

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Gettman Road Transfer

<p>Background:</p> <p>Previously the City of Hermiston and the County have agreed to a transfer of jurisdiction of a portion of Gettman Road. The formal step to transfer is before the Board. Notice of a public hearing has been posted, and the public hearing is to allow anyone to provide input on the transfer. Following the public hearing, the order can be adopted.</p>	<p>Requested Action:</p> <p>(1) Conduct Public Hearing (2) Adopt Order No. RD2024-06</p>
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ATTACHMENTS: Agreement; City Report; Maps; Proposed Order

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:
Tom Fellows

Needed at Meeting:

Scheduled for meeting on: November 6, 2024

Action taken:

Follow-up:

Agreement
City of Hermiston
County of Umatilla
Gettman Road Jurisdiction

This agreement is executed this _____ day of June, 2024, between the City of Hermiston, an Oregon Municipal Corporation ("City") and Umatilla County, a political subdivision of the State of Oregon ("County"), for the transfer of a portion of County Road No. 1196 (Gettman Road), from the County to the City.

Now, therefore, the City of Hermiston and Umatilla County agree as follows:

1. The County will transfer and the City will accept, jurisdiction of a portion of County Road No. 1196 from its intersection with Highway 207 to its intersection with the westerly right of way line of the railroad.

2. Transfer of jurisdiction will be full and absolute for all purposes of repair, construction, improvement, and the levying and collection of assessments.

3. Each party agrees to prepare and to execute any documents necessary to complete the transfer of jurisdiction.

Approved as authorized by action of the Hermiston City Council _____

August 26, 2024.

Attest:



Asst.



City Recorder

Approved on behalf of Umatilla County

Umatilla County

J. M. Shafer 7-17-24
John M. Shafer, Chair Date

Celinda A. Timmons 7.17.24
Celinda A. Timmons, Commissioner Date

Daniel N. Dorran 07.17.2024
Daniel N. Dorran, Commissioner Date

ATTEST:
Office of County Records

Janie
Records Officer





Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
 For the Meeting of August 26, 2024

Title/Subject

Umatilla County requests that a portion of W Gettman Road extending between SW 11th Street and the UPRR right of way be transferred from county to city jurisdiction.

Summary and Background

The Umatilla County Board of Commissioners have submitted a draft agreement requesting transfer of a portion of W Gettman Road from county to city jurisdiction. The area proposed for transfer extends eastward from the intersection of SW 11th Street (Highway 207) to the intersection with the UPRR right of way along the east property line of Armand Larive Middle School. This is a distance of approximately 2,250 feet. As shown on the attached maps, approximately 1,400 feet of W Gettman Road is entirely within the city limits and an additional 460 feet are adjacent to city limits on the north side of the road.

Transfer of road jurisdiction is addressed in the Hermiston Planning Area Joint Management Agreement. The current iteration of this agreement dates to 2017 and road transfers are addressed in Section 8 of the agreement. Generally, the city will not accept a county road within the UGB until the road is improved to city road standards (these standards include curb, gutter, sidewalk, paving, and drainage improvements). However, the agreement also contains a general provision where roads that do not meet city standards may be transferred if the area to be transferred is at least half a mile in length and 2/3 of the land is within the city. In this case, the land is less than half a mile in length (0.42 miles). However, there are mitigating circumstances which make a transfer more pressing. In this case, the Hermiston School District is subdividing land adjacent to W Gettman Road for the second phase of the Fieldstone Crossing student-built subdivision. The county's storm water management permit does not allow the county to operate and maintain urban drainage improvements such as drywells, which the city is requiring the school district to install.

The county will not allow installation of sidewalks on W Gettman Road and rebuilding of the existing curb and gutter, unless the city accepts jurisdiction of the road. The alternative which complies with the county's stormwater management practices would require the construction of drainage ditches and no sidewalk. The city feels that preservation of pedestrian safety for school access is of higher importance. Therefore, the city staff is willing to recommend the council make an exception to the agreement and accept jurisdiction at this time.

If the council is willing to accept jurisdiction, the county will schedule a public hearing on transfer of jurisdiction and forward a road order back to the city for adoption by resolution.

Tie-In to Council Goals

N/A

Fiscal Information

Transfer of jurisdiction of 2,250 feet of roadway to the city will increase the city's overall road maintenance obligations. The road will henceforth require regular sweeping and maintenance.

Alternatives and Recommendation

Alternatives

The council may choose to agree or reject the proposed intergovernmental agreement submitted by Umatilla County.

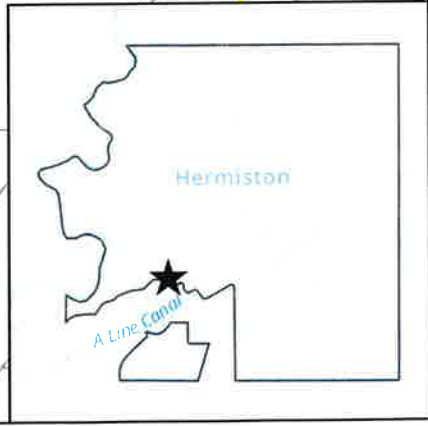
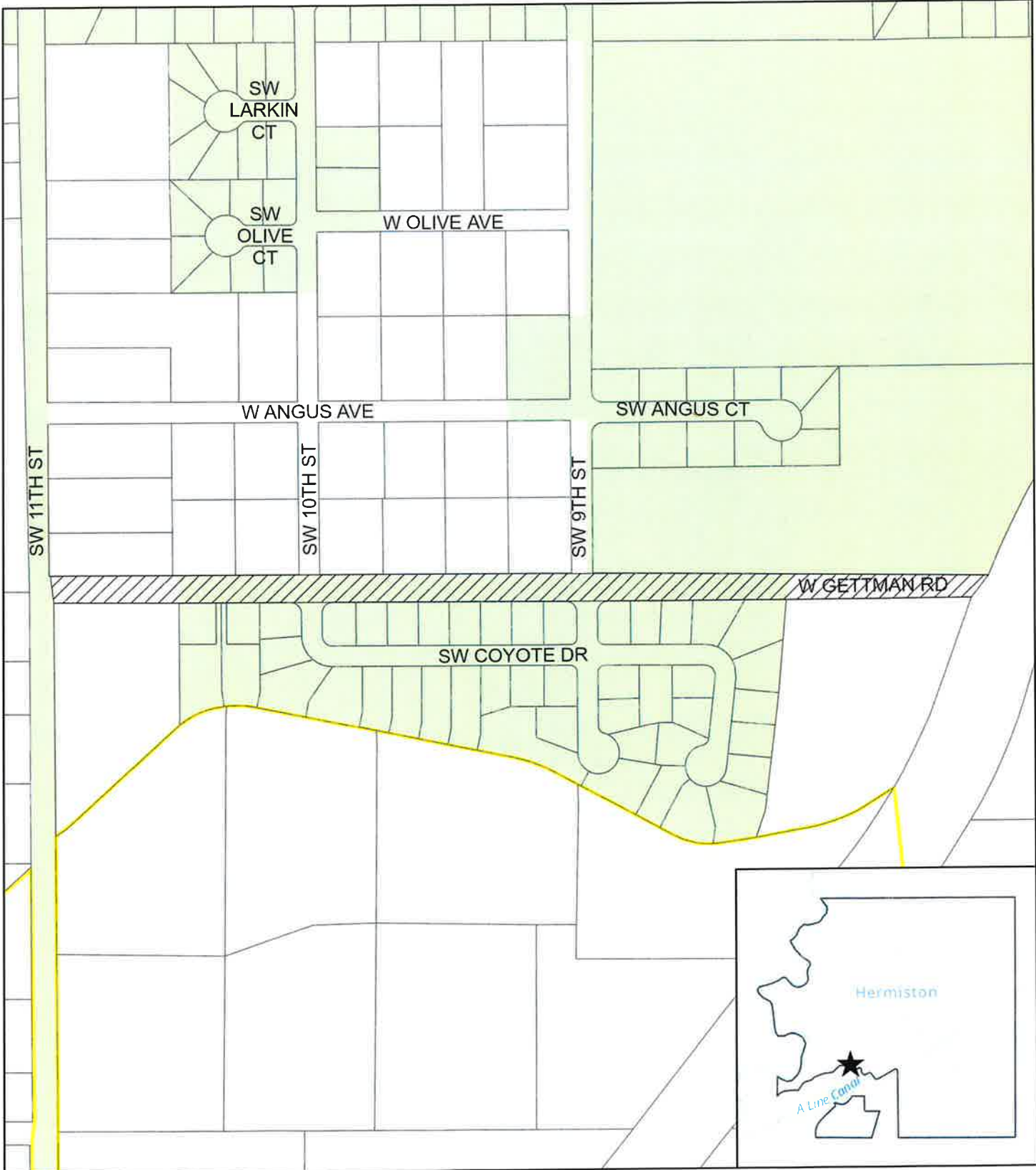
Recommended Action/Motion

Staff recommends that the city council accept the proposed agreement.




Submitted By:

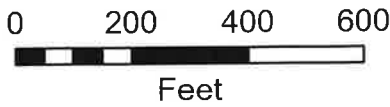
Clint Spencer, Planning Director

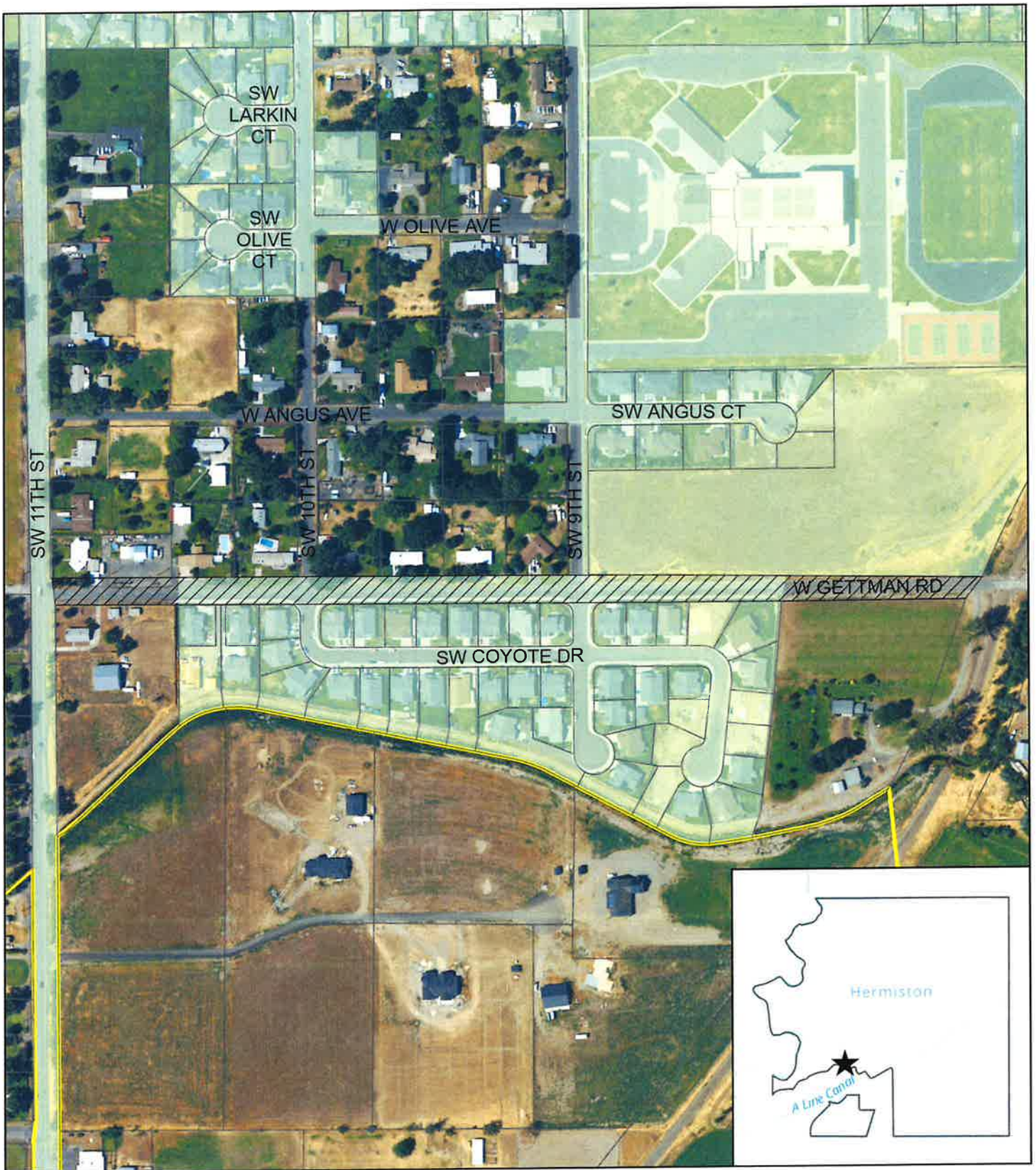
Mark Morgan, Assistant City Manager






Legend

-  Gettman Road Transfer Area
-  Property Line
-  City Limits





Legend

-  Gettman Road Transfer Area
-  Property Line
-  City Limits



THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Transfer of Jurisdiction of)
Portion of County Road No. 1196) Order No. RD2024-06
from Umatilla County to the City of Hermiston)

WHEREAS a portion of County Road No. 1215 (Gettman Road) is located within and adjacent to the limits of the City of Hermiston;

WHEREAS pursuant to ORS 373.270, jurisdiction over a county road within a city may be transferred to the city from the county when the county governing body deems it necessary, expedient, or for the best interest of the county to surrender jurisdiction over the county road, or a portion of it, within the corporate limits or urban growth boundary of any city, and the city governing body deems it necessary, expedient, or for the best interests of any city to acquire jurisdiction to the same extent as it has over other city public streets;

WHEREAS on August 26, 2024, the City Council of the City of Hermiston entered into an agreement with the County to transfer the jurisdiction of a portion of the road from its intersection with Highway 207 to its intersection with the westerly right of way line of the railroad;

WHEREAS in accordance with ORS 373.270 (2)(a) on September 25, 2024, a notice of a public hearing, including the time and the place of hearing, and describing the road to be transferred, was posted for the jurisdictional transfer of a portion of Gettman Road;

WHEREAS, a public hearing was held on November 6, 2024, in Room 130 of the Umatilla County Courthouse in Pendleton, Oregon, to hear public testimony both for and against the proposed jurisdiction transfer, and

WHEREAS the Board of Commissioners finds it to be in the best interest of the County to surrender jurisdiction over the portion of County Road No. 1196 to the City.

NOW THEREFORE, the Board of Commissioners orders the following:

1. In accordance with ORS 373.270(5)(a), jurisdiction of the portion of Gettman Road (County Road No. 1196) from its intersection with Highway 207 to its intersection with the westerly right of way line of the railroad, are offered to the City of Hermiston;

2. Upon acceptance by the City of Hermiston, improvement, construction and repair of the road by the County shall cease, and the transfer of jurisdiction to the City of Hermiston will be full and absolute for all purposes of repair, construction, improvement, and the levying and collection of assessments.

DATED this 6th day of November, 2024.

UMATILLA COUNTY BOARD OF COMMISSIONERS

John M. Shafer, Chair

Celinda A. Timmons, Commissioner

Daniel N. Dorran, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer