



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

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

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

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

### NOTICE OF ADOPTED AMENDMENT

March 31, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment  
DLCD File Number 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 19, 2006

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

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

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

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

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**FORM 2**

**DLCD NOTICE OF ADOPTION**

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

(See reverse side for submittal requirements)

DEPT OF

MAR 30 2006

LAND USE DIVISION  
AND DEVELOPMENT

Jurisdiction: City of Hood River Local File No.: 2006-12  
(If no number, use none)

Date of Adoption: 3.29.06 Date Mailed: 3.29.06  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1-27-06

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

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

Remove a 1.5 acre tract from the City of Hood River Urban Growth Area and annex this tract into the City limits. Zoning remains the same - Urban Standard Density Residential (R2)

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

SAME

Plan Map Changed from : NA to \_\_\_\_\_

Zone Map Changed from: SAME to \_\_\_\_\_

Location: 3N10E35BC #1100 Acres Involved: \_\_\_\_\_

Specify Density: Previous: NA New: \_\_\_\_\_

Applicable Statewide Planning Goals: 10

Was an Exception Adopted? Yes: \_\_\_\_\_ No:

DLCD File No.: 002-06 (14972)

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

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

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

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

Affected State or Federal Agencies, Local Governments or Special Districts: Hood River County, Ice Fountain Water District, Farmers Irrigation District, Westside Fire District

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

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

Zip Code+4: 97031

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

## **ADOPTION SUBMITTAL REQUIREMENTS**

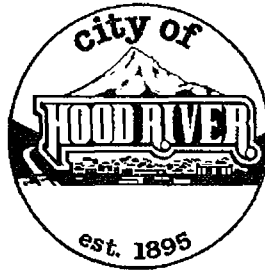
This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

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

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

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

Mayor:  
Linda Streich  
Councilors:  
President: Paul Cummings  
Carrie Nelson  
Paul Blackburn  
Ann Frodel  
Martin Campos-Davis  
Laurent Picard



301 OAK STREET  
P.O. BOX 27  
HOOD RIVER, OREGON 97031

(541) 386-1488

March 29, 2006

### **NOTICE OF CITY COUNCIL DECISION**

**TO:** All Participating Parties  
**FROM:** Jean M. Hadley, City Recorder  
**SUBJECT:** Quasi-Judicial public hearing to consider a request for annexation into the City limits; Cottage Homes, LLC

**Applicant:** Cottage Homes, LLC File # 2006-12

**Project Description:** Annexation of approximately 1.5 acres of land into the City limits.

**Project Location:** The property is located south of May Drive between Ordway Road and 29<sup>th</sup> Street (see attached map). The property is zoned Urban Standard Density Residential (R-2). Legal Description: 3N 10E 35BC Tax Lot #1100.

**Description of Action:** The City Council approved the above-referenced annexation and adopted the Planning Commission's findings of fact. The findings of fact were signed on March 29, 2006. The ordinance (#1895) was signed on March 29, 2006. The ordinance becomes effective on Friday, April 28, 2006, 30 days after the ordinance was signed.

The above described property will be withdrawn from the Ice Fountain Water District and Westside Rural Fire Protection District.

The findings of fact and all documents and evidence in the record on which the decision is based are available for inspection at no cost at the City Planning Department, 301 Oak Street; Monday through Friday between 8 a.m. and 5 p.m. Copies will be provided at the cost of \$.33 per page.

**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 197.830 to 197.869, by **April 19, 2006**, within 21 days from the date of this decision.

If you have questions, please call Senior Planner Jennifer Donnelly (541) 387-5224.

Sincerely,

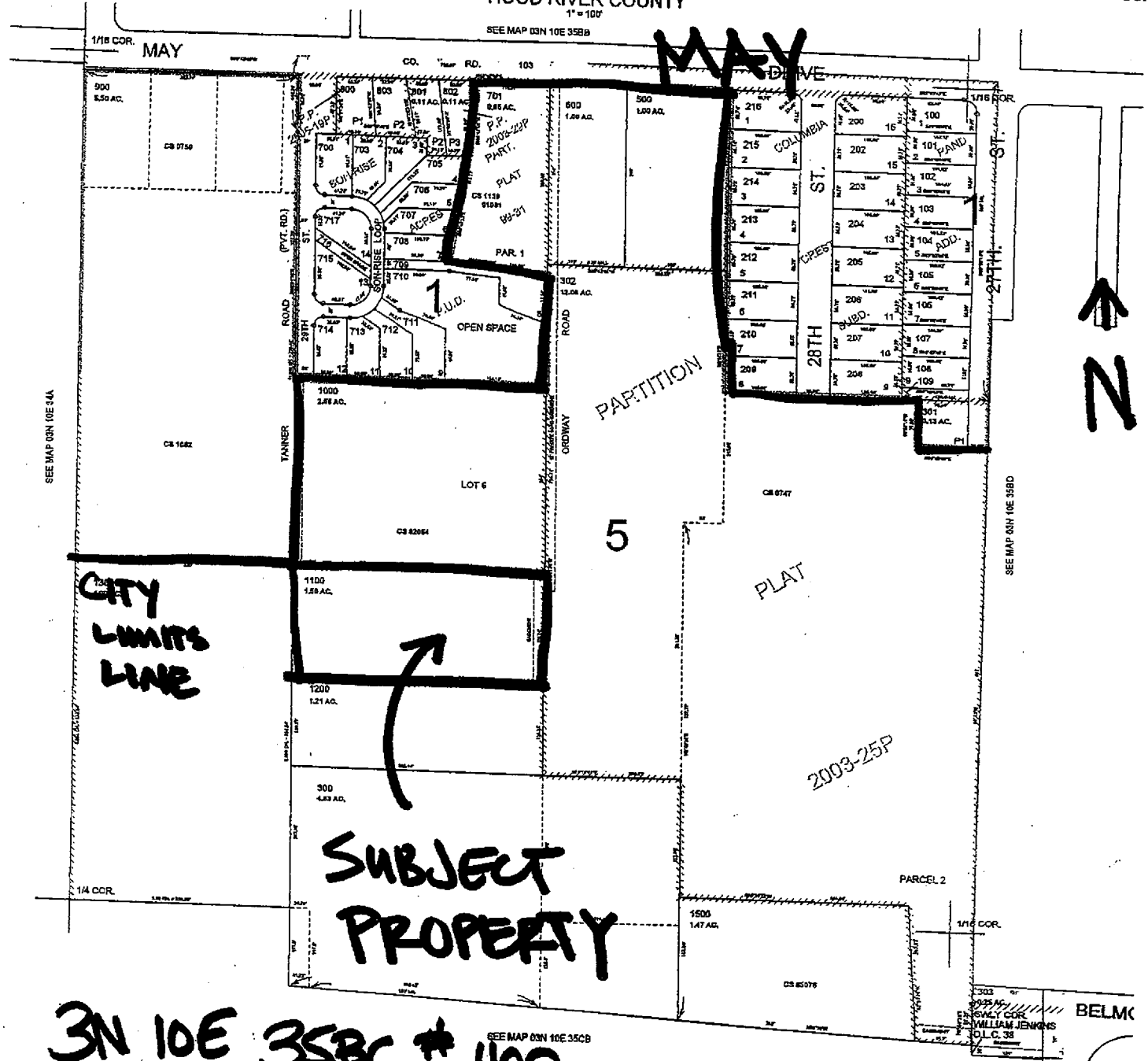
Jean M. Hadley  
City of Hood River  
City Recorder  
(541) 387-5212  
jean@ci.hood-river.or.us

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SW1/4 NW1/4 SECTION 35 T.03N. R.10E. W.M. HOOD RIVER COUNTY

03N 10E 35BC CANCELLED NO. 321 400 782 1400



3N 10E 35BC # 1100

BELM

## **ORDINANCE NO. 1895**

**(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—Cottage Homes Annexation.)**

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

**WHEREAS**, the property is legally described as set forth in Exhibit 1 and is located in Hood River County, State of Oregon (Tax Lot 1100 Map 3N 10E 35BC) (the "Property");

**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 shall be considered a written consent to annexation;

**WHEREAS**, because all of the Property owners signed the consent to annexation and the electors residing on the Property have consented, this annexation was processed pursuant to ORS 222.170(2);

**WHEREAS**, the Property is located within the Westside Rural Fire Protection 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 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 from the Westside Rural Fire Protection District and Ice Fountain Water District as part of the proposed 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 current tax rate applicable to properties in the City includes a levy for the local option (Measure 14-8, Funding for Purchase for Ladder and a Pumper Truck) passed by the electors of the City in 1997;

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

**WHEREAS**, 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 (15 March 2006 and 27 March 2006, respectively) to consider the annexation of the Property into the City of Hood River and withdrawal of the Property from the affected special districts;

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

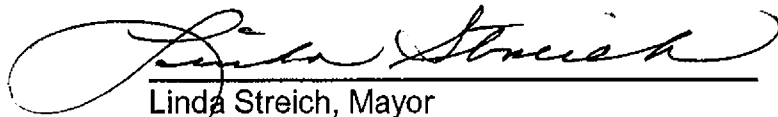
**WHEREAS**, the City Council adopts the Planning Commission's findings of fact and conclusions of law set forth in the staff report signed 16 March 2006 attached to this Ordinance and incorporated by reference as if fully set forth herein;

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

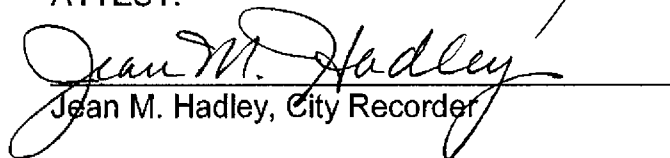
1. The Property described above plus the right of ways adjacent to the Property is hereby proclaimed to be annexed to the City of Hood River.
2. The Property described above is hereby withdrawn from the Westside Rural Fire Protection District and the Ice Fountain Water District, and not withdrawn from Farmers Irrigation District.
3. The effective date of the annexation shall be 17 May 2006. For tax purposes, the effective date is the date of filing within the Secretary of State.
4. The effective date for the withdrawal of the territory from the Ice Fountain Water District is July 1, 2006.
5. The effective date for the withdrawal of the territory from the Westside Rural Fire Protection District is May 17, 2006.
6. To the extent applicable, the tax rate for the Property shall not include a levy attributable to Measure 14-8: Funding for Purchase for Ladder Truck and a Pumper Truck approved by the voters in 1997.

Read for the first time: 27 March 2006.

Read for the second time and passed: 29 March 2006, to become effective thirty (30) days hence.

  
Linda Streich, Mayor

ATTEST:

  
Jean M. Hadley, City Recorder

In the matter of the annexation)  
request by Cottage Homes )  
for 1.5 acres. )

## FINDINGS AND DECISION

### I. BACKGROUND INFORMATION:

- A. REQUEST: To annex 1.5 acres into the City of Hood River for the purpose of developing the property.
- B. APPLICANT AND OWNER: Cottage Housing LLC
- C. PROPERTY LOCATION: The property is located south of May and south of 29<sup>th</sup> Street. 3N 10E 35BC tax lot 1100.
- D. PARCEL SIZE: The total area to be annexed is approximately 1.5 acres.
- E. AGENCY COMMENTS: Comments were received from the following agencies and have been incorporated and/or addressed in the staff report.  
City Engineering Department  
City Police  
Fire Marshal  
Ice Fountain Water District  
Farmer's Irrigation District
- F. ORDINANCE CRITERIA:  
17.15.050 Evaluation Criteria – Developed Land  
17.15.060 Evaluation Criteria – Undeveloped Land  
17.15.070 Factors to be taken into Consideration when Determining Fiscal Impact  
17.15.080 Factors to be taken into Consideration when Determining Urban Service Capabilities
- H. ORS CRITERIA:  
Chapter 222
- I. HISTORY:
1. IGA meeting 11 January 2006.
  2. Annexation application received 27 January 2006.
  3. Pre-application meeting 18 November 2005 for a Planned Unit Development.
  4. Notice of public hearings mailed 15 February 2006.
  5. Planning Commission public hearing 15 March 2006.
  6. City Council public hearing scheduled for the 27 March 2006.

### II. FINDINGS OF FACT:



Pursuant to the City's IGAs with the special districts, the City held a meeting with the special districts to discuss the annexation on 11 January 2006.

*HRMC 17.15.010-Introduction is not an approval criterion but merely a broad policy statement implemented by the criteria in 17.15.050 and 17.15.060 and is not used as evaluating criteria annexations.*

HRMC Chapter 17.15 contains criteria for both developed land and undeveloped land. The subject property is basically undeveloped given its size, although it does contain one residence. Ice Fountain water is located adjacent to the property in the form of a 2 inch. However, the applicant has a development proposal in mind for the subject property consisting of 18 residential units. Based on the foregoing, this staff report evaluates the subject property under both the developed and undeveloped criteria. The discussion under the "developed" criteria assumes development consistent with the applicant's development proposal.

#### **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:

**A. The territory is contiguous to the city limits and with in the Urban Growth Area;**

The subject property is contiguous to the city limits to the west with the Syncline property.

In this case, the subject property is contiguous to city limits as follows: TL 3N 10E 35BC (900).

***FINDING:*** The Planning Commission finds the property is contiguous to the city limits and satisfies this standard.

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

This area was included in the Urban Growth Area in approximately 1979 during the Goal 14 - Urbanization process required as part of the comprehensive planning process. Each jurisdiction was required to designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion.

This boundary was adopted by the Council and LCDC in 1983 and zoned for future urban uses.

The area is adjacent to property developed to an urban level for both residential and commercial uses in the City limits.

***FINDING:*** The Planning Commission finds that based on the above findings of fact this proposal represents a natural extension of the City boundary.

**C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;**

The subject property is adjacent to the City limits as noted above, but generally undeveloped. However, under the City's TSP and Public Facilities Plans, development of the property would be required to be consistent with those plans.

The applicant will be required to purchase water line from Ice Fountain, so duplicative City lines will not be required to be installed in the developed area.

**FINDING:** The Planning Commission concludes that based on the above findings of fact the annexation is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.

**D. 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.**

The increases in services will be seen in maintenance of water system meters, valves and hydrants; sanitary sewer cleaning; storm drain cleaning; pothole repair, sweeping and snow plowing of streets; along with the increased demands on fire, police, and public inquiries in general. The proposed annexation area will have new infrastructure that will not be costly for the City to maintain.

The Fire Chief states that providing service to the subject property is not an issue with current The Planning Commissioning levels. Similarly, the Police Chief states that annexation of the subject property will not affect the Department's ability to continue to provide its current level of service and that the Department can provide the same level of service to the subject property at current staffing levels. Therefore, because no new personnel or equipment are needed by the Police or Fire Departments as a result of this annexation, there will be no impact on the deficit.

In addition, neither the City's water nor sewer funds have a deficit (the deficit is in the City's general fund, which does not affect provision of those services). Sewer can be provided without negatively impacting service elsewhere because the wastewater treatment plant is designed to accommodate the urban growth area; user fees will also offset maintenance costs impacted. Water can be provided without negatively affecting the quality of the water or service, and user fees will offset maintenance costs. Although the costs of the City's new water main line project is reflected in its rates, so is the cost of Ice Fountain's system upgrade from a few years ago still reflected in its rates. Therefore, citizens will not be paying for two systems, when only using one.

**FINDING:** The Planning Commission finds that based on the above findings of fact, the increase in service area will not negatively impact the City's ability to adequately serve all areas within the existing city limits.

**E. The fiscal impact of the annexation is favorable, as determined by the City of Hood River because of existing development;**

All figures in this section were provided by the Director of Personnel and Finance or obtained from the County Assessor's office.

In May 1997, Oregon voters approved Measure 50, amending the Oregon constitution to cut local property taxes and limit their growth. Measure 50 rolled back assessed values to 90 percent of 1995-96 levels, set permanent tax rates, and limited assessed value growth for individual properties to 3 percent a year.

Measure 47, approved by voters in November of 1996 but repealed by Measure 50 before it was implemented, would have cut taxes at the individual property level by setting each property's 1997-98 tax to 90 percent of its 1995-96 tax. Measure 50, in contrast, cut taxes at the local government level then passed the savings down to individual property owners. While simple in principle, because the calculation of Measure 50's permanent tax rates involved elements of the old property tax system (tax base and levy) and elements of Measure 47, the tax rate calculations were extremely complex.

Once implemented, however, Measure 50 is a relatively simple tax system of fixed tax rates applied to assessed values that can grow by a maximum of 3 percent a year. The taxes of an individual property are easily calculated as the tax rates times the property's assessed value. The permanent tax rate for the City of Hood River is \$2.8112 applied per thousand dollars of assessed valuation.

Before Measure 50, the vast majority of property taxes were collected as dollar limited levies, and except for areas in Measure 5 compression, local governments did not get additional taxes when property developed. Before Measure 50, when property developed, tax revenues generally were not affected and tax rates went down. Under Measure 50, the vast majority of property taxes will be collected as permanent tax rates. This means that local governments, which levy property taxes, will get more property tax revenues when land develops.

The City will receive approximately \$2,811 in tax revenue into its general fund for each million dollars of assessed valuation (the City's tax base for the subject property) for the existing valuation and for added valuation as property is developed within the area proposed for annexation. The assessed value of the property for 2006 is \$140,152. This would mean that the annual tax revenue would be approximately \$393/year now

Pursuant to the City's IGA with Westside Rural Fire Protection District, the City is required to compensate the District for lost property tax revenue in the amount of \$614.57 and pursuant to the City's IGA with Ice Fountain Water District, the City is required to compensate the District for lost service revenue, District indebtedness, and infrastructure being taken over by the City. At this time the City has not received enough information to determine what the reimbursable amount is to Ice Fountain for this annexation. Pursuant to Resolution of the City Council, these applicants will be required to reimburse the City for these costs as a condition of approval of annexation. Therefore, there will be no negative impact as to these costs.

**FINDING:** The financial impact is, therefore, favorable upon application. Therefore, based on the above findings of fact, the Planning Commission finds there is a public need for the income and improvements that will come with annexation and development of the

annexed area which together outweigh any increase in services.

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

This criterion requires consideration of impacts an annexation may have that are not taken into account by the other criteria. For example, the criteria discussed above already address the growth of the City, extension of City services, financial impact, and ability to continue to provide services to existing residents. What has not been addressed is the uses on the subject property and how those might affect nearby properties located in city limits or the UGA.

Properties in the city limits will generally not be affected because the zoning will remain consistent with City zoning designations. The applicant intends to develop the property for both commercial and residential uses—uses found in the surrounding area.

**FINDING:** Based on the above findings of fact, the proposed annexation will not negatively impact nearby properties in the city limits or the urban growth area.

**G. The annexation conforms to the Comprehensive Plan.**

The County has adopted the City's ordinances for use in the UGA. The City's ordinances, and those adopted by the County, were adopted under the City's Comprehensive Plan and have been acknowledged as consistent with the City's Comprehensive Plan and the Statewide Goals. 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 Plan and Hood River Zoning Ordinance providing for citizen participation and public hearings on annexation requests. This application has been processed pursuant to those provisions.

**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. By following the zoning code, procedures for processing this application and the conduct of all public hearing related to the application, this Goal is satisfied.

**Goal 3: Agricultural Land**

This goal is not applicable as the property is located within the City's Urban Growth Area and is not used as 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**

As noted above, the County has adopted the City's ordinances for use in the UGA.

However, the County has not adopted the City's Goal 5 Ordinance (1874) addressing protection of riparian areas. However, there are no riparian areas subject to Goal 5 in the subject area.

Policy #3 states "when areas are annexed into the City, lands determined to be desirable or needed for open space will be preserved; and Implementation Strategy #3 states "when an area is annexed into the City, an assessment shall be made by the Planning Commission to determine if the area contains land needed or desirable for open space."

Staff has assembled open space information from the Parks and Recreation District Master Plan and applied a methodology as described in the "Best Development Practices" book. This is a minimum guide to developing a method of calculating the needed area of Open Space. Based on this information staff finds that there is adequate open space in the City to accommodate the annexation area.

**OPEN SPACE INFORMATION**

All parks and open space inventory is from the Parks and Recreation Capital Facilities Master Plan<sup>1</sup>.

**Open Space in the City**

12.11 Acres Morrison, Coe, Friendship and Portions of Wells Island

**City Parks**

6.77 acres	Jackson
1.24 acres	Gibson
1.05 acres	Wilson
.87 acres	Waucoma
.48 acres	Mann
.94 acres	Aquatic Center
2.71 acres	Jaymar "Skate Park"
9.5 acres	Port and Event Site
.5 acres	Library
.2 acres	Overlook Memorial Park
.2 acres	Sherman Triangle Park
.5579 acres	Maley Park and trail

24.46 Acres Total Park – This does not include schools

12.11 Acres Open Space

**37.1279 Acres TOTAL**

The Open Space methodology calculation was based on the Best Development

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

Practices Book<sup>2</sup> of:  
1.5 acres per 1,000 population

6,450 population  $6.45 \times 1.5 = 9.675$  acres of open space/park land needed

With 37.1279 acres of open space/park land, the City can support a population of 24,752 with the current amount of open space. The annexation of the subject area will not place the City's population near 24,000.

**FINDING:** Based on the above Open Space information The Planning Commission finds that there is an adequate amount of open space in the City.

**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 involve development of the parcel.

**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**

The proposed annexation area does not include a park land and/or open space other than the possibility of including 30% private open space in a Planned Unit Development. The Parks and Recreation District Master Plan does not identify a need for a neighborhood/mini park in this general area. There is a proposal for a four acre park to the north of this annexation. Annexation of this parcel does not include development proposals. Zone change requests and development proposals will be evaluated by the City separately.

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."

Based on the Parks and Recreation District's Master Plan, there is no need for recreation designations on the subject property.

**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. This goal is not applicable.

**Goal 10: Housing**

These properties have been included within the current buildable lands inventory for the City/UGA, and are and would remain zoned for housing uses.

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

**Goal 11: Public Facilities**

See 17.15.050(C)&(D) above. Based on those findings, the annexation of the developed lands in the subject property is consistent with Goal 11.

**Goal 12: Transportation**

The subject property is generally undeveloped. Development would require compliance with the City's Transportation Systems Plan ("TSP").

**Goal 13: Energy Conservation**

This annexation request does not include proposals for development.

**Goal 14: Urbanization**

The subject property is located within the Urban Growth Area. Goal 14 provides for annexation of property within the UGA. Therefore, annexation of the subject is consistent with Goal 14.

**FINDING:** The Planning Commission finds that based on the above findings of fact the annexation request complies with the Comprehensive Plan.

**17.15.060 Evaluation Criteria – Undeveloped Land**

Prior to approving a proposed annexation of undeveloped land, affirmative findings shall be made relative to the following criteria:

- A. **The territory is contiguous to the city limits and within the Urban Growth Area;**  
See 17.15.050 (A) above.
- B. **The annexation represents the natural extension of the existing City boundary to accommodate urban growth;**  
See 17.15.050 (B) above.
- C. **The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;**  
See 17.15.050 (C) above.

With respect to the undeveloped parcels in the subject property, annexation would provide the City with design control over the utilities and how they are installed. Greater City control would allow the engineering department to monitor the design of water, sewer and other utilities and in the long run would be a cost saving to the entire City.

- D. **The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing city limits;**  
See 17.15.050 (D).
- E. **The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the**

**increase;**

The development proposal is for 18 units. If the 18 units averaged an assessed value of \$200,000 the residential value would be \$3,600,000. The total assessed value would be \$3,600,000 once developed, which represents approximately \$10,119/year at full buildout. This does not take into account the increase in tax assessed value of developed properties from year to year.

Additionally, the residential build-out proposed (based on vacant land) represents approximately \$71,874 water/sewer system development charge (SDC) revenue into the water and sewer funds. These funds would be used for future infrastructure improvements to the respective City systems for the benefit of all citizens served.

As the storm water SDC and traffic impact fees are developed out of our capital improvement plans, these revenues collected and placed in the storm water and traffic funds would also fund needed capital improvements to their respective infrastructure systems. The traffic impact fees for this site would be \$12,692.

Annual base fee water/sewer revenue is calculated to be in excess of \$12,564 for full build out.

**Analysis of full buildout without annexation:**

The following is a comparison of the 1.5 acres if the property was annexed and developed in the City versus the County and then if it remained in the UGA.

<b><u>Fiscal Impact If annexed</u></b>	<b><u>Fiscal Impact If not annexed</u></b>
Sewer hook-ups \$25,344 (one time fee of \$1,408)	none
Water hook-ups \$46,530 (one time fee of \$2,585)	Ice Fountain water; loss of \$46,530.
annual water \$4,788 (22.17 X 12 X 18)	Ice Fountain water; loss of \$4,788 annually.
annual sewer \$7,776 (36.00 X 12 X 18)	none
Traffic impact \$12,692 (one time fee of \$705.12)	Loss of \$12,692
Franchise Fees: \$1,725	Loss of \$1,725
Property Taxes: \$393 With full build out - \$10,119	Loss of \$393/\$10,119



- Total one time fees collected by the City if annexed – \$59,222
- Total annual fees collected by the City if annexed – \$116,632
- Total fees collected by the City if not annexed – \$33,120<sup>3</sup>

Annexing the existing development into the City, as well as future buildout, will include the utilities usage in the calculation of franchise fees for Pacific Power and Light, Northwest Natural Gas, Falcon Cable, and Hood River Garbage Service, which go into the City's general fund. Assuming a total monthly outlay of just 200 per month for the future households franchise fees would be in excess of \$1,725 a year (200 X 12 X 18 X 4%).

See also 17.15.050 (E).

**FINDING:** The Planning Commission finds that based on the above findings of fact, the fiscal impact is favorable based on the proposed development. Even absent the proposed development, the development potential provides a favorable fiscal impact.

**F. The annexation meets the City's urban growth needs and it is to the City's advantage to control the growth and development plans for the territory; i.e., to be able to address the issues of traffic, density, land use and the level and timing of necessary facilities and services;**

This annexation meets the City's urban growth needs because it consists of lands inventoried under Goal 14 for the City's urban growth.

Although, as noted above, the County has adopted the City's ordinances and TSP for application in the UGA, it remains to the City's advantage to control the growth and development of the subject property because development of the subject property has a direct and substantial impact on City sewer, water, storm water and traffic facilities. The City is in the unique position of coordinating growth on the subject property with growth in the City.

In addition, it is to the City's fiscal advantage to control development on the subject property because doing so will generate additional systems development charges/impact fees for water, storm water and traffic, which can be allocated for future City infrastructure development.

**FINDING:** The Planning Commission finds that based on the above findings of fact, the annexation of the subject parcels meets the City's urban growth needs and it is to the City's advantage to control the growth and development plans for the territory; i.e., to be able to address the issues of traffic, density, land use and the level and timing of necessary facilities and services.

**G. If the criteria in 17.15.060 (F) does not apply, the annexation provides a solution for existing problems resulting from insufficient sanitation, water service, needed routes for utility or transportation networks or other service-related problems;**

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<sup>3</sup> This figure includes the one time sewer hook up fee as well as the annual sewer service amount.

Because subsection (F) does apply, this subsection is not applicable.

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

See 17.15.050 (F) above.

**I. The annexation conforms to the Comprehensive Plan.**

See 17.05.050(G) above.

**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 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.**
3. **The impact on the City's tax base, if any, as a result of the annexation.**

The analysis set forth above in 17.15.050 (E) and 17.15.060(E) takes these factors into consideration.

**17.15.080 Evaluation Criteria--Urban Service Capabilities**

1. **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.**
2. **The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.**

This provision contains factors to be taken into consideration when evaluating urban service capabilities. (These factors used to be in the same section as the factors in 17.15.070. The introductory sentence was omitted inadvertently; the omission was not for the purpose of turning the factors into criteria or something other than factors). The analysis set forth above in 17.15.050(C)&(D) and 17.15.060(C)&(D) takes these factors into consideration.

**ORS effective date**

The public hearing for this annexation will take place before the City Council on March 27, 2006. If approved, the City Council will read the ordinance approving the annexation and withdrawing the territory from Ice Fountain and West Side Fire for the first time by title only on March 27. Thereafter, 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. However, because 2006 contains a primary election on

May 16, 2006, pursuant to ORS 222.040, the effective date of the annexation will be May 17, 2006, except for purposes of ORS 308.225. The effective date of the withdrawal from West Side Fire will be May 17, 2006, except for purposes of ORS 308.225. Pursuant to ORS 222.465, because the ordinance will be enacted or approved prior to March 31, 2006, the effective date of the withdrawal from Ice Fountain will be July 1, 2006.

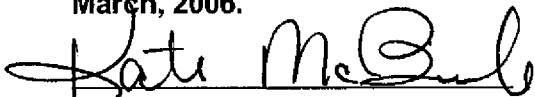
**RECOMMENDATION:** The Planning Commission recommends approval of the annexation with the following conditions of approval and recommendations.

**III. RECOMMENDATION:** The Planning Commission recommends approval of the annexation with the following conditions of approval and recommendations.

1. Prior to final annexation, the applicant shall provide a legal description of the subject property indicating the exact location of the property requested to be annexed in relation to the Urban Growth Area boundary. This annexation approval does not include any lands outside the Urban Growth Area of the City of Hood River.
2. The effective date for the annexation shall be May 17, 2006, except for purposes of ORS 308.225. The effective date of the withdrawal from West Side Fire will be May 17, 2006, except for purposes of ORS 308.225. Pursuant to ORS 222.465, because the ordinance will be enacted or approved prior to March 31, 2006, the effective date of the withdrawal from Ice Fountain will be July 1, 2006.
3. The applicant shall sign and record a Measure 37 waiver for the property prior to the effective date of the annexation. The waiver shall be on a form provided by the City Attorney.
4. The applicant shall deposit with the City funds in the amount of the estimated payments to Ice Fountain Water District and West Side Rural Fire Protection District in an amount specified by Council. Within 30 days after the estimated payment amounts are approved by the City and the respective Districts, the applicant shall pay the balance owing to the City, or the City shall refund to the applicant any amount overpaid.

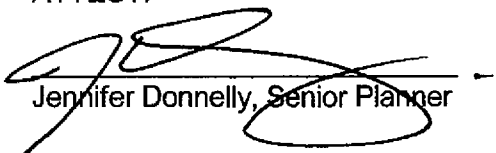
**PLANNING COMMISSION DECISION:** Planning Commission recommends approval of the annexation. Commissioner Ambler Harrison moved and Commissioner Scott Kaden seconded a motion to recommend approval of the annexation application based on the above findings of fact and subject to the conditions of approval. The motion passed with a 4-0 vote.

**APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION** the 16<sup>th</sup> day of **March, 2006.**



Kate McBride, Vice-Chair

ATTEST:




Jennifer Donnelly, Senior Planner

**DECISION:** Councilor Paul Cummings moved and Councilor Paul Blackburn seconded the first motion to approve the annexation application based on the above findings of fact and subject to the conditions of approval. Councilor Paul Cummings and Councilor Paul Blackburn seconded the second motion to withdrawal this area from Westside Fire District and Ice Fountain water district. Both motions passed with a 6-0 vote.

APPROVED BY THE CITY COUNCIL the 29 day of March 2006.

  
Linda Streich, Mayor

ATTEST:

  
Jean M. Hadley, City Recorder