



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

March 29, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment
DLCD File Number 009-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 12, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Jennifer Donnelly, City of Hood River

<paa> ya

FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

MAR 24 2006

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Hood River Local File No.: 2005-57
(If no number, use none)
Date of Adoption: 3.22.06 Date Mailed: 3.23.06
(Must be filed in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8.31.05, 1-6-06

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Annexation of 33.14 acres of land into the
City limits, including the remainder of Rocky Road
and portions of May Drive. Zoning remains
unchanged - Urban Low Density Residential (R-1)

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Acres annexed was reduced from 65.77 acres
listed on DLCD NOTICE 1-6-06, to 33.14 acres.

Plan Map Changed from: NA to _____

Zone Map Changed from: same to R-1

Location: 3N 10E 34AC #100-3000 Acres Involved: 33.14
3N 10E 34A 800-900

Specify Density: Previous: NA New: _____

Applicable Statewide Planning Goals: 10

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 009-05
(14642)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Ice Fountain Water

District, Hood River County, Westside Fire District, Farmers Irrigator

Local Contact: Jennifer Donnelly Area Code + Phone Number: (541) 387-5224

Address: City of Hood River City: Hood River
P.O. Box 27

Zip Code+4: 97031

Email Address: jennifer@ci.hood-river.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1887

(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—33.14 acre Annexation.)

WHEREAS, the City Council initiated an annexation of 33.14 acres in to the City limits;

WHEREAS, the Territory is legally described as set forth in Exhibit 1 and is located in Hood River County, State of Oregon (the "Territory"). The Territory includes the public rights of way comprising May Street along the northern boundary of the Territory and that portion of Rocky Road not located in City limits along the eastern boundary of the Territory;

WHEREAS, this annexation is made pursuant to ORS 222.170(1) and 86% of the Territory owners who own 85% of the land in the Territory, which represents 89% of the assessed valuation of the Territory, submitted their consents to this annexation prior to the public hearing before the City Council; alternatively, this annexation is made pursuant to ORS 222.170(2) and 71% of the electors and the owners of 85% of the land in the Territory submitted their consents to this annexation prior to the public hearing before the City Council;

WHEREAS, the Territory is located within the Westside Rural Fire Protection District, the Ice Fountain Water District, and Farmers Irrigation District, and ORS Chapter 222 provides for the withdrawal of territories from these districts upon annexation and following notice and public hearing;

WHEREAS, notice of the public hearing on the questions of annexation and withdrawal was published and posted as provided in ORS Chapter 222 and HRMC Chapter 17.15;

WHEREAS, a public hearing before the Planning Commission was held on February 15, 2006, and a public hearing before the City Council was held on February 27, 2006, an March 20, 2006 as provided in ORS Chapter 222 and HRMC Chapter 17.15;

WHEREAS, the City Council considered the Planning Commission's record and recommendation, the Planning Staff's report, and testimony presented;

WHEREAS, the Council concluded that the Territory should be annexed and withdrawn from the Westside Rural Fire Protection District and Ice Fountain Water District as set forth in the attached Findings of Fact, and adopts the attached Findings of Fact and incorporates them by reference as if fully set forth herein;

WHEREAS, the City has the authority, within constitutional and statutory limits, to set the Territory tax rate at which annexed territories should be taxed;

WHEREAS, the current tax rate applicable to properties in the City includes a levy for the local option (Measure 14-8, Funding for Purchase for Ladder and a Pumper Truck) passed by the electors of the City in 1997;

WHEREAS, territories that did not have the opportunity to vote on the local option should not be required to pay the levy attributable to the local option;

WHEREAS, certain portions of May Street and Rocky Road within the Territory are under jurisdiction of Hood River County and the County has expressed an interest in transferring jurisdiction to the City pursuant to ORS 373.270;

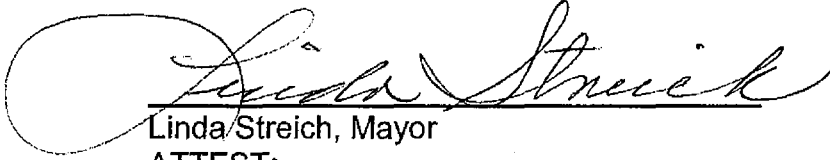
WHEREAS, the City deems it necessary and in the best interests of the City to acquire jurisdiction over county roads in annexed territories so as to provide the same road services to all territories within City limits;

NOW, THEREFORE, the City of Hood River ordains as follows:

1. The Territory is hereby proclaimed to be annexed to the City of Hood River.
2. The Territory is hereby withdrawn from the Westside Rural Fire Protection District and the Ice Fountain Water District, but is not withdrawn from Farmers Irrigation District
3. The effective date of the annexation shall be 17 May 2006. For Tax purposes the effective date is the date of filing with the Secretary of State.
4. The effective date for the withdrawal of the territory from the Ice Fountain Water District is July 1, 2006.
5. The effective date for the withdrawal of the territory from the Westside Rural Fire Protection District is 17 May 2006.
6. Property owners with existing hook ups to Ice Fountain Water District as of July 1, 2006, and paid hook ups to Ice Fountain Water District as of February 28, 2006, will not be required to pay the City's hook up fee upon connecting to City water.
7. To the extent applicable, the tax rate for the Territory shall not include a levy attributable to Measure 14-8: Funding for Purchase for Ladder Truck and a Pumper Truck approved by the voters in 1997.
8. The City shall submit a request to Hood River County requesting transfer of jurisdiction over those portions of May Street and Rocky Road located within the Territory.

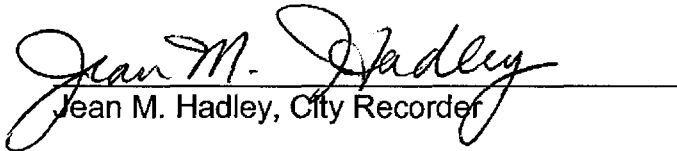
Read for the first time: 20 March 2006.

Read for the second time and passed: 22 March 2006, to become effective thirty (30) days hence.



Linda Streich, Mayor

ATTEST:



Jean M. Hadley, City Recorder

LEGAL DESCRIPTION FOR CITY OF HOOD RIVER ANNEXATION:

Willow Ponds:

Parcel 2 of partition 84-109, as recorded at microfilm 840697, records of Hood River County, on April 11, 1984, being more particularly described as follows;

Beginning at the aforesaid initial point; thence along the south line of said east ½ of the southwest ¼ of the northeast ¼, south 88° 54'10" East 662.76 feet to the southeast corner of said east ½; thence along the east line of said east ½, north 00°27'24" east 1,302.08 feet to the intersection with the south right-of-way line of May Street; thence along said south right-of-way line, north 88°54'10" west 568.20; thence leaving said south line south 00°31'31" west 180 feet; thence north 88°10'54" west 93 feet to the intersection with the west line of said east ½; thence along said west line south 00°31'31" west 1,122.48 feet to the initial point.

Contains 19.41 acres

3N 10E 34AC 800 and 900

Hood River County Partition Plat 96-20 parcel 1 and 2

3N 10E 34A 2400

Hood River County Partition Plat 96-14 parcel 1

3N 10E 34A 2501, 2502, 2503 and roadway

Lots 5 and 6, Henderson's subdivision of the southeast quarter of the northeast quarter of section 34, township 3 north, range 10 east of the Willamette Meridian in the County of Hood River and State of Oregon; excepting therefrom the west 10 feet of the east 30 feet of said lots 5 and 6, conveyed to Hood River County for the road right of way purposes in Deed recorded April 5, 1983 as Recorder's fee No. 830554, Film Records.

Or

Hood River County Partition Plat 2001-09P; including dedicated right-of-way

3N 10E 34A 2500

Lots 7 and 8 of Henderson's subdivision or Partition Plat # 2002-07P

3N 10E 34A 2600

See attached legal description.

Including all right-of-ways that are contiguous to the subject parcels; all of Rocky Road and May Street to the west side of Hood River County partition plat 96-20.

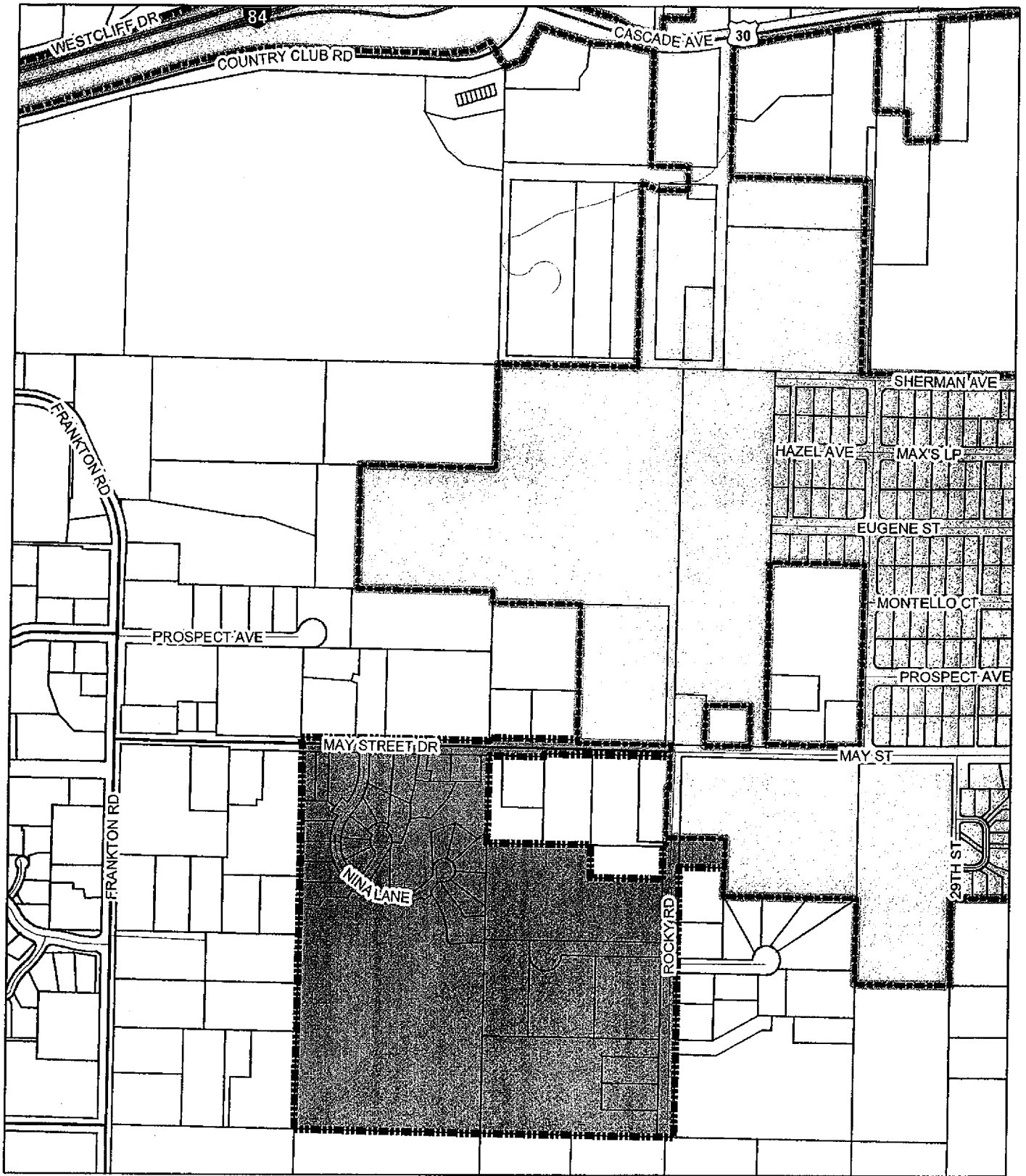
EXHIBIT "A"




A parcel of land located in a portion of Lot 14 and 15, Land of L.F. Henderson Subdivision, being located in the Southeast quarter of the Northeast quarter of Section 34, Township 3 North, Range 10 East, Willamette Meridian in the County of Hood River and State of Oregon, being more particularly described as follows:

The North 100.02 feet of the following described tract:

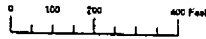
Beginning at a point which is located South $89^{\circ}04'32''$ East along the South line of said Lot 14 a distance of 30.00 feet from the Southwest corner of said Lot 14 of the LAND OF L.F. HENDERSON; thence continuing South $89^{\circ}04'32''$ East along the South line of said Lot 14 a distance of 159.00 feet; thence North $0^{\circ}56'16''$ East a distance of 165.02 feet to the lot line common to said Lot 14 and 15; thence continuing North $05^{\circ}56'16''$ East a distance of 31.38 feet; thence North $89^{\circ}04'32''$ West a distance of 161.02 feet to a point 30.00 feet East of the West line of said Lot 15; thence South $0^{\circ}20'51''$ West parallel with the West line of said Lot 14 and 15 a distance of 196.41 feet to the point of beginning.

EXCEPTING THEREFROM any portion of the above described parcel that may be contained within a public road right of way.



-  City Limits
-  Area to be Annexed
-  Taxlot

RED FOR
USE ONLY



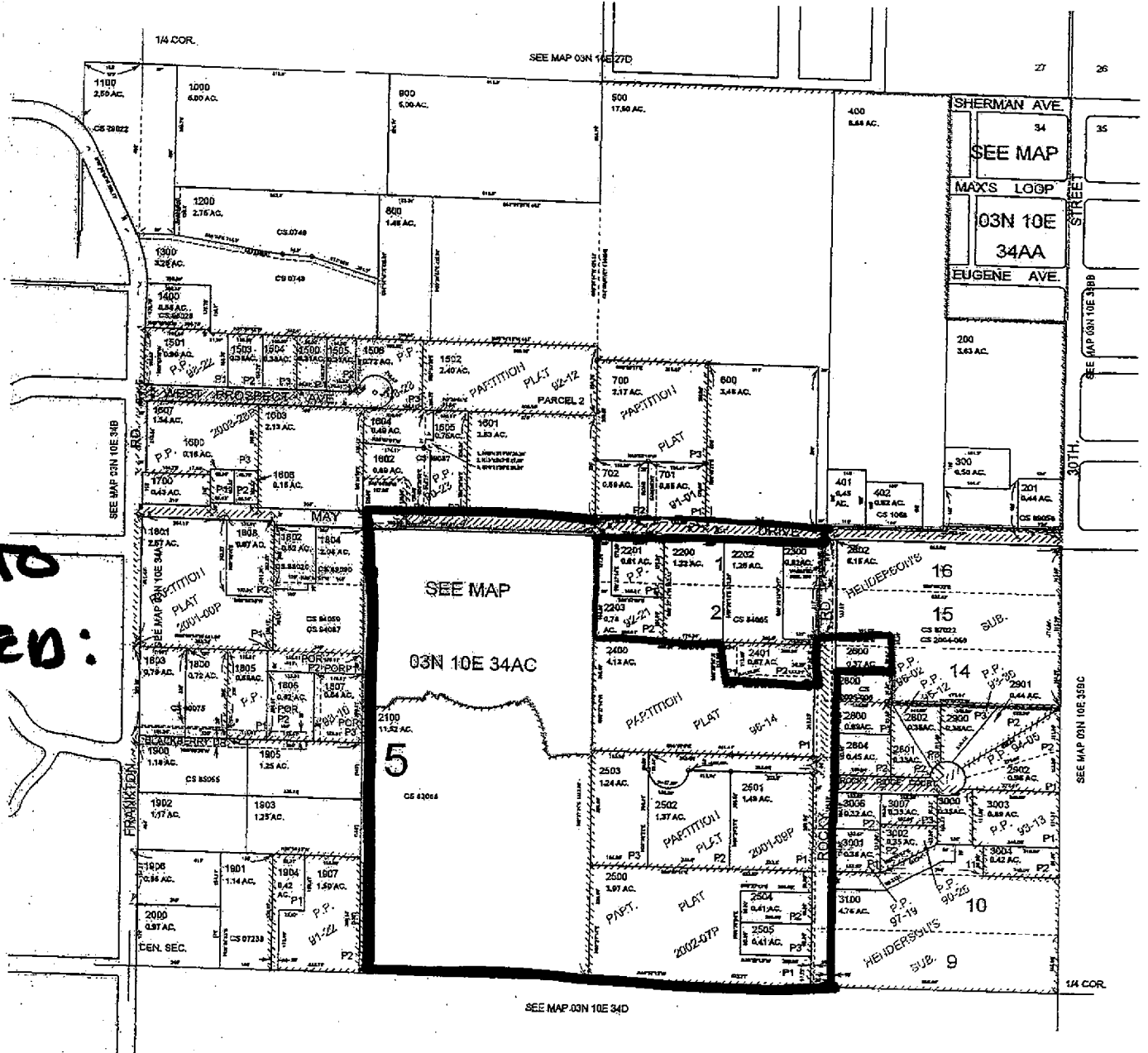
NE 1/4 SECTION 34 T.03N. R. 10E. W.M.
HOOD RIVER COUNTY
1" = 200'

03N 10E
CANCELLED
100
2001
2300
2303
2305
2401
2402

**REVISED
ANNEX
AREA.**

**AREAS NOT TO
BE INCLUDED:**

- 2200
- 2201
- 2202
- 2203
- 2300
- 2401



SEE MAP 03N 10E 34D