



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

## NOTICE OF ADOPTED AMENDMENT

December 28, 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 020-06



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: January 11, 2007**

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

# 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

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
<b>DEPT OF</b>		
DEC 22 2006		
<b>LAND CONSERVATION AND DEVELOPMENT</b>		
For DLCD Use Only		

Jurisdiction: CITY OF HOOD RIVER

Local file number: 2006-74

Date of Adoption: 11 DEC 06

Date Mailed: 21 DEC 06

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 28 SEP 06

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

REMOVE 16,105 SQUARE FEET FROM THE CITY OF HOOD RIVER  
URBAN GROWTH AND ANNEX THESE TRACTS INTO THE CITY  
LIMITS. ZONING REMAINS THE SAME (R-2) URBAN STANDARD  
DENSITY RESIDENTIAL.

Does the Adoption differ from proposal? Please select one

SAME

Plan Map Changed from: N/A

to:

Zone Map Changed from: SAME

to:

Location: 3ND E 33BC PORTION OF TRACTS 1000,1100 Acres Involved: 16,105

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 020-06 (15596)

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

FARMER'S IRRIGATION, WEST SIDE PIKE, HR COUNTY & KE POUNTAIN  
WATER DISTRICT.

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Local Contact: JENNIFER DONNELLY Phone: (541) 387 5224 Extension:  
Address: P.O. BOX 27 Fax Number: - -  
City: HOOD RIVER Zip: 97031 E-mail Address: jennifer@c1.hood.river.or.us

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### ADOPTION SUBMITTAL REQUIREMENTS

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

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

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

## **ORDINANCE NO. 1922**

**(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—29<sup>th</sup> Street.)**

**WHEREAS**, the City of Hood River initiated an annexation of three strips of property (the "Property") for the purpose of continuing 29<sup>th</sup> Street and cleaning up two deed gaps;

**WHEREAS**, 29<sup>th</sup> Street is shown as a connector street in the Transportation Systems Plan and annexation of this property would allow for the development of the street;

**WHEREAS**, annexation of the other two strips a necessary to correct two deed gaps created by the property owners of the property annexed by the City in File No. 2006-74;

**WHEREAS**, the property is legally described as set forth in the legal description attached and is located in Hood River County, State of Oregon (the "Property");

**WHEREAS**, all of the Property owners provided their written consent to this annexation. There are no electors on the property. This annexation was processed pursuant to ORS 222.170(2) or, alternatively, pursuant to ORS 222.125;

**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 n 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 November 2006 and 27 November 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;

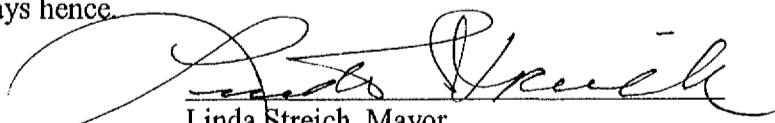
**WHEREAS**, the City Council adopts the Planning Commission's findings of fact and conclusions of law set forth in the staff report signed 16 November 2006 attached to this Ordinance and incorporated by reference as if fully set forth herein;

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

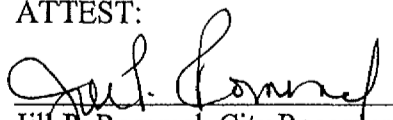
1. The Property described above is hereby proclaimed to be annexed to the City of Hood River.
2. The Property described above is hereby withdrawn from the Westside Rural Fire Protection District and the Ice Fountain Water District, and not withdrawn from Farmers Irrigation District.
3. The effective 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: November 27, 2006.

Read for the second time and passed: December 11, 2006, to become effective thirty (30) days hence.

  
Linda Streich, Mayor

ATTEST:

  
Jill P. Rommel, City Recorder

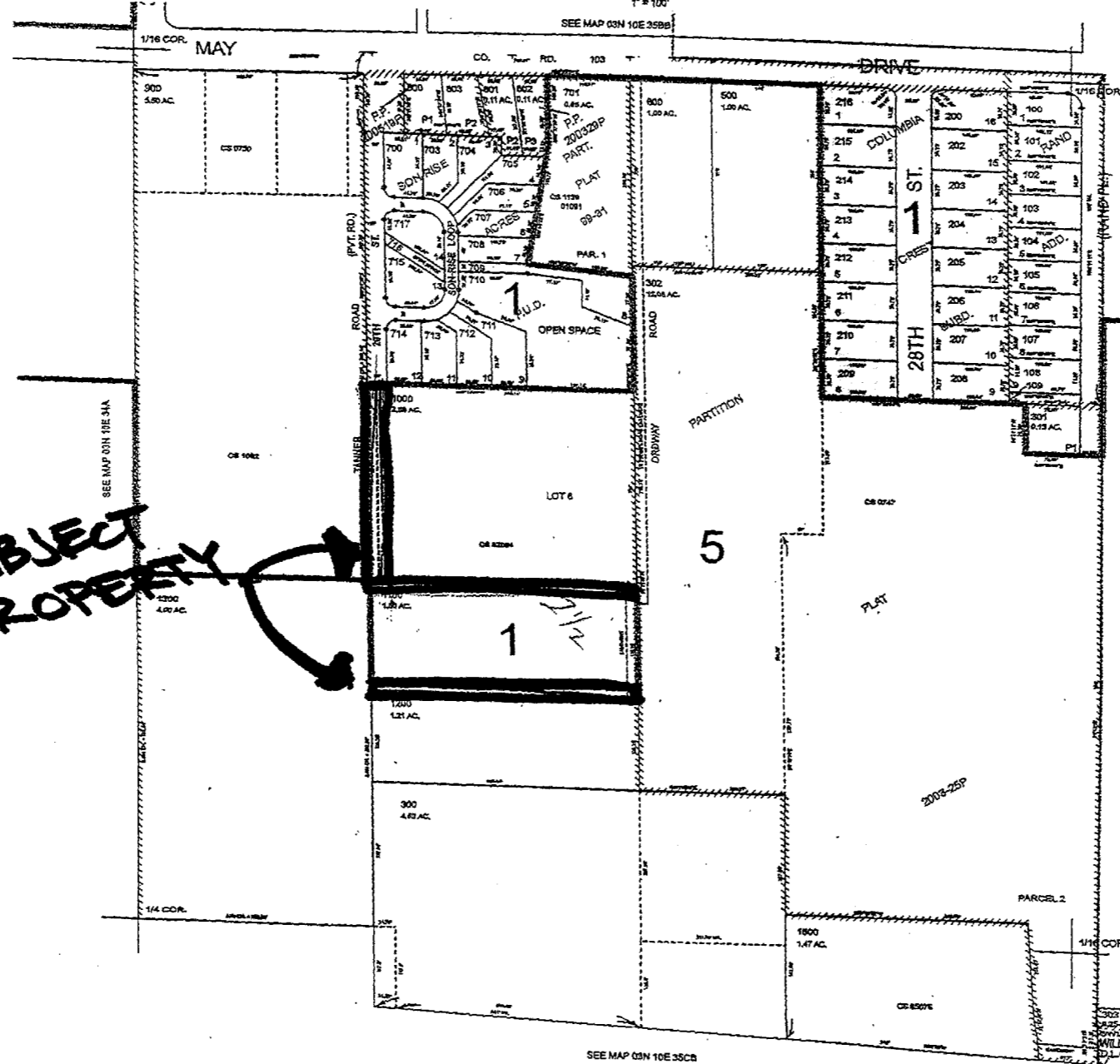
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SW 1/4 NW 1/4 SECTION 35 T03N R10E WM  
HOOD RIVER COUNTY

T03N 10E 35 BC

CANCELLED NO. 301  
403  
702  
1400



**SUBJECT PROPERTY**



SEE MAP 03N 10E 35CB

BELMONT  
WILLIAM JENKINS

Revised RKT  
06/05/2006  
03N 10E 35 BC

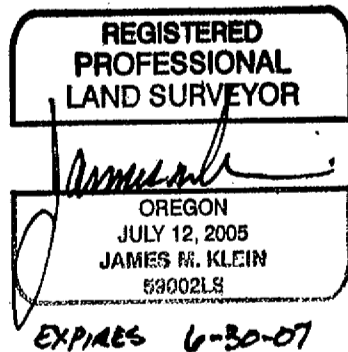


A TRACT OF LAND TO BE ANNEXED  
INTO THE CITY OF HOOD RIVER  
LYING NORTH OF  
3N 10E 35BC, TAX LOT 1100

A tract of land located in the Northwest quarter of Section 35, Township 3 North, Range 10 East of the Willamette Meridian, County of Hood River and State of Oregon; more particularly described as follows:

Beginning at a point which is 330.00 feet East and 533.54 feet North of the Southwest corner of Government Lot 6 in the Northwest quarter of said Section 35, said point also being the Northwest corner of that tract of land described as Parcel 1 in a deed to Walter W. Predmore et. Ux., by deed recorded July 26, 1949, in Book 41, Page 4, Deed Records Hood River County; thence South  $89^{\circ}16'48''$  East along the North line of said Predmore tract a distance of 382.14 feet to the Northeast corner thereof; thence North  $00^{\circ}01'35''$  East a distance of 2.66 feet; thence North  $89^{\circ}16'48''$  West parallel to the North line of said Predmore tract a distance of 382.14 feet to a point that bears North  $00^{\circ}01'29''$  East a distance of 2.66 feet from the Northwest corner thereof; Thence South  $00^{\circ}01'29''$  West a distance of 2.66 feet to the point of beginning.

Said description contains 1017 square feet 0.02 acres more or less.





**Klein & Associates, Inc.**

LAND SURVEYING

**REVISED  
PERIMETER DESCRIPTION  
OF TAX LOT 1100**

A tract of land located in the Northwest quarter of Section 35, Township 3 North of Range 10 East of the Willamette Meridian, County of Hood River and State of Oregon; more particularly described as follows:

Beginning at a point which is 330.00 feet East and 347.71 feet North of the Southwest corner of Government Lot 6 in the Northwest quarter of said Section 35, said point being South  $00^{\circ}01'29''$  West of Northwest corner of Elsworth Howard tract by deed recorded January 7, 1957, in Book 59, Page 118, Deed Records Hood River County, a distance of 18.50 feet; Thence South  $89^{\circ}25'48''$  East, a distance of 382.14 feet to a point which is South  $00^{\circ}01'35''$  West, 17.50 feet from the Northeast corner of said Howard Tract, last said point also being on the East line of that tract of land described as Parcel 1 in a deed to Walter W. Predmore et. Ux., by deed recorded July 26, 1949, in Book 41, Page 4, Deed Records Hood River County; Thence North  $00^{\circ}01'35''$  East a distance of 187.50 feet to a point that bears North  $00^{\circ}01'35''$  East, a distance of 2.66 feet from the Northeast corner of said Predmore tract of land; Thence North  $89^{\circ}16'48''$  West parallel to the North line of said Predmore tract a distance of 382.14 feet to a point that bears North  $00^{\circ}01'29''$  East, a distance of 2.66 feet from the Northwest corner of said Predmore tract ; Thence South  $00^{\circ}01'29''$  West a distance of 188.50 feet to the point of beginning.

Said description contains 71834 square feet 1.65 acres more or less.

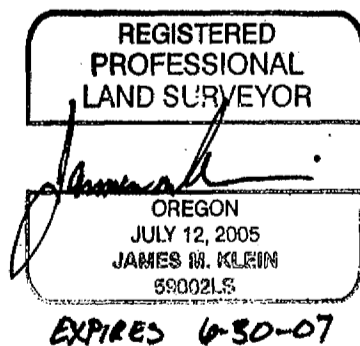




EXHIBIT A

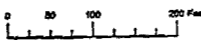
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Beginning at a point on the North line of Lot 6 of Section 35, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon, 4.89 chains East of the Northwest corner said Lot 6; thence East along the North line 5.79 chains; thence South 12.043 chains; thence West parallel to the South line of said lot 6, 5.79 chains; and thence North 11.846 chains, more or less, to the point of beginning.

Together with the West 32 feet of the following described parcel:  
Beginning at the Southwest corner of that certain parcel of land described by Warranty Deed recorded in Book 53, Page 166; thence S 89°16'48" E along the South line of said parcel, 382.14 feet to the Southeast corner of said parcel; thence S 00° 01'35" W, 2.665 feet; thence N 89° 16'48" W parallel to the South line of said parcel, 382.14 feet; thence N 00° 01'31" E, 2.665 feet to the point of beginning.

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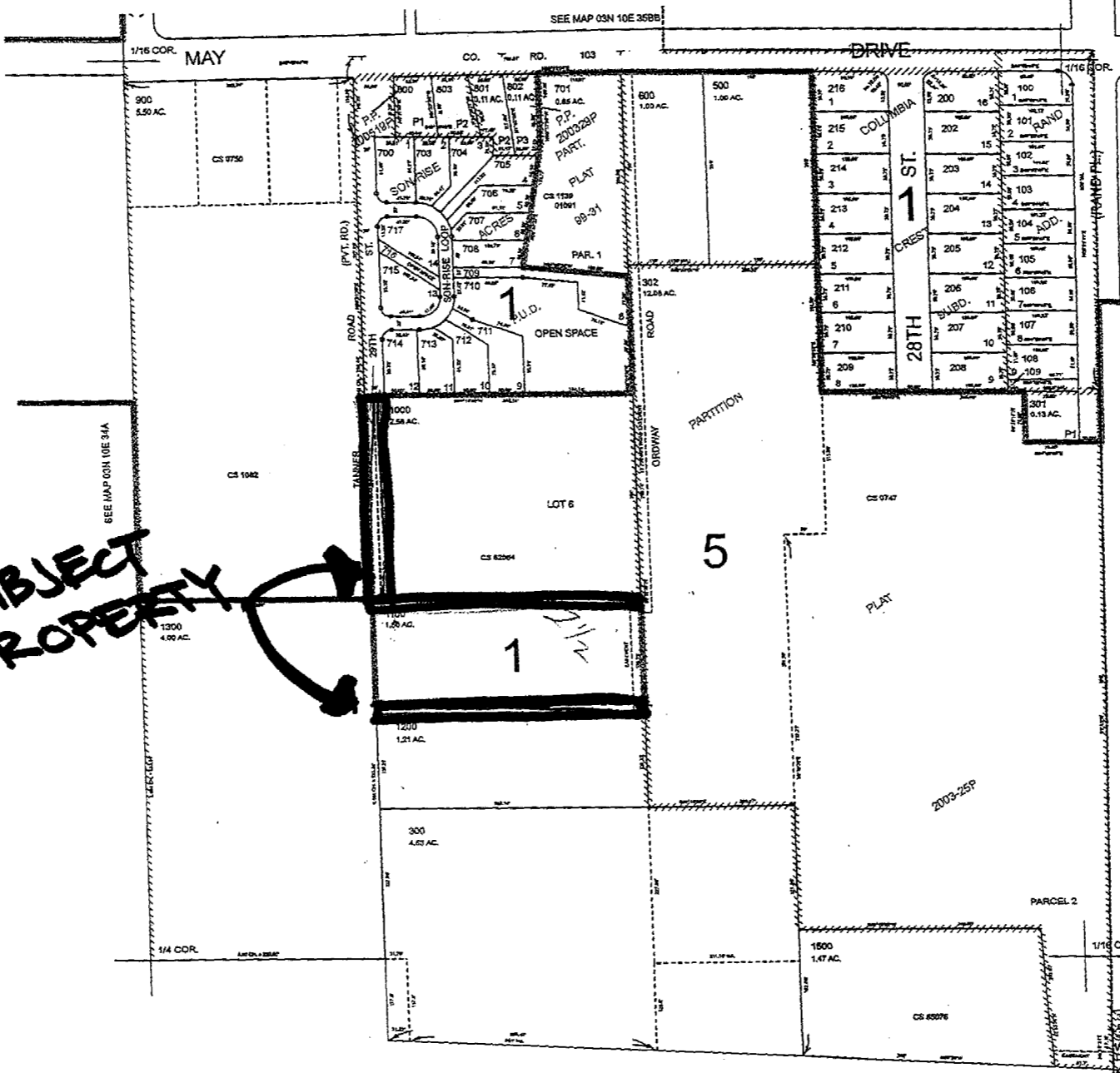
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SW 1/4 NW 1/4 SECTION 35 T03N R10E WM HOOD RIVER COUNTY

03N 10E 35 BC

CANCELLED NOS.  
301  
450  
702  
1400



**SUBJECT PROPERTY**



1

5

BELMONT

Revised RKT  
06/05/2006

03N 10E 35 BC

Y

In the matter of the annexation)  
request by the City of Hood )  
River )

## FINDINGS AND DECISION

### I. BACKGROUND INFORMATION:

- A. REQUEST: To annex three strips of property into the City of Hood River for the purpose of developing 29th Street and cleaning up a deed gap.
- B. APPLICANT AND OWNER: Cottage Housing/Greg Crafts and Patricia Tanners/City of Hood River is the applicant
- C. PROPERTY LOCATION: The property is located south of 29<sup>th</sup> Street. 3N 10E 35BC tax lot 1000 and 1100.
- D. PARCEL SIZE: The total area to be annexed is approximately 16,105 square feet.
- E. ORDINANCE CRITERIA:  
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
- F. ORS CRITERIA:  
Chapter 222
- G. HISTORY:  
1. IGA meeting 27 September 2006.  
2. City of Hood River notified DLCD of annexation 28 September 2006.  
3. Notice of public hearings mailed 4 October 2006.  
4. Planning Commission public hearing 15 November 2006.  
5. City Council public hearing scheduled for the 27 November 2006.
- H. RECORD:  
1. Staff Report and attachments  
2. Original public hearing notice  
3. Oral and written testimony submitted to the Planning Commission on or before 15 November 2006.  
4. Oral and written testimony submitted to the City Council on or before 27 November 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 27 September 2006. Comments were received as noted above and incorporated into this staff report.

The areas proposed to be annexed consist of a portion of 29<sup>th</sup> Street, and two narrow strips of land to correct mapping errors in a previous annexation that resulted from deed areas discovered

after the annexation became effective. This staff report primarily addresses the area that consists of a portion of 29<sup>th</sup> Street. The findings of fact and conclusions adopted in File No. 2006-12 apply equally to the area that is being annexed and withdrawn that corrects the mapping/deed error, except that there is no fiscal impact as this is a correction only.

*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.*

**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:

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

The subject property is contiguous to the city limits by an adjacent property to the east.

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

**2. 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 residential uses in the City limits. 29<sup>th</sup> Street is a street being constructed to an urban level for residential uses and is shown on the City's TSP.

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

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

With respect to the area that will be the extension of 29<sup>th</sup> Street, annexation will provide the City with jurisdiction over this portion of the street, extending the City's jurisdiction along the full length of the existing street. Jurisdiction 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.

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

**4. The City is capable of providing and maintaining its full range of urban**

**services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits.**

This annexation will not have a negative impact on the City's ability to serve within the City. The creation of a public road to access proposed development to the south will help the City provide greater services to 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.

**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.

5. **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 City of Hood River has initiated this annexation for the purpose of adequate public facilities and street connectivity. The annexation of the west 32 feet of the Tanner property will allow for the connectivity of 29<sup>th</sup> Street. This specific annexation will not have a fiscal impact on the City, however, it will allow for greater development to the east and greater connection to the south for the proposed developments.

**FINDING:** Not applicable

6. **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.

This annexation will allow for the street connection of 29<sup>th</sup> street to the south.

**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.

7. **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;**

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

8. **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 be positively impacted because annexation of this portion of 29<sup>th</sup> Street will allow for street connectivity and City jurisdiction over the full length of the street.

**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.

9. **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**

This goal is not applicable because the subject area is a street.

**FINDING:** Not applicable.

**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**

This goal is not applicable because the subject area is a street extension.

**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**

This goal is not applicable.

**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**

This annexation is for the specific purpose of extending 29<sup>th</sup> Street to the south. This connection is in compliance with the TSP. 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.

**17.15.070 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 17.15.060(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 17.15.060(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 oral consent to the annexation from all of the owners of the land and not less than 50% of the electors. Upon receipt of written consent, no election is necessary.

**ORS effective date**

The public hearing for this annexation will take place before the City Council on 27



November 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 27 November 2006. 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. 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.

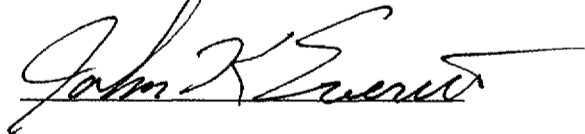
**RECOMMENDATION:** The Planning Commission recommends approval of the annexation with the following conditions of approval and recommendations.

**III. RECOMMENDATION:** 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 the date the ordinance goes into effect, except for purposes of ORS 308.225. The effective date of the withdrawal from West Side Fire will be the effective date of the annexation, except for purposes of ORS 308.225. Pursuant to ORS 222.465, because the ordinance will be enacted or approved before March 31, 2007, the effective date of the withdrawal from Ice Fountain will be July 1, 2007.
3. The City of Hood River is responsible for the Special Districts withdrawal fees because this is a City initiated annexation.
4. Prior to or at the City Council public hearing, receipt of written consent from the property owner(s) and elector(s).

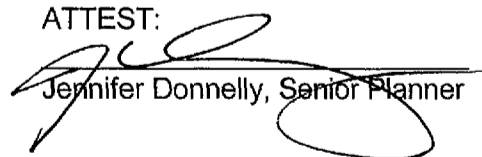
**PLANNING COMMISSION DECISION:** Planning Commission recommends approval of the annexation. Commissioner Kate McBride moved and Commissioner Audrey Aiken seconded a motion to recommend approval of the annexation application based on the above findings of fact and subject to the conditions of approval. The motion passed with a 5-0 vote.

**APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 16 day of November, 2006.**



John Everitt, Chair

ATTEST:



Jennifer Donnelly, Senior Planner