



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/21/2009

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 005-08

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: Thursday, February 05, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) 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 MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Kevin Liburdy, City of Hood River
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N

FORM 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

JAN 16 2009

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Hood River**

Local file number: **2009-36-**

Date of Adoption: **1/12/2009**

Date Mailed: **1/15/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/1/2008

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Annexed into the City limits 1802 & 1806 Avalon Way; legal discription 3N 10E 35DB #2200 & 2300

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **na**

to: **na**

Zone Map Changed from: **nan**

to: **na**

Location: **1802 & 1806 Avalon Way**

Acres Involved: **33**

Specify Density: Previous: **na**

New: **na**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No.

005-08 (17165)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Ice Fountain Water, Hood River County, Westside Fire, Farmers Irrigation

Local Contact: **Cindy Walbridge**

Phone: **(541) 387-5217** Extension:

Address: **P.O. Box 27**

Fax Number: **541-387-5289**

City: **Hood River**

Zip: **97031-**

E-mail Address: **cindy@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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also 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. 1967

(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—Smith)

WHEREAS, the owner of certain property contiguous to the City limits located in the Urban Growth Area has applied for connection to the City's sewer system, a copy of which application is attached as Exhibit A;

WHEREAS, the property is legally described as set forth in the application and is located in Hood River County, State of Oregon (3N 10E 35DB #2200 & #2300);

WHEREAS, pursuant to HRMC Chapter 12.09, a request for connection to City water and/or sewer service for property located contiguous to City limits is considered a written consent to annexation;

WHEREAS, all of the Property owners provided their written consent to this annexation. There is one elector on the property that also provided written consent. This annexation was processed pursuant to ORS 222.125;

WHEREAS, the Property is located within the Westside Rural Fire Protection District, Farmers Irrigation District, and the Ice Fountain Water District and ORS Chapter 222 provides for the withdrawal of territories from districts such as the Westside Rural Fire Protection District, Farmers Irrigation District, and Ice Fountain Water District upon annexation;

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

WHEREAS, the Council concluded that the territory sought to be annexed should be annexed and withdrawn only from the Westside Rural Fire Protection District and Ice Fountain Water District as part of the proposed annexation;

WHEREAS, the Council concluded that the territory sought to be annexed should remain within the Farmers Irrigation District upon annexation;

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

WHEREAS, the Planning Commission and the City Council have, in accordance with the procedures set forth in Chapter 17.15 of the Hood River Municipal Code, held public hearings (January 5, 2009 and January 12, 2009, respectively) to consider the annexation of the Property into the City of Hood River and withdrawal of the Property from West Side Fire District;

WHEREAS, the City Council considered the Planning Commission's record and recommendation, the Planning Department's Staff Report, and testimony presented, if any;

WHEREAS, the City Council adopts the Planning Commission's findings of fact and conclusions of law set forth in the staff report signed January 5, 2009 attached to this Ordinance and incorporated by reference as if fully set forth herein;

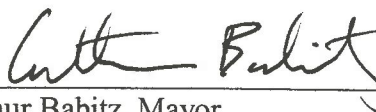
NOW, THEREFORE, the City of Hood River ordains as follows:

1. The Property described above is hereby proclaimed to be annexed to the City of Hood River, subject to the conditions in the staff report dated January 5, 2009 adopted herein.
2. The Property described above is hereby withdrawn from the Westside Rural Fire Protection District and from the Ice Fountain Water District.
3. The effective date of the annexation is the date of filing with the Secretary of State.
4. The effective date for the withdrawal of the territory from the Westside Rural Fire Protection District is the date the annexation is effective. The effective date for the withdrawal of the territory from the Ice Fountain Water District will be July 1, 2009.

Read for the first time: January 12, 2009.

Read for the second time and passed: January 12, 2009 to become effective thirty (30) days hence.

Signed Jan 12, 2009.



Arthur Babitz, Mayor

ATTEST:



Jennifer McKenzie, City Recorder

**CITY OF HOOD RIVER APPLICATION
ANNEXATION REQUEST and REQUEST for CONNECTION to CITY of
HOOD RIVER SEWER and/or WATER SERVICE**

Submit the completed application WITH TWELVE (12) ADDITIONAL COMPLETE COPIES and appropriate fees to the City of Hood River Planning Department, 301 Oak Ave. (P.O. Box 27), Hood River, OR 97031. Please note the review criteria attached to this application. If you have any questions, please contact the Planning Department at (541) 387-5210.

APPLICANT:

Name: r Betty O. Smith 1802 - connected w 200
Address: 1806 Avalon Way 1806 - not connected
(physical) Hood River, Or. 97031
(mailing) same
(email) _____
Telephone: 541-386-2586 Cell Phone: _____
Signature: r Betty O. Smith

PARCEL OWNER: (if different than applicant)

Name: _____
Address: _____
(mailing) _____
Telephone: _____ Cell Phone: _____
Signature: _____

**Authorization of parcel owner required.*

PARCEL INFORMATION:

Township 3N Range 10E Section 35DB Tax Lot(s) #2200
Current Zoning: R-2 Parcel Size: .15 ac
Property Location (cross streets or address): Avalon Drive
Existing Water Service, if any: See Founlain
Farmers Irrigation: ☒ YES ☐ NO Septic: ☒ YES ☐ NO
Is this a health hazard request for sewer connection? ☒ YES ☐ NO
If yes, Explain: collapse of Septic tank

A

ADDITIONAL PARCEL INFORMATION

Please submit the following information with your completed application:

1. Assessor map (tax lot map) showing the location of your parcel.
2. For contiguous parcels, a copy of the most recent deed to your property with complete legal description.
3. Addresses of all dwellings and/or businesses located on the parcel and names, addresses, and ages of all residents and whether they are registered voters.

REQUEST

Sewer Service X

Water Service

In connection with this request to hook up to and receive water and/or sewer service from the City of Hood River, I/we hereby petition the Honorable Mayor and City Council of Hood River for annexation of the above-described property. I/we further desire that by this petition, the above-described property be annexed to and included within the corporate limits of the city of Hood river, Oregon, a municipal corporation, and I/we do hereby consent to such annexation without the necessity of any election being called within the area above described or a public hearing being held pursuant to ORS 222.125, and I/we do hereby consent to the City of Hood River taking such steps a necessary to determine whether or not the above-described property shall be annexed. If the City determines that the above-described property is to be annexed, at least 51% of the electors residing on the property will be required to sign a Consent to Annexation in order to complete the annexation process.

If the City determines that the above-described property will not be annexed at this time, the property owner(s) will be required to execute and record a Consent to Annexation prior to connection to city water and/or sewer.

 x Betty O. Smith
Signature

A

20044578(3)

After recording return to:

City of Hood River
P.O. Box 27
Hood River, OR 97031

Until a change is requested, all tax
statements shall be sent to:

No change

**Declaration of Deed Restrictions/Restrictive Covenant
(Consent for Annexation)**

DATE: September 24, 2004

PARTIES:

Dennis E. Smith
1802 Avalon Way
Hood River, OR 97031

"Owner"

City of Hood River,
An Oregon municipal corporation
PO Box 27
Hood River, OR 97031

"City"

SITE ADDRESS: 1802 Avalon Way

PROPERTY DESCRIPTION: 3N 10E 35DB #2300

"Property"

RECITALS

1. Owner owns real property located within the Urban Growth Area of the City of Hood River. The property is more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference.

2. The City and Hood River County have entered into an intergovernmental Agreement to provide that urban development may occur and the City may provide urban services in the Urban Growth Area before annexation to the City. The City provides water and sewer service in the Urban Growth Area.

3. Owner is requesting that sewer service be provided to Owner's Property.

4. Pursuant to the City's Comprehensive Plan and HRMC Chapter 12.03, Owner may apply for connection to City's sewer and/or water system if Owner provides prior written consent to the annexation of Owner's Property.

In consideration of the City's provision of sewer service to Owner's Property and the mutual benefits and covenants contained herein, Owner agrees, on Owner's behalf and on behalf of Owner's successors in interest:

1—Declaration of Deed Restrictions/Restrictive Covenant
Consent to Annexation
L:\bldg\waivers\3N 10E 35DB #2300 Smith 1802 Avalon Way

STATE OF OREGON

SS

COUNTY OF HOOD RIVER

I certify that this instrument was received
and recorded in the records of said county.

Sandra E. Berry, Director of records and
Assessment and Ex-Officio Recorder.

by: *[Signature]* Deputy.

DOC#: 20044578

RCPT: 37615 36.00

10/05/2004 9:30 AM

A

a. That Owner irrevocably consents to and petitions for the annexation of the above-described Property to the City at the present time or at any time in the future; and agrees to waive the requirement that the City present an annexation plan to Owner with respect to any present or future annexation of the Property.

b. That the provisions of this Covenant run with the land and bind the undersigned and all successors in interest to the Property described herein.

c. In the event that suit or action is instituted to enforce the terms of this Covenant, the prevailing party shall be entitled to recover reasonable attorney fees and all other fees, costs and expenses incurred in connection with the suit or action, including any appeals, in addition to all other amounts allowed by law.

Dennis E. Smith
DENNIS E. SMITH

STATE OF OREGON
County of Hood River

This instrument was acknowledged before me on September 27, 2004 by DENNIS E. SMITH.

Janet Morris
Notary Public for Oregon
My commission expires: 06-23-07

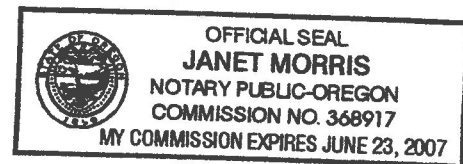


EXHIBIT "A"
CONSENT TO ANNEXATION

DENNIS E. SMITH – CITY OF HOOD RIVER

Commencing at a point 1494.9 feet North and 757.0 feet East, more or less, from the South quarter corner of Section 35, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon, which point is the South line of the property formerly owned by George Lawrence; thence South 89° 08' East 200 feet; thence South 54.45 feet; thence North 89° 08' West 200 feet; thence North 54.45 feet to the place of beginning, containing one-quarter acre of land, EXCEPTING THEREFROM the West 95 feet thereof.

TOGETHER WITH:

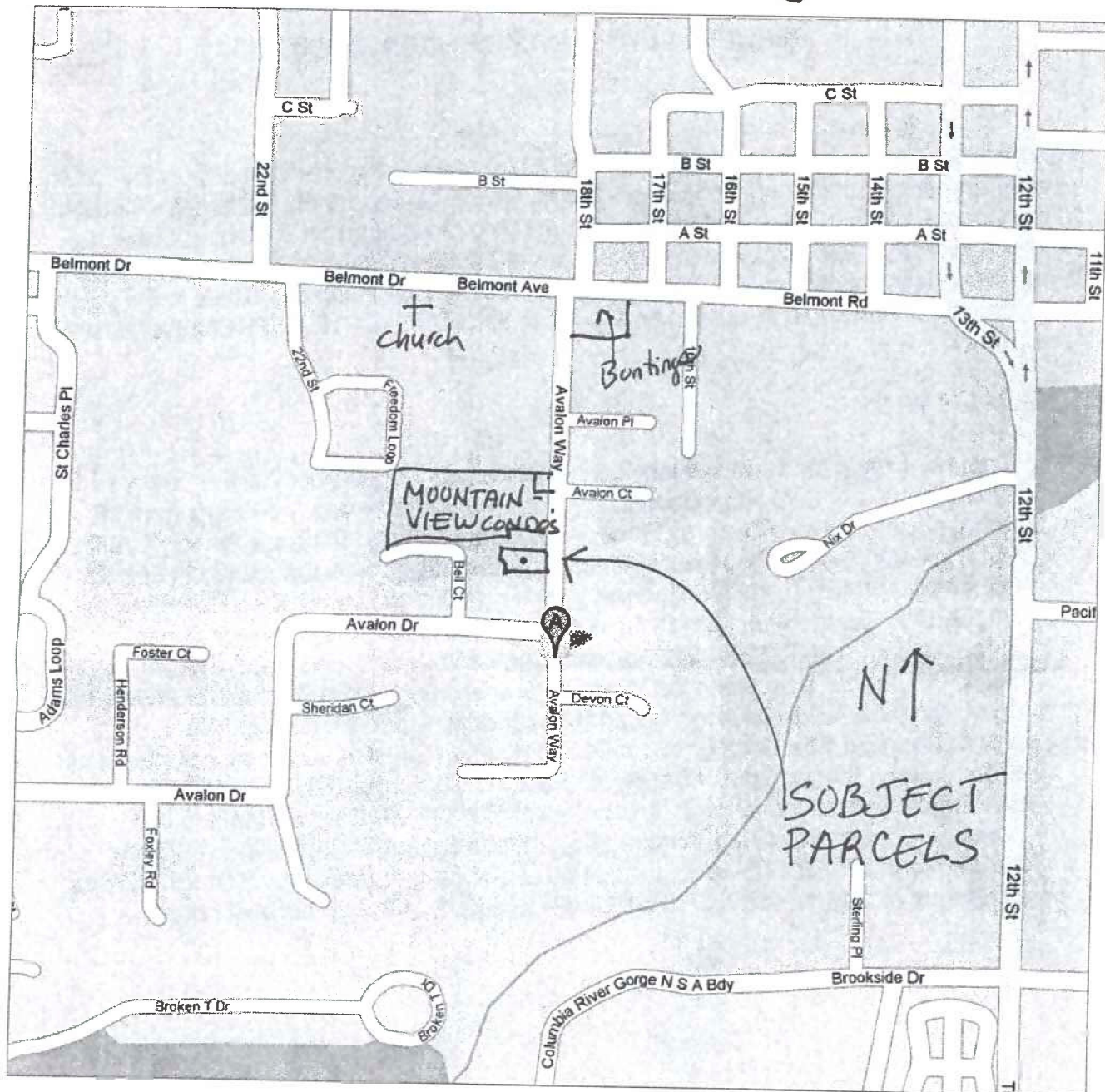
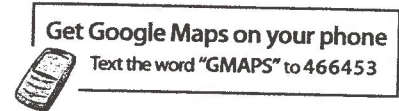
Commencing at the Northwestern corner of that tract of land conveyed to Charles H. Smith and Betsy O. Smith, husband and wife, by warranty deed recorded April 28, 1955, page 2 of Deed Records Hood River County, Oregon; thence South 89° 58' 00" East, 200 feet; thence South 00° 25' 30" East, 54.45 feet; thence North 89° 58' 00" West, 150 feet to the Northwestern corner of that tract of land conveyed to Maynard B. Bowles and Tena S. Bowles, husband and wife, by warranty deed recorded January 17, 1951, in Book 44, page 405 of said Deed Records; thence South 00° 25' 30" East along the Westerly line of said deed, a distance of 20 feet to an 1" iron pipe, said iron pipe being the Northeasterly corner of Parcel No. 2, as shown on a plat filed October 19, 1994, on Partition Plat #9418, records of said Hood River County; thence South 89° 58' 00" East, 45 feet to the TRUE POINT OF BEGINNING of this description; thence South 89° 58' 00" East, 105 feet to the Westerly right-of-way line of Avalon Way; thence North 00° 25' 30" West, 20 feet; thence North 89° 58' 00" West, a distance of 105 feet; thence South 00° 25' 30" East, a distance of 20 feet, to the TRUE POINT OF BEGINNING of this description.

20044578

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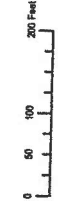


Address **1806 Avalon Way**
Hood River, OR 97031



"B"

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



N. W. 1/4 S.E. 1/4 SEC. 35 T.3N. R. 10E. W.M.
HOOD RIVER COUNTY
1" = 100'

03N10E35DB
HOOD RIVER

CANCELLED:

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SEE MAP 03N 10E 35AC

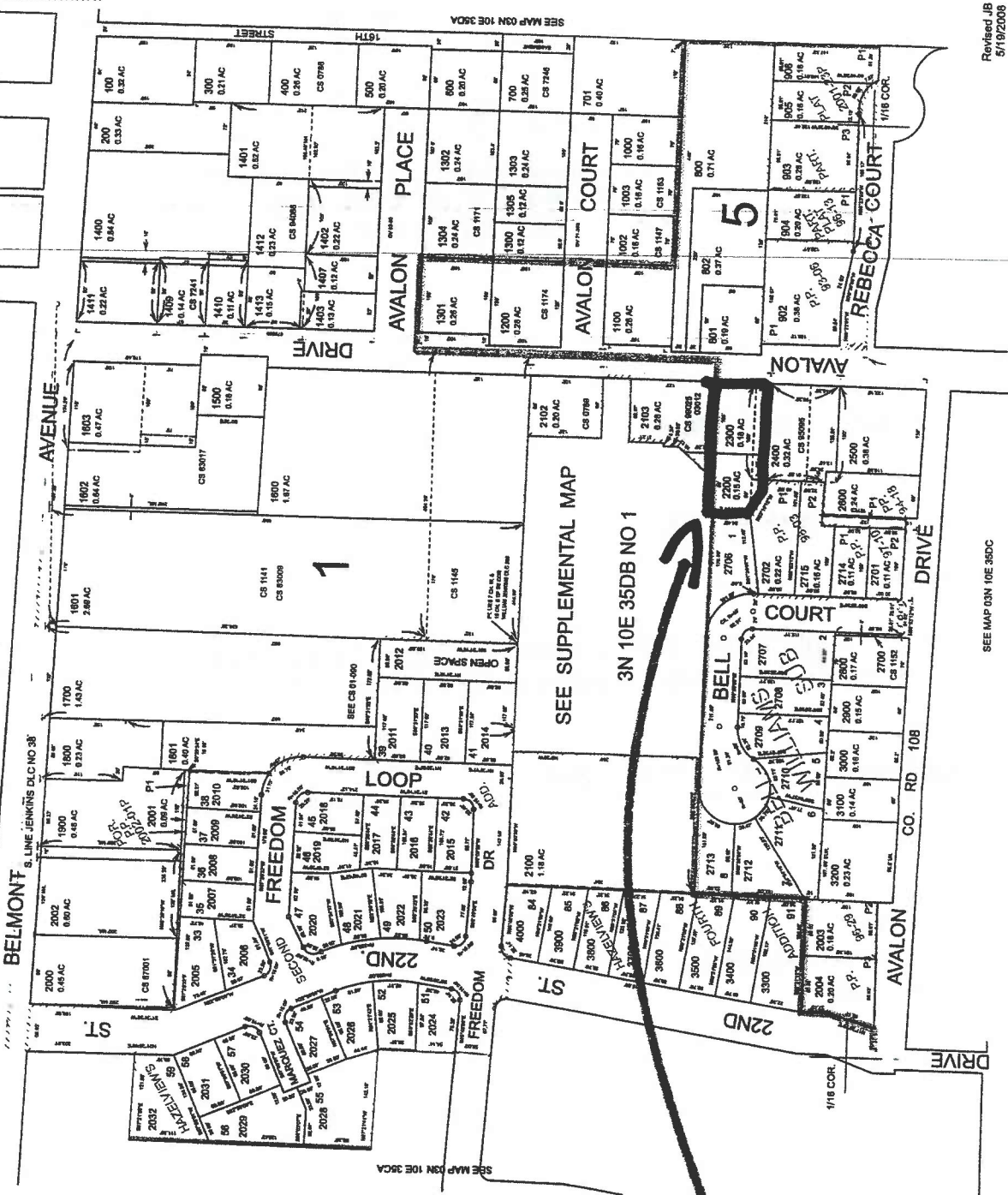
BELMONT

S. LINE JENKINS DLC NO 38

AVENUE

↑ N

SUBJECT
PROPERTY
3N10E 35DB
#2200
2300



SEE MAP 03N 10E 35DC

Revised JB
5/19/2008

HOOD RIVER
03N10E35DB

B

Farmers Irrigation District

*1985 Country Club Road, Hood River, Oregon 97031
541-386-3115 Phone; 541-386-9103 Fax;
fidhr@gorge.net email*

11/10/2008

Kevin Liburdy, Senior Planner

Re: Smith Annexation # 2008-36

Dear Mr. Liburdy,

Tax Lot 3N-10E-35DB # 2300 has .10 water right acres; Tax Lot 3N-10E-35DB # 2200 has .10 water right acres. Farmers Irrigation District will continue to serve irrigation water into annexed territories.

Thank you for notification of this matter.

Sincerely,

Rick Brock
Water Rights Department
541-387-5263

C

Jessica Kinder

From: Dave Bick
Sent: Thursday, November 06, 2008 2:38 PM
To: Jessica Kinder
Cc: Bob Francis; Ron Geason; Cindy Walbridge; Kevin Liburdy; Gary Lindemyer
Subject: RE: IGA meeting

Greetings Jessica,

It went well. Only Mike from Farmer's showed up and they have no issue with the annexation of that parcel.

Mark Beam from Ice Fountain called a day or two before and said that they also had no issue as long as we connect them to our system when they annex, which is not a problem to do. IF will send us a bill to be paid next year in accordance with the IGA.

No word from Westside Fire, but I cannot imagine that they will have too much issue with this as we are only expanding one lot to the south of the existing boundary.

Dave

From: Jessica Kinder
Sent: Wednesday, November 05, 2008 10:42 AM
To: Dave Bick
Cc: Kevin Liburdy
Subject: IGA meeting

Hi Dave Bick,

How did the IGA meeting go yesterday??

Thanks,

Jessica Kinder
City of Hood River
Planning Assistant
301 Oak St
P.O. Box 27
Hood River, OR 97031
541.387.5210

11/6/2008

D

City of Hood River
P.O. Box 27
Hood River, OR 97031



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DLCD
Plan Amendment Specialist
635 Capitol Street NE Suite 150
Salem, OR 97301

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