



# 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/Coastal Fax: (503) 378-6033

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

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

### NOTICE OF ADOPTED AMENDMENT

May 4, 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 003-06

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: May 19, 2006**

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

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

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya/

**FORM 2**

DEPT OF

**D L C D NOTICE OF ADOPTION**

MAY 01 2006

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

LAND CONSERVATION  
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: CITY OF HOOD RIVER Local File No.: 2006-19  
(If no number, use none)

Date of Adoption: 25 APRIL 2006 Date Mailed: 28 APRIL 06  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 7 FEB 06

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

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

ANNEXATION OF 1.93 ACRES INTO THE CITY LIMITS.  
ZONING STAYS THE SAME.

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: UGA to CITY

Zone Map Changed from: UGA to CITY

Location: 3N 10E 26CC #1500 Acres Involved: 1.93

Specify Density: Previous: SAME New: \_\_\_\_\_

Applicable Statewide Planning Goals: 2, 8, 12

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

DLCD File No.: 003-06  
(15000)

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

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

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

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

Affected State or Federal Agencies, Local Governments or Special Districts: ICE FOUNTAIN

WATER, FARMERS IRRIGATION, WESTSIDE FIRE & HE COUNTY

Local Contact: JENNIFER DONNELLY Area Code + Phone Number: 541-387-5224

Address: 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

April 25, 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; Randy Olmstead

**Applicant:** Randy Olmstead File # 2006-19

**Project Description:** Annexation of approximately 1.93 acres of land into the City limits.

**Project Location:** The property is located at 2887 Cascade Ave. The property is split zoned with the northern one third of the parcel zoned Urban High Density Residential (R-3) and the southern two thirds of the parcel zoned Urban Low Density Residential (R-1). Legal Description: 3N 10E 26CC Tax Lot #1500.

**Description of Action:** The City Council approved the above-referenced annexation and adopted the Planning Commission's findings of fact on April 24, 2006. The findings of fact were signed on April 25, 2006. The ordinance (#1896) was signed on April 25, 2006. The ordinance becomes effective on Thursday, May 25, 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 **May 15, 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

## **ORDINANCE NO. 1896**

**(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—Olmstead 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 1500 Map 3N 10E 26CC) (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 (5 April 2006 and 10 April 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 6 April 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:

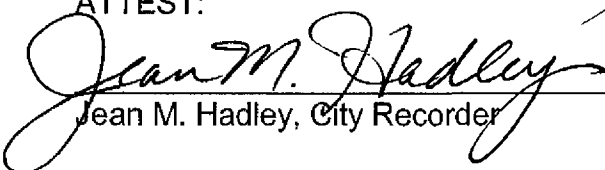
1. The Property described above plus the right of ways adjacent to the Property is hereby proclaimed to be annexed to the City of Hood River.
2. The Property described above is hereby withdrawn from the Westside Rural Fire Protection District and the Ice Fountain Water District, and not withdrawn from Farmers Irrigation District.
3. The effective date of the annexation 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, 2007.
5. The effective date for the withdrawal of the territory from the Westside Rural Fire Protection District is the date the annexation is effective.
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: 10 April 2006.

Read for the second time and passed: 24 April 2006, to become effective thirty (30) days hence.

  
Linda Streich, Mayor

ATTEST:

  
Jean M. Hadley, City Recorder

2006-19

RECEIVED

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

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

**APPLICANT:**

Name: Randy Olmstead  
Address: \_\_\_\_\_  
(physical) \_\_\_\_\_  
(mailing) PO Box 224  
Hood River, OR 97031  
(email) househoppers@aol.com  
Telephone: 541-387-4329 Cell Phone: 541-490-5883  
Signature: *Randy Olmstead*

**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 26CC Tax Lot(s) 1500  
Current Zoning: R-1 and R-3 Parcel Size: Approx. 1.93 Acres  
Property Location (cross streets or address): 2887 Cascade Ave, Hood River, OR 97031  
Existing Water Service, if any: Ice Fountain Water District

Farmers Irrigation:  YES  NO Septic:  YES  NO

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

If yes, Explain:

**ADDITIONAL PARCEL INFORMATION**

Please submit the following information with your completed application:



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

**REQUEST**

Sewer Service   X                        Water Service   X  

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

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

  X      X     
Signature

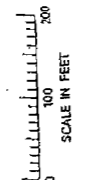


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SW1/4 SECTION 26 T.03N. R.10E. W.M.  
HOOD RIVER COUNTY  
1"=100'

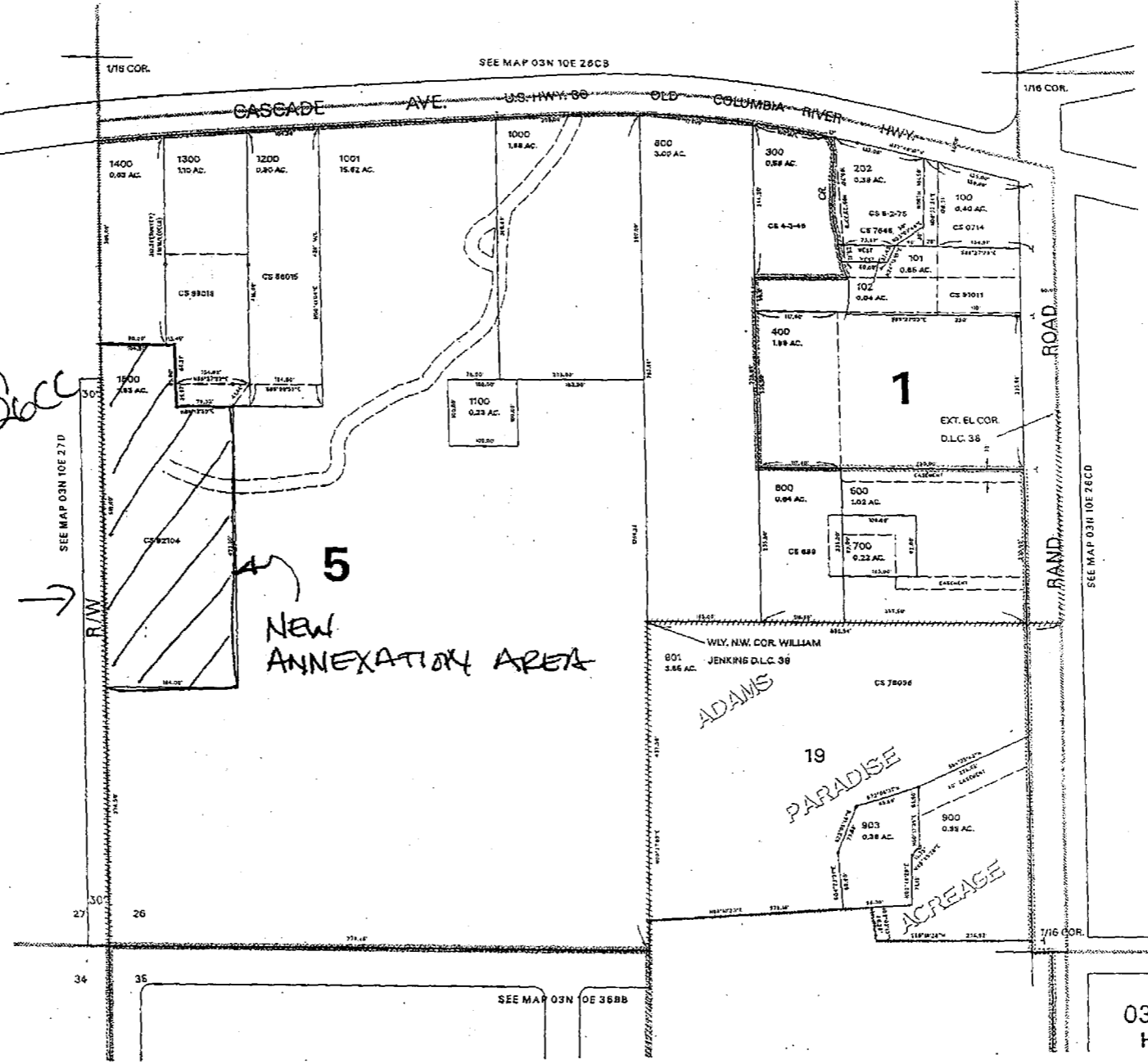
03N 10E 26CC  
HOOD RIVER

CANCELLED NO.  
200  
201  
203  
302



↑  
N

Subject  
Property  
3N 10E 26CC  
#1500



REVISED: JD  
05/06/03

03N 10E 26CC  
HOOD RIVER

03N 10E 2600,  
7E 1800

D

EXHIBIT "A"

Beginning at a point on the West line of Section 26, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon that is 892.5 feet North of the Southwest corner of said Section 26; thence South along the West line of said Section 26 a distance of 518 feet; thence East 184 feet; thence North parallel with the West line of said Section 26 a distance of 423 feet, more or less, to the South line of that tract of land conveyed to Mary House by Deeds recorded December 30, 1944 and September 17, 1945, respectively, in Book 31 at Page 405 and Book 32 at Page 224, Deed Records Hood River County; thence West along the South line of said Mary House tract 79.5 feet, more or less, to the most Easterly Southwest corner thereof; thence North 95 feet to the re-entrant corner of said Mary House tract; thence West 104.5 feet to the place of beginning, being the most Westerly Southwest corner of said Mary House tract.

In the matter of the annexation)  
request by Randy Olmstead )  
for 1.93 acres. )

## CITY COUNCIL FINDINGS AND DECISION

### I. BACKGROUND INFORMATION:

- A. REQUEST: To annex 1.93 acres into the City of Hood River for the purpose of developing the property.
- B. APPLICANT AND OWNER: Randy and Billie Jean Olmstead
- C. PROPERTY LOCATION: The property is located south of Cascade Avenue and north of Sherman. 3N 10E 26CC tax lot1500.
- D. PARCEL SIZE: The total area to be annexed is approximately 1.93 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  
Farmers 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
- G. ORS CRITERIA:  
Chapter 222
- H. HISTORY:
1. IGA meeting 16 February 2006.
  2. Annexation application received 7 February 2006.
  3. Notice of public hearings mailed 13 March 2006.
  4. Planning Commission public hearing 5 April 2006.
  5. City Council public hearing scheduled for the 10 April 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 16 February 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. 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 by an adjacent property to the west. In this case, the subject property is contiguous to city limits as follows: (a) 3N 10E 26CC (1300) and (b) 3N 10E 27D (2200, 2400 and a portion of 2300).

**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 rational and logical extension of utilities and roads is set forth in the City's Transportation Systems Plan (TSP) and Capital Facilities Plans (CFP), and concerns City utilities only. If development or annexation of the property is consistent or compatible with the TSP and CFPs, then this criterion is satisfied.

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 extension of City utilities will be required as development occurs in the area. The exact location and sizing of utilities will be evaluated at the time of development and engineered plan review. The local street concept plan within the City's Transportation System Plan shows a street connection between Rand Road and Mt Adams. When development of this parcel is being reviewed a portion of that connection will be possible.

**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, once the property is developed. However, because the proposed annexation area will have new infrastructure once developed, that new infrastructure 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 staffing 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 \$64,345. This would mean that the annual tax revenue would be approximately \$180.87/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 \$282.15 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, in the amount of \$0.00 Pursuant to Resolution of the City Council, these applicant 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 Practices Book<sup>2</sup> of:

<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.

<sup>2</sup> Ewing, Reid "Best Development Practices", American Planning



1.5 acres per 1,000 population

6,500 population  $6.5 \times 1.5 = 9.75$  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 do 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.

**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 applicant has not proposed a development for this property; if it was developed

out residentially they could get approximately 26 units (with higher density available under the PUD process). If the 26 units averaged an assessed value of \$275,000 the residential value would be \$7,150,000. The assessed value would be \$7,150,000 once developed, which represents approximately \$20,098.65/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 \$140,166 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 \$18,333

Annual base fee water/sewer revenue is calculated to be in excess of \$18,361 for full build out.

Worst case analysis of full buildout without annexation:

The following is a comparison of the 1.93 acres if the property was annexed and developed in the City versus the County and then if it remained in the UGA.

<u>Fiscal Impact If annexed</u>	<u>Fiscal Impact If not annexed</u>
Sewer hook-ups        \$39,208 (one time fee of \$1,508)	none
Water hook-ups        \$100,958 (one time fee of \$3,883)	Ice Fountain water; loss of \$100,958.
annual water            \$7,129.2 (22.85 X 12 X 26)	Ice Fountain water; loss of \$7,129.2 annually.
annual sewer            \$11,232 (36.00 X 12 X 26)	none
Traffic impact         \$18,333 (one time fee of \$705.12)	Loss of \$18,333
Franchise Fees:        \$2,496	Loss of \$2,496
Property Taxes: \$180 With full build out - \$20,098.65	Loss of \$180/20,098

- Total one time fees collected by the City if annexed – \$119,291

- Total annual fees collected by the City if annexed – \$29,723
- Total fees collected by the City if not annexed – \$50,440<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 \$2,496 a year (200 X 12 X 26 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;**

<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 222.120 Procedure without election by city electors; hearing; ordinance subject to referendum.**

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 this section.

Notice of the public hearings was published in accordance with ORS 222.120.

The City is including withdrawal of territory from a district named in ORS 222.510 (Ice Fountain and West Side Fire). Pursuant to ORS 222.111(5), the effective date of

withdrawal from West Side Fire will be the effective date of the annexation and the effective date of the withdrawal from Ice Fountain will be July 1, 2007, in accordance with ORS 222.465.

### **ORS 222.125 Annexation by consent of all owners of land and majority of electors**

Pursuant to this provision, the City need not call an election in the subject property if all of the owners of land and not less than 50% of the electors residing on the subject property consent to the annexation in writing. The City has received a written consent to the annexation from all of the owners of the land and not less than 50% of the electors. Therefore, no election is necessary.

### **ORS effective date**

The public hearing for this annexation will take place before the City Council on 10 April 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 10 April. 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 after March 31, 2006, the effective date of the withdrawal from Ice Fountain will be July 1, 2007.

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


### **III. RECOMMENDATION AND PROPOSED CONDITIONS OF APPROVAL. The following shall be a condition of approval of the annexation requests:**

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 after March 31, 2006, the effective date of the withdrawal from Ice Fountain will be July 1, 2007.
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. Prior to the issuance of any permit for the subject property, 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 the Finance Director. 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. If additional funds are due, no additional permits will be issued prior to payment in full.

**DECISION:** Councilor Anne Frodel moved and Councilor Carrie Nelson seconded the first motion to approve the annexation application based on the above findings of fact and subject to the conditions of approval. Councilor Anne Frodel and Councilor Laurent Picard second motion to withdrawal this area from Westside Fire District and Ice Fountain water district. Both motions passed with a 5-0 vote.

APPROVED BY THE CITY COUNCIL the 10th day of April 2006.

  
Linda Streich, Mayor

ATTEST:

  
Jean M. Hadley, City Recorder