



Oregon

Theodore R. Kubongoski, 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

8/20/2010

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 003-10

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 02, 2010

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
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM **2**

DLCD

Notice of Adoption

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

In person Electronic Mailed

DEPT OF

AUG 13 2010

LAND CONSERVATION AND DEVELOPMENT

DATE
S
T
A
M
P

For Office Use Only

Jurisdiction: *CITY OF HOOD RIVER* Local file number: *2010-15*
 Date of Adoption: *8/9/10* Date Mailed: *8/12/10*
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: *6/2/10*
 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".

ANNEXATION OF 3N 10E 35BC #701 INTO THE CITY OF HOOD RIVER.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: _____ to: _____
 Zone Map Changed from: *U-R-2* to: *R-2*
 Location: *SOUTHWEST OF INTERSECTION OF MAY STREET* Acres Involved: _____
 Specify Density: Previous: *5,000 # MIN.* *WORLDWAY ROAD* New: *5,000 # MIN.*

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. 003-10 (18336) [16278]

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

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*

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 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, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 1986

(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—Belinda and Michael Ballah)

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 35BC #701);

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 three electors registered to vote at the property, two of whom provided written consent to the annexation. 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 (July 19, 2010 and July 26, 2010, respectively) to consider the annexation of the property into the City of Hood River and withdrawal of the Property from the West Side Fire 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;

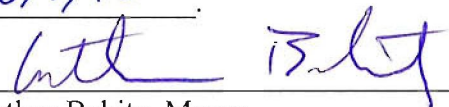
WHEREAS, the City Council adopts the Planning Commission's Findings of Fact and Conclusions of Law set forth in the decision signed July 20, 2010 attached to this Ordinance as a part of Exhibit A and incorporated by reference as if fully set forth herein;

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 July 20, 2010, 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, 2011.

Read for the first time: July 26, 2010.

Read for the second time and passed: August 9, 2010 to become effective thirty (30) days hence.

Signed 8/9/10.


Arthur Babitz, Mayor

ATTEST:



Jennifer McKenzie, City Recorder

RECEIVED
MAY 3 2010
ANNEXMENT
PLANNING DEPARTMENT

File # 2010-15
Fee \$2,267
Date Rec'd 5/3/10
Page 2 of 2

CITY OF HOOD RIVER APPLICATION
ANNEXMENT 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:

RECEIVED

Name: Belinda Ballah
Address: (physical) 658 Ordway Road
Hood River OR 97031
(mailing) 7944 13th Ave SW
Seattle WA 98146
(email) bindy23@gmail.com
Telephone: _____ Cell Phone: 541.490.0830
Signature: Belinda Ballah Mike Ballah 541.490.6312

MAY 03 2010

PLANNING DEPARTMENT

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 35BC Tax Lot(s) 701
Current Zoning: UR2 Parcel Size: .85
Property Location (cross streets or address): 658 Ordway Road HR (may 9 ordway)
Existing Water Service, if any: City

Farmers Irrigation: YES NO Septic: YES NO

Is this a health hazard request for sewer connection? YES NO

If yes, Explain: septic failure

EXHIBIT 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.

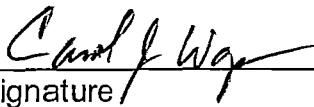
REQUEST

Sewer Service _____

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 _____ *May 3, 2010*

City of Hood River
Planning Commission
Public Hearing
Monday, July 19, 2010

City Council Chambers
211 Second Street
Hood River, OR 97031
5:30 p.m.

MINUTES

- I. CALL TO ORDER: Kate McBride, Chair at 5:38 p.m.
- II. PRESENT: Chair Kate McBride, Commissioners Nikki Hollatz, Laurie Stephens, Nathan DeVol, Bill Irving, Planning Director Cindy Walbridge, Senior Planner Kevin Liburdy, City Attorney Dan Kearns,
- ABSENT: Commissioner Casey Weeks
- III. OTHER BUSINESS: None
- IV. PLANNING DIRECTOR'S UPDATE: None
- V. ACTION ON MINUTES: Commissioner Stephens made a motion to approve the minutes of 5/3/10 subject to three amendments. Seconded by Commissioner Hollatz, and approved unanimously.
- VI. PUBLIC HEARINGS:

A. APPLICANT: Belinda Ballah

FILE NO.: 2010-15

PROPOSAL: Annexation of one parcel in order to connect to City sanitary sewer facilities. There is one existing home on the site and the septic system failed.

McBride opened the hearing at 5:40 and read the rules of order. No commissioner declared an exparte contact or bias and no commissioner or audience member questioned the commissioners on their ability to hear this application.

Kearns clarified the correct procedures for the matters on the agenda. The request for vacation of right-of-way (File #2009-26) is not a land use application.

Liburdy gave the staff report as follows:

- The request is for annexation of the 0.85-acre parcel at 658 Ordway Road, 3N 10E 35BC Tax Lot 701.
- The property is inside the Urban Growth Area, adjacent to the city limits, and currently is zoned U-R-2.
- Following annexation, the property will remain in the R-2, Urban Standard Density Residential zone.
- The property owners requested annexation in order to connect to the city's sanitary sewer facilities because the septic system serving the existing single-family home was failing and state law prohibits replacement of the septic system when sewer facilities are within 300 feet (OAR 340-071-060(4)(f)(A)(i)(I)).

- The property owners signed and recorded a consent to annexation, obligating them to compensate the city for costs associated with the withdrawal of the property from Ice Fountain Water District and West Side Fire District.
- There are three voters registered at this address, and two of these voters provided written consent for the annexation pursuant to ORS 222.125.
- The owners moved forward with the connection to city sewer on July 13th following issuance of the staff report.
- The application generally complies with the city's annexation criteria and applicable state statutes (ORS 222).
- However, we received comments from the fire chief who would like to update the property address which is currently based on the county's address grid. By using the city's grid, it will be easier for emergency service providers to find the property when they receive a call.
- We recommend adoption of a condition of approval that the applicant works with the city's building and fire departments to re-address the property based on the city's address grid.
- We also recommend conditions that the applicant will be responsible for compensating West Side Fire District and Ice Fountain Water District based on the city's intergovernmental agreement with these districts. Compensation is estimated to be approximately \$633.36 to WSFD for lost property tax revenue, and approximately \$2,497.53 to IFWD for debt service.
- We recommend the planning commission forwards to the city council a recommendation of approval subject to conditions as drafted in the staff report.
- The city council will then make the decision at their next meeting on July 26.

Liburdy asked if the Planning Commissioners had any questions.

McBride asked if the property can be further developed after annexation.

Liburdy explained that the R-2 zoning designation requires a minimum lot size of 5,000-square feet and minimum street frontage of 50 feet. The land could be divided subject to compliance with these standards with frontage on May Street or on a new public road such as dedication and construction of Ordway Road to city standards.

McBride read the rules for testimony and asked if the applicant was present.

Liburdy explained that the applicant was not present.

PROPOSERS: None

OPPOSERS: None

NEITHER FOR NOR AGAINST: None

REBUTTAL: None

McBride closed the public testimony portion of the hearing at 5:50 and went into deliberation.

DELIBERATION: Commissioners found the proposal to be consistent with city regulations and policies.

Hollatz moved to recommend approval to the City Council of the Ballah Annexation (File #2010-15) with the draft findings and conditions of approval in the staff report. Irving seconded the motion.

The motion was approved 5-0.

DRAFT

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

In the matter of the annexation)
by Belinda Ballah of a)
0.85-acre parcel, File #2010-19) **FINDINGS AND DECISION**

I. BACKGROUND:

- A. **REQUEST:** Annexation of one parcel in order to connect to City sanitary sewer facilities (see Attachments "A.1"- "A.3"). There is one existing home on the site and the septic system is failing.
- B. **APPLICANT:** Belinda Ballah
- C. **OWNERS:** Belinda and Michael Ballah
- D. **PROPERTY LOCATION:** The property is located at 658 Ordway Road. Legal description: 3N 10E 35BC Tax Lot #701 (see Attachment "B").
- E. **PROPERTY SIZE:** Approximately 0.85 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). If the property is annexed, the zoning will remain Urban Standard Density Residential (R-2). There is one existing single-family home and an accessory building on the site.
- G. **SURROUNDING ZONING AND LAND USES:**
 - North (May Street): R-2, single-family homes
 - South (Tax Lot 709): R-2/PUD, single-family home
 - East (Tax Lot 600): U-R-2, single-family home with accessory building
 - West (Tax Lot 705-708 & 802): R-2/PUD, single-family homes
- 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 6/2/10(Attachment "C")
 - 2. Farmer's Irrigation District: See attached letter dated 6/22/10 (Attachment "D")
 - 3. Ice Fountain Water District: See attached email dated 7/1/10 (Attachment "E")
 - 4. City Public Works and Engineering Dept.: See attached email dated 6/23/10 (Attachment "F").
 - 5. City Fire Dept.: See attached email dated 7/9/10 (Attachment "G")
- 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 3, 2010

outstanding debt service. The City compensated the District for outstanding debt service in 2010. The applicant will be responsible for her proportionate share of the debt service payment. The site also will be withdrawn from the West Side Fire District in association with this annexation, and the applicant will be responsible for compensation to the District 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. County tax records indicate the site is used for a one-story dwelling. The City of Hood River water billing records also indicate the site is used as a single-family dwelling.

The septic system serving the existing home is failing. Because a City sewer line is located within 300 feet of the subject property, state law requires that the property connect to the City's sewer system rather than replace the septic system. At the same time, City policies require property to be annexed into the City Limits in order to obtain sewer service. 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:

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 northern, western and southern property lines are contiguous to the City Limits (Attachment "A.3"). 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 (Son Rise PUD). 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 May Street along the northern property line and Ordway Road, a county road, along the eastern property line. No new roads are proposed to serve the site as no new development is proposed. The City sewer system serves properties located immediately north, west and south of the site, and the City is currently providing water service to the existing home on 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. The City already provides water service to the site, so annexation will have no effect on water service to other areas of the city. 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 were adequate to serve the site and, due to the emergency nature of the applicant's situation (i.e. failing septic system), can permit connection to the City's sewer system immediately following submittal of the annexation application.

Annexation will also result in increased demand on the City's Fire and Police Departments, however, City Fire- and Police Departments already provide service to properties immediately north, west and south of the site. In addition, the City's Fire and Police Departments typically coordinate with Westside Fire Protection District and the Hood River County Sheriff to ensure adequate service in the Urban Growth Area.

The City of Hood River Fire Chief submitted comments recommending that the address of the existing home is changed to a May Street address matching the city's address grid (Attachment "G"). As such, **a condition of approval is recommended that the applicant shall work with the City of Hood River Fire- and Building Fire Departments to update the property address based upon the City's address grid.**

The annexation will result in no additional impact to City streets at this time, and the owner 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 applicant is requesting annexation to receive City services for one single-family residence. 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 Fire District, the City is required to compensate the District for five years of lost property tax revenue. Similarly, pursuant to the City’s IGA with Ice Fountain Water District, the City was required to compensate the District for three years of lost revenue, user fees, infrastructure and debt service. 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 Doc. 2010-01705), the applicant will be responsible compensating the City for costs associated with withdrawal of the property from the Ice Fountain Water District and West Side Fire District. These costs include debt service on Ice Fountain Water District facilities which is estimated to be \$2,497.53 (Attachment “H”), as well as approximately \$633.36 to West Side Fire District for lost property tax revenue (Attachment “I”). As such, **conditions of approval are recommended that the property owners and their heirs, successors and assigns shall compensate the City for the costs associated with the withdrawal of the subject property from Ice Fountain Water District and 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 2010. Payment will be due to the City of Hood River no later than December 31, 2010. The applicant may set up a payment plan pursuant to the terms of the City of Hood River.**

Annexing the existing home will result in City collection of franchise fees for Pacific Power and Light, Northwest Natural Gas, Charter Cable, and Hood River Garbage Service. Franchise fees go into the City’s general fund. Assuming franchise fees for a home total approximately \$150 per month, the City would receive approximately 4% of these fees totaling approximately \$72 a year ($\$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.

Fiscal Impact

If annexed

Sanitary sewer SDCs (1 @ \$1,508) = \$1,508
 Annual sanitary sewer fees (1 @ \$48 x 12) = \$576
 Annual storm sewer fees (1 @ \$2.50 x 12) = \$30
 Water SDCs (1 @ \$3,883) = none, already served by City
 Annual water (1 @ \$27.38 x 12) = \$328.56
 Annual franchise Fees: \$72
 Existing home estimated annual property tax: \$406.05

Fiscal Impact

If not annexed

none
 none
 Loss of \$30
 none
 none
 Loss of \$72
 Loss of \$406.05

- Total one time SDCs and fees collected by the City – \$1,508
- Total annual fees collected by the City if annexed – \$1,006.56

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 (Son Rise PUD). Because the zoning of the property will remain consistent with the existing County zoning designation, properties in the City Limits generally will not be negatively 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 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

Policy 8 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."

Staff assembled open space information from the Parks and Recreation Capital Facilities Master Plan¹ and applied a methodology as described in a "Best Development Practices" guide to ensure that adequate park and open space lands are available. The park and open space methodology is based on the Best Development Practices² of 1.5 acres per 1,000 population. As such, a minimum of 10.4 acres of park and open space is required to serve the current population of approximately 6,925 residents (6,925/1000 = 6.93 x 1.5 = 10.4 acres of open space/park land needed). Based upon these requirements, there is an adequate amount of park and open space in the City to serve the proposed annexation, as follows:

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

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

² Ewing, Reid "Best Development Practices", American Planning Association, 1996. Page 35.

Total park and open space lands = approximately 95.35 acres

The Hood River Valley Park and Recreation Capital Facilities Master Plan details the locations of needed neighborhood and mini-parks inside the UGA. This plan does not recommend development additional parks in the vicinity of the subject site. As such, staff does not recommend development of a park on the subject site and the proposal 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. This goal is not applicable.

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 May Street are expected to facilitate additional transportation alternatives 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.

FINDINGS: There is an existing single-family home on the site. As such, these criteria are applicable.

17.15.060 Evaluation Criteria – Undeveloped Land.

FINDINGS: There is an existing single-family home 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 17.15.060(5) address fiscal impacts. Costs associated with reimbursing special districts will be paid by the applicant and neighboring property owners who benefit from this infrastructure when they annex and develop their properties.

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 17.15.060(4) address these criteria. In association with future development of the site, the developer will be required to construct improvements to the site's May Street frontage to meet City standards; improvements may also be required to Ordway Road. 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.

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. 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 Fire 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 Fire 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 three voters registered at the subject site address. The property owner signed the application form and two of the three voters registered at the subject address also signed the application.

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 Fire 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 would be the date it was filed with the Secretary of States.

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 and Conclusions of Law, the planning commission recommends of **approval** of the annexation **subject to the following conditions:**

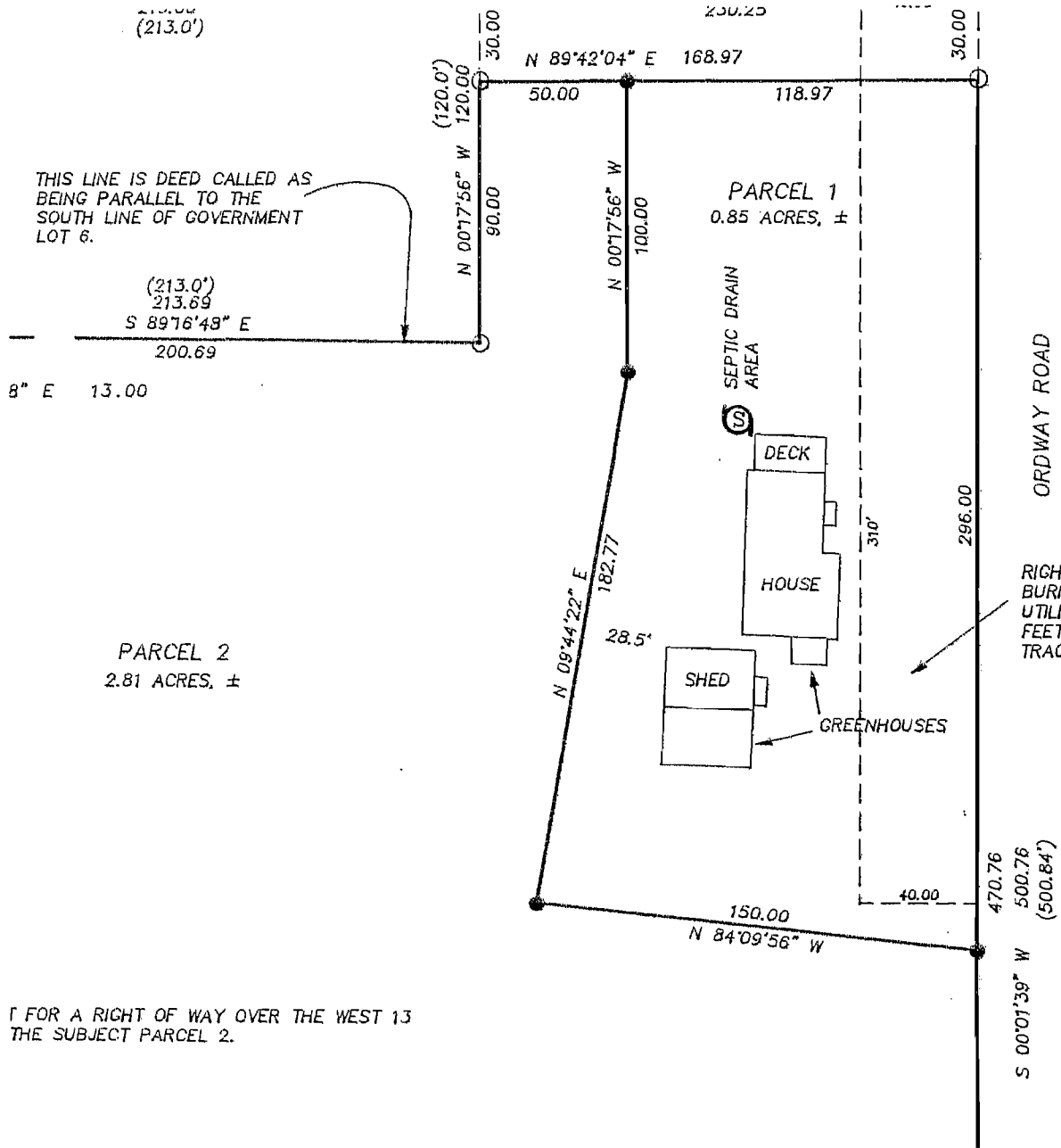
1. The effective date for the annexation shall be the date the ordinance goes into effect, except for purposes of ORS 308.225. The effective date of the withdrawal from West Side Rural Fire District and Ice Fountain Water District will be the effective date of the annexation, except for purposes of ORS 308.225.
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 for the costs associated with the withdrawal of the subject property from Ice Fountain Water District and 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 2010. Payment will be due to the City of Hood River no later than December 31, 2010. The applicant may set up a payment plan pursuant to the terms of the City of Hood River.
4. The applicant shall work with the City of Hood River Building- and Fire Departments to update the property address based upon the City's address grid.
5. The applicant/property owner is responsible for knowledge of existing easements and property lines. Conflicts are to be resolved prior to issuance of building permits. This approval does not condone nor require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.
6. This approval shall be valid for a period of two years from the written notice of the final decision, or the decision on an appeal, whichever is later. A single one-year extension may be granted by the Planning Director prior to the expiration date if the applicant can demonstrate compliance with applicable land division extension standards.
7. Failure to comply with these conditions will nullify this permit.

IV. DECISION: Commissioner Hollatz moved and Commissioner Irving 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 20th day of July, 2010.

Kate McBride
Kate McBride, Chair

ATTEST:
Kevin Liburdy
Kevin Liburdy, Senior Planner



NARRATIVE:
 NO MAJOR DISCREPANCIES WERE FOUND.
 BLANKET EASEMENT FOR ELECTRICAL TRANSMISSION AND DISTRIBUTION TO PACIFIC POWER AND LIGHT COMPANY IN DEED BOOK 41 AT PAGE 136, HOOD RIVER COUNTY DEED RECORDS;
 RIGHTS OF THE PUBLIC IN ROADS AND HIGHWAYS.
 NO WATER RIGHTS ARE APPURTENANT TO THE PROPERTY.

LOCATION OF SURVEY:
 A PORTION OF GOVERNMENT LOT 6 IN SECTION 35, TOWNSHIP 3 NORTH, RANGE 10 EAST, W.M., HOOD RIVER COUNTY, OREGON.

FOR A RIGHT OF WAY OVER THE WEST 13 THE SUBJECT PARCEL 2.

980901, record Hood River County Carolyn Schempf.

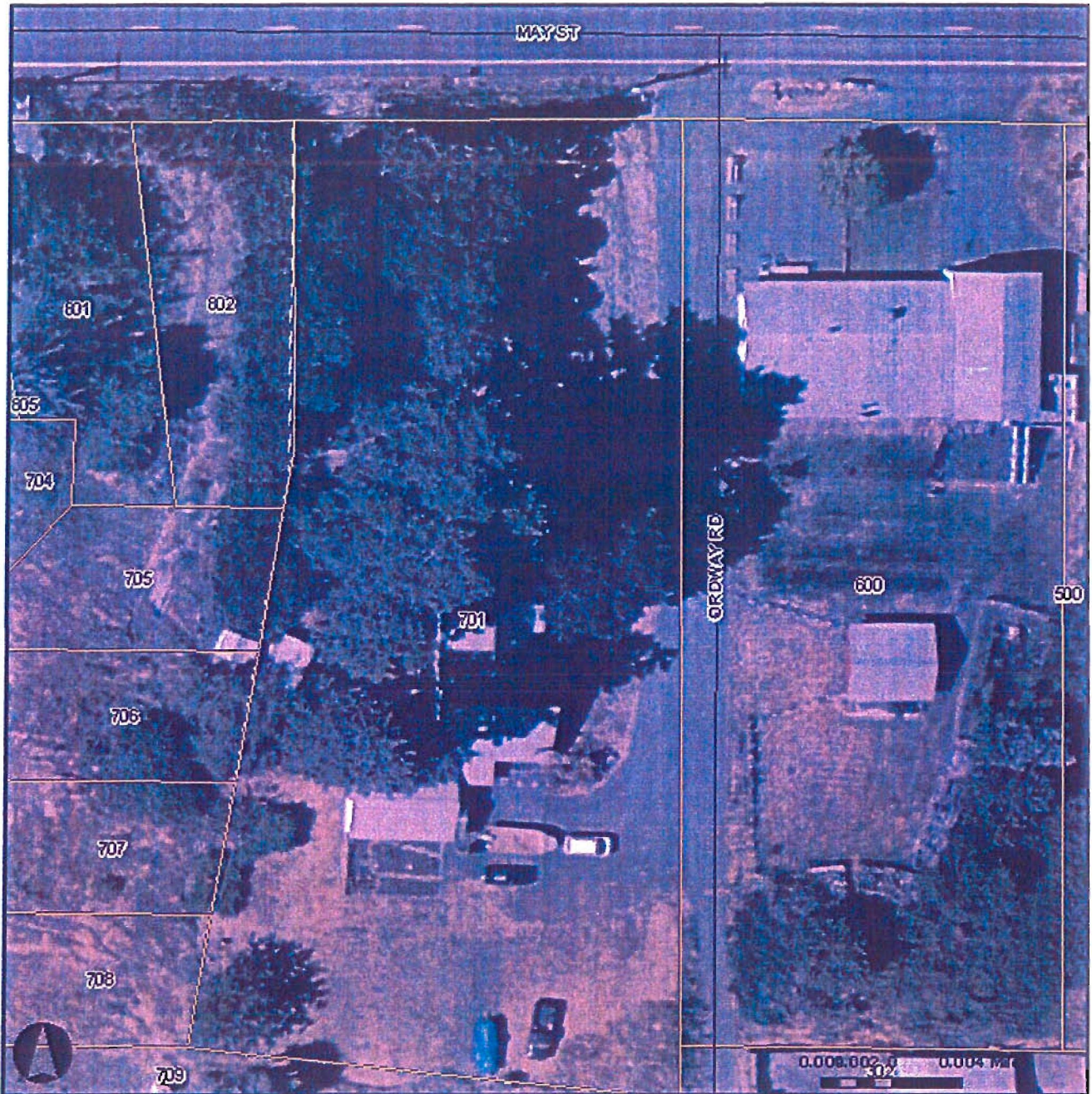
RE
PRC
LAND

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ROY

Expire

ACKNOWLEDGMENT:

I the owner of the declare that this di my free consent at



RGB

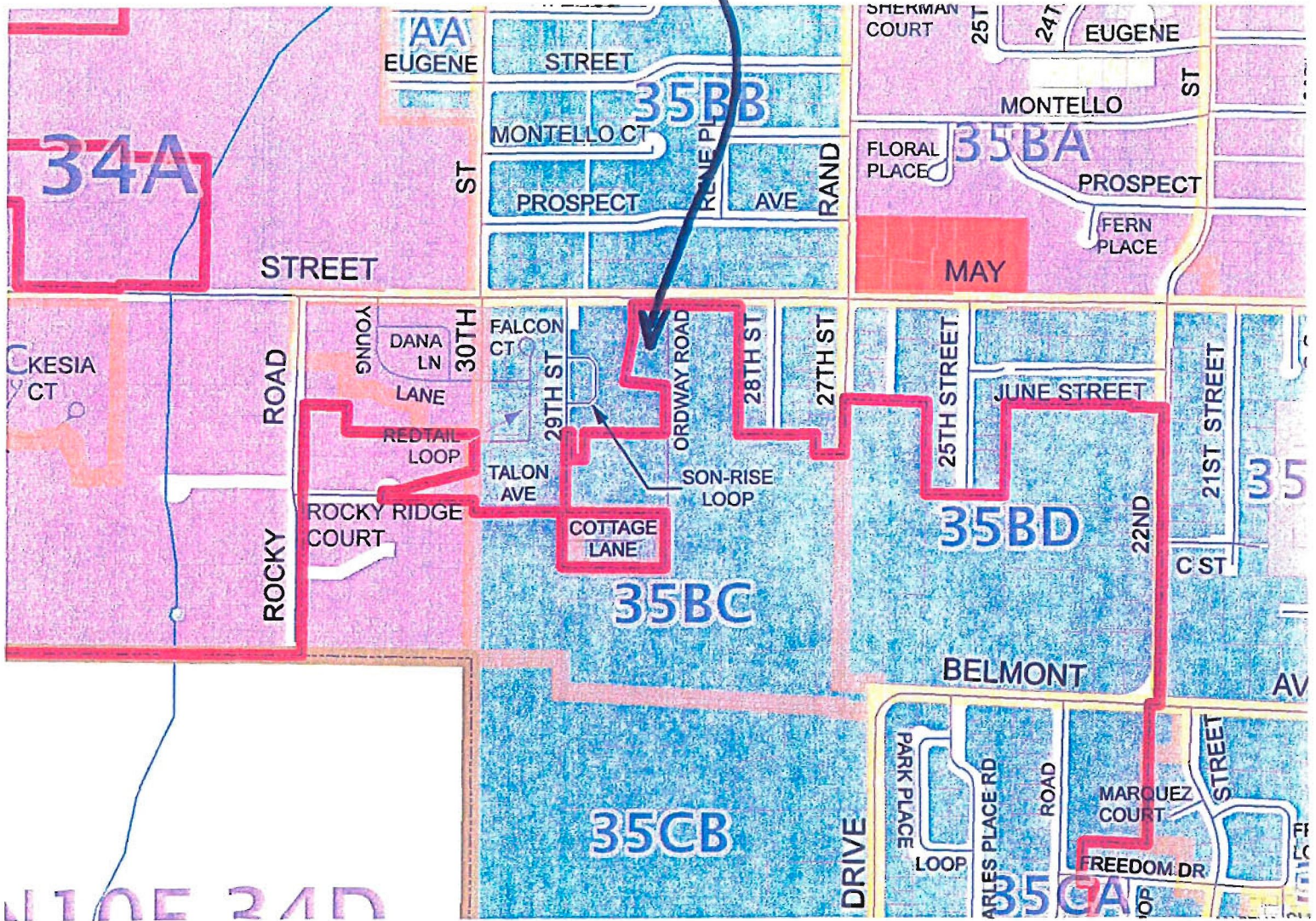
- Red: Band_1
- Green: Band_2
- Blue: Band_3

NORTH ↑

FILE # 2010-15

ZONING MAP

SITE



NORTH ↑

FILE # 2010-15










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 CDN/AGE unless otherwise noted.

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

Within City Limits:
City of Hood River
Planning Department
301 Oak Street
Hood River, OR 97031

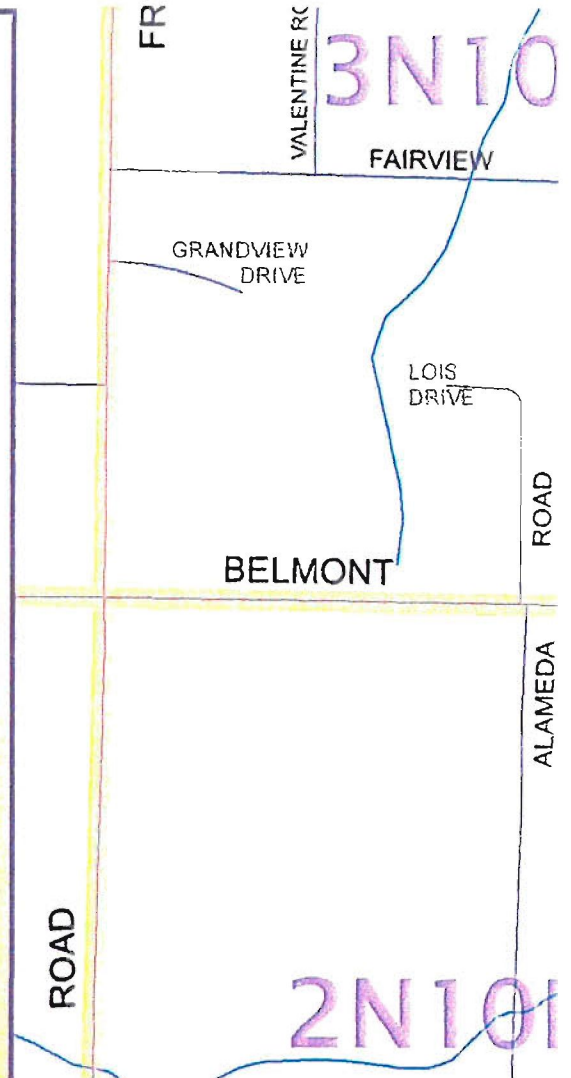
Outside City Limits:
County of Hood River
Planning Department
601 State Street
Hood River, OR 97031

(541) 387-5210

(541) 387-6840



1 inch = 600 feet



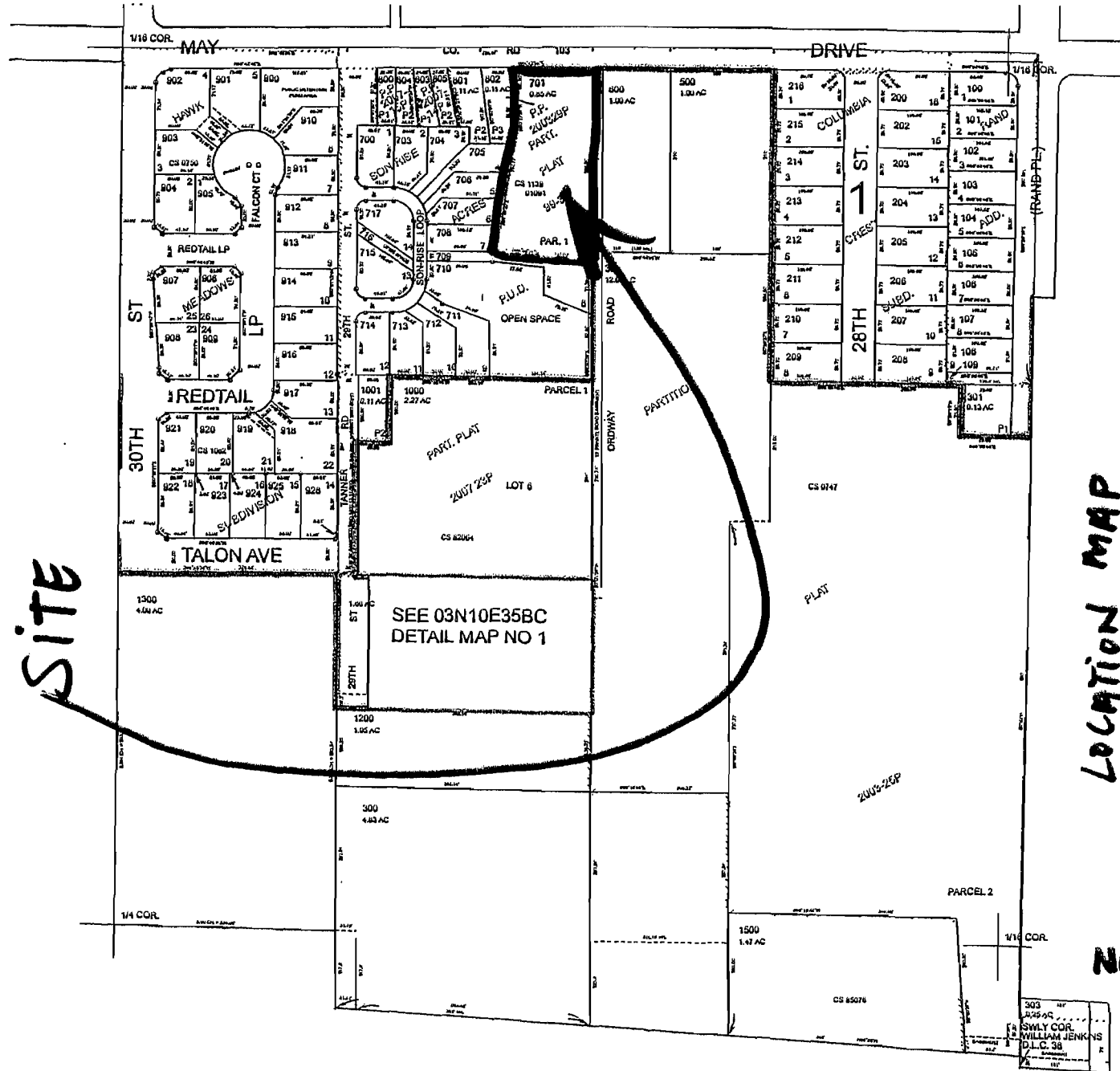
S.W. 1/4 N.W. 1/4 SEC. 35 T. 3N. R. 10E. W.M.
HOOD RIVER COUNTY

BALLAH ANNEXATION

3N10E35BC #701

FILE # 2010-15

SITE



LOCATION MAP

NORTH ↑

ATTACHMENT "B"
FILE #2010-15

- 25 -
City Council Packet

303 DIV
279 AC
SWLY COR
WILLIAM JENKINS
D.L.C. 38

Revised JB
6/11/2006
HOOD RIVER
03N10E35BC

Kevin Liburdy

From: Jim Trammell [wsfd502@gorge.net]
Sent: Wednesday, June 02, 2010 10:29 AM
To: Kevin Liburdy
Subject: RE: Annexation of Ballah Property, 658 Ordway Road, 3N 10E 35BC #701 (File #2010-15)

Kevin

I have reviewed the application, This lot meets the stipulations of the 190 agreements i.e. connectivity, I have no other comments other than can you supply the estimate on payout as per agreement and date of payment.

Thanks

Jim T.

From: Kevin Liburdy [mailto:Kevin@ci.hood-river.or.us]
Sent: Tuesday, June 01, 2010 5:51 PM
To: wsfd502@gorge.net; Rick Brock; ifwater@hrecn.net
Cc: Bob Francis
Subject: Annexation of Ballah Property, 658 Ordway Road, 3N 10E 35BC #701 (File #2010-15)

Gentlemen,

We received another application for annexation of a a property with a failing septic system. Would you be able to meet with me next Wednesday (6/9) at 9 a.m.? If you would prefer, I would be happy to take your comments via email as we did recently for the Howard Annexation.

Please let me know if you need any additional information.

Thanks,

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

Farmers Irrigation District

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

6/22/2010

City of Hood River
Kevin Liburdy, Senior Planner

Re: Ballah Annexation # 2010-15

Dear Mr. Liburdy,
Tax Lot 3N-10E-35BC-701 has .50 water right acres; the water rights will not be affected by Annexation. At this time Farmers Irrigation District will continue to serve irrigation water into annexed territories.

Thank you for notification of this matter.

Sincerely,

Rick Brock
Farmers Irrigation District
Water Rights Department
541-387-5263
rick@fidhr.org

Kevin Liburdy

From: ifwater@hrecn.net
Sent: Thursday, July 01, 2010 8:12 AM
To: Kevin Liburdy
Subject: Ballah Annexation (file number :2010-15)

Kevin,

All debt service and requirements as per the IGA have been satisfied to Ice Fountain Water District. Thank you and have a good day.

Mark Beam
District Manager
Ice Fountain Water District
541-386-4299

Kevin Liburdy

From: Gary Lindemyer
Sent: Wednesday, June 23, 2010 8:33 AM
To: Kevin Liburdy
Subject: RE: Notice of Application and Request for Comment - Ballah Annexation (File #2010-15) - 3N 10E 35BC #701

Kevin,

All City facilities are adequate for the annexation. With connection to the sanitary sewer, this property will be receiving all City utilities.

GL

Gary Lindemyer
Construction Inspector

City of Hood River
PO Box 27
Hood River, OR 97031

Phone: 541-387-5204
Fax: 541-387-5222
E-Mail: glind@ci.hood-river.or.us

From: Kevin Liburdy
Sent: Monday, June 21, 2010 3:55 PM
To: Bob Francis; Lynn Rasmussen; Dan Kearns; Mark Lago; Gary Lindemyer; David M. Hyskell; Devon Wells; Bruce Ludwig; Nick HOGAN
Subject: Notice of Application and Request for Comment - Ballah Annexation (File #2010-15) - 3N 10E 35BC #701

Please find attached a notice of application and request for comment.

If you have any questions, please let me know.

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

Kevin Liburdy

From: Devon Wells
Sent: Friday, July 09, 2010 11:27 AM
To: Kevin Liburdy
Subject: RE: Ballah Annexation (File #2010-15) - 658 Ordway Road

Only comment is that the Address of the house should be changed to match the City Grid and re-addressed off of May Street, not Ordway.

Devon J. Wells
Fire Chief
Hood River Fire Department
(541) 386-3939 ext. 2201
devon@hoodriverfire.com
www.hoodriverfire.com

Pride, Honor, Integrity, Courage

From: Kevin Liburdy
Sent: Thursday, July 08, 2010 4:10 PM
To: Devon Wells
Subject: Ballah Annexation (File #2010-15) - 658 Ordway Road

Chief,

Do you have any comments in regard to this annexation?

Thanks,

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

Ice Fountain Water District
Annexation Calculation
12-Mar-07

Annexed Annual Revenue	\$	2,435.24
Annual District Revenue	\$	789,618.00

DEBT SERVICE FOR YEAR

York Hill	\$	40,373.00	5.1129.%	\$	124.51	-6	\$	747.06
Oak Grove	\$	35,075.00	4.4420.%	\$	108.17	5	\$	540.85
GO Bond	\$	315,775.00	39.9909.%	\$	973.85	11	\$	10,712.35
TOTALS	\$	391,223.00	49.5458.%				\$	<u>12,000.26</u>

LOST REVENUE TOTAL 50.4542.% PAJD 2007

Infrastructure NONE
Fire Hydrant NONE

Less Depreciation NONE

GRAND TOTAL \$ 12,000.26

Island Annexations on Ordway Rd. as per agreed on letter dated November 16, 2006.

658 Ordway usage = \$506.78

Ordway Rd area total usage =
\$2,435.24

$\frac{\$506.78}{\$2,435} = 20.8123\%$

$\$12,000.26 \times 20.8123\% =$

↳ \$2,497.53

↳ Billahi's share of debt service

ICE FOUNTAIN WATER DISTRICT

Usage Report

From: 04/01/2006 Through: 02/01/2007

Sorted By: Service Id

For 010008000

Service ID	Acct No.	Name	Service Address			Route				
Meter No.	Chngout	Size	Service	Tran Date	Measure	Act Usage	Bill Usage	Adj Usage	Adj Amt	Charges
010008000	010008000	MIKE BALLAE	658 ORDWAY ROAD			01				
070505105		3/4" METER	WATER	04/01/2006	Gallons	23000.	23000.	0.	0.00	98.20
070505105		3/4" METER	WATER	06/01/2006	Gallons	21000.	21000.	0.	0.00	93.04
070505105		3/4" METER	WATER	08/01/2006	Gallons	11000.	11000.	0.	0.00	67.24
070505105		3/4" METER	WATER	10/01/2006	Gallons	23000.	23000.	0.	0.00	98.20
070505105		3/4" METER	WATER	12/01/2006	Gallons	6000.	6000.	0.	0.00	54.34
070505105		3/4" METER	WATER	12/04/2006	Gallons	7000.	7000.	0.	0.00	18.06
010008000	010008001	AARON WAGAR	658 ORDWAY ROAD			01				
070505105		3/4" METER	WATER	02/01/2007	Gallons	14000.	14000.	0.	0.00	77.70
Grand Totals										
		WATER	//		Gallons	105000.	105000.	0.	0.00	506.78

Usage Report

From: 04/01/2006 Through: 02/01/2007

Sorted By: Service Id

For 010003000

Service ID	Acct No.		Name			Service Address			Route	
Meter No.	Chngout	Size	Service	Tran Date	Measure	Act Usage	Bill Usage	Adj Usage	Adj Amt	Charges
010003000	010003000		RODNEY KREHBIEL			738 ORDWAY ROAD			01	
070505102		3/4" METER	WATER	04/01/2006	Gallons	5000.	5000.	0.	0.00	54.34
070505102		3/4" METER	WATER	04/01/2006	Gallons	0.	0.	0.	0.00	0.00
010003000	010003001		COTTAGE HOUSING LLC			738 ORDWAY ROAD			01	
070505102		3/4" METER	WATER	06/01/2006	Gallons	2000.	2000.	0.	0.00	54.34
070505102		3/4" METER	WATER	08/01/2006	Gallons	6000.	6000.	0.	0.00	54.34
070505102		3/4" METER	WATER	10/01/2006	Gallons	15000.	15000.	0.	0.00	77.56
070505102		3/4" METER	WATER	12/01/2006	Gallons	6000.	6000.	0.	0.00	54.34
070505102		3/4" METER	WATER	12/01/2006	Gallons	0.	0.	0.	0.00	10.00
070505102		3/4" METER	WATER	02/01/2007	Gallons	0.	0.	0.	0.00	10.00
Grand Totals										
			WATER	/ /	Gallons	34000.	34000.	0.	0.00	314.92

Usage Report

From: 04/01/2006 Through: 02/01/2007

Sorted By: Service Id

For 010002000

Service ID	Acct No.	Name	Service Address			Route				
Meter No.	Chngout	Size	Service	Tran Date	Measure	Act Usage	Bill Usage	Adj Usage	Adj Amt	Charges
010002000	010002000	MICHELLE COCHRAN				750 ORDWAY ROAD			01	
070505101		3/4" METER	WATER	04/01/2006	Gallons	8000.	8000.	0.	0.00	59.50
070505101		3/4" METER	WATER	06/01/2006	Gallons	5000.	5000.	0.	0.00	54.34
070505101		3/4" METER	WATER	08/01/2006	Gallons	6000.	6000.	0.	0.00	54.34
070505101		3/4" METER	WATER	10/01/2006	Gallons	12000.	12000.	0.	0.00	69.82
070505101		3/4" METER	WATER	12/01/2006	Gallons	6000.	6000.	0.	0.00	54.34
070505101		3/4" METER	WATER	02/01/2007	Gallons	22000.	22000.	0.	0.00	98.34
Grand										
Totals										
			WATER	//	Gallons	59000.	59000.	0.	0.00	390.68

ICE FOUNTAIN WATER DISTRICT

Usage Report

From: 04/01/2006 Through: 02/01/2007

Sorted By: Service Id

For 010009000

Service ID	Acct No.	Name	Service Address		Route					
Meter No.	Chngout	Size	Service	Tran Date	Measure	Act Usage	Bill Usage	Adj Usage	Adj Amt	Charges
010009000	010009000	GARY A. MUMA	3665 MAY STREET					01		
07080501		3/4" METER	WATER	04/01/2006	Gallons	5000.	5000.	0.	0.00	54.34
07080501		3/4" METER	WATER	06/01/2006	Gallons	6000.	6000.	0.	0.00	54.34
07080501		3/4" METER	WATER	08/01/2006	Gallons	8000.	8000.	0.	0.00	59.50
07080501		3/4" METER	WATER	10/01/2006	Gallons	17000.	17000.	0.	0.00	82.72
07080501		3/4" METER	WATER	12/01/2006	Gallons	6000.	6000.	0.	0.00	54.34
07080501		3/4" METER	WATER	02/01/2007	Gallons	10000.	10000.	0.	0.00	67.38
<hr/>										
Grand										
Totals										
		WATER	//		Gallons	52000.	52000.	0.	0.00	372.62

Usage Report

From: 04/01/2006 Through: 02/01/2007

Sorted By: Service Id

For 010004500

Service ID	Acct No.	Name	Service Address			Route				
Meter No.	Chngout	Size	Service	Tran Date	Measure	Act Usage	Bill Usage	Adj Usage	Adj Amt	Charges
010004500	010004500	PAT TANNER				3711 MAY STREET			01	
070505103		3/4" METER	WATER	04/01/2006	Gallons	21000.	21000.	0.	0.00	95.04
070505103		3/4" METER	WATER	06/01/2006	Gallons	20000.	20000.	0.	0.00	90.46
070505105		3/4" METER	WATER	08/01/2006	Gallons	10000.	10000.	0.	0.00	64.66
070505103		3/4" METER	WATER	10/01/2006	Gallons	43000.	43000.	0.	0.00	149.80
070505103		3/4" METER	WATER	11/21/2006	Gallons	0.	0.	-15000.	-38.70	0.00
070505103		3/4" METER	WATER	12/01/2006	Gallons	6000.	6000.	0.	0.00	54.34
070505103		3/4" METER	WATER	02/01/2007	Gallons	25000.	25000.	0.	0.00	106.08

Grand										
Totals			WATER	/ /	Gallons	125000.	125000.	-15000.	-38.70	558.38

Usage Report

From: 04/01/2006 Through: 02/01/2007

Sorted By: Service Id

For 010005000

Service ID	Acct No.	Name	Service Address			Route				
Meter No.	Chngout	Size	Service	Tran Date	Measure	Act Usage	Bill Usage	Adj Usage	Adj Amt	Charges
010005000	010005001	HOPE PROJECT	3725 MAY STREET			01				
070505104		3/4" METER	WATER	04/01/2006	Gallons	3000.	3000.	0.	0.00	32.17
070505104		3/4" METER	WATER	06/01/2006	Gallons	0.	0.	0.	0.00	10.00
070505104		3/4" METER	WATER	08/01/2006	Gallons	0.	0.	0.	0.00	10.00
070505104		3/4" METER	WATER	10/01/2006	Gallons	17000.	17000.	0.	0.00	68.29
070505104		3/4" METER	WATER	12/01/2006	Gallons	6000.	6000.	0.	0.00	54.34
070505104		3/4" METER	WATER	02/01/2007	Gallons	4000.	4000.	0.	0.00	57.06

Grand										
Totals			WATER	/ /	Gallons	30000.	30000.	0.	0.00	231.86

ICE FOUNTAIN WATER DISTRICT

Usage Report

From: 04/01/2006 Through: 02/01/2007

Sorted By: Service Id

For 010005500

Service ID	Acct No.	Name	Service Address		Route					
Meter No.	Chngout	Size	Service	Tran Date	Measure	Act Usage	Bill Usage	Adj Usage	Adj Amt	Charges
010005500	010001000	HANNERS ORCHARD		OFF MAY DRIVE		01				
		3/4" METER	WATER	04/01/2006	Gallons	0.	0.	0.	0.00	10.00
		3/4" METER	WATER	06/01/2006	Gallons	0.	0.	0.	0.00	10.00
		3/4" METER	WATER	08/01/2006	Gallons	0.	0.	0.	0.00	10.00
		3/4" METER	WATER	10/01/2006	Gallons	0.	0.	0.	0.00	10.00
		3/4" METER	WATER	12/01/2006	Gallons	0.	0.	0.	0.00	10.00
		3/4" METER	WATER	02/01/2007	Gallons	0.	0.	0.	0.00	10.00

Grand										
Totals			WATER	/ /	Gallons	0.	0.	0.	0.00	60.00

Kevin Liburdy

From: Kevin Liburdy
Sent: Thursday, July 01, 2010 3:25 PM
To: 'Jim Trammell'
Cc: Lynn Rasmussen
Subject: RE: Annexation of Ballah Property, 658 Ordway Road, 3N 10E 35BC #701 (File #2010-15)
Jim,

Please review the following breakdown of the compensation amount for the above-referenced annexation and, if I made any mistakes, please let me know at your earliest convenience.

Assessed Value (2010) = \$144,440

Year 1 = \$144.44 x 0.781	= \$112.81
Year 2 = \$112.81 + 5.8% (i.e. \$6.54)	= \$119.35
Year 3 = \$119.35 + 5.8% (i.e. \$6.92)	= \$126.27
Year 4 = \$126.27 + 5.8% (i.e. \$7.32)	= \$133.59
Year 5 = \$133.59 + 5.8% (i.e. \$7.75)	= \$141.34
Total	= \$633.36

Thanks,

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

From: Jim Trammell [mailto:wsfd502@gorge.net]
Sent: Wednesday, June 02, 2010 10:29 AM
To: Kevin Liburdy
Subject: RE: Annexation of Ballah Property, 658 Ordway Road, 3N 10E 35BC #701 (File #2010-15)

Kevin

I have reviewed the application, This lot meets the stipulations of the 190 agreements i.e. connectivity, I have no other comments other than can you supply the estimate on payout as per agreement and date of payment.

Thanks
Jim T.

From: Kevin Liburdy [mailto:Kevin@ci.hood-river.or.us]
Sent: Tuesday, June 01, 2010 5:51 PM
To: wsfd502@gorge.net; Rick Brock; ifwater@hrecn.net
Cc: Bob Francis
Subject: Annexation of Ballah Property, 658 Ordway Road, 3N 10E 35BC #701 (File #2010-15)

Gentlemen,

We received another application for annexation of a property with a failing septic system. Would you be able to meet with me next Wednesday (6/9) at 9 a.m.? If you would prefer, I would be happy to take your comments via email as we did recently for the Howard Annexation.

Please let me know if you need any additional information.

HOOD RIVER County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2010

July 1, 2010 11:58:52 am

Account # 12258
 Map # 3N10E35-BC-00701
 Code - Tax # 0005-12258
 Legal Descr See Record

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Mailing Name BALLAH, MICHAEL L & BELINDA L
 Agent
 In Care Of
 Mailing Address

Deed Reference # 2000-314 (SOURCE ID: 20000314)
 Sales Date/Price 01-21-2000 / \$180,000.00
 Appraiser

658 ORDWAY RD
 HOOD RIVER, OR 97031

Prop Class 401 MA SA NH Unit
 RMV Class 401 06 05 000 9570-1

Situs Address(s)	Situs City
ID# 658 ORDWAY	HOOD RIVER

Value Summary					
Code Area	AV	RMV	RMV Exception	CPR %	
0005 Land	57,960	164,110	Land	0	
Impr.	86,480	174,610	Impr.	0	
Code Area Total	144,440	338,720		0	
Grand Total	144,440	338,720		0	

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	LUC	Trended RMV
0005	1	R		UR2	Rural Site	100	A	0.50	HS	003	125,720
0005	3	R		UR2	Rural Site	100	A	0.35	RA	003	25,720
0005	2	R		UR2	Rural Site	100	A	0.00	UOSDA	003	12,670
Grand Total								0.85			164,110

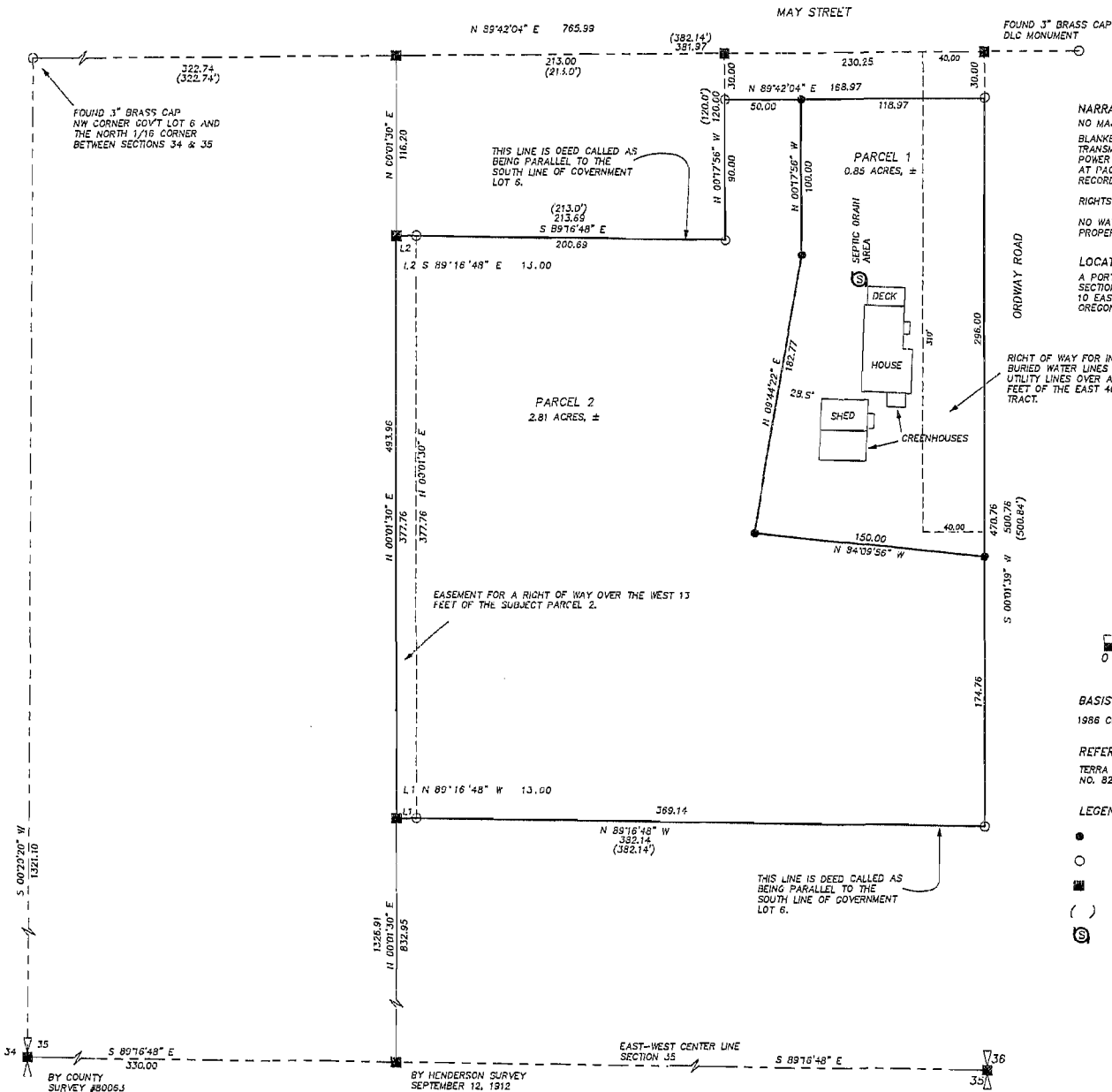
Improvement Breakdown											
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV		
0005	1	1947	131	One story	100	0			174,610		
Grand Total								0	174,610		

Exemptions/Special Assessments/Potential Liability												
Code Area	Type											
0005		NOTATION(S):										
		POTENTIAL TAX LIABILITY ADDED 2001								Tax	266.15	
		ACT DISQ FROM FU FOR 2001-02 LIAB SHOWN AS NOT/										

Comments: JV1/18/00 PP99-31 CREATES 701 PAR1 & 702 FROM 700 FOR 99-00 2/10/00 M
 ACT DISQ FROM FARM USE SPEC ASMT FOR THE 2001-02 TAX YEAR LIAB OF
 \$266.15 SHOWN AS NOTATION ONLY. 7/12/01

LEGAL DESCRIPTION OF BALLAH ANNEXATION – 3N 10E 35BC #701

Parcel 1 of Partition Plat No. 9931, filed December 30, 1999 in Hood River County Microfilm Records, and being a portion of Government Lot 6 in Section 35, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon.

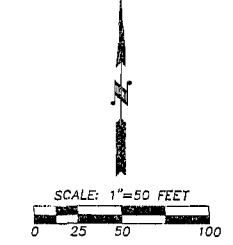


NARRATIVE:
 NO MAJOR DISCREPANCIES WERE FOUND.
 BLANKET EASEMENT FOR ELECTRICAL TRANSMISSION AND DISTRIBUTION TO PACIFIC POWER AND LIGHT COMPANY IN DEED BOOK 41 AT PAGE 136, HOOD RIVER COUNTY DEED RECORDS.

RIGHTS OF THE PUBLIC IN ROADS AND HIGHWAYS:
 NO WATER RIGHTS ARE APPURTENANT TO THE PROPERTY.

LOCATION OF SURVEY:
 A PORTION OF GOVERNMENT LOT 6 IN SECTION 35, TOWNSHIP 3 NORTH, RANGE 10 EAST, W.M., HOOD RIVER COUNTY, OREGON.

RIGHT OF WAY FOR INGRESS, EGRESS AND FOR BURIED WATER LINES AND BURIED OR SURFACE UTILITY LINES OVER AND ACROSS THE NORTH 310 FEET OF THE EAST 40 FEET OF THE ORIGINAL TRACT.



BASIS OF BEARING:
 1988 CITY OF HOOD RIVER DATUM.

REFERENCES:
 TERRA SURVEYING PROJECT NO. 8222, C.S. NO. 82064.

- LEGEND:**
- SET 5/8" X 30" IRON ROD WITH PLASTIC CAP
 - FOUND TERRA 5/8" MONUMENT OF RECORD
 - CALCULATED, NOT FOUND OR SET
 - () DEED OR PLAT CALL
 - Ⓢ SEPTIC TANK LID



TERRA SURVEYING

DATE: NOVEMBER, 1999
 SCALE: 1" = 50'
 PROJECT: 9994PART
 P.O. BOX 617
 HOOD RIVER, OREGON 97031
 PHONE & FAX: (541) 386-4531
 E-Mail: terra@gorge.net

CITY MONUMENT
 K-3, QUARTER
 CORNER

FILED

DEC 29, 1999
Richard Schempf
 COUNTY CLERK

PARTITION PLAT
 for
CAROLYN SCHEMPF

File Number 99-31
 Instrument received on the 30th day of December, 1999 at 11:10 A.M.

Hood River County Director of Records and assessments.

SURVEYOR'S CERTIFICATE
 I, Roy D. Gaylord, being first duly sworn, depose and say that I have correctly surveyed and marked with proper monuments the lands represented on this Partition Plat, the boundaries being described in Instrument # 980901, recording dated March 10, 1999, Hood River County Deed Records to Carolyn Schempf.

REGISTERED PROFESSIONAL LAND SURVEYOR

Roy D. Gaylord
 JULY 15, 1979
 ROY D. GAYLORD
 1815
 Expires: June, 2001

ACKNOWLEDGMENTS
 I the owner of the land shown herein, hereby declare that this division of land has been made with my free consent and in accordance with my desires.

Carolyn Schempf 11/10/99
 OWNER DATE

STATE OF OREGON
 COUNTY OF HOOD RIVER, s.s.
 Subscribed and sworn to before me on this 17th day of November, 1999,
 by Carolyn Schempf

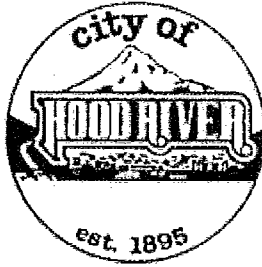
Justin S. Gaylord
 Notary Public
 (Seal)

APPROVALS
 I hereby certify that all taxes and assessments due hereon have been fully paid as required by law.
Michael Gorge
 Hood River County Director of Budget and Finance

I hereby certify this partition was examined and approved as of this 28th day of Dec. 1999.
Richard Schempf
 Hood River County Surveyor

I hereby certify this partition was examined and approved as of this 29th day of December, 1999.
Michael Gorge
 Planning File Number 99-305
 Hood River County Planning Director

99119



August 12, 2010

NOTICE OF CITY COUNCIL DECISION

TO: City Council, Applicant, Agencies, Utilities, Parties of Record and Postmaster
FROM: Kevin Liburdy, Senior Planner
SUBJECT: Ballah Annexation - File # 2010-15

PROPOSAL: A request by Belinda Ballah to annex one parcel, approximately 0.85 acre in area, into the city limits and to apply the Urban Standard Density Residential (R-2) zoning designation to the property.

APPLICANT: Belinda Ballah

OWNERS: Belinda and Michael Ballah

PROPERTY LOCATION: 658 Ordway Road; Legal description: 3N 10E 35BC #701. (See location map, Attachment "B".)

DESCRIPTION OF ACTION: The City Council approved the application subject to conditions of approval at a public hearing on August 9, 2010. Ordinance 1986, proclaiming the annexation of the subject property, was signed on August 9, 2010. Ordinance 1986 becomes effective on September 8, 2010, 30 days from the date of signing.

The above described property will be withdrawn from the Ice Fountain Water District and Westside Rural Fire District, and will remain in the Farmers Irrigation District.

APPEAL: The decision of the City Council shall be final unless the decision is appealed to the Land Use Board of Appeals in accordance with the appeal procedures in ORS Chapter 197.830 to 197.860 by **Wednesday, September 2, 2010** (within 21 days of the date of this notice of decision).

A copy of all documents and evidence submitted by or on behalf of the applicant, applicable criteria, the staff report and the findings of fact which include any conditions upon which the decision is based and the conclusions of law derived from those facts, are available for inspection at no cost and copies will be provided at the cost of \$.38 per page at the City Planning Department, 301 Oak Street, between the hours of 8 a.m. to 5 p.m., Monday through Friday excluding holidays.

If you have any questions please call me at (541) 387-5224.

Sincerely, Kevin Liburdy

BALLAH ANNEXATION

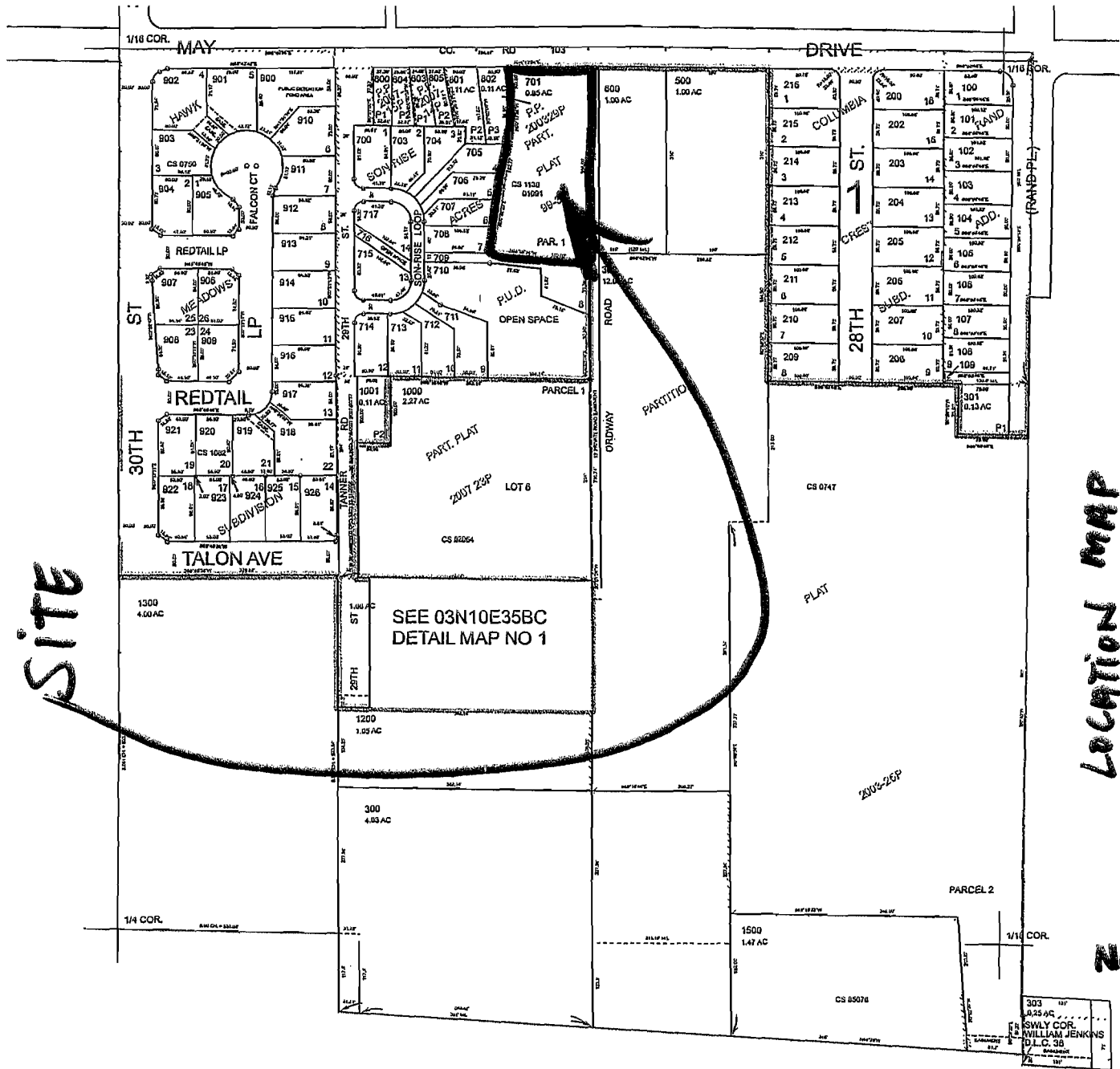
3N10E35BC #701

FILE # 2010-15

SITE

LOCATION MAP

S.W.1/4 N.W.1/4 SEC.35 T.3N. R.10E. W.M.
HOOD RIVER COUNTY



303
3.25 AC
SWLY COR
WILLIAM JENKINS
D.L.C. 38

Revised JB
6/11/2008
HOOD RIVER
03N10E35BC

ATTACHMENT "B"
FILE #2010-15

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



First Class Mail
First Class Mail

ATTN: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION & DEVELPMNT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540