



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

08/30/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment  
DLCD File Number 004-11

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, September 15, 2011

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Kevin Liburdy, City of Hood River  
Angela Lazarean, DLCD Urban Planning Specialist

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FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

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DEPT OF

AUG 26 2011

LAND CONSERVATION  
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Hood River**

Local file number: **2011-14**

Date of Adoption: **8/22/2011**

Date Mailed: **8/25/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 6/14/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

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

Annexation of 3N 10E 35BD Tax Lot 1100 into the City of Hood River.

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

Plan Map Changed from:

to:

Zone Map Changed from: **U-R-2**

to: **R-2**

Location: **1190 22<sup>nd</sup> St., Hood River, OR 97031;3N10E35BD#1100**

Acres Involved: **0.35**

Specify Density: Previous: **5,000 s.f. min.**

New: **5,000 s.f. min.**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 004-11 (18862) [16743]

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

Westside Rural Fire Protection District, Ice Fountain Water District, Farmers Irrigation District.

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Local Contact: **Kevin Liburdy**

Phone: **(541) 387-5224** Extension:

Address: **PO Box 27**

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

City: **Hood River**

Zip: **97031-**

E-mail Address: **kevin@ci.hood-river.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

## **ORDINANCE NO. 2000**

**(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—Columbia Gorge Broadcasters, Inc.)**

**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 35BD #1100);

**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**, the property owners provided their written consent to this annexation. There are no electors registered to vote at the property. 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 (August 1, 2011 and August 8, 2011, respectively) to consider the annexation of the property into the City of Hood River and withdrawal of the Property from the Westside Rural Fire Protection District and the Ice Fountain Water 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 decision signed August 4, 2011 attached to this Ordinance as a part of Exhibit A and incorporated by reference as if fully set forth herein;

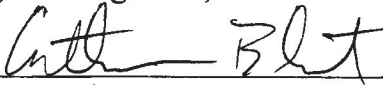
NOW, THEREFORE, the City of Hood River ordains as follows:

1. The Property described above is hereby proclaimed to be annexed to the City of Hood River, subject to the conditions in the decision signed on August 4, 2011, 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, 2012 (ORS 222.465).

Read for the first time: August 8, 2011.

Read for the second time and passed: August 22, 2011 to become effective thirty (30) days hence.

Signed: August 22, 2011.

  
\_\_\_\_\_  
Arthur Babitz, Mayor

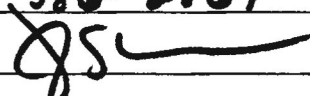
ATTEST:

  
\_\_\_\_\_  
Jennifer Gray, City Recorder

**CITY OF HOOD RIVER APPLICATION  
ANNEXATION REQUEST and REQUEST for CONNECTION PLANNING DEPARTMENT  
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: Columbia Gorge Broadcasters, Inc. (Mylene Walden)  
Address: 1504 Sherman Avenue  
(physical) Hood River, OR 97031  
(mailing) 1504 Sherman Avenue  
Hood River, OR 97031  
(email) maswalden@aol.com  
Telephone: 541 386-2867 Cell Phone: 541 490-3244  
Signature: 

**PARCEL OWNER:** (if different than applicant)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
(mailing) \_\_\_\_\_  
Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_

*\*Authorization of parcel owner required.*

**PARCEL INFORMATION:**

Township 3W Range 10E Section 35BD Tax Lot(s) 1100  
Current Zoning: R-2 Parcel Size: 0.35  
Property Location (cross streets or address): 1190 22nd Street  
Existing Water Service, if any: City of Hood River  
Farmers Irrigation:  YES  NO Septic:  YES  NO  
Is this a health hazard request for sewer connection?  YES  NO  
If yes, Explain: \_\_\_\_\_

**RECEIVED**

**MAY 09 2011**

**PLANNING DEPARTMENT**

**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.

Signature \_\_\_\_\_



**BEFORE THE CITY OF HOOD RIVER PLANNING COMMISSION  
HOOD RIVER, OREGON**

In the matter of the annexation by )  
Columbia Gorge Broadcasters, Inc. ) **FINDINGS AND DECISION**  
of a 0.35-acre parcel, File #2011-14 )

**I. BACKGROUND:**

- A. **REQUEST:** Annexation of one 0.35-acre parcel in order to connect to City of Hood River sanitary sewer facilities (see Attachments "A.1"- "A.2"). There is an existing radio station broadcasting facility on the site and the septic system failed.
- B. **APPLICANT:** Columbia Gorge Broadcasters, Inc. c/o Mylene Walden
- C. **OWNERS:** Columbia Gorge Broadcasters, Inc.
- D. **PROPERTY LOCATION:** The property is located at 1190 22<sup>nd</sup> Street. Legal Description: 3N 10E 35BD Tax Lot #1100 (see Attachment "B", Location Map).
- E. **PROPERTY SIZE:** Approximately 0.35 acre
- F. **SITE ZONING AND LAND USE:** The property currently is in the Urban Growth Area and is zoned Urban Standard Density Residential (U-R-2). Upon annexation, the zoning will remain Urban Standard Density Residential (R-2). There is an existing radio station broadcasting facility on the site.
- G. **SURROUNDING ZONING AND LAND USES:**  
North: U-R-2, school  
South: U-R-2, single-family dwelling  
East: R-2, single-family dwellings  
West: U-R-2, vacant, broadcasting antenna
- H. **APPLICABLE CRITERIA:**
- Hood River Municipal Code (HRMC) Section 17.09.040 – Quasi-Judicial Actions (Annexation)
  - HRMC Chapter 17.15 – Annexation (Annexation)
  - Oregon Revised Statute (ORS) Sections 222.111 through 222.183 (Annexation)
- I. **AGENCY COMMENTS:** Affected agencies were notified of this request. The following comments were submitted in response to the notice prior to the public hearing:
1. Westside Fire Protection District: See attached email dated 7/7/11(Attachment "C")
  2. Farmer's Irrigation District: See attached letter dated 7/11/11 (Attachment "D")
  3. Ice Fountain Water District: See attached email dated 5/18/11 (Attachment "E")
  4. City Public Works and Engineering Dept.: No comments.
- J. **ADJACENT PROPERTY OWNERS COMMENTS:** Property owners within 250 feet of the subject site were notified of this request. No comments were submitted prior to the hearings.
- K. **HISTORY:**
1. Application submitted May 9, 2011
  2. IGA meeting invitation emailed May 13, 2011

3. DLCD Annexation Notice mailed June 14, 2011
4. Notice of Planning Commission & City Council hearings mailed July 6, 2011
5. Planning Commission hearing held August 1, 2011
6. City Council hearing to be held August 8, 2011
7. Notice of decision for annexation mailed \_\_\_\_\_, 2011

**L. ATTACHMENTS:**

- Attachment "A.1" – Aerial photograph of site and surrounding properties
- Attachment "A.2" – City of Hood River zoning map and legend
- Attachment "B" – Location Map
- Attachment "C" – Ice Fountain Water District comments, 5/18/11
- Attachment "D" – Westside Fire Protection District comments, 7/7/11
- Attachment "E" – Farmer's Irrigation District comments, 7/11/11

**II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

**A. CHAPTER 17.15 - ANNEXATION**

17.15.010 Introduction. It is the policy of the City of Hood River to promote orderly, efficient, and fiscally responsible annexation of territories in conjunction with urban growth or expected or desired urban growth within the urban growth area. Accordingly, the City shall annex property where:

1. The proposed annexation represents the natural extension of the existing City boundary consistent with urban growth;
2. The proposed annexation would not, when developed or as developed, unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs and the financial capabilities of the City, as determined by the City;
3. The proposed annexation would not cause the City to pledge extension of services beyond its resources so as to result in a deficit operation of the service;
4. The proposed annexation would serve the interests of the entire community and not solely the interests or convenience of those within the territory proposed to be annexed.

**FINDINGS:** The eastern property line of the subject site abuts the City Limits and, as such, the annexation is a natural extension of the City boundary consistent with urban growth. Pursuant to the City's Intergovernmental Agreement (IGA) with the special districts (i.e. West Side Rural Fire Protection District, Ice Fountain Water District, Farmer's Irrigation District), the districts were invited to a meeting on May 13, 2011, to discuss the annexation. Representatives of the districts determined that a meeting was not necessary and instead submitted written comments. Comments from the special districts (Attachments "C," "D," and "E") are incorporated herein by reference.

The City of Hood River currently provides water to the subject property. As such, no compensation is due to the Ice Fountain Water district for infrastructure, debt service or lost revenue. The site will be withdrawn from the West Side Rural Fire Protection District (WSFD) in association with this annexation, and the applicant will be responsible for compensation to the WSFD based on lost revenue. The site will remain in the Farmer's Irrigation District. The City will provide fire- and police services to the annexed property. The impact on the City's ability to provide services, as well as the financial impact to the City, is addressed below in HRMC 17.15.060.

17.15.020 Application and Process. An annexation may be proposed by the City of Hood River, landowners, or a group of residents and shall include the following elements:

1. Preliminary plans and specifications, drawn to scale, showing the actual shape and dimensions of the property to be annexed and the existing and proposed land uses and residential density. City and

County zoning in the proposed territory, as shown on a vicinity map, and contiguous lands must also be indicated.

2. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.
3. Completed certifications of property ownership, registered voter status, map, and legal description.

**FINDINGS:** The annexation application generally includes the required information. The site is used as a radio station broadcasting facility by Columbia Gorge Broadcasters, Inc., for KIHHR radio (county tax records indicate the site is used for an office). Commercial uses are not permitted in the county's current U-R-2, Urban Growth Area Urban Standard Density Residential Zone. County planning department records do not verify the date the radio station was established in this residential zone, but the county does have records of a building permit for an addition to the radio station in 1976 (Permit No. 76-124) as well as a certificate of occupancy. As such, the radio station broadcasting facility is considered a legal, non-conforming use. A change of use is not proposed at this time.

The site is currently provided with water service by the City of Hood River. An existing septic system serving the site recently failed. Because a City sewer line is located within 300 feet of the subject property, state law (OAR 340-071-0160) requires that the property connect to the City's sewer system rather than replace the septic system. Further, City policies require property to be annexed into the City Limits in order to obtain sewer service (or to record a "consent-to-annexation" document if the property is not contiguous to the City Limits). As such, the applicant applied for annexation in order to connect to the City's sewer system. The application is generally consistent with these requirements.

17.15.030 Filing Fees. Fees for filing for annexation requests shall be set by City Council resolution.

**FINDINGS:** The applicant submitted a filing fee as set by City Council resolution.

17.15.040 Planning Commission Review. The Planning Commission shall review the application in a public hearing and forward a recommendation with findings to the City Council who will conduct a public hearing according to the *Quasi-Judicial Hearing Procedures* or *Legislative Hearing Procedures* (Chapter 17.09), whichever is applicable.

**FINDINGS:** The Planning Commission is reviewing the request for annexation and will make a recommendation with findings to the City Council. The City Council will then conduct a Quasi-Judicial public hearing and will make a decision on the annexation application.

17.15.050 Evaluation Criteria – Developed Land. Prior to approving a proposed annexation of developed land, affirmative findings shall be made relative to the following criteria:

**FINDINGS:** There is an existing radio station broadcasting facility on the site. As such, the following criteria are applicable:

1. The territory is contiguous to the city limits and within the Urban Growth Area;

**FINDINGS:** The subject property is located within the Urban Growth Area and its eastern property line is separated from the City Limits by public right-of-way for 22<sup>nd</sup> Street (Attachment "A.2"). The property is contiguous to the City Limits pursuant to ORS 222.111(1) which states: "...the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way...." As such, the proposal is consistent with this criterion.

2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;

**FINDINGS:** The subject property was designated for location inside the Urban Growth Area in 1980 when the City-Westside Comprehensive Plan was adopted by the County Board of Commissioners (Ordinance #102). The City was required by the State of Oregon Land Conservation and Development Commission (LCDC) to designate sufficient amounts of urbanizable land to accommodate future expansion. The Urban Growth Boundary was adopted by the City Council and LCDC in 1983 and zoned for future urban uses. The subject site is adjacent to property that is developed at an urban level for residential uses in the City limits. As such, the proposal is consistent with this criterion.

3. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;

**FINDINGS:** The property abuts 22<sup>nd</sup> Street along the eastern property line. No new roads are proposed to serve the site and no new development is proposed. The City sewer system serves properties located immediately east of the site, and the City is currently providing water service to the site. As such, the proposal is consistent with this criterion.

4. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits;

**FINDINGS:** Annexation and connection to the City's sanitary sewer facilities will result in additional demand on City services including maintenance of sanitary sewer lines. Sewer can be provided without negatively impacting service elsewhere because the City Wastewater Treatment Plant is designed to accommodate the Urban Growth Area. The City Public Works Department determined that sanitary sewer service facilities are adequate to serve the site and, due to the emergency nature of the applicant's situation (i.e. failing septic system), permitted connection to the City's sewer system following submittal of the annexation application and a signed "consent to annexation" document. The City already provides water service to the site and annexation will have no effect on water service to other areas of the city.

Annexation will result in increased demand for service by the City's Fire- and Police Departments, however, these departments already provide service to properties immediately east of the site. In addition, the City's Fire- and Police Departments typically coordinate with the West Side Rural Fire Protection District and the Hood River County Sheriff to ensure adequate service in the Urban Growth Area.

The annexation will result in no additional impact to City streets at this time. The applicant will be required to reimburse special districts for costs associated with annexation. User fees will offset maintenance costs. As such, the proposal is consistent with this criterion.

5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of existing development;

**FINDINGS:** The permanent tax rate for the City of Hood River is \$2.8112 per thousand dollars of assessed valuation. As such, the City will receive approximately \$281.12 in annual general fund revenue for each \$100,000 of valuation.

The City's sewer- and water funds are not in deficit (the deficit is in the City's general fund, which does not affect provision of those services). Pursuant to the City's IGA with West Side Rural Fire Protection District, the City is required to compensate the District for five years of lost property tax revenue. Pursuant to the City's IGA with Ice Fountain Water District, the City is typically required to compensate

the District for three years of lost revenue, user fees, infrastructure and debt service (not in this case because the city has been providing water service to the site). Pursuant to resolution of the City Council (Resolutions 2005-12 and 2008-18), the applicant will be required to reimburse the City for these costs as a condition of approval. Therefore, there will be no negative impact to the City associated with the costs of compensating the Districts.

As addressed in the Consent to Annexation recorded by the applicant (Hood River County Document No. 2011-01577), the applicant will be responsible compensating the City for costs associated with withdrawal of the property from special districts. There are no costs anticipated in association with withdrawal from the Ice Fountain Water District because the City of Hood River already provides water service to the site. Costs associate with withdrawal from the West Side Fire District are anticipated to be a total of approximately \$556.96 for five years of lost property tax revenue. As such, **conditions of approval are recommended that the property owners and their heirs, successors and assigns shall compensate the City of Hood River for the costs associated with the withdrawal of the subject property from special districts including the West Side Rural Fire Protection District pursuant to the applicable intergovernmental agreements. The City of Hood River will send a bill to the applicant in November of 2011. Payment will be due to the City of Hood River no later than December 31, 2011. The applicant may set up a payment plan pursuant to the terms of the City of Hood River.**

Annexing the property will result in City collection of franchise fees from Pacificorp, Northwest Natural Gas, Charter Cable, Hood River Electric Co-op, and/or Hood River Garbage Service. Franchise fees go into the City’s general fund. If franchise fees for the property total approximately \$150 per month and the City receives 4% of these fees, the City will collect approximately \$72 per year from franchise utilities ( $[\$150 \times 12] \times 4\% = \$72$ ).

The following comparison estimates the fiscal impact if the property is annexed versus remaining in the UGA under the County’s jurisdiction.

<b><u>Fiscal Impact If annexed</u></b>	<b><u>Fiscal Impact If not annexed</u></b>
Sanitary sewer SDCs (\$1,508) = \$1,508	none
Annual sanitary sewer fees (\$48 x 12) = \$576	none
Annual storm sewer fees (\$2.50 x 12) = \$30	none
Water SDCs (\$3,883/unit) = none, already served by City	none
Annual water (\$27.38 x 12) = \$328.56	none
Annual franchise Fees: Approximately \$72	Loss of approximately \$72
Existing estimated annual property tax (AV = \$127,020): \$357.08	Loss of \$357.08

- Total one time SDCs and fees collected by the City – \$1,508
- Total annual fees collected by the City if annexed – Approximately \$1,363.64

As such, the fiscal impact of the annexation is favorable and the proposal is consistent with this criterion.

6. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and

**FINDINGS:** The criteria detailed above address the growth of the City, extension of City services, financial impact, and ability to continue to provide services to existing residents. Other issues associated with annexation include potential future uses of the property and how those uses might affect nearby properties.

The subject property has been located inside the City's Urban Growth Area (UGA) since 1983 and has been zoned for future urban uses since that time. Annexation of property in the UGA is consistent with the City's Comprehensive Plan. The subject site is adjacent to property that is developed at an urban level for residential uses in the City limits. Because the zoning of the property following annexation (R-2) will remain consistent with the existing County zoning designation (U-R-2), nearby properties are not expected to be adversely affected by the annexation.

Although the County has adopted the City's zoning ordinance for application in the UGA, it remains to the City's advantage to control the growth and development of the subject property because it will have a direct impact on City sewer, water, stormwater and transportation infrastructure. In addition, it is to the City's fiscal advantage to control future development on the subject property because it will generate additional revenue through collection of System Development Charges and utility fees. As such, the proposal is consistent with this criterion.

7. The annexation conforms to the Comprehensive Plan.

**FINDINGS:** Generally, the City's Comprehensive Plan does not contain approval standards. Therefore, compliance with the Comprehensive Plan is achieved through compliance with the City's ordinances.

**Goal 1: Citizen Involvement**

This Goal is satisfied through provisions in the acknowledged Comprehensive Plan and Zoning Ordinance that provide for citizen participation including public hearings. This application has been processed pursuant to those provisions. Notices have been mailed to property owners and agencies, posted in appropriate locations and included in the Hood River News. Public hearings are held before the Planning Commission and City Council before a decision is reached.

**Goal 2: Land Use Planning**

The Comprehensive Plan and Zoning Ordinance provide a land use planning process and policy framework as the basis for all decision and actions relating to the use of land. This Goal is satisfied by following the Zoning Ordinance including applicable procedures for processing this application and conducting public hearing related to the application.

**Goal 3: Agricultural Land**

This goal is not applicable as the property is located within the City's Urban Growth Area and is not considered agricultural land.

**Goal 4: Forest Land**

This goal is not applicable as the property is located within the City's Urban Growth Area and has been "excepted" from the County's resource base.

**Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**

The County has adopted the City's ordinances for use in the UGA. Although the County has not adopted the City's Goal 5 Ordinance (1874), there are no known Goal 5 resources on the subject site.

**Goal 6: Air, Water and Land Resources Quality**

This application does not increase or decrease the air, water and land resource qualities of the area because it does not directly result in any additional development.

**Goal 7: Natural Disasters**

This site is not in a floodplain, does not include slopes greater than 25%, does not contain any environmental protection areas and has no designated geologic hazard areas within its boundaries.

## Goal 8: Recreational Needs

Goal 8, Policy 6 states: "As parcels of land are annexed from the UGA into the City, some land will be designated Open Space/Public Land for the development of new parks and public facilities, including access ways, to serve the recreational needs of the community."

The following parks and open spaces are identified in the Hood River Valley Parks and Recreation District's Capital Facilities Master Plan<sup>1</sup>:

### Open space areas in the City:

"Morrison Park"	13.54 acres
Indian Creek Trail	14.12 acres
"Elloit Park"	11.8 acres
"Waucoma Park"	0.5 acre
Wells Island (portion)	18 acres

### Parks in the City:

Waterfront Park	6.45 acres
Jackson/Friendship Park	9.19 acres
Children's Park	1.24 acres
Wilson Park	1.05 acres
Tsuruta Park	0.87 acre
Mann Park	0.48 acre
Coe Park	0.34 acre
Memorial Overlook and Rose Garden	0.4 acre
Aquatic Center (HRVPRD)	0.94 acre
Jaymar (HRVPRD)	2.77 acres
Rotary Skate Park (HRVPRD)	2.71 acres
Culbertson Park (HRVPRD)	0.6 acre
Hazelview (HRVPRD)	0.35 acre
Marina Park and Event Site (Port)	9.5 acres
Georgiana Smith (County)	0.5 acre

Total park lands = approximately 37.39 acres (does not include schools)

Total open space lands = approximately 57.96 acres

Total park and open space lands = approximately 95.35 acres

According to a "Best Development Practice"<sup>2</sup> that is intended to ensure adequate park and open space lands are available, 1.5 acres of park and open space are recommended per 1,000 population. Based upon such practice, a minimum of 10.77 acres of park and open space is required to serve the city's current population of approximately 7,180 residents ( $7,180/1000 = 7.18 \times 1.5 = 10.77$  acres of open space/park land needed). As detailed above, currently there are greater than 95 acres of parks and open space areas in the city.

The Hood River Valley Park and Recreation Capital Facilities Master Plan provides a different methodology for provision of parks and open space based upon Level of Service and Service Radius. This plan details the locations of needed neighborhood and mini-parks inside the UGA. The plan does not recommend development additional parks in the vicinity of the subject site. As such, development of a

<sup>1</sup> Hood River Valley Parks & Recreation District/City of Hood River "Parks & Recreation Capital Facilities Master Plan", Don Ganer & Associates, 1998.

<sup>2</sup> Ewing, Reid "Best Development Practices", American Planning Association, 1996. Page 35.

park or open space on the subject site is not recommended at this time. The proposed annexation is consistent with this criterion.

**Goal 9: Economy of State**

This Goal requires the City to ensure that there is adequate land with public services provided to meet the needs for economic growth and development. The property is zoned for residential use. As such, this goal is not applicable. However, there is an existing commercial radio broadcasting facility on the site that will continue to operate as a legal, non-conforming use following annexation.

**Goal 10: Housing**

The subject property was included within the buildable lands inventory for the City/UGA, and will remain zoned for housing.

**Goal 11: Public Facilities**

The proposal's effect on public facilities is addressed above in HRMC 17.15.060. Based upon those findings, the annexation of the subject property is consistent with Goal 11.

**Goal 12: Transportation**

Following annexation, any subsequent development will be required to comply with the City's Transportation System Plan.

**Goal 13: Energy Conservation**

Annexation and development of lands located close to existing services generally promotes energy conservation. Increased residential densities near collector streets such as 22<sup>nd</sup> Street are expected to facilitate additional transportation alternatives in the future, such as mass transit.

**Goal 14: Urbanization**

The subject property is located within the Urban Growth Area, as such, and annexation of property is consistent with the City's Comprehensive Plan.

17.15.060 Evaluation Criteria – Undeveloped Land.

**FINDINGS:** There is an existing radio station broadcasting facility on the property. As such, these criteria are not applicable.

17.15.070 Evaluation Criteria – Fiscal Impact. The following factors are to be taken into consideration when determining fiscal impact for both developed and undeveloped land and may include, but are not be limited to:

1. The additional revenues, if any, available to the City as a result of the annexation;
2. Whether any unusual or excessive costs will be incurred as a result of the annexation; and
3. The impact on the City's tax base, if any, as a result of the annexation.

**FINDINGS:** The findings above in HRMC 17.15.050(5) address fiscal impacts. Costs associated with reimbursing special districts will be paid by the applicant as well as neighboring property owners who benefit from this infrastructure when they annex and develop their properties. As such, no unusual or excessive cost will be incurred by the applicant as a result of the annexation. The impact on the City's tax base as a result of annexation is expected to be favorable. As such, the proposal is consistent with these evaluation criteria.

17.15.080 Evaluation Criteria – Urban Service Capabilities.

- A. The municipal service needs, if any, of the territory to be annexed, including those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction, and such

other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.

- B. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

**FINDINGS:** This provision contains factors to be taken into consideration when evaluating urban service capabilities. The findings above in 17.15.050(4) address these criteria. In association with future development of the site, the developer may be required to construct improvements to the site's 22<sup>nd</sup> Street frontage to meet City standards. The developer will be required to pay all costs associated with withdrawing the existing property from the Special Districts as well as providing adequate public facilities. As such, the proposal is consistent with these evaluation criteria.

ORS 222.111 Authority and procedure for annexation. (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year. (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465. (5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. (6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart. (7) Two or more proposals for annexation of territory may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.

**FINDINGS:** The proposed annexation is for property that is contiguous to the city (separated only by public right-of-way). The owner of the property is the petitioner for the annexation. The rate of taxation will be consistent with these requirements. The territory to be annexed is a part of districts named in ORS 22.510 including the West Side Rural Fire Protection District, Ice Fountain Water District, and Farmer's Irrigation District, and will be withdrawn from the West Side Fire District and Ice Fountain Water District as of the effective date of the annexation. As addressed below, the City is

not obligated to submit the annexation request to the electors. As such, the proposal is consistent with these requirements.

ORS 222.120 - Procedure without election by city electors; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection. (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period. (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question: (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section. (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance.

**FINDINGS:** The City Charter does not require the City Council to submit a proposal for annexation to the voters. This annexation is not being submitted to the voters; instead, public hearings on the annexation are being held in accordance with the requirements of this statute. Notice of the public hearings was published in accordance with ORS 222.120, including being published once each week for two successive weeks prior to the date of the City Council hearing in the Hood River News, and posting of notices of the hearing in four public places in the city for the same period of time.

This annexation request includes withdrawal of territory from districts named in ORS 222.510 (West Side Rural Fire Protection District and Ice Fountain Water District). Pursuant to ORS 222.111(5), the effective date of withdrawal from West Side Fire and Ice Fountain Water District will be the effective date of the annexation. As such, the proposal is consistent with these requirements.

ORS 222.125 Annexation by consent of all owners of land and majority of electors. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

**FINDINGS:** Written consent to the annexation must be provided by the owner and not less than 50% of the residents who are registered to vote at this address. Records of the Hood River County Elections office indicate that there are no voters registered at the subject site address. The property owner/representative signed the application form. As such, the proposal is consistent with these requirements.

ORS 222.180 Effective date of annexation. (1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

**FINDINGS:** The public hearing for this annexation will take place before the City Council. If approved, the City Council will read the ordinance approving the annexation and withdrawing the territory from West Side Rural Fire Protection District and Ice Fountain Water District for the first time

(and second time if a full Council is present) by title only. After the second reading, the ordinance will be transmitted to the Secretary of State for filing. Pursuant to ORS 222.180, the effective date of the annexation is the date it is filed with the Secretary of State.

222.183 Notice of annexation when effective date delayed for more than one year. (1) If the effective date of an annexation is more than one year after the date of a proclamation of annexation, the city, through its recorder or other city officer or agency performing the duties of recorder under this section, shall send notice to the county clerk of each county within which the city is located. The notice shall be sent not sooner than 120 days and not later than 90 days prior to the effective date of the annexation. (2) The notice described in subsection (1) of this section shall be in addition to any other notice or filing required under ORS 222.010 to 222.750.


**FINDINGS:** As addressed above, the effective date of annexation will be the date the annexation is filed with the Secretary of State. The annexation will be filed with the Secretary of State less than one year from the date of proclamation of annexation.

**III. RECOMMENDATION AND CONDITIONS:** Based on the above Findings of Fact, the planning commission recommends **approval** of the annexation **subject to the following conditions:**


1. The effective date for the annexation shall be the date is the date it is filed with the Secretary of State, except for purposes of ORS 308.225. Pursuant to ORS 222.465, because the ordinance will be enacted or approved after March 31, 2011, the effective date of the withdrawal from West Side Rural Fire District and Ice Fountain Water District will be July 1, 2012.
2. Annexation and withdrawal from West Side Rural Fire Protection District and Ice Fountain Water District is required as a condition of connection to City services. All annexation and withdrawal fees are the responsibility of the applicant.
3. The property owners and their heirs, successors and assigns shall compensate the City of Hood River for the costs associated with the withdrawal of the subject property from the special districts including the West Side Rural Fire Protection District pursuant to the applicable intergovernmental agreements. The City of Hood River will send a bill to the applicant in November of 2011. Payment will be due to the City of Hood River no later than December 31, 2011. The applicant may set up a payment plan pursuant to the terms of the City of Hood River.
4. The applicant/property owner is responsible for knowledge of existing easements and property lines. This approval does not condone nor require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.
5. Failure to comply with these conditions will nullify this permit.

**IV. DECISION:** Commissioner Hollatz moved and Commissioner Reinhard seconded a motion to recommend approval of the annexation by the city council based upon the above Findings of Fact and subject to the Conditions of Approval of this Final Order. The motion passed with a 5 - 0 vote.

**APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION** the 4<sup>th</sup> day of August, 2011.

  
Kate McBride, Chair

ATTEST:

  
Kevin Liburdy, Senior Planner

# FILE # 2011-14 SITE



County Boundary



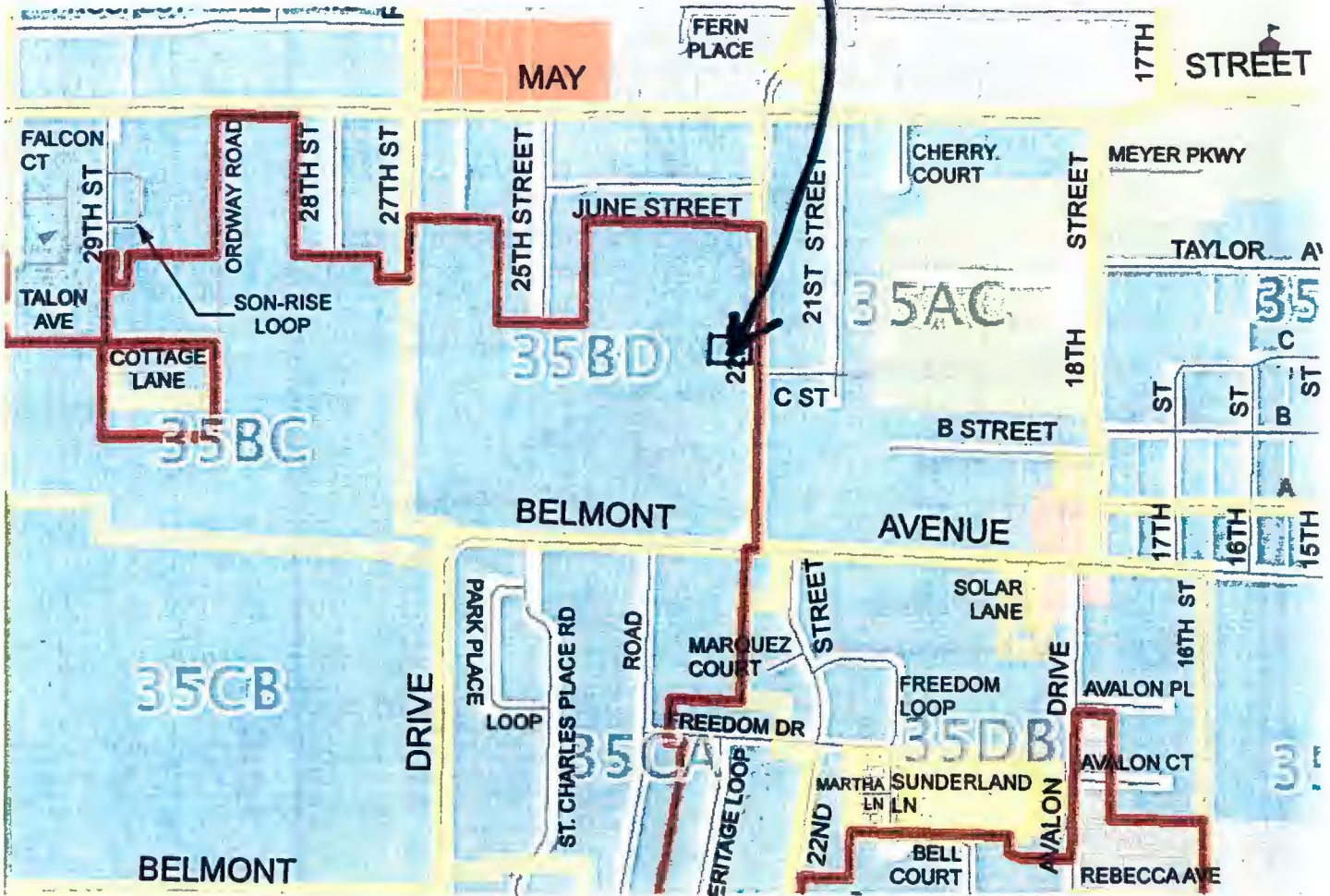
City Limits



FILE # 2011-14

ZONING MAP

SITE



NORTH ↑

FILE # 2011-14










ZONING

# HOOD RIVER




CITY LIMITS and  
URBAN GROWTH BOUNDARY  
ZONING MAP

### Legend





#### Zoning:

-  R-1 Urban Low Density Residential
-  R-2 Urban Standard Density Residential
-  R-3 Urban High Density Residential
-  C-1 Office Residential
-  C-2 General Commercial
-  I Industrial
-  LI Light Industrial
-  OS Open Space/Public Facility
-  RC Columbia River Recreational/Commercial

#### Environmental Protection Areas:

-  Floodplain
-  Geologic Hazard
-  Unique Shoreline Habitat

#### Boundaries:

-  City Limits
-  Urban Growth Boundary
-  Hood River Historic District
-  Assessor Map Index  
All map index numbers are in 03N11E unless otherwise noted

Zone boundaries are approximate only. Final boundary decisions are subject to determination by the appropriate Planning Department having jurisdiction.

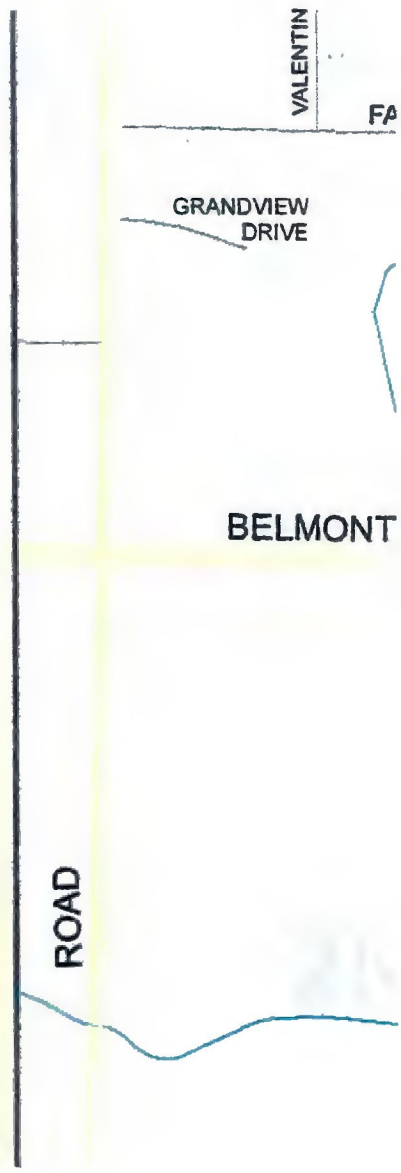
<p><b>Within City Limits:</b> City of Hood River Planning Department 301 Oak Street Hood River, OR 97031</p> <p>(541) 387-5210</p>	<p><b>Outside City Limits:</b> County of Hood River Planning Department 801 State Street Hood River, OR 97031</p> <p>(541) 387-8840</p>
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1 inch = 600 feet

**DISCLAIMER:** This map product was prepared by Hood River County and is for informational purposes only. It may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

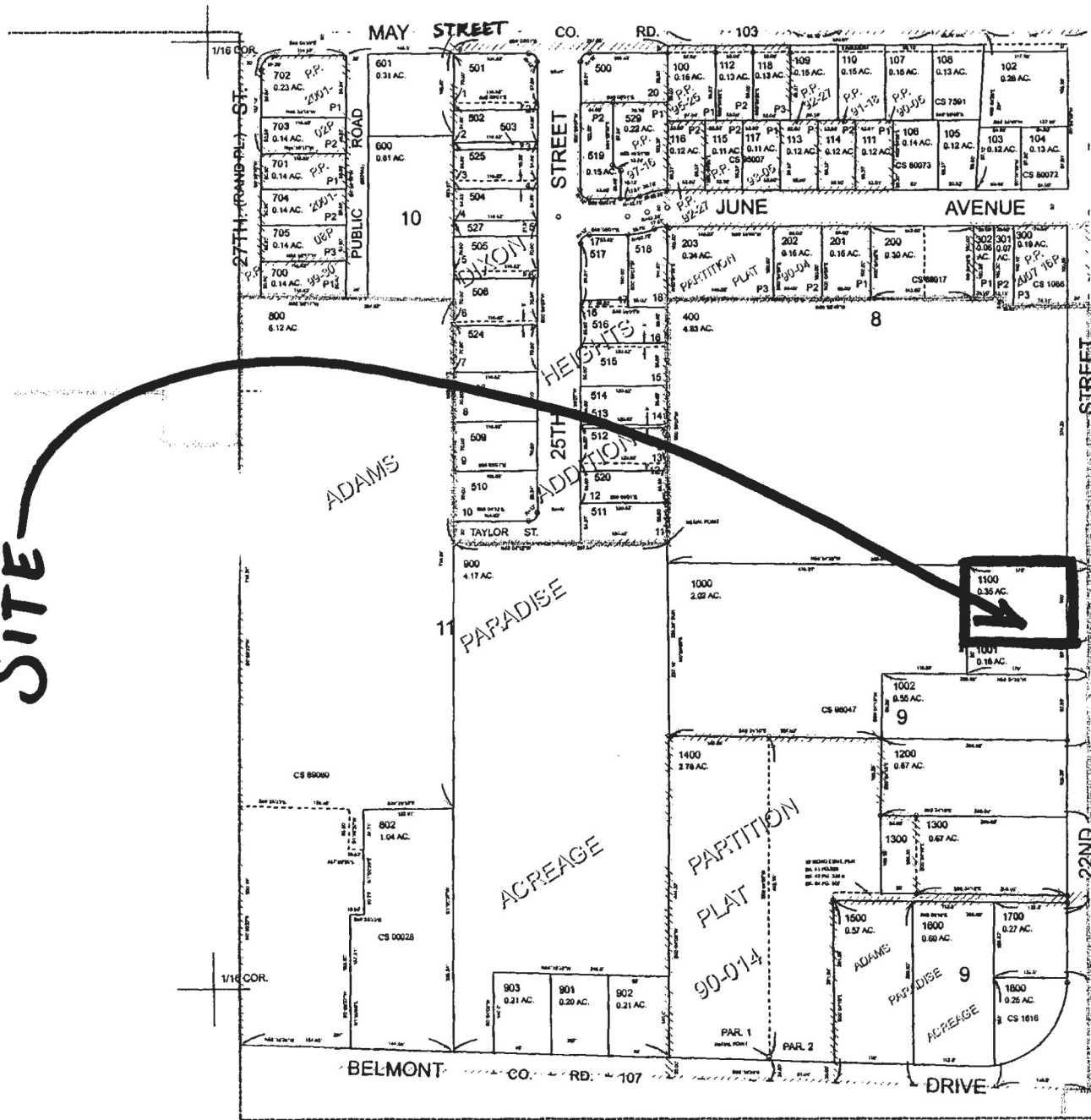
Sept '10



# Columbia Gorge Broadcasters, Inc. Annexation

## 3N 10E 35 RD #1100

### SITE



### LOCATION MAP

### NORTH

ATTACHMENT "B"  
FILE #2011-14

Revised CMS  
7/6/2007

03N 10E 35 BD

**Kevin Liburdy**

---

**From:** ifwater@hrecn.net  
**Sent:** Wednesday, May 18, 2011 1:37 PM  
**To:** Kevin Liburdy  
**Subject:** RE: Annexation of Col Gorge Broadcasters Property , 1190 22nd Street, 3N 10E 35BD #1100  
Kevin,

I apologize for not getting back to you sooner, Ice Fountain Water District has no issues with this annexation. It meets the criteria of the agreement. Thank you and have a good day.

Mark  
Ice Fountain Water District

----- Original Message -----

**From :** Kevin Liburdy[mailto:Kevin@ci.hood-river.or.us]  
**Sent :** 5/18/2011 11:20:17 AM  
**To :** ifwater@hrecn.net  
**Cc :**  
**Subject :** RE: Annexation of Col Gorge Broadcasters Property , 1190 22nd Street, 3N 10E 35BD #1100

Mark,

I understand IFWD is not currently serving this property but please let me know if there is anything I should be aware of. I've heard from Jim and Rick, neither request a meeting.

Thanks, Kevin

BTW, congrats on carrying 100% of the votes for your position at WSFD.

---

**From:** Kevin Liburdy  
**Sent:** Friday, May 13, 2011 5:21 PM  
**To:** 'ifwater@hrecn.net'; 'Jim Trammell'; 'rick@fidhr.org'  
**Cc:** Bob Francis  
**Subject:** Annexation of Col Gorge Broadcasters Property , 1190 22nd Street, 3N 10E 35BD #1100

Gentlemen,

We received an application for annexation due to a failing septic system at the above-reference property.

Are you available to meet with me next Thursday or Friday (5/19 or 5/20)? If you would prefer, I would be happy to take your comments via email.

Please let me know if you have any questions or need any additional information at this time.

Sincerely,

Kevin Liburdy  
Senior Planner  
City of Hood River  
541-387-5224  
541-387-5289 (fax)

**ATTACHMENT "C"**  
FILE #2011-14

5/18/2011

## Kevin Liburdy

---

**From:** Jim Trammell [wsfd502@gorge.net]

**Sent:** Thursday, July 07, 2011 2:23 PM

**To:** Kevin Liburdy

**Subject:** 2011-14

The Fire District has no comments.

Can you forward the payout calculations for this annexation and if the fees will be paid by the City or the applicant.

Thanks

JT

Jim Trammell

Fire Marshal

Westside RFPD

1185 Tucker Road

Hood River, OR 97031

W 541 386 1550

F 541 386 7228

wsfd502@gorge.net

westsidefire.com

**ATTACHMENT "D"**

FILE #2011-14

7/7/2011

## Kevin Liburdy

---

**From:** Rick Brock [rick@fidhr.org]  
**Sent:** Monday, July 11, 2011 1:36 PM  
**To:** Kevin Liburdy  
**Subject:** CGB Annexation

Hi Kevin,  
At this time Farmers Irrigation District will continue to serve water into annexed areas.

Thank you for notification of this matter.

Rick Brock  
Farmers Irrigation District  
Water Right Specialist  
541-387-5263  
[rick@fidhr.org](mailto:rick@fidhr.org)

**ATTACHMENT "E"**  
FILE #2011-14

7/12/2011

LEGAL DESCRIPTION OF COLUMBIA GORGE BROADCASTERS, INC., ANNEXATION  
3N 10E 35BD #1100

That portion of Lot 9, ADAMS PARADISE ACREAGE, in the County of Hood River and State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of said Lot 9; thence South along the East line of said Lot 9 a distance of 100 feet; thence West parallel with the North line of said Lot 9 a distance of 170 feet; thence North parallel with the East line of said Lot 9 a distance of 100 feet to the North line of said Lot 9; thence East along the North line of said Lot 9 a distance of 170 feet to the place of beginning; EXCEPTING THEREFROM, however, the East 30 feet thereof heretofore dedicated for public road and utilities purposes.

ood River  
Box 27  
if, OR 97031



**First Class Mail**  
**First Class Mail**

Attn: Plan Amendment Specialist  
Dept Land Conservation & Devlpmt  
635 Capitol St NE, Suite 150  
Salem, OR 97301-2540