 97838

TELEPHONE (541) 567-3360
FAX (541) 564-0266

August 15, 1997

Hermiston City Planning Dept.
Attn: Steve
180 NE Second St.
Hermiston, OR 97838

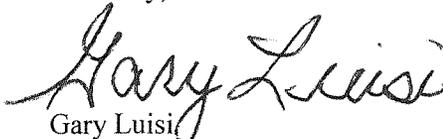
RE: E. Theater Lane Annexation Request

Dear Steve:

On August 4, 1997, Bonnie Luisi and I sold our property on East Theater Lane to KAL, Inc., an Oregon corporation. I understand that Mr. Andrew Conforth is a shareholder in that corporation.

We have no interest in the request for annexation as we signed the application to accommodate Mr. Conforth.

Sincerely,



Gary Luisi
Attorney at Law

GL
A:\LUISIGAR\THRLN11.WPD

REC'D
8-97

8-8-97

Steve;

I formally withdraw my request to annex the property I bought from Mary Luiri, better known as the 8.94 acres parcel located on the N. side of E. Theater Lane approximately 670 feet west of Alora Heights.

My reason for withdraw is the fact I bought the property from Mary Luiri and sold the property to Copper Basin Inc. The two closings were done on the same day by Pioneer Escrow on Aug. 4, 1997.

Thank you for your help.

Andy Conforti
PO Box 38
Umatilla Ore
97882



234454

REEL 314 PAGE 0357

STATUTORY WARRANTY DEED

Gary R. Luisi and Bonita K. Luisi, husband and wife, Grantors, conveys and warrants to KAL, Inc., an Oregon corporation, Grantee, the following described real property, free of encumbrances except as specifically set forth herein:

East Half of East Half of Southwest Quarter of Northwest Quarter of Section 2, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon;

EXCEPTING THEREFROM, beginning at Southeast corner of East Half of East Half of Southwest Quarter of Northwest Quarter of said Section 2; thence North 209 feet; thence West 209 feet; thence South 209 feet; thence East 209 feet TO THE POINT OF BEGINNING;

SUBJECT to any and all water rights of way and roads.

RECEIVED

SUBJECT to the 1997-1998 taxes which are a lien but not yet payable.

The true and actual consideration for this conveyance is \$76,500.

UMATILLA COUNTY RECORDS

Until a change is requested, all tax statements are to sent to the following address: Andy Conforth, 11005 Lorayne J. Blvd, Kennewick WA 99337.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

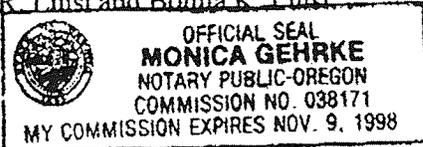
Dated this 31st day of July, 1997.

Gary R. Luisi (signature)

Bonita K. Luisi (signature)

STATE OF OREGON)
) .ss
County of Umatilla)

The foregoing instrument was acknowledged before me this 31st day of July, 1997, by Gary R. Luisi and Bonita K. Luisi.



Monica Gehrke (signature)
Notary Public for Oregon
My Commission Expires: 11/9/98

AFTER RECORDING RETURN TO:
Andy Conforth
11005 Lorayne J. Blvd
Kennewick WA 99337

PIONEER TITLE CO. 58323-1
126 SE Court, Pend. OR, 97801

(a)

CITY OF

HERMISTON, OREGON

ADMINISTRATION

180 N.E. 2nd Street
Hermiston, OR 97838
(541) 567-5521
Fax (541) 567-5530
E-Mail Address:
hermcity@eonef.com

COMMUNITY DEVELOPMENT

215 E. Gladys Avenue
Hermiston, OR 97838
(541) 564-0358
Fax (541) 567-6731

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Fax (541) 567-8469

WASTEWATER TREATMENT

2205 N. First Place
Hermiston, OR 97838
(541) 567-5272
Fax (541) 567-5200

To: Planning Commission
From: Steven E. Sokolowski, City Planner *SS*
Subject: Withdrawal of Proposed Comprehensive Plan Map Amendment and Annexation Requests for Property Located on the North Side of E. Theater Lane
Date: August 8, 1997

On Friday, August 8, 1997, the planning department received a phone call from a Steve White, who informed me that he had purchased the Luisi property and no longer wished to proceed with the proposed comprehensive plan map amendment or annexation. Mr. White faxed me a copy of the warranty deed (see attached deed) which indicates that he does indeed own this parcel of land.

I spoke to Mrs. Luisi on August 8, 1997, and she informed me that they had sold their property to Andy Conforth. I asked Mrs. Luisi to provide the planning department with documentation stating that the Luisis wish to withdraw their comprehensive plan map amendment and annexation applications, since they are the owners listed on the applications.

I also spoke to Andy Conforth on August 8, 1997, who verified that he had purchased the lot from the Luisis and in turn sold the property to Steve White. I asked Mr. Conforth to provide the planning department with documentation stating that he wishes to withdraw his comprehensive plan map amendment and annexation applications, since he is listed as the applicant on the applications.

Therefore, the planning department has officially withdrawn the Luisi/Conforth proposed comprehensive plan map amendment and annexation application.

WARRANTY DEED



REEL 314 PAGE 0359

KNOW ALL MEN BY THESE PRESENTS, That KAL, INC., AN OREGON CORPORATION hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by COPPER BASIN, INC., AN IDAHO CORPORAITON hereinafter called grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of UMATILLA and State of Oregon, described as follows, to-wit: SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except

EXCEPT AS SET FORTH ON ATTACHED EXHIBIT "A"

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$95,000.00.

*However, the actual consideration consists of or includes other property or value given or promised which is (the whole/part of the) consideration (indicate which). (The sentence between the symbols *, if not applicable should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 4 day of AUGUST 19 97; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

KAL, INC., an Oregon corporation

BY: Andrew L. Conforth, President

RECEIVED

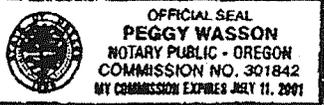
STATE OF OREGON County of UMATILLA } ss.

UMATILLA COUNTY RECORDS

On this 4 day of AUGUST, 19 97, before me appeared Andrew L. Conforth and both to me personally

known, who being duly sworn, did say that he, the said Andrew L. Conforth is the President, and he, the said Andrew L. Conforth is the Secretary of KAL, INC., AN OREGON CORPORATION the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and and acknowledge said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Peggy Wasson, Notary Public for Oregon. My Commission expires 7-11-2001

KAL, INC., AN OREGON CORPORATION 11005 LORAYNE J. BLVD. KENNEWICK, WA 99337 Grantor's Name and Address COPPER BASIN, INC., AN IDAHO CORPORAITON P.O. BOX 949 HAYDEN, ID 83835 Grantee's Name and Address

State of Oregon County of Umatilla This instrument was received and recorded on 08-05-97 at 1:05 in the record of document code type 06-W0

After recording return to: PIONEER ESCROW COMPANY PO BOX 187 HERMISTON, OR 97838

Location 8014-0359 Document number 1997-234455 Fee \$0.00

Until a change is requested, all tax statements shall be sent to the following address.

Space Reserved for Recorder's Use

Office of County Records Received by S. Churchill Records Officer

SAME AS GRANTEE

PIONEER TITLE CO. 58323-2 126 SE Court, PMB. DR. 97801

(10)

REEL 314 PAGE 0360



234455

EXHIBIT "A"

East Half of East Half of Southwest Quarter of Northwest Quarter of Section 2, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon;

EXCEPTING THEREFROM, beginning at Southeast corner of East Half of East Half of Southwest Quarter of Northwest Quarter of said Section 2; thence North 209 feet; thence West 209 feet; thence South 209 feet; thence East 209 feet TO THE POINT OF BEGINNING;

SUBJECT to any and all water rights of way and roads.

SUBJECT TO: (1) 1997-98 taxes which are a lien but not yet payable.
(2) The premises herein described are within the boundaries of the Hermiston Irrigation District and this property is therefore subject to all easements, levies and assessments thereof.

COPY

CITY OF

HERMISTON, OREGON

ADMINISTRATION

180 N.E. 2nd Street
Hermiston, OR 97838
(541) 567-5521
Fax (541) 567-5530
E-Mail Address:
hermcity@eonet.com

COMMUNITY DEVELOPMENT

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WASTEWATER TREATMENT

2205 N. First Place
Hermiston, OR 97838
(541) 567-5272
Fax (541) 567-5200

July 29, 1997

Mr. Dennis Olson, Director
Umatilla County Resource Services and Development
Planning Division
216 S.E. 4th
Pendleton, OR 97801

Dear Mr. Olson:

Enclosed for your review and comment is information on a proposed annexation of an 8.94-acre parcel located on the north side of E. Theater Lane approximately 670 feet west of Alora Heights. It is described as 8-3 4N 28 02B Tax Lot 1500 and is owned by Gary and Bonnie Luisi. In conjunction with this proposed annexation, the City has received a request to amend the comp plan map designation for this parcel from Medium Density/Mobile Home Residential (MH) to Low Density Residential (L). Copies of the Notice of Proposed Amendment were mailed to Umatilla County Road and Planning Departments on July 17, 1997, asking for review and comment.

The hearing on the annexation will be held at the regular city council meeting at or after 7:00 pm on Monday, September 8, 1997. If you have any questions or comments, you may address them to the City of Hermiston Planning Department. The city hall phone number is (541) 567-5521 and the fax number is (541) 567-5530.

Enclosed are copies of the notice of hearing, initiating ordinance, and staff report which includes a map showing the area proposed for annexation.

Sincerely,



Kristine J. McCullough
Executive Secretary

Enclosures

COPY

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HERMISTON, OREGON

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Fax (541) 567-5200

July 29, 1997

Umatilla County Board of Commissioners
216 S.E. 4th
Pendleton, OR 97801

Dear Commissioners:

Enclosed for your review and comment is information on a proposed annexation of an 8.94-acre parcel located on the north side of E. Theater Lane approximately 670 feet west of Alora Heights. It is described as 8-3 4N 28 02B Tax Lot 1500 and is owned by Gary and Bonnie Luisi. In conjunction with this proposed annexation, the City has received a request to amend the comp plan map designation for this parcel from Medium Density/Mobile Home Residential (MH) to Low Density Residential (L). Copies of the Notice of Proposed Amendment were mailed to Umatilla County Road and Planning Departments on July 17, 1997, asking for review and comment.

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Kristine J. McCullough
Executive Secretary

Enclosures

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HERMISTON, OREGON

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Fax (541) 567-5200

July 29, 1997

Mr. Hal Phillips
Umatilla County Roadmaster
3920 Westgate
Pendleton, OR 97801

Dear Mr. Phillips:

Enclosed for your review and comment is information on a proposed annexation of an 8.94-acre parcel located on the north side of E. Theater Lane approximately 670 feet west of Alora Heights. It is described as 8-3 4N 28 02B Tax Lot 1500 and is owned by Gary and Bonnie Luisi. In conjunction with this proposed annexation, the City has received a request to amend the comp plan map designation for this parcel from Medium Density/Mobile Home Residential (MH) to Low Density Residential (L). Copies of the Notice of Proposed Amendment were mailed to Umatilla County Road and Planning Departments on July 17, 1997, asking for review and comment.

The hearing on the annexation will be held at the regular city council meeting at or after 7:00 pm on Monday, September 8, 1997. If you have any questions or comments, you may address them to the City of Hermiston Planning Department. The city hall phone number is (541) 567-5521 and the fax number is (541) 567-5530.

Enclosed are copies of the notice of hearing, initiating ordinance, and staff report which includes a map showing the area proposed for annexation.

Sincerely,

Kristine J. McCullough
Executive Secretary

Enclosures

COPY

CITY OF

HERMISTON, OREGON

ADMINISTRATION

180 N.E. 2nd Street
Hermiston, OR 97838
(541) 567-5521
Fax (541) 567-5530
E-Mail Address:
hermcity@eonet.com

COMMUNITY DEVELOPMENT

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WASTEWATER TREATMENT

2205 N. First Place
Hermiston, OR 97838
(541) 567-5272
Fax (541) 567-5200

July 29, 1997

Mr. Paul Chalmers, Director
Umatilla County Department of Assessment and Taxation
216 S.E. 4th Street
Pendleton, OR 97801

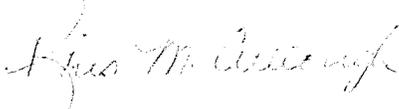
Dear Mr. Chalmers:

Please send the assessed evaluation for property proposed for annexation described as 8-3 4N 28 02B Tax Lot 1500. It is further described in the attached Ordinance No. 1935 and highlighted on the enclosed map. The property is owned by Gary and Bonnie Luisi.

The hearing on the annexation is scheduled for the regular city council meeting of September 8, 1997.

If you have any questions, please call me at (541) 567-5521.

Sincerely,



Kristine McCullough
Executive Secretary

Enclosures

ORDINANCE NO. 1935

AN ORDINANCE PROPOSING TO ANNEX NEW TERRITORY TO THE CITY OF HERMISTON, WITHDRAWING SAID TERRITORY FROM THE HERMISTON RURAL FIRE DISTRICT AND UMATILLA COUNTY LIBRARY DISTRICT, DISPENSING WITH AN ELECTION AND CALLING FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION AND WITHDRAWAL AND ESTABLISHING LAND ZONING, DIRECTING THAT NOTICE OF HEARING BE PUBLISHED AND POSTED AS REQUIRED BY LAW, AND DECLARING AN EMERGENCY.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described property be proposed for annexation, withdrawal from the Hermiston Rural Fire District and Umatilla County Library District, and the land area be designated as R-2 (duplex residential zone), to-wit:

The east half of the east half of the southwest quarter of the northwest quarter of Section 2, Township 4 North, Range 28, E.W.M., Umatilla County, Oregon;

EXCEPTING therefrom beginning at the southeast corner of the east half of the east half of the southwest quarter of the northwest quarter of said Section 2; thence north 209 feet; thence west 209 feet; thence south 209 feet; thence east 209 feet to the point of beginning;

ALSO EXCEPTING therefrom the south 20 feet.

SECTION 2. An election on the question of annexation of the above described property shall be dispensed with, and a public hearing shall be held before the city council and planning commission at the city council's regular meeting on September 8, 1997, at or after the hour of 7:00 p.m. at which time the public may appear and be heard on these questions.

SECTION 3. The city recorder shall cause to be published a Notice of Public Hearing in the Hermiston Herald on August 26 and September 2, 1997, and that the recorder shall also cause the Notice of Public Hearing to be posted in four (4) places during this time.

SECTION 4. Inasmuch as the health and safety of the City of Hermiston and its inhabitants are affected by the annexation, withdrawal and land zoning of the herein described property, it is necessary that this ordinance go into effect at once, and an emergency is hereby declared to and does exist, and this ordinance shall be in full force and effect from and after its passage by a unanimous vote of all councilmen present at the meeting upon which said ordinance is adopted.

PASSED by the unanimous vote of the Council this 14th day of July, 1997.

APPROVED by the Mayor this 14th day of July, 1997.



MAYOR

ATTEST:



CITY RECORDER

X Request for Comp Plan Map Amendment & Annexation/North of E. Theater Ln./Luisi & Conforth

Councilor Severson moved and Councilor Smalley seconded to accept the planning commission recommendation and initiate proceedings to amend the comprehensive plan map from Medium Density/Mobile Home Residential to Low Density Residential and to annex the 8.94 acres of land located on the north side of E. Theater Lane and described as 8-3 4N28 02B Tax Lot 1500, which is owned by Gary and Bonnie Luisi, with a Duplex Residential (R-2) zoning designation, and that the subdivision and development approval be subject to the following conditions:

1. Developer shall dedicate 10 feet of land along the north side of E. Theater Lane in order to improve and increase the road width to 50 feet.
2. Developer shall dedicate 25 feet along the entire eastern side of the property for the eventual extension of N.E. 4th Street.

Motion carried unanimously.

Res. No. 1481 - Establish Hours of Operation/Hodge Park

Resolution No. 1481 - establish hours of operation at Hodge Park (supersedes Res. 1412) - was read and discussed. Councilor Smalley moved and Councilor Achuff seconded that the resolution be approved and laid upon the record. Motion carried unanimously.

Res. No. 1482 - Initiate Proceedings to Convert Property/West of N.W. Geer Rd./Dack et al.

Resolution No. 1482 - initiate proceedings to convert property lying south of Punkin Center Road, west of N.W. Geer Road and north of Hensel Road (Dack et al.) - was read and discussed. Councilor Cutsforth moved and Councilor Severson seconded that the resolution be approved and laid upon the record. Motion carried unanimously.

Res. No. 1483 - Establish Ambulance Rates

Resolution No. 1483 - establish ambulance rates (supersedes Res. 1324) - was read and discussed. Councilor White moved and Councilor Severson seconded that the resolution be approved and laid upon the record. Motion carried unanimously.

2nd Reading of .Ord. No. 1932 - Amend Comp Plan Map/E. Side of N.E. 4th Street/Dedrick

Ordinance No. 1932 - amend comprehensive plan map for property on east side of N.E. 4th Street from Medium Density Residential (M) to Medium Density/Mobile Home Residential (MH) and zoning map from Multiple-Family Residential (R-3) to Multi-Structure Residential (R-4) (Dedrick/Crume) - was read in full for its second reading. Councilor Myers moved and Councilor Severson seconded to pass Ordinance No. 1932 as read in full. Councilors Cutsforth, Achuff and Smalley voted no; Councilors Severson, White and Myers voted yes; Mayor Harkenrider voted yes breaking the tie vote. Motion carried. The ordinance will take effect on August 13, 1997.

Ord. No. 1934 - Initiate Proceedings to Annex Property/Punkin Center & N.W. Geer/Dack

Ordinance No. 1934 - initiate proceedings to annex property lying south of Punkin Center Road, west of N.W. Geer Road and north of Hensel Road (Dack) - was read in full for its first reading. Councilor Severson moved and Councilor Cutsforth seconded that the ordinance be passed to its second reading by title only. Motion carried unanimously. The ordinance was read by title only. Councilor White moved and Councilor Severson seconded that Ordinance No. 1934 be passed by emergency as read in full. 6 votes for; none against. Motion carried unanimously.

Ord. No. 1935 - Initiate Proceedings to Annex Property/E. Theater Lane/Luisi & Conforth

Ordinance No. 1935 - initiate proceedings to annex property on the north side of E. Theater Lane approximately 670 feet west of Alora Heights (Luisi/Conforth) - was read in full for its first reading. Councilor White moved and Councilor Cutsforth seconded that the ordinance be passed to its second reading by title only. Motion carried unanimously. The ordinance was read by title only. Councilor Severson moved and Councilor White seconded that Ordinance No. 1935 be passed by emergency as read in full. 6 votes for; none against. Motion carried unanimously.

Liquor License Application/Ye Olde Pizza Shoppe

Following a favorable report from Police Chief Anderson, Councilor Achuff moved and Councilor Smalley seconded to approve a liquor license application for a change in ownership to Kenneth and Kim Gillet for the Ye Olde Pizza Shoppe at 870 Highway 395 South. Motion carried unanimously.

Proposals For Engineering Services/Industrial Wastewater Pretreatment Consultations

Councilor Severson reported that the contract review board reviewed the proposals received at the last council meeting for engineering services for industrial wastewater pretreatment consultations. They recommended entering into an agreement with Montgomery Watson. Councilor Achuff moved and Councilor Cutsforth seconded to approve the recommendation. Motion carried unanimously.

Council Committee Report/Council Vacancy Applications

Councilor Severson reported that the council vacancy review committee had received three applications for the vacant at-large council position, and interviews are being scheduled.

Mike Ward Introduced/New Building Official

City Manager Brookshier introduced Mike Ward, the new building official as of July 21, 1997, who is replacing Hank McDonald.

Proposed Purchase of Village Port Property For Resale to BMCC

City Manager Brookshier reported that members of the contract review board met with the Blue Mountain Community College board members, out-going BMCC President Ron Daniels and West Campus Coordinator Margaret Saylor to discuss the 2-plus acre piece of property described as 8-1 4N 28 14AD Tax Lot 800. The city has secured an option from Lawrence

NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the final hearing
ORS 197.610 and OAR Chapter 660, Division 18

See reverse side for submittal requirements

Jurisdiction City of Hermiston

Date of Final Hearing September 8, 1997 Local File # Luisi/Canforth

Has this proposal been previously submitted to DLCD? Yes No Date

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."

Change plan designation from Medium Density/Mobile Home Residential (MHR) to Low Density Residential (LDR) in order to annex 8.94 acres and develop a low density subdivision.

Plan Map Change From Medium Density/Mobile Home Residential to Low Density Residential
Zone Map Change From County R-4 to R-2/Duplex Residential

Location: North of E. Theater Lane Acres Involved: 8.94 acres

Specified change in Density: Current Density 6.5 D.U./Acre Proposed Density 3.5 D.U./Acre

Applicable Goals: 4, 2, 7, 10, 11, 12 Is an Exception proposed? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts: Umatilla County, Planning and Road Department
Hermiston Irrigation District, Hermiston School District, ODOT

Local Contact: Steve Sokolowski Phone: (541)-567-5521

Address: 180 N.E. 2nd Street, Hermiston OR 97838

Date Mailed

due to the proximity of the proposed site to the City of Hermiston's wastewater treatment facility.

Commissioner Wamsley asked if minutes of the annexation advisory committee could be included in the staff report to the planning commission. Planning Advisor Wheelhouse explained that no minutes are taken, that the committee makes a recommendation as to whether or not they consider the annexation feasible. Commissioners Stephen and Stipe sit on the advisory committee and could provide input to the planning commission. The council has the option of accepting or rejecting the recommendation.

City Planner Sokolowski said that the annexation advisory committee looks at surrounding uses and the appropriateness of the requested zoning as well as the amount of available land in the requested zone. Chairman Saylor felt all of the relevant issues would be addressed at the joint hearing on the annexation.

Commissioner Daggett moved and Commissioner Van Schoiack seconded to recommend to the city council that, subject to receipt of a staff approved legal description, proceedings be initiated to convert all of the properties from urbanizable to an urban status and that proceedings also be initiated to annex the 37.66-acre Dack property with a single-family residential (R-1) zoning designation. Motion carried unanimously.

Proposed Comp Plan Map Amendment and Annexation/E. Theater Lane/Luisi & Conforth

City Planner Sokolowski reported that Gary and Bonnie Luisi, owners of an 8.94-acre parcel described as 8-3 4N 28 02B Tax Lot 1500, have submitted a request for annexation of that land. It is located on the north side of E. Theater Lane and adjoins the city along the Theater Lane frontage.

Andy Conforth, a local developer, has shown an interest in purchasing the property and beginning development. Mr. Conforth's only stipulation is that the property be annexed to the city and be properly zoned before he purchases the land.

The property lies within the urban portion of the urban growth boundary (UGB) and is designated as Medium Density/Mobile Home Residential (MH). The annexation advisory committee reviewed the surrounding residential uses as well as the proposed residential development and determined that a Low Density Residential (L) comprehensive plan map designation which corresponds to a R-2 zone designation would be compatible for this property. Prior to annexation taking place, the comprehensive plan map for this property must be amended from Medium Density/Mobile Home Residential (MH) to Low Density Residential (L). The amendment process constitutes a land use action. In addition to the notice DLCD, the County will be sent all pertinent material for their review and comment. Following the hearings process by the council and planning commission and adoption of the amendments by ordinance, referral will be made to the County for its co-adoption. After co-adoption by the County, the city council will, by ordinance, annex the land and designate the zoning.

Currently, the parcel is vacant, uncultivated land. To the north lies vacant uncultivated land; to the south lie the City's booster station, a single-family residence with a shed and

E. Theater Lane; to the east lie an older single-family residence with two dilapidated detached structures and a large amount of uncultivated land; and to the west are a single-family dwelling and vacant, uncultivated land.

The proposed site is designated as Medium Density/Mobile Home Residential (MH). The land to the north is within the UGB and designated as Medium Density Residential (M); and land to the east, south and west are within the UGB and are designated as Medium Density/Mobile Home Residential (MH). The requested comp plan designation is Low Density Residential.

The site currently lies within the city's urban growth boundary (UGB) and is county zoned R-4. The land to the north lies within the UGB and is county zoned R-3; lands to the east and west lie within the UGB and are county zoned R-4; and land to the south lies within the city and is zoned R-4. The requested zoning is R-2, Duplex Residential

Staff suggested that a recommendation be made to the city council that, subject to receipt of a staff approved legal description, proceedings be initiated to amend the comprehensive plan map from Medium Density/Mobile Home Residential to Low Density Residential, that proceedings also be initiated to annex the property with a Duplex Residential (R-2) zoning designation and that the subdivision and development approval be subject to the following:

1) Developer shall dedicate 10 feet of land along the north side of E. Theater Lane in order to improve and increase the road width to 50 feet, and 2) the developer shall dedicate 25 feet along the entire eastern side of the property for the eventual extension of N.E. 4th Street.

Commissioner Van Schoiack moved and Commissioner Stephen seconded to recommend to the city council that, subject to receipt of a staff approved legal description, proceedings be initiated to amend the comprehensive plan map from Medium Density/Mobile Home Residential to Low Density Residential, that proceedings also be initiated to annex the property with a Duplex Residential (R-2) zoning designation and that the subdivision and development approval be subject to the two condition listed above. Motion carried unanimously.

City Planner Sokolowski and Planning Advisor Wheelhouse said there are development issues that will have to be addressed by the developer. The city planner also noted the proposal does not include Tax Lot 1600 which abuts Theater Lane at the southeast corner of the Luisi property; therefore, the 25-foot dedication for the eventual extension of N.E. 4th Street will not include that frontage.

Request to Vacate N-S Alley South of E. Catherine Ave. 100' East of N. First Street/Armada

City Planner Sokolowski reported that David Hadley, an attorney representing Armada Retail, Inc., submitted a request to vacate the north-south alley 100 feet east of N. First Street extending south from E. Catherine Avenue a distance of 130.05 feet on behalf of Roger Bounds, owner of the lot. If vacated by the city council following a public hearing, Armada Retail anticipates reconfiguring the current tax lots to increase the size of Tax Lot 4000 to the east and south in order to provide adequate space for Armada's proposed development of a commercial building.

NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the final hearing
ORS 197.610 and OAR Chapter 660, Division 18

See reverse side for submittal requirements

Jurisdiction City of Hermiston

Date of Final Hearing September 8, 1997 Local File # Luisi/Conforth

Has this proposal been previously submitted to DLCD? Yes No Date

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."

Change plan designation from Medium Density/Mobile Home Residential (MH) to
Low Density Residential (L) in order to annex 8.94 acres and develop a low
density subdivision

Plan Map Change From Medium Density/Mobile Home to Residential to Low Density Residential

Zone Map Change From County R-4 to R-2/Duplex Residential

Location: North of E. Theater Lane Acres Involved: 8.94 acres

Specified change in Density: Current Density 6.5 D.U./acre Proposed Density 3.5 D.U./acre

Applicable Goals: 1,2,7,10,11,12 Is an Exception proposed? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts: Umatilla County
Planning and Road Departments, Hermiston Irrigation District, Hermiston School
District and ODOT

Local Contact: Steve Sokolowski Phone: (541) 567-5521

Address: 180 N.E. 2nd Street, Hermiston, OR 97838

Date Mailed - July 17, 1997

DLCD File # _____

Date Rec'd _____

Days Notice _____

NO. 395

(State Hwy No. 32)

HWY.

U.S.

400
2.00 Ac.

500
1.00 Ac.

600
7.00 Ac.

700
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1008
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1403
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1001
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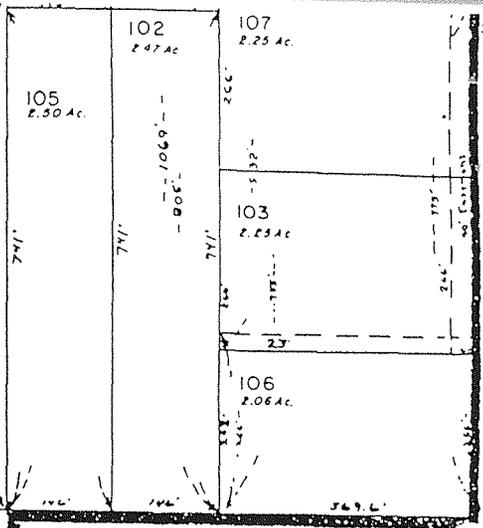
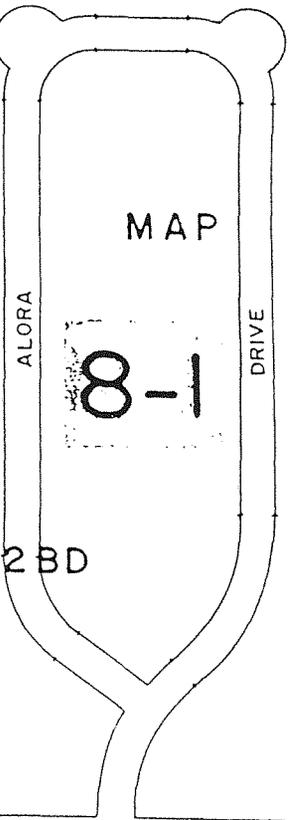
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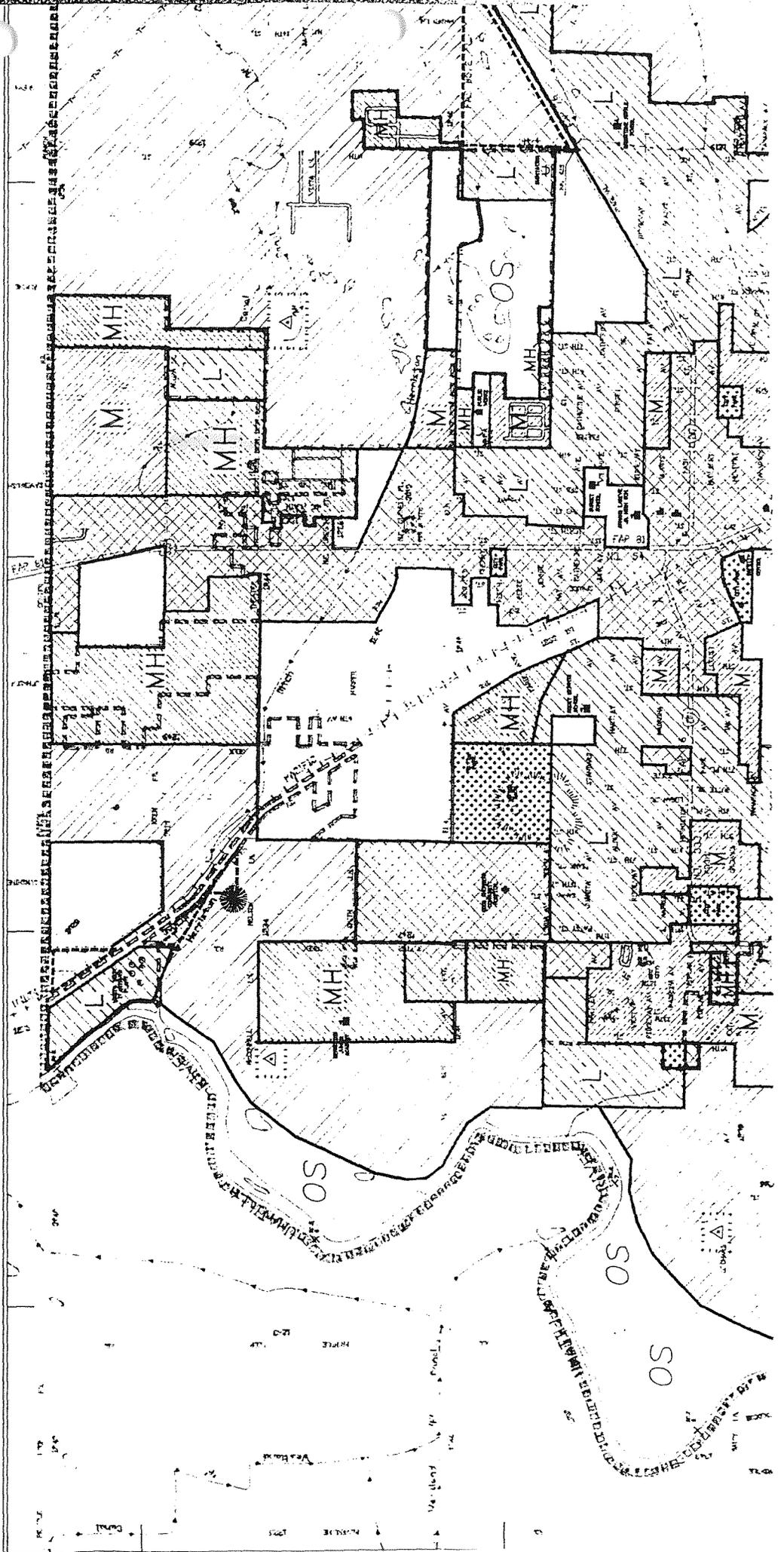
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CITY OF

HERMISTON, OREGON

ADMINISTRATION

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WASTEWATER TREATMENT

2205 N. First Place
Hermiston, OR 97838
(541) 567-5272
Fax (541) 567-5200

To: Jer Pratton, Hermiston School District
From: Steven E. Sokolowski, City Planner
Subject: Dack Conversion and Annexation Proposal and Luisi/Conforth Comprehensive Plan Map Amendment and Annexation Proposal
Date: July 17, 1997

Kenneth and Charlotte Dack have submitted a consent to annexation for approximately 37.66 acres of land located on the south side of W. Punkin Center Road, the west side of N.W. Geer Road and the north side of Hensel Road. They wish to annex their property for a proposed low density subdivision. This requires conversion of the land from "urbanizable" to "urban" status. The proposed single-family residential zoning will implement the proposed low density residential comprehensive designation. Phillip and Marianne Brown as well as Lyle Brown wish to have their properties converted to an urban status but do not wish to participate in annexation at this time (a total of 9.05 acres).

Gary and Bonnie Luisi have submitted a consent to annexation for approximately 8.94 acres of land located on the north side of E. Theater Lane. They wish to annex their property for a proposed low density subdivision. The proposed duplex residential zoning will implement the proposed low density residential comprehensive designation. This requires a change in the comprehensive plan designation from medium density/mobile home residential to low density residential.

I have enclosed copies of both applicants' Notices of Proposed Amendment. These were sent to DLCD on July 17, 1997, and the City of Hermiston is referring them to the Hermiston School District for review and comment. The final hearing date for the Dack proposal is scheduled for September 22, 1997, and the final hearing date for the Luisi proposal is September 8, 1997.

Please feel free to call me with any questions or concerns at (541) 567-5521.

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HERMISTON, OREGON

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WASTEWATER TREATMENT

2205 N. First Place
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(541) 567-5272
Fax (541) 567-5200

To: Terry McArtor, Oregon Department of Transportation
From: Steven E. Sokolowski, City Planner
Subject: Dack Conversion and Annexation Proposal and Luisi/Conforth
Comprehensive Plan Map Amendment and Annexation Proposal
Date: July 17, 1997

Kenneth and Charlotte Dack have submitted a consent to annexation for approximately 37.66 acres of land located on the south side of W. Punkin Center Road, the west side of N.W. Geer Road and the north side of Hensel Road. They wish to annex their property for a proposed low density subdivision. This requires conversion of the land from "urbanizable" to "urban" status. The proposed single-family residential zoning will implement the proposed low density residential comprehensive designation. Phillip and Marianne Brown as well as Lyle Brown wish to have their properties converted to an urban status but do not wish to participate in annexation at this time (a total of 9.05 acres).

Gary and Bonnie Luisi have submitted a consent to annexation for approximately 8.94 acres of land located on the north side of E. Theater Lane. They wish to annex their property for a proposed low density subdivision. The proposed duplex residential zoning will implement the proposed low density residential comprehensive designation. This requires a change in the comprehensive plan designation from medium density/mobile home residential to low density residential.

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WASTEWATER TREATMENT

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To: Hal Phillips, Umatilla County Road Master
From: Steven E. Sokolowski, City Planner
Subject: Dack Conversion and Annexation Proposal and Luisi/Conforth Comprehensive Plan Map Amendment and Annexation Proposal
Date: July 17, 1997

Kenneth and Charlotte Dack have submitted a consent to annexation for approximately 37.66 acres of land located on the south side of W. Punkin Center Road, the west side of N.W. Geer Road and the north side of Hensel Road. They wish to annex their property for a proposed low density subdivision. This requires conversion of the land from "urbanizable" to "urban" status. The proposed single-family residential zoning will implement the proposed low density residential comprehensive designation. Phillip and Marianne Brown as well as Lyle Brown wish to have their properties converted to an urban status but do not wish to participate in annexation at this time (a total of 9.05 acres).

Gary and Bonnie Luisi have submitted a consent to annexation for approximately 8.94 acres of land located on the north side of E. Theater Lane. They wish to annex their property for a proposed low density subdivision. The proposed duplex residential zoning will implement the proposed low density residential comprehensive designation. This requires a change in the comprehensive plan designation from medium density/mobile home residential to low density residential.

I have enclosed copies of both applicants' Notices of Proposed Amendment. These were sent to DLCD on July 17, 1997, and the City of Hermiston is referring them to Umatilla County Road Department for review and comment. The final hearing date for the Dack proposal is scheduled for September 22, 1997, and the final hearing date for the Luisi proposal is September 8, 1997.

Please feel free to call me with any questions or concerns at (541) 567-5521.

CITY OF

HERMISTON, OREGON

ADMINISTRATION

180 N.E. 2nd Street
Hermiston, OR 97838
(541) 567-5521
Fax (541) 567-5530
E-Mail Address:
hermcity@eonet.com

COMMUNITY DEVELOPMENT

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Fax (541) 567-6731

PLANNING

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MUNICIPAL COURT

330 S. First Street
Hermiston, OR 97838
(541) 567-6610
Fax (541) 567-8469

WASTEWATER TREATMENT

2205 N. First Place
Hermiston, OR 97838
(541) 567-5272
Fax (541) 567-5200

To: Robin Clark, Hermiston Irrigation District
From: Steven E. Sokolowski, City Planner
Subject: Dack Conversion and Annexation Proposal and Luisi/Conforth
Comprehensive Plan Map Amendment and Annexation Proposal
Date: July 17, 1997

Kenneth and Charlotte Dack have submitted a consent to annexation for approximately 37.66 acres of land located on the south side of W. Punkin Center Road, the west side of N.W. Geer Road and the north side of Hensel Road. They wish to annex their property for a proposed low density subdivision. This requires conversion of the land from "urbanizable" to "urban" status. The proposed single-family residential zoning will implement the proposed low density residential comprehensive designation. Phillip and Marianne Brown as well as Lyle Brown wish to have their properties converted to an urban status but do not wish to participate in annexation at this time (a total of 9.05 acres).

Gary and Bonnie Luisi have submitted a consent to annexation for approximately 8.94 acres of land located on the north side of E. Theater Lane. They wish to annex their property for a proposed low density subdivision. The proposed duplex residential zoning will implement the proposed low density residential comprehensive designation. This requires a change in the comprehensive plan designation from medium density/mobile home residential to low density residential.

I have enclosed copies of both applicants' Notices of Proposed Amendment. These were sent to DLCD on July 17, 1997, and the City of Hermiston is referring them to the Hermiston Irrigation District for review and comment. The final hearing date for the Dack proposal is scheduled for September 22, 1997, and the final hearing date for the Luisi proposal is September 8, 1997.

Please feel free to call me with any questions or concerns at (541) 567-5521.

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WASTEWATER TREATMENT

2205 N. First Place
Hermiston, OR 97838
(541) 567-5272
Fax (541) 567-5200

To: Ann Beier, Umatilla County Senior Planner
From: Steven E. Sokolowski, City Planner
Subject: Dack Conversion and Annexation Proposal and Luisi/Conforth Comprehensive Plan Map Amendment and Annexation Proposal
Date: July 17, 1997

Kenneth and Charlotte Dack have submitted a consent to annexation for approximately 37.66 acres of land located on the south side of W. Punkin Center Road, the west side of N.W. Geer Road and the north side of Hensel Road. They wish to annex their property for a proposed low density subdivision. This requires conversion of the land from "urbanizable" to "urban" status. The proposed single-family residential zoning will implement the proposed low density residential comprehensive designation. Phillip and Marianne Brown as well as Lyle Brown wish to have their properties converted to an urban status but do not wish to participate in annexation at this time (a total of 9.05 acres).

Gary and Bonnie Luisi have submitted a consent to annexation for approximately 8.94 acres of land located on the north side of E. Theater Lane. They wish to annex their property for a proposed low density subdivision. The proposed duplex residential zoning will implement the proposed low density residential comprehensive designation. This requires a change in the comprehensive plan designation from medium density/mobile home residential to low density residential.

I have enclosed copies of both applicants' Notices of Proposed Amendment. These were sent to DLCD on July 17, 1997, and the City of Hermiston is referring them to Umatilla County for review and comment. The final hearing date for the Dack proposal is scheduled for September 22, 1997, and the final hearing date for the Luisi proposal is September 8, 1997. It would be greatly appreciated if the Umatilla County Planning Commission and Board of Commissioners could schedule co-adoption of these two amendments around this September time frame. When you have the co-adoption hearings scheduled, please advise me of the dates.

Please feel free to call me with any questions or concerns at (541) 567-5521.

Request for Annexation/Cornerstone Development

Following Councilor White's declaration of a conflict of interest, Councilor Cutsforth moved and Councilor Severson seconded to accept the planning commission's recommendation and proceed with the annexation of property owned by Cornerstone Development with an outlying commercial (C-2) zoning designation. The 2.16-acre parcel is located on the northeast side of Highway 395 South approximately 136.5 feet east of S.E. 4th Street and is described as 4N 28 14BA Tax Lot 1800. Councilor White abstained. Councilors Hardin, Prewitt, Severson, Cutsforth, Myers, Achuff and Smalley voted yes. Motion carried unanimously.

Request for Comp Plan Map Amendment and Annexation/E. Theater Lane (Luisi/Conforth)

City Planner Sokolowski reviewed the proposed comp plan map amendment and annexation requests submitted by Gary and Bonnie Luisi and Andy Conforth for an 8.94 acre tract located on the north side of E. Theater Lane approximately 670 feet west of Alora Heights. The property is owned by Gary and Bonnie Luisi and is described as 8-3 4N 28 02B Tax Lot 670. Andy Conforth has an option to purchase the parcel and plans to develop it as a single-family subdivision.

Originally, the applicants submitted an annexation request for this parcel with a R-4 zone designation and had proposed development of a manufactured dwelling park on the property. At the April 28, 1997, meeting, the city council, on the recommendation of the annexation advisory committee, denied that annexation request, stating that the area was better suited for low density residential development. The planning commission, at their May 14, 1997, meeting, concurred that low density residential development was appropriate for the area and recommended that proceedings be initiated to amend the comp plan map designation to low density residential for that parcel plus adjacent properties.

After reviewing the new proposal, the annexation advisory committee has recommended proceeding with the comp plan map amendment from Medium Density/Mobile Home Residential to Low Density Residential and annexing this property with an R-2 zone designation subject to the following development conditions:

- 1) Developer shall dedicate 10 feet of land along the north side of E. Theater Lane in order to improve and increase the road width to 50 feet.
2. Developer shall dedicate 25 feet along the entire eastern side of the property for the eventual extension of N.E. 4th Street.

Councilor White moved and Councilor Hardin seconded to accept the recommendation of the annexation advisory committee to proceed with amending the comp plan map to low-density residential and annexing this property with an R-2 zone designation and to refer it to the planning commission for consideration. Motion carried unanimously.

Request for Conversion & Annexation/West of N.W. Geer Road & South of Punkin Center (Dack)

City Planner Sokolowski reviewed the proposed conversion and annexation of approximately 37.66 acres located on the south side of Punkin Center Road, the west side of N.W. Geer Road and the north side of Keen Road. The properties are described as 8-3 4N 28 03B Tax

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WASTEWATER TREATMENT

2205 N. First Place
Hermiston, OR 97838
(541) 567-5272
Fax (541) 567-5200

To: Mayor and City Council
From: Steven E. Sokolowski, City Planner
Subject: Proposed Comprehensive Plan Map Amendment and Annexation of Property on North Side of E. Theater Lane (Luisi/Conforth)
Date: July 11, 1997

BACKGROUND

Gary and Bonnie Luisi have submitted a consent to annexation for approximately 8.94 acres of land located on the north side of E. Theater Lane. The land adjoins the city along E. Theater Lane.

Andy Conforth, a local developer, has shown an interest in purchasing the property and beginning development. Mr. Conforth's only stipulation is that the property be annexed to the city and be properly zoned before he purchases the land.

The property lies within the urban portion of the urban growth boundary and is designated as Medium Density/Mobile Home Residential (MH). The Annexation Advisory Committee reviewed the surrounding residential uses as well as the proposed residential development and determined that a Low Density Residential (L) comprehensive plan map designation which corresponds to a R-2 zone designation would be compatible for this property. Prior to annexation taking place, the comprehensive plan/map must be amended to show that this property has been changed from a Medium Density/Mobile Home Residential (MH) zone to a Low Density Residential (L) zone. The amendment process constitutes a land use action. In addition to the notice DLCD, the County will be sent all pertinent material for their review and comment. Following the hearings process by the council and planning commission and adoption of the amendments by ordinance, referral will be made to the County for its co-adoption. After co-adoption by the County, the city council will, by ordinance, annex the land and designate the zoning.

Applicants: Gary and Bonnie Luisi and Andy Conforth

Owners: Gary and Bonnie Luisi

Property Location: The property lies on the north side of E. Theater Lane. The property is described as 8-3 4N 28 02B Tax Lot 1500.

Existing Uses: Vacant, uncultivated land.

Surrounding Uses: To the north lies vacant uncultivated land. To the south lies a City of Hermiston Booster Station, a single-family residence with a shed and E. Theater Lane. To the east lies an older single-family residence with two dilapidated detached structures and a large amount of uncultivated land. To the west lies a single-family dwelling and vacant, uncultivated land.

Comp Plan Designation: The proposed site is designated as Medium Density/Mobile Home Residential (MH).

Surrounding Comp Plan Designation: The land to the north is within the UGB and designated as M (Medium Density Residential). The land to the east, south and west are within the UGB and designated as MH (Medium Density/Mobile Home Residential).

Requested Comp Plan Designation: Low Density Residential

Existing Zoning: The site currently lies within the City's urban growth boundary (UGB) and is county zoned (R-4).

Surrounding Zoning: The land to the north lies within the UGB and is county zoned R-3. The land to the east and west lies within the UGB and is county zoned R-4. The land to the south lies within the City and is zoned R-4.

Requested Zoning: R-2, Duplex Residential

PLANNING COMMISSION ACTION

The planning commission recommended that proceedings be initiated to amend the comprehensive plan map from Medium Density/Mobile Home Residential to Low Density Residential, that proceedings also be initiated to annex the property with a Duplex Residential (R-2) zoning designation, and that the subdivision and development approval be subject to the following:

- 1) Developer shall dedicate 10 feet of land along the north side of E. Theater Lane in order to improve and increase the road width to 50 feet.
- 2) Developer shall dedicate 25 feet along the entire eastern side of the property for the eventual extension of N.E. 4th Street.

PROPOSED ACTION

Staff recommends that the city council accept the planning commission's recommendation and initiate proceedings to amend the comprehensive plan map from Medium Density/Mobile Home Residential to Low Density Residential, that proceedings also be initiated to annex the property with a Duplex Residential (R-2) zoning designation, and that the subdivision and development approval be subject to the following:

- 1) Developer shall dedicate 10 feet of land along the north side of E. Theater Lane in order to improve and increase the road width to 50 feet.
- 2) Developer shall dedicate 25 feet along the entire eastern side of the property for the eventual extension of N.E. 4th Street.

An ordinance initiating the annexation proceedings is on the agenda for council consideration.

NO. 395

(State Hwy. No. 32)

HWY.

U.S.

CO. RD.

IF THEATER LANE

(NO. 693)

NO 1244

Ctr Se

400
2.00 Ac

700
10.00 Ac.

500
1.00 Ac

600
7.00 Ac.

800
0.69 Ac

900
3.36 Ac.

1403
2.00 Ac.

1500
0.94 Ac

901
0.51 Ac.

902
0.57 Ac.

1400
5.85 Ac.

1001
2.13 Ac.

1006
0.78 Ac

1007
1.00 Ac

1005
0.78 Ac

1000
1.00 Ac

1002
0.11 Ac.

1004
0.96 Ac

200
0.29 Ac

1003
0.16 Ac.

1401
1.50 Ac.

1402
0.50 Ac.

1600
0.82 Ac.

1602
0.50 Ac.

1601
0.78 Ac

105
2.50 Ac.

102
2.47 Ac

107
2.25 Ac.

103
2.25 Ac.

106
2.06 Ac.

8-3

AREA PROPOSED FOR COMP PLAN MAP AMENDMENT AND ANNEXATION

SEE

MAP

8-1

4N

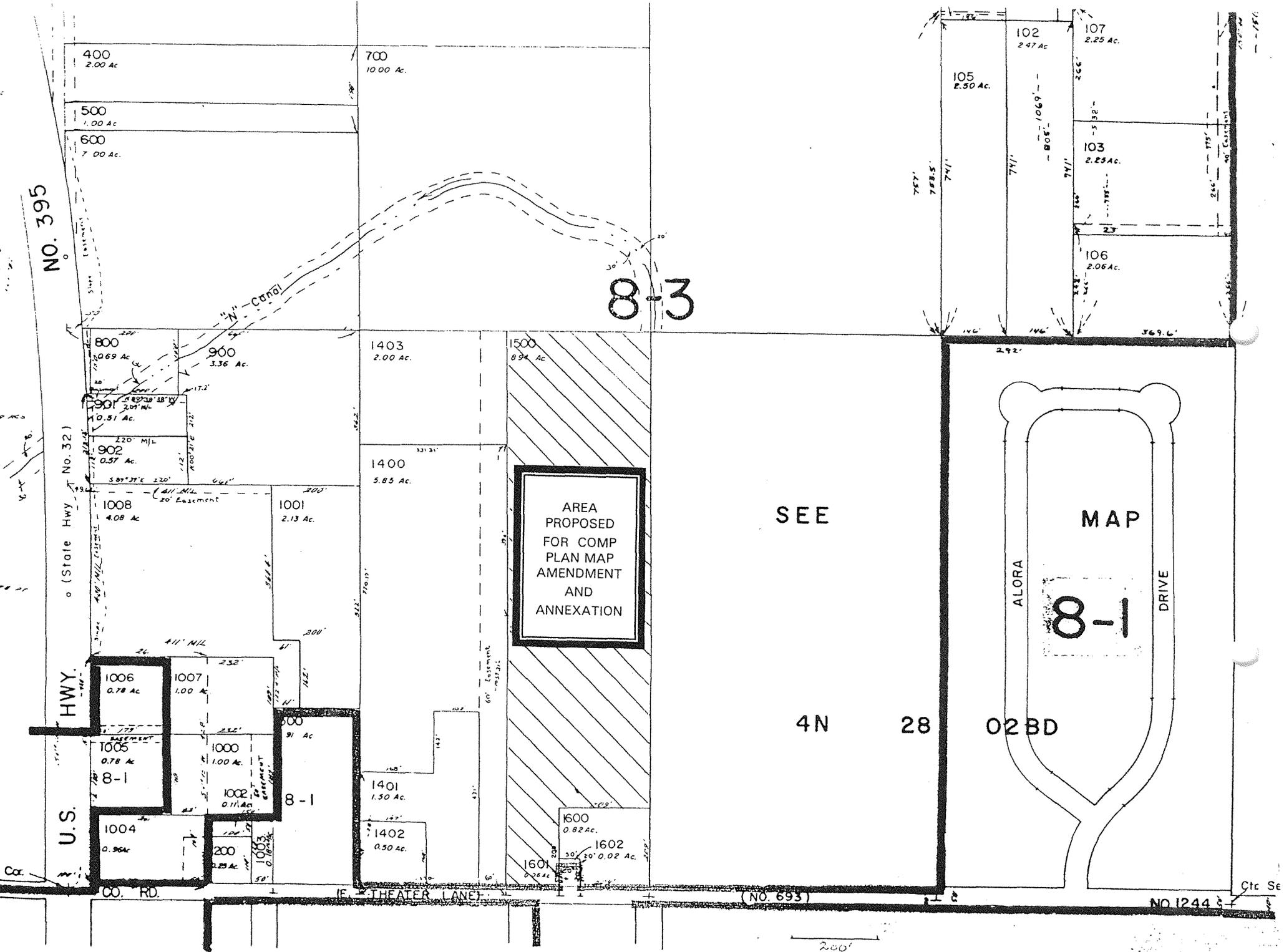
28

02 BD

ALORA

DRIVE

200'



ORDINANCE NO. 1935

AN ORDINANCE PROPOSING TO ANNEX NEW TERRITORY TO THE CITY OF HERMISTON, WITHDRAWING SAID TERRITORY FROM THE HERMISTON RURAL FIRE DISTRICT AND UMATILLA COUNTY LIBRARY DISTRICT, DISPENSING WITH AN ELECTION AND CALLING FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION AND WITHDRAWAL AND ESTABLISHING LAND ZONING, DIRECTING THAT NOTICE OF HEARING BE PUBLISHED AND POSTED AS REQUIRED BY LAW, AND DECLARING AN EMERGENCY.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described property be proposed for annexation, withdrawal from the Hermiston Rural Fire District and Umatilla County Library District, and the land area be designated as R-2 (duplex residential zone), to-wit:

The east half of the east half of the southwest quarter of the northwest quarter of Section 2, Township 4 North, Range 28, E.W.M., Umatilla County, Oregon;

EXCEPTING therefrom beginning at the southeast corner of the east half of the east half of the southwest quarter of the northwest quarter of said Section 2; thence north 209 feet; thence west 209 feet; thence south 209 feet; thence east 209 feet to the point of beginning;

ALSO EXCEPTING therefrom the south 20 feet.

SECTION 2. An election on the question of annexation of the above described property shall be dispensed with, and a public hearing shall be held before the city council and planning commission at the city council's regular meeting on September 8, 1997, at or after the hour of 7:00 p.m. at which time the public may appear and be heard on these questions.

SECTION 3. The city recorder shall cause to be published a Notice of Public Hearing in the Hermiston Herald on August 26 and September 2, 1997, and that the recorder shall also cause the Notice of Public Hearing to be posted in four (4) places during this time.

SECTION 4. Inasmuch as the health and safety of the City of Hermiston and its inhabitants are affected by the annexation, withdrawal and land zoning of the herein described property, it is necessary that this ordinance go into effect at once, and an emergency is hereby declared to and does exist, and this ordinance shall be in full force and effect from and after its passage by a unanimous vote of all councilmen present at the meeting upon which said ordinance is adopted.

PASSED by the unanimous vote of the Council this 14th day of July, 1997.
APPROVED by the Mayor this 14th day of July, 1997.

MAYOR

ATTEST:

CITY RECORDER

R 101 PAGE 1310

CERTIFICATE OF SALE OF REAL PROPERTY

135151

THIS IS TO CERTIFY that by virtue of a Writ of Execution and Foreclosure issued out of the Circuit Court of the State of Oregon for Umatilla County, dated November 16, 1987, upon a Judgment of Foreclosure rendered in favor of Gary R. Luisi, P.C., plaintiff, and against Arlen Wayne Clark, defendant, commanding me to sell all the interest which the defendant had on October 25, 1982, the date of the mortgage, and all the interest which the defendant had thereafter in the following described real property in Umatilla County, Oregon:

East Half of East Half of Southwest Quarter of Northwest Quarter of Section 2, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon;

EXCEPTING THEREFROM, beginning at Southeast corner of East Half of East Half of Southwest Quarter of Northwest Quarter of said Section 2; thence North 289 feet; thence West 289 feet; thence South 289 feet; thence East 289 feet to the point of beginning;

SUBJECT to any and all water rights of way and roads.

and after giving notice of sale as required by law and sending a copy of such notice by registered mail to each of the judgment debtors, I sold at public auction the above described real property subject to redemption, in the manner prescribed by law, to Gary R. Luisi, P. C., plaintiff, the highest bidder for the bid of plaintiff's judgment in the sum of Four Thousand Nine Hundred Twenty-seven and 60/100 Dollars (\$4,927.60);

That the sale will become absolute, and the purchaser will be entitled to a conveyance of the real property from me or my successor as Sheriff on the surrender of this Certificate at the expiration of the statutory period of redemption, unless the real property shall be sooner redeemed according to law.

Dated this 6th day of January, 1988.

JAMES M. CAREY, Umatilla County Sheriff

BY:

William J. ...
Deputy

After recording return to:
Gary R. Luisi
Attorney at Law
P. O. Box 153
Merriam, OR 97838

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS & REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING TITLE TO THE PROPERTY SHOULD CONSULT AN APPROPRIATE ...

567-8303

Allow a mobile home to watch
business

For Rent
Alora Heights
Veronica
Cabrera
567-5874

Conforth

uses:

A) West → Vacant, uncultivated
land & a single-family
dwelling

B) North → Vacant uncultivated land

C) South → City of Hermiston/Alora Heights
Booster Station
(403) Single family residence 403
E. Theater Lane w/a shed

d) east → ⁴⁰⁵ Single-family residence
w/2 detached structures
~~vacant~~

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**WASTEWATER
TREATMENT**

2205 N. First Place
Hermiston, OR 97838
(541) 567-5272
Fax (541) 567-5200

To: Planning Commission
From: Steven E. Sokolowski, City Planner
Subject: Proposed Comprehensive Plan Map Amendment and Annexation of Property on North Side of E. Theater Lane (Luisi/Conforth)
Date: July 3, 1997

BACKGROUND

Gary and Bonnie Luisi have submitted a consent to annexation for approximately 8.94 acres of land located on the north side of E. Theater Lane. The land adjoins the city along E. Theater Lane.

Andy Conforth, a local developer, has shown an interest in purchasing the property and beginning development. Mr. Conforth's only stipulation is that the property be annexed to the city and be properly zoned before he purchases the land.

The property lies within the urban portion of the urban growth boundary (UGB) and is designated as Medium Density/Mobile Home Residential (MH). The annexation advisory committee reviewed the surrounding residential uses as well as the proposed residential development and determined that a Low Density Residential (L) comprehensive plan map designation which corresponds to a R-2 zone designation would be compatible for this property. Prior to annexation taking place, the comprehensive plan map for this property must be amended from Medium Density/Mobile Home Residential (MH) to Low Density Residential (L). The amendment process constitutes a land use action. In addition to the notice DLCD, the County will be sent all pertinent material for their review and comment. Following the hearings process by the council and planning commission and adoption of the amendments by ordinance, referral will be made to the County for its co-adoption. After co-adoption by the County, the city council will, by ordinance, annex the land and designate the zoning.

Applicants: Gary and Bonnie Luisi and Andy Conforth

Owners: Gary and Bonnie Luisi

Property Location: The property lies on the north side of E. Theater Lane and is described as 8-3 4N 28 02B Tax Lot 1500.

Existing Uses: Vacant, uncultivated land

Surrounding Uses: To the north lies vacant uncultivated land. To the south lie the City's booster station, a single-family residence with a shed and E. Theater Lane. To the east lie an older single-family residence with two dilapidated detached structures and a large amount of uncultivated land. To the west lie a single-family dwelling and vacant, uncultivated land.

Comp Plan Designation: The proposed site is designated as Medium Density/Mobile Home Residential (MH).

Surrounding Comp Plan Designation: The land to the north is within the UGB and designated as Medium Density Residential (M). The land to the east, south and west are within the UGB and designated as Medium Density/Mobile Home Residential (MH).

Requested Comp Plan Designation: Low Density Residential

Existing Zoning: The site currently lies within the City's urban growth boundary (UGB) and is county zoned R-4.

Surrounding Zoning: The land to the north lies within the UGB and is county zoned R-3. The lands to the east and west lie within the UGB and are county zoned R-4. The land to the south lies within the City and is zoned R-4.

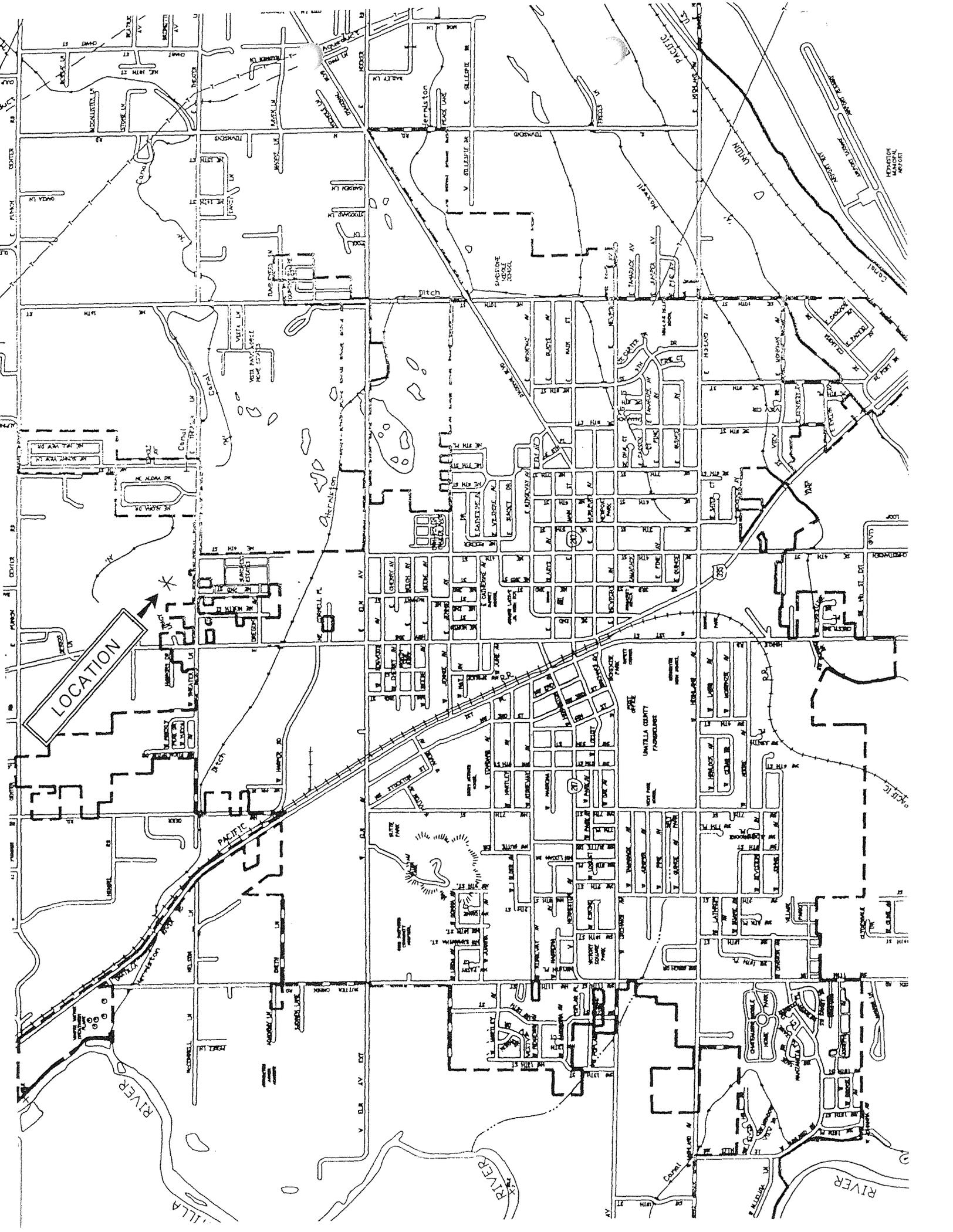
Requested Zoning: R-2, Duplex Residential

PROPOSED ACTION

Staff suggests that a recommendation be made to the city council that, subject to receipt of a staff approved legal description, proceedings be initiated to amend the comprehensive plan map from Medium Density/Mobile Home Residential to Low

Density Residential, that proceedings also be initiated to annex the property with a Duplex Residential (R-2) zoning designation and that the subdivision and development approval be subject to the following:

- 1) Developer shall dedicate 10 feet of land along the north side of E. Theater Lane in order to improve and increase the road width to 50 feet.
- 2) Developer shall dedicate 25 feet along the entire eastern side of the property for the eventual extension of N.E. 4th Street.



LOCATION

RIVER

PACIFIC

RIVER

RIVER

UNTELLA COUNTY

SCHOOL

DITCH

CANAL

MUNICIPAL

AV

ST

AV

ST

DR

ST

AV

ST

AV

ST

DR

NO. 395

400
2.00 Ac.

500
1.00 Ac.

600
7.00 Ac.

700
10.00 Ac.

800
10.69 Ac.

900
3.36 Ac.

1403
2.00 Ac.

1500
8.94 Ac.

105
2.50 Ac.

102
2.47 Ac.

107
2.25 Ac.

103
2.25 Ac.

106
2.06 Ac.

8-3

(State Hwy. No. 32)

HWY.

U.S.

1008
4.08 Ac.

1001
2.13 Ac.

1400
5.85 Ac.

AREA PROPOSED FOR COMP PLAN MAP AMENDMENT AND ANNEXATION

SEE

MAP

8-1

1006
0.78 Ac.

1007
1.00 Ac.

1005
0.78 Ac.

1000
1.00 Ac.

1009
91 Ac.

1401
1.50 Ac.

1004
0.96 Ac.

1003
0.11 Ac.

1002
0.11 Ac.

1402
0.50 Ac.

1600
0.82 Ac.

1602
0.02 Ac.

1601
0.22 Ac.

4N

28

02 BD

ALORA

DRIVE

CO. RD.

(E. THEATER LANE)

(NO. 693)

NO 1244

Ctc Se

200'

city
of

hermiston 180 N.E. 2ND STREET / HERMISTON, OREGON / 97838 / (541) 567-5521 / FAX (541) 567-5530

LATER - LETTERS TO OTHER OWNERS
IN MH AREA FOR CITY
INITIATED PLAN AMEND,
TO "h"

Annex:
pub ~~8-26~~
8-26+9-2

TO PC 7-9
TO CC 7-14
INIT. ANNEK. ORD
NOTICE TO DHCD 7-15
PC HEARING ON AMEND
8-13 - LETTERS 8-26
NOTICE
CC HEARING ON
AMEND 9-8
JOINT HEARING ON ANNEK
9-8

To: Mayor and City Council
From: Annexation Advisory Committee
Subject: Proposed Comprehensive Plan Map Amendment and Annexation of
Luisi/Conforth Property on North Side of E. Theater Lane
Date: June 19, 1997

On April 28, 1997, the city council accepted the recommendation of the annexation advisory committee to deny the proposed annexation request from Gary and Bonnie Luisi for a 8.94 acre tract located on the north side of E. Theater Lane approximately 670 feet west of Alora Heights (the property is described as 8-3 4N28 02B Tax Lot 1500). The applicants had proposed a manufactured dwelling park on the property. The advisory committee determined that the area was better suited for low-density residential development.

Gary and Bonnie Luisi, and Andy Conforth who has an option to buy the site, have submitted a new application to amend the comprehensive plan and annex the land with a low-density residential zone designation. Mr. Conforth would like to develop this site as a single-family subdivision and has requested an R-2 zone designation.

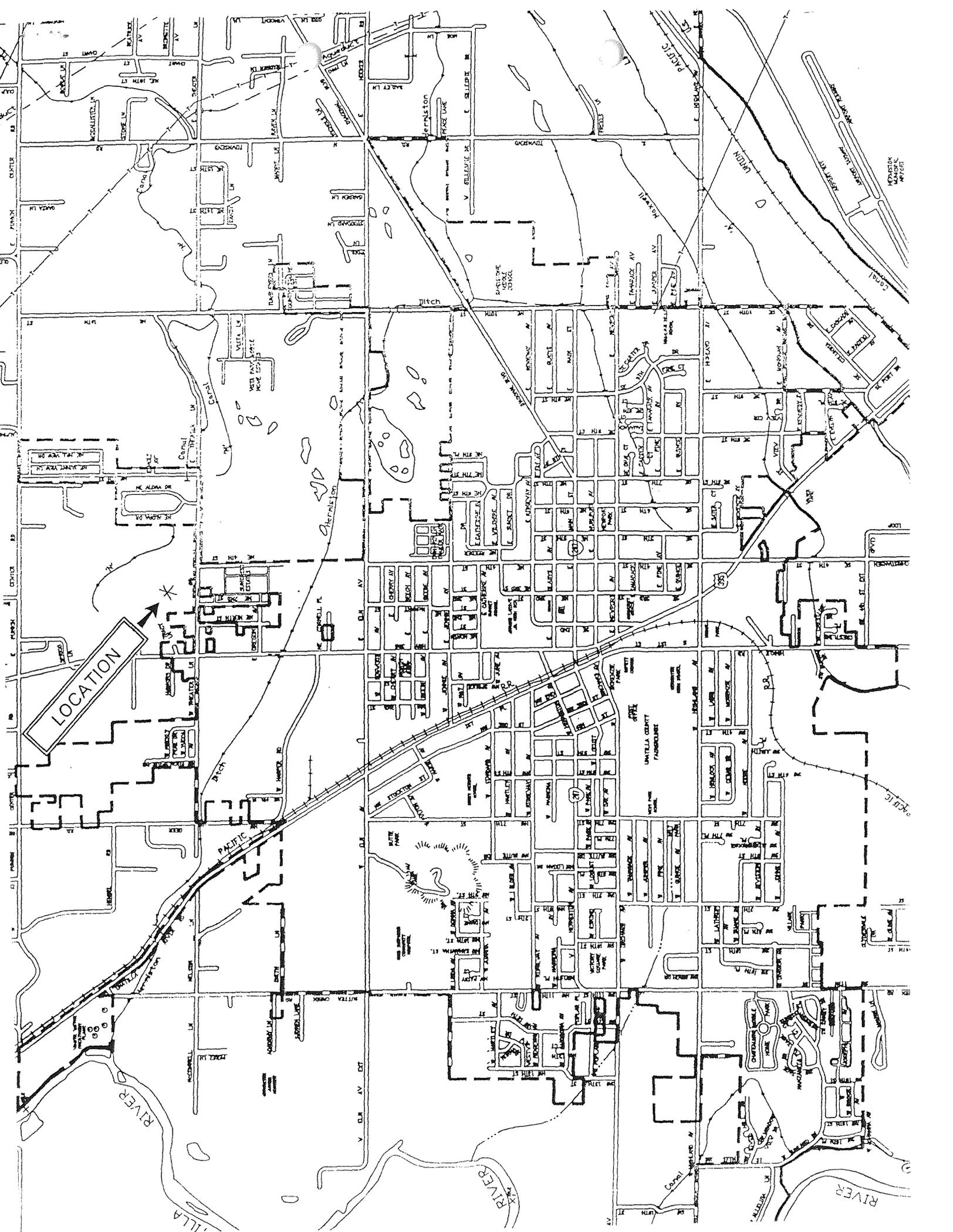
Currently, the comprehensive plan map designates the land as medium density/mobile home residential which corresponds with a city R-4 zoning designation. The annexation advisory committee reviewed the surrounding residential uses and proposed residential development and determined that a low-density residential comprehensive plan map designation as well as a R-2 zone designation would be compatible for this property. At the May 14, 1997 meeting, the planning commission concurred and recommended that proceedings be initiated to amend the comp plan map designation.

The advisory committee recommends proceeding with the comprehensive plan map amendment to low-density residential and annexing this property with a R-2 zone designation subject to the following development conditions:

- 1) Developer shall dedicate 10 feet of land along the north side of E. Theater Lane in order to improve and increase the road width to 50 feet.
- 2) Developer shall dedicate 25 feet along the entire eastern side of the property for the eventual extension of N.E. 4th Street.

It is also recommended that the annexation proposal be referred to the planning commission.

Attachment



LOCATION

RIVER

RIVER

RIVER

PACIFIC

BATE PARK

UNITED CITY FARMHOUSE

SARATOGA SCHOOL

McKENNELL PL

CHERRY LN

WILSON LN

PETITION FOR ANNEXATION TO THE CITY OF HERMISTON, OREGON

TO: The council of th City of Hermiston, Oregon I and We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Hermiston.

	(date)		(date)
<u>Gary Lewis</u>	<u>4/8/97</u>	<u>owner</u>	_____
<u>Barbara Lewis</u>	<u>4/8/97</u>	<u>owner</u>	_____
_____	_____	_____	_____
<u>Andy L. Conforti</u>	<u>4/8/97</u>	<u>Buyer</u>	_____
_____	_____	_____	_____

(all owners must sign)

The property to be annexed is described as follows or is attached as Exhibit "A"

BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. Land Area: Acres 8.94 ACRES

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

BARE LAND WHICH SLOPES TO THE WEST AND SOUTH (TOWARD THEATER LANE).
THERE IS A DEPRESSION ON THE BACK OF PROPERTY WHICH CAN BE FILLED TO
GRADE DURING CONSTRUCTION OF SUB-DIVISION.

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: T.L. 700 IS NATIVE GRASS WHICH SLOPES TOWARD SOUTH.

East: T.L. 5500 BARE GROUND SLOPING TO WEST. T.L. 1600 RESIDENT
HOME. T.L. 1601-CITY WATER BOOSTER STATION. T.L. 1602 15x20 STRIP.

South: SEE MAP 4N28 02C BORDER OF CITY LIMITS. MOBILE HOME SUN CREST ESTATES
STREET WITH 6' WOOD FENCE AROUND IT.

West: T.L. 1400-1401-1403 BARE GROUND WITH NATIVE GRASSES SLOPING
WEST AND SOUTH.

D. Existing Land Use:

Number of single-family units 0 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses 0

E. Current year taxes 1996/97 \$ 312.13

Previous year taxes 1995/96 \$ 260.56

F. Total current year Assessed Valuation \$ 27,920.00

G. Total existing population:

owners 0 tenants 0 Registered voters 0

II. REASON FOR BOUNDARY CHANGE

A. The city shall consider local comprehensive planning for the area, economic, demographic, sociological projections pertinent to the proposal, past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change... Consider these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary. (This information is often quoted in the Staff Report, so be thorough and complete. Copy of Policy 5- "Annexation is attached).

SEE ATTACHED

B. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.

RESIDENTIAL R2 HOUSING SUBDIVISION WITH LOT SIZES OF 85x93 AND 85x102 DENSITY WILL BE 3.8 LOTS PER ACRE. 7650 SQ. FT. TO 11,850 SQ. FT.

III. LAND USE AND PLANNING

A. Is the subject territory to be developed at this time? YES

B. Generally describe the anticipated development (building types, facilities, number of units).

SEE ATTACHED

C. Has a plot map been prepared? YES If so, attach. If not a Tax map may be used.

D. Is the subject territory inside or outside of the Urban Growth Boundary?

THE PROPERTY IS INSIDE THE URBAN GROWTH BOUNDARY AND BORDERS CITY LIMITS ON THE SOUTH ZONING IS M.H. (URBAN DESIGNATION) I WOULD LIKE THE ZONING CHANGED TO R-2.

E. What is the applicable County Planning Designation? R-4

City Planning Designation desired L-R2

Does the proposed development comply with applicable city comprehensive plans? Please describe.

NO. THE PROPERTY IS IN THE CITY COMPREHENSIVE PLAN AND IS DESIGNATED M.H. MEDIUM DENSITY-MOBILE HOME R4. I PROPOSE A ZONE CHANGE FROM M.H.-MEDIUM DENSITY/MOBILE HOME R4 TO A ZONING OF L-LOW DENSITY R2.

F. Is the proposed development compatible with the city's comprehensive land use plan for the area?

Yes No

Has the proposed development been discussed either formally or informally with any of the following? (Please indicate) **SEE ATTACHED**

City Planning Commission City Planning Staff
 City Council City Manager
 Development Professional

Please describe the reaction to the proposed development from the persons or agencies indicate above.

SEE ATTACHED

H. Please indicate all permit and/or approvals from the City Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE #	DATE OF APPROVAL	FUTURE REQUIREMENT
UGB Amendment			
City Plan Amendment			
Pre-Application Hearing	X		
Preliminary Subdivision Approval	X		
Final Plat Approval	X		
Land Partition			
Conditional Use			
Variance			
Building Permit			
Irrigation District			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

N/A

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.
THERE IS A 6 INCH WATER LINE IN THEATER LANE DIRECTLY IN FRONT OF PROPERTY. A BOOSTER PUMP STATION IS BORDERING SUBJECT PROPERTY.
2. Location and size of nearest sewer line which can serve the subject area.
A 8 INCH SEWER RUNS EAST AND WEST ON THEATER LANE DIRECTLY IN FRONT OF PROPERTY.
3. Proximity of other facilities (storm drains, gas lines, irrigation lines, etc.) which can serve the subject area CASCADE HAS A SERVICE LINE ON THEATER LANE WHICH WILL SERVICE THE PROPERTY.
4. The time at which services can be reasonably provided by the city or district. SERVICES APPEAR TO BE READILY AVAILABLE.
5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)
WATER AND SEWER HOOK UP FEE AS REQUIRED BY CITY.
6. Availability of the desired service from any other unit of local government. (Please indicate the government.) FIREPROTECTION-THE NEW SUB-DIVISION WILL HAVE 50FOOT WIDE STREETS FOR INGRESS AND EGRESS. THE SUBDIVISION WILL HAVE A LOOP ROAD AROUND ENTIRE PROJECT.

7. Street Access

Street Access:

E. THEATER LANE

Condition of Road:

PAVED

Improvements projected or required:

*For this answer consider...

nearness to intersection, need for acceleration lane, limited access, internal collector streets, line of sight problems, etc.

- B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

Rural Fire Dist. HERMISTON Irrigation Dist. HERMISTON IRRIGATION
School Dist. HERMISTON Drainage Dist. HERMISTON
Library Dist. HERMISTON Park & Rec. Dist. N/A
Special Road Dist. N/A

- C. If any of the above units presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe. N/A
-
-

APPLICANT'S NAME ANDY CONFORTH
MAILING ADDRESS P.O. BOX 38
UMATILLA, OREGON 97882

TELEPHONE NUMBER (509) 544-9464 (Work)
922-3476 (Res.)

DATE: 4/11/97

Preparer's Name SAME
Mailing _____
Office Telephone _____

II.

A.

The city of Hermiston is starting a period of growth that will create over 2,500 long term jobs in the Umatilla Morrow County area, and as always, Hermiston will be the hub of the growth. With the four major projects starting this spring in Hermiston, the need for additional housing will soon be here. At the present time there is a real shortage of affordable and desirable lots in town.

By this fall, when the above mentioned projects are under construction, there will be an influx of construction workers and pertinent people in town without adequate housing available.

These people will be forced to find housing in the surround towns. Boardman, Umatilla, Stanfield and Echo will also be needing buildable lots. Most of the new people will want to live in Hermiston. This is where the shopping is and this is where the services are.

According to the comprehensive plan of 1997, there is a proposed school within 1,500 feet of our new subdivision. The north end of town is growing with the new Walmart store recently completed, and a new Burger King just opened last year the North end is ready for residential housing.

III. Land Use and Planning

B.

The property will be developed in two phases. The initial phase will be 16 lots ranging in size from 7650 to 11,850 square feet. The second phase will be 18 lots ranging in size from 7905 to 8670 square feet for a total of 34 lots.

The subdivision will have natural gas service by Cascade Natural Gas, electricity by P.P.& L. or Umatilla Coop., sewer and water supplied by City of Hermiston. Curb, gutter, asphalt, and sidewalks will be installed to City of Hermiston specifications.

F.

I met with the City Planning Staff and presented the proposed annexation to them without any changes in the zoning. Since the County set the zoning of M.H., I assumed this was the zoning they preferred.

If the City would like this area to be less densely zoned (R2) this would be acceptable to me since I am planning on a residential housing subdivision. The widening of Theater Lane by 5 feet will only make the subdivision more suitable to the area and will be acceptable to my plan. In addition, the future extension of Fourth Street will only benefit the traffic patterns of Hermiston in the future. I am willing to designate a 25 foot easement along the east side of my property for that purpose. I believe that these three items will only benefit the City and make this a more viable project.

OFFICIAL RECEIPT
CITY OF
HERMISTON
HERMISTON, OREGON

ACCT. NO. 19100 DATE 5/20 19 97
REC'D. FROM

CASH	CHECK	OTHER	AMOUNT
	<input checked="" type="checkbox"/>		\$ 950.00

Annexation & Comprehensive
Plan Amendment Request
^{300.00} ^{650.00}

PAID BY

Andy Conforth

	TOTAL	950	00
--	-------	-----	----

4266

REC'D. BY SES

THIS IS A LEGALLY BINDING CONTRACT; IF NOT UNDERSTOOD SEEK COMPETENT ADVICE

BUYER'S OFFER

COPY OF FINAL ACKNOWLEDGMENT OF AGENCY RELATIONSHIPS FORM IS ATTACHED.

Offerer Conforth offers to purchase from Offerer Luisi real estate in the County of Umatilla State of Oregon, Description: 8-3 4N2B 02B TL# 1500 (Bare Land Only)

Address: 8.94 Acres on E. Theater Lane (street address) Dollars \$ [redacted]

the following terms:

earnest money received for of A \$ 500.00; [] on [] on Seller's acceptance as additional earnest money, the sum of B \$; or before closing, the balance of down payment C \$; closing and upon acceptance of title and delivery of [] Deed [X] Contract the sum of \$;

payable as follows: See Exhibit A attached. See Exhibit B Attached. See Seller's Contract attached dated: March 15, 1997 - April 1, 1997 - April 7, 1997. For additional details, see Exhibit

If a loan is being assumed, Buyer shall pay the required assumption fee and purchase the reserve account balance, if any. IF A LOAN IS BEING ASSUMED OR NEW LOAN IS REQUIRED, THIS OFFER TO PURCHASE IS CONTINGENT UPON BUYER AND PROPERTY QUALIFYING FOR THE LOAN DESCRIBED ABOVE. IF BUYER OR PROPERTY DOES NOT QUALIFY AS SPECIFIED, THIS TRANSACTION SHALL BE TERMINATED AUTOMATICALLY AND BROKER IS AUTHORIZED TO REFUND THE EARNEST MONEY TO BUYER.

Buyer shall make written loan application and shall pay lender required prepayments (appraisal, credit report, etc.) no later than n/a. Complete necessary documents and exert best efforts to procure the financing. If discount points are required for financing: Buyer shall pay: -0-; Seller shall pay: -0-

REPAIRS OR IMPROVEMENTS: If repairs, pest or dry rot recommendations or other work is to be completed: Buyer shall pay: -0-; Seller shall pay: -0-

SPECIAL CONDITIONS: For additional details, see Exhibit

TERMINATION: If the entity holding the earnest money requests that the Buyer and Seller execute any termination document(s), no earnest money can be disbursed until both Buyer and Seller execute any requested termination document(s). (No termination agreement is required for deposits and other considerations returned under ORS 105.465 to 105.490 on a "BUYER'S NOTICE OF REVOCATION AND REFUND DEMAND.")

DEED: Unless otherwise specified, the property shall be conveyed by statutory warranty deed FREE and CLEAR of all liens and encumbrances EXCEPT recorded covenants, conditions and restrictions; zoning ordinances; building and use restrictions; reservations in federal patents; utility easements; easements not materially affecting the value or intended use of the property; and irrigation rights of way if any and none other.

FIXTURES: The following property will be left upon the premises: all built-in appliances; wall-to-wall carpeting; drapery and curtain rods; window blinds; window and door screens; storm doors and windows; water heaters; attached electric light fixtures, bathroom fixtures, mirrors, light bulbs and tubes; awnings; garage door opener(s) with control(s); irrigation, plumbing, ventilating, cooling and heating fixtures and equipment including oil tanks (excluding detached fireplace tools); attached television antennae; shrubs, plants and trees; all other fixtures; EXCEPT: none

PERSONAL PROPERTY: The following personal property, now on the premises, is sold "AS IS WITH ALL FAULTS" and is INCLUDED in the sale price: none

Unless otherwise stated, personal property has no monetary value in this transaction and shall not be security for the unpaid price. Subject to the rights of tenants, or unless otherwise agreed in writing, all other personal property on the premises shall be removed by Seller on or before the date Buyer is entitled to possession. PERSONAL PROPERTY REMAINING ON THE PREMISES AFTER THAT DATE WILL BECOME THE PROPERTY OF THE BUYER. Buyer shall pay for heating fuel on premises at time Buyer is entitled to possession.

COMPLIANCE WITH OREGON PROPERTY DISCLOSURE LAW (ORS 105.465 to 105.490): The property is being sold on the following basis: [] Sold without a Seller's Property Disclosure Statement (Seller must complete and provide to Buyer a written disclaimer of Seller's representations and warranties). [] Sold with a Seller's Property Disclosure Statement (Seller must complete and provide Buyer with a Seller's Property Disclosure Statement). [] Buyer waives Buyer's right under the Oregon property disclosure law to revoke Buyer's offer (Buyer's waiver form must be attached). [X] The Oregon property disclosure law does not apply to this transaction because the property is (Bare Land) a) The Buyer will use the real property for purposes other than a residence for the Buyer or the Buyer's spouse, parent, or child; or b) The transaction is exempt under section 7 of the Oregon property disclosure law. (If you have any questions about the applicability of the Oregon property disclosure law or your rights thereunder, seek competent legal advice).

SEWAGE DISPOSAL AND DOMESTIC WATER: The dwelling is connected to: [] a public sewer system or [] a septic tank. The dwelling is connected to: [] a public water system, [] an on-site water well, or [] n/a. Pursuant to ORS 448.271, if this property's domestic water is supplied by a water well, upon Seller's acceptance of offer, Seller shall promptly have the well tested for nitrates and total coliform bacteria and submit the test results to the Health Division of the State of Oregon, which may require additional tests for specific contaminants in an area of ground water concern or in a ground water management area. If the tests results do not conform to minimum standards of the Health Division, Buyer may elect (within SEVEN (7) days of Buyer's receipt of the written test report) to terminate this transaction, in which event Broker is authorized to refund the earnest money to Buyer.

Review of this page Buyer A Andy Conforth / Seller A; Is acknowledged by: Buyer B / Seller B

EARNEST MONEY RECEIPT #

416614 Broker's Initials

PEST CONTROL INSPECTION REPORT: BUYER SELLER SHALL HAVE SHALL NOT HAVE HAS HAD THIS PROPERTY INSPECTED BY A LICENSED PEST CONTROL INSPECTOR for substructure damage caused by infestation of wood destroying pests or organisms, obtain recommendations for corrective work and pay the initial inspection fee. A copy of all such reports shall be provided to both Buyer and Seller at the time that the report is provided to the inspector. Property inspection shall be ordered within THREE (3) days after Seller's acceptance of this offer and completed within TEN (10) days after Seller's acceptance of this offer. Buyer shall give Seller written approval or disapproval of the inspection within SEVEN (7) days of receipt of the report. If Buyer gives written disapproval, this transaction shall be terminated UNLESS Seller notifies Buyer in writing within SEVEN (7) days thereafter of Seller's agreement to pay for the work recommended by the report. If Seller is unable or unwilling to pay for the work recommended in the inspection report, but Buyer agrees to pay for the work to be done, the transaction shall proceed. IF BUYER WISHES TO HAVE ADDITIONAL PROPERTY INSPECTIONS MADE, THEY SHALL BE SPECIFIED AS PART OF THIS AGREEMENT.

LEAD-BASED PAINT WARNING: IF THE SUBJECT HOME WAS BUILT BEFORE 1978, IT MAY CONTAIN LEAD-BASED PAINT WHICH CAN CONSTITUTE A HEALTH HAZARD. LEAD BASED PAINT WARNING form attached.

CLOSING: Time is of the essence. Buyer shall remove all contingencies in writing at least FIVE (5) days prior to the date specified on line 84. Closing documents shall be executed and Buyer's funds deposited in escrow on or before ~~XXXXXX199X~~ 10-1-97, 19____, or as soon thereafter as financing documents can be prepared and marketable title delivered, but not to exceed FOURTEEN (14) additional days. Transaction is "closed" when the deed or contract is recorded.

POSSESSION: The Seller agrees that the property and all improvements, including the systems, fixtures and yard, will be in substantially their present condition at the time Buyer is entitled to possession. Seller shall deliver possession to Buyer:

As soon as Buyer has deposited all funds in escrow, and Buyer and Seller have signed all closing documents;
 _____ day(s) after deed or contract is recorded;
 _____ day(s) after deed or contract is recorded and funds have been disbursed to Seller;
 On _____, 19____ (See attached "AGREEMENT TO OCCUPY BEFORE AFTER CLOSING" form).
Possession IS IS NOT subject to tenant's rights. Seller SHALL GIVE by _____, 19____, SHALL NOT GIVE THIRTY (30) day written termination notice for tenant to vacate.

PRORATIONS: Prorates for rents, refundable deposits, current year's taxes, interest on new and assumed obligations and other prepaid expenses shall be made as of: Date Buyer is entitled to possession; _____ days after closing; On _____, 19____; or refer to attached "AGREEMENT TO OCCUPY BEFORE AFTER CLOSING" form. If a loan is being assumed, unless otherwise agreed, any unused portion of the mortgage insurance premium shall become the property of the Buyer.

THIS SALE WILL BE CLOSED IN ESCROW. Costs of escrow shall be shared equally between Seller and Buyer unless Buyer is obtaining new financing through Federal V.A., in which case Seller shall pay all of the escrow closing fee. If Buyer will owe a portion of the purchase price to Seller after closing, payments shall be made through collection escrow. Seller shall pay the fee to establish the collection escrow, and Buyer shall pay the periodic collection fees and termination fees.

DEFERRED TAX PROVISION: If the property will have a farm, forest, or historic deferred property tax status after closing, and if the deferred status terminates for any reason, Buyer shall be solely responsible for all deferred taxes and interest and hold Seller harmless. Seller agrees to cooperate with Buyer in maintaining deferred status.

TITLE INSURANCE: The Seller shall provide to the Buyer, at Seller's expense, a title insurance policy in the amount of the purchase price of the real estate showing good and marketable title. Prior to closing of this transaction, the Seller shall furnish to the Buyer a preliminary title report made by a title insurance company showing the condition of the property title.

SMOKE DETECTOR AND INSULATION: Working smoke detector(s) will be installed according to Oregon law prior to closing. If new construction, FTC Insulation disclosure requirements will be satisfied by Seller.

SQUARE FOOTAGE AND MEASUREMENT: Buyer acknowledges that any size or dimension figures for the lot, acreage or structures used by Seller or Seller's agents are estimates only, and are not intended to be relied upon to determine the value of the property, its fitness for Buyer's intended uses, or for any other purpose. Buyer has personally inspected the property and is independently satisfied with its size, value and utility.

COMPUTATION OF TIME: In this document a day, is a calendar day not a business day. When the last day for accomplishing an act required or allowed in this agreement falls on a Saturday, Sunday or legal holiday, the last day shall be extended to the next day that is not a Saturday, Sunday or legal holiday. As used in this document, "legal holiday" means legal holiday as defined in ORS 187.010 and 187.020.

APPROVED USES: THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT: The Foreign Investment in Real Property Tax Act (FIRPTA), IRC 1445, requires every person who purchases U.S. real property from a "foreign person" to deduct and withhold from the Seller's proceeds ten percent (10%) of the gross sale price, with certain exceptions. A "foreign person" is defined to include a non-resident alien individual, foreign corporation, foreign partnership, foreign trust and foreign estate. Seller and Buyer agree to execute and deliver, as appropriate, any instrument, affidavit or statement, and to perform any acts reasonably necessary to carry out the provisions of FIRPTA.

REMEDIES: The earnest money and additional earnest money shall be refunded to Buyer, and Seller shall pay the cost of title insurance and escrow and Seller's legal fees, if any, if one or more of the following occur: (1) Seller does not approve the sale within the time allowed Broker during which to secure Seller's acceptance; (2) Seller approves the sale within that time but title to the premises is not marketable, and cannot be made marketable within thirty (30) days after notice containing a written statement of defects is delivered to Seller; or (3) Seller approves the sale within that time but fails to consummate the sale. However, acceptance by Buyer of the refund does not constitute a waiver of other remedies available to Buyer.

If the sale is approved by Seller, title to the premises is marketable, and Buyer fails to complete the purchase as provided in this agreement or fails to make payments promptly as set forth in this Sale Agreement, Seller shall have the following options: (1) Seller may seek damages; (2) Seller may seek specific performance of this Sale Agreement; or (3) the earnest money and any additional earnest money shall be disbursed as follows: (a) to the escrow agent for the cost of title insurance and escrow and Seller's legal fees, if any; and then (b) to Seller in an amount which is reasonable in light of the anticipated or actual harm caused by the breach, the difficulties of proof of loss and the inconvenience or non-feasibility of otherwise obtaining an adequate remedy, to be divided according to the provisions of Seller's Closing Instructions & Fee Agreement between Seller and Brokers to the extent of the agreed upon fee; and (c) the residue, if any, to Buyer. If Seller exercises option (3), this Sale Agreement shall be of no further binding effect after the funds are disbursed.

Review of this page Buyer A *Andy Corbett* / Seller A _____
Is acknowledged by: Buyer B _____ / Seller B _____

RECEIPT FOR EARNEST MONEY

The undersigned broker acknowledges receipt of earnest money from Buyer in the sum of: \$ 500.00
Indorsed by [] cash, [X] check, or [] promissory note (due on or before _____)
Payable to _____
Listing Broker Hermiston Realty Inc. SELLING BROKER Schroth Realty Inc.
Address Rt. 2 Box 2101 B Address 110 NE 4th St.
Hermiston, Or. 97838 Phone No. 567-8949 Hermiston, Or. 97838 Phone No. 567-4663
Listing Licensee Woody Starrett Selling Licensee's Signature [Signature]

EARNEST MONEY INSTRUCTIONS: Buyer instructs the undersigned Broker: [X] to deposit the earnest money in Broker's clients' trust account,
[] to transfer the earnest money to the listing broker, or [] to deposit the earnest money with the escrow company designated below. When closing
escrow has been established, Buyer and Seller authorize transfer of the earnest money to the closing escrow. Upon Broker transfer of Earnest
money to closing escrow, Broker shall then have no further responsibility concerning the earnest money.

AGREEMENT TO PURCHASE

Buyer acknowledges receipt of a completely filled-in copy hereof which Buyer has read and understands and acknowledges
that Buyer has not received or relied on any statements made by Seller or any real estate licensee which are not herein
expressed. The manner in which Buyer acquires title can have major legal and tax consequences; Buyer is advised to seek competent
professional advice. Buyer directs deed or contract to be prepared in the name of: _____

This offer shall automatically expire on: Date March 12, 1997, 19 at 6:00 [] A.M. [X] P.M., if not accepted by Seller within that time.
Listing Brokerage fee [] is [X] is not being paid by Buyer at closing.
Address 11005 Lorayne J. Blvd Date March 11, 1997 at 11:00 [] A.M. [X] P.M.
Cennewick, Wash. 99337 Zip Buyer A - Andy Conforti
Phone: Res 509-544-9464 Bus A Bus B Buyer B [Signature]

SELLER'S RESPONSE

ACCEPTANCE: [] Seller ACCEPTS Buyer's offer. [] and balance of [] to be paid by seller within 1 yr
of closing.
At closing Seller shall pay the Listing Broker the sum of \$ [] in cash for services rendered. Seller grants the Broker a lien on the
proceeds of sale to secure payment of that sum. Seller authorizes Broker to order a preliminary title report from Pioneer Escrow
at Seller's expense and further authorizes Broker and Pioneer Escrow
as escrow company to pay out of cash proceeds of sale the expenses of furnishing title insurance, Seller's recording fees, Seller's closing costs,
brokerage fee, and any encumbrances on the property payable by Seller on or before closing. see attached addendum.

SELLER ACKNOWLEDGES RECEIPT OF A COMPLETELY FILLED-IN COPY OF THIS AGREEMENT WHICH SELLER HAS FULLY READ AND
UNDERSTANDS. If Buyer fails to timely complete the sale, earnest money disbursements, if applicable, shall be distributed as follows after deduction of
any title insurance and escrow cancellation charges:

SELLER _____%, BROKER _____% to the extent of Broker's total fee with residue to Seller. If this is a co-op transaction, the listing brokerage
fee shall be divided as follows: LISTING BROKER _____%; SELLING BROKER _____%.

REJECTION/COUNTEROFFER: [X] Seller REJECTS the offer. [X] Seller makes the attached COUNTER-OFFER.
Address 375 W. McKenzie Av. Date 3/18, 1997 at 11:00 [] A.M. [X] P.M.
Hermiston, OR Zip 97838 Seller A - Gary Lewis
Phone: Res 567-3739 Bus A 567-3360 Bus B Seller B
Seller A's SS/Tax ID # 543-48-9916 Seller B's SS/Tax ID #

BUYER'S ACKNOWLEDGMENT

Date 4-9-97 19: _____; _____ P.M. Buyer affirms the foregoing agreement and acknowledges receipt of a copy thereof signed by Seller.
Buyer A's SS/Tax ID # Buyer A - Andy Conforti
Buyer B's SS/Tax ID # Buyer B

EXHIBIT "A"

ADDENDUM TO SALES AGREEMENT DATED: March 11, 1997

SELLER: Luisi

PURCHASER: Conforth

payable on a contract to be carried by the seller, payable not less than [redacted] annually, including interest at 8.5% per annum on the unpaid balance with no penalty or restriction for pre-payment. Interest to begin on date of closing. The first annual payment shall be due on or before July 1, 1998, with the entire contract balance due and payable in full on or before July 1, 2000. Purchaser agrees to pay all taxes in full each year when due.

In addition to the payments described above, purchaser agrees to pay \$ [redacted] for each lot sold by purchaser until contract is paid in full. Seller agrees to sign a deed release for each lot sold for which seller receives payment of \$ [redacted] on the contract balance. Seller also agrees to sign a deed release for any roadways that are established within the subdivision.

All costs of subdividing and preparation of deed release documents shall be paid by purchaser.

Contract and deed shall be placed in escrow for collection at Pioneer Escrow. The contract, deed and escrow instructions are to be prepared by Seller at no expense to purchaser, subject to review by purchaser.

This transaction is subject to purchasers satisfactory verification with the necessary zoning and land use regulations regarding the purchasers intended use of this land, Purchaser shall have until 09-01-97, 1997 to remove this contingency. Earnest money is not to be forfeited if land cannot be used for purchasers intended purpose.

If this property is in Farm Tax Deferral, before closing, seller agrees to remove the Farm Tax Deferral status and pay any back taxes due.

Purchaser shall acquire the Property "AS IS" with all faults and Purchaser shall rely on the results of his own inspection and investigation in Purchasers acquisition of the Property.

After all contingencies are removed from this transaction, seller shall then proceed to have the contract and all closing documents prepared.

PURCHASER Andy Conforth DATE PURCHASER 3-11-97 DATE

SELLER DATE SELLER DATE

if
3-12-97

COUNTER-OFFER TO CONFORTH'S 3/11/97 OFFER

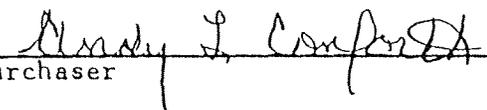
Earnest money receipt # 416614

1. Five hundred dollar earnest money should be for an option to purchase, and if the sale closes, the five hundred dollars would be applied to the purchase.
2. The first and second installments should be \$ [REDACTED] with \$ [REDACTED] of the installment being a residential lot of the seller's choice.
3. If the sale does not close, all work product of purchasers relating to any land use matters, including land use applications, drawings, maps, plats, and surveys, belong to the seller.
4. The term "lot" for the release of deeds for lots that are sold should be defined better. It should not be any bigger than the size of a standard residential lot in the City of Hermiston.
5. A tax reserve should be set up in escrow and paid by purchasers.
6. Purchasers must agree to cooperate with seller and a possible intermediary in a manner necessary to complete a possible tax free exchange of the lots in paragraph 2 above, which will not delay or cause any added expense to purchasers.

Dated: March 18, 1997


Gary Luisi

Rejected by purchaser. See attached Exhibit "B".


Purchaser

4-9-97
Date

Purchaser

Date

EXHIBIT "B"

ADDENDUM TO SALES AGREEMENT DATED: March 10, 1997
SALE AGREEMENT # 416614
SELLER: Luisi
PURCHASER: Conforth

The counter offer as submitted by seller dated March 18, 1997 has been rejected by purchaser. Purchaser does make the following changes to his original offer to purchase addressing those items as stated on the Sellers counter offer.

1.
Purchaser shall have until May 31, 1997 to remove the contingency as stated in the 5th paragraph of Exhibit "A". However, purchaser shall not forfeit any earnest money or proceed to close this transaction in the event the City of Hermiston disallows the proposed annexation of this property.

Seller agrees to extend the closing date as necessary in the event the annexation process extends beyond the anticipated closing date.

2.
The first installment only shall be [REDACTED] with [REDACTED] of the installment being a residential lot of the seller's choice.

3. OK

4. OK

5. No tax reserve shall be established. Payments are being made on an annual basis and purchaser agrees to pay all taxes in full each year when due. If the taxes are not paid in full each year when due, purchaser acknowledges this contract shall then be considered in default.

6. OK

This offer shall automatically expire on March 31, 1997 at 6:00 P.M. if not accepted by Seller within that time.

PURCHASER Andy L. Conforth DATE 4-9-97

PURCHASER DATE

SELLER DATE

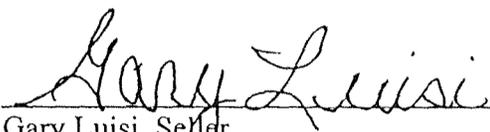
**COUNTER-OFFER TO CONFORTH'S 3/27/97 ADDENDUM TO
EARNEST MONEY RECEIPT #416614**

The Sale Contract and Receipt for Earnest Money, receipt #416614, as amended by purchaser's Addendum, dated 3/27/97, is rejected by seller. Seller does make the following changes to his original Counter-offer by addressing those items as set-out on purchaser's Addendum:

1. Purchaser shall have until May 31, 1997, to remove the contingency in the fifth paragraph of Exhibit A to the March 27, 1997, Sale Contract and Receipt for Earnest Money. Purchaser shall not forfeit any earnest money or proceed to close the transaction if the City of Hermiston disallows annexation of the property. However, seller will extend the closing date to September 1, 1997, in the event the annexation process extends beyond May 31, 1997, for the non refundable sum of \$500. If this transaction closes after May 31, 1997, and by September 1, 1997, the non refundable \$500 will be applied to the purchase price.
2. The first installment shall be [REDACTED] and [REDACTED] of the installment shall be in the form of a residential lot of the seller's choice. Seller agrees to sign a deed release for each lot sold for which seller receives payment of [REDACTED] on the contract balance. (In other words, the amount of payment for a deed release should equal the value of the credit for the residential lot which seller receives as part of the first installment.)
3. OK
4. OK
5. OK
6. OK

This counter-offer shall automatically expire on April 8, 1997, at 5:00 p.m. if not accepted by Seller within that time.

Dated: April 1, 1997


Gary Luisi, Seller
A:\LUISIGAR\THTRL\02.WPD

O.L.C. 4-9-97

**COUNTER-OFFER TO CONFORTH'S 3/27/97 ADDENDUM TO
EARNEST MONEY RECEIPT #416614**

The Sale Contract and Receipt for Earnest Money, receipt #416614, as amended by purchaser's March 27, 1997, Addendum, Exhibit B, is rejected by seller.

Seller does make the following changes to his original Counter-offer and his April 1, 1997, Counter-offer by addressing those items as set-out on purchaser's Addendum, Exhibit B. (All references to "Sale Contract" below mean the Sale Contract and Receipt for Earnest Money, receipt #416614, as amended by purchaser's March 27, 1997, Addendum, Exhibit B, and the terms of seller's March 18, 1997, Counter-offer accepted by purchaser in his Exhibit B.):

1. Purchaser shall have until May 31, 1997, to remove the contingency in the fifth paragraph of Exhibit A to the Sale Contract. Purchaser shall not forfeit any earnest money or proceed to close the transaction if the City of Hermiston disallows annexation of the property on or before May 31, 1997. The closing date on line 84 is amended to read June 30, 1997.

Purchaser

In the event the annexation process extends beyond May 31, 1997, ~~seller~~ may have until August 29, 1997, to remove the contingency in the fifth paragraph of Exhibit A to the Sale Contract if, on or before June 2, 1997, he delivers his request for an extension in writing to seller. In that event, the \$500 earnest money is not refundable and the closing date on line 84 will be amended to read September 1, 1997. If this transaction closes on or before September 1, 1997, or as soon thereafter as financing documents can be prepared and marketable title delivered, but not to exceed fourteen additional days, the non refundable \$500 earnest money will be applied to the purchase price.

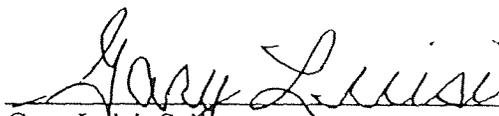
2. The first installment shall be \$ [REDACTED] and \$ [REDACTED] of the installment shall be in the form of a residential lot of the seller's choice. Seller agrees to sign a deed release for each lot sold for which seller receives payment of \$ [REDACTED] on the contract balance. (In other words, the amount of payment for a deed release should equal the value of the credit for the residential lot which seller receives as part of the first installment.)

3. OK. 4. OK. 5. OK. 6. OK.

This counter-offer shall automatically expire on April 11, 1997, at 5:00 p.m. if not accepted by Seller within that time.

Purchaser

Dated: April 7, 1997


Gary Luisi, Seller
A:\LUISIGARY\THTR\NO2.WPD

4-9-97 3 A.M.
DATE


PURCHASERS ACCEPTANCE

PURCHASERS ACCEPTANCE

DATE

SELLERS ACKNOWLEDGEMENT

DATE