



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

March 30, 2007



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 002-07

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 17, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

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

<paa> ya/

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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

In person electronic mailed

DATE
STAMP

DEPT OF
MAR 28 2007
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: CITY OF HOOD RIVER Local file number: 2007-03
 Date of Adoption: MARCH 27, 2007 Date Mailed: MARCH 27, 2007
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: JAN 27, 2007
 Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other:

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

ANNEXATION OF 2.81 ACRES LOCATED AT 2827 W. CASCADE AVE

Does the Adoption differ from proposal? Please select one NO

Plan Map Changed from: NA to: NA
 Zone Map Changed from: NA to: NA
 Location: 3N 10E 26CC Acres Involved: 2.81
 Specify Density: Previous: New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No
 If no, do the statewide planning goals apply? Yes No
 If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 002-07(15826)

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

HOOD RIVER COUNTY, WEST SIDE FIRE, ICE FOUNTAIN WATER

Local Contact: JENNIFER DONNELLY Phone: (541) 387-5224 Extension:

Address: PO BOX 27 Fax Number: 541-387-5289

City: HOOD RIVER Zip: 97031 E-mail Address: JENNIFER@ci.hood-five.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 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. 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.
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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1931

(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—Barclay 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 the application and is located in Hood River County, State of Oregon (3N 10E 26CC tax lot 800) (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, 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 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 (19 March 2007 and 26 March 2007, 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;

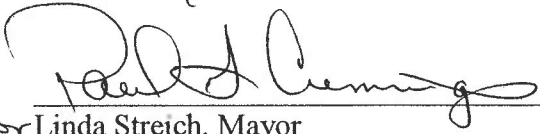
WHEREAS, the City Council adopts the Planning Commission's findings of fact and conclusions of law set forth in the staff report signed 20 March 2007 attached to this Ordinance and incorporated by reference as if fully set forth herein;

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.

Read for the first time: March 26, 2007.

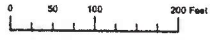
Read for the second time and passed: March 27, 2007, to become effective thirty (30) days hence.


for Linda Streich, Mayor

ATTEST:


Jill Rommel, City Recorder

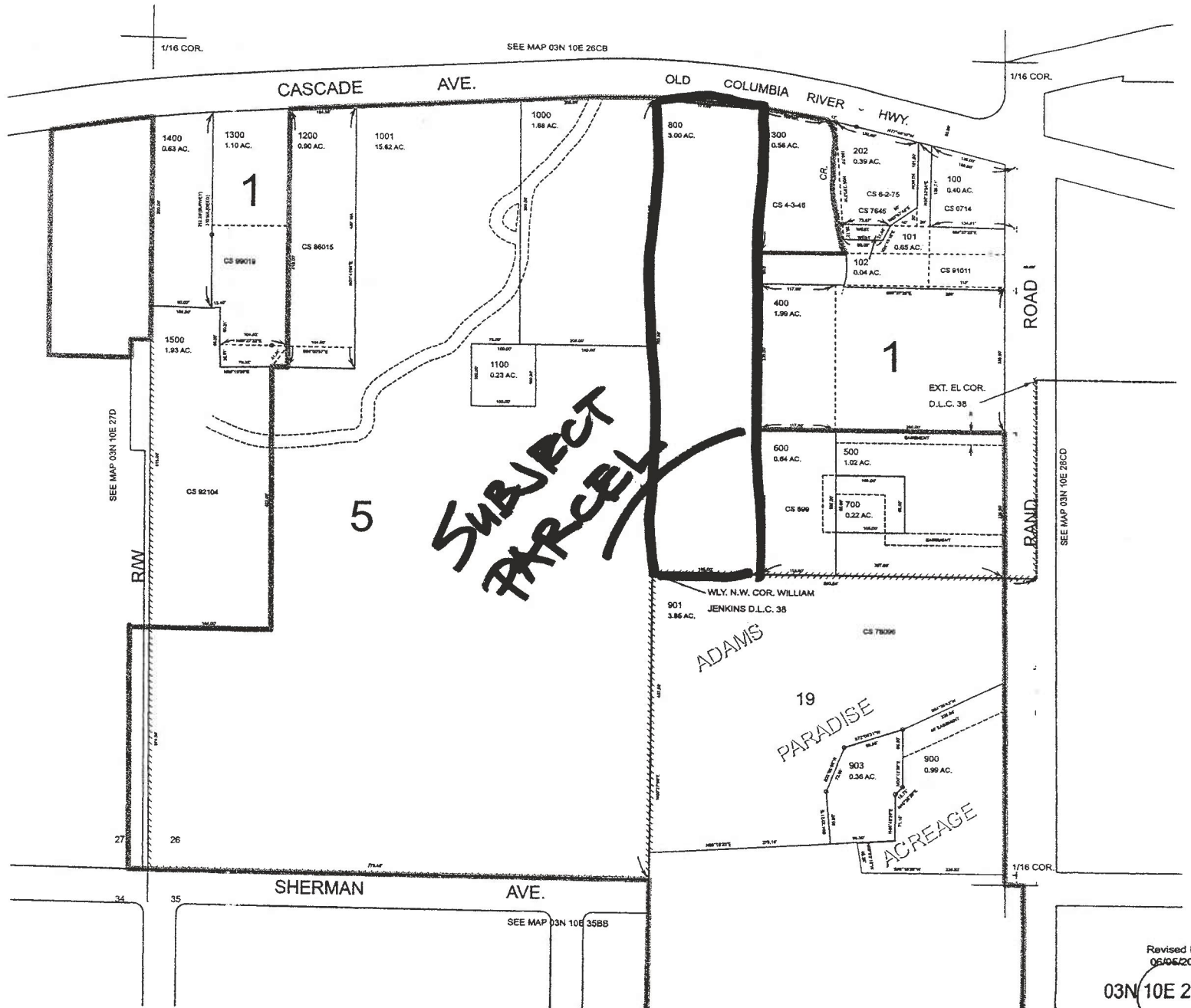
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



SW 1/4 SW 1/4 SECTION 26 T03N R10E WM
HOOD RIVER COUNTY
1" = 100'

03N 10E 26 CC

CANCELLED NOS.
200
201
202
203



Revised RKT
06/06/2006
03N 10E 26 CC

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

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

APPLICANT:

Name: John A. Barclay
Address: 4319 SE 52nd Avenue
(physical) Portland OR 97206
(mailing) P.O. Box 86001
Portland OR 97286
(email) neoretro1@yahoo.com
Telephone: (503) 784-0027 Cell Phone: (503) 784-0027

Signature: *John A. Barclay*

PARCEL OWNER: (if different than applicant)

| | | |
|------------|--------------------------------|-----------------------------------|
| Name: | <u>Jeanie T. Jensen</u> | <u>Robert E. Barclay</u> |
| Address: | <u>3905 ORMSBY pl.</u> | <u>4319 SE 52nd Ave</u> |
| (mailing) | <u>Washoe Valley, NV 89704</u> | <u>Portland OR 97206</u> |
| Telephone: | <u>(775) 849-7686</u> | Cell Phone: <u>(503) 771-0077</u> |

Signature: *Jeanie T. Jensen* *Robert E. Barclay*

Authorization of parcel owner required.

PARCEL INFORMATION:

Township 3N Range 10E Section 26CC Tax Lot(s) 800

Current Zoning: C2, R3, R1 Parcel Size: 2.81 Acres

Property Location (cross streets or address): 2827 W Cascade Ave (400 ft WEST OF RAND RD)

Existing Water Service, if any: NA

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.

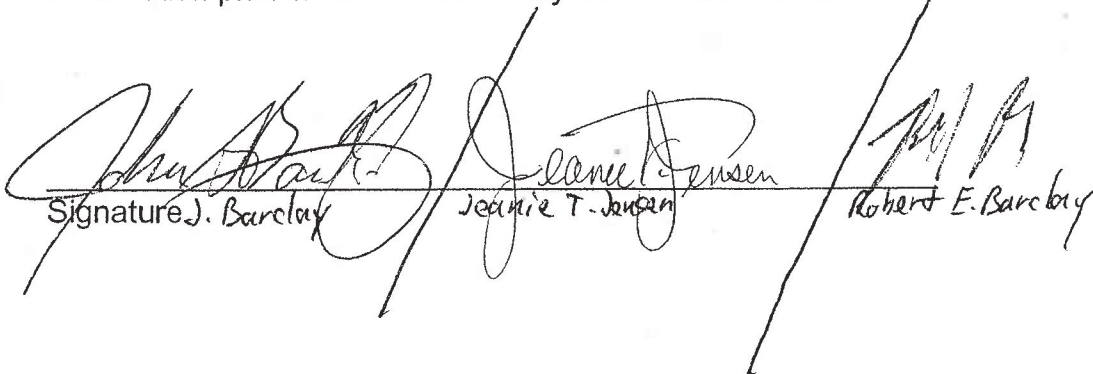
REQUEST

Sewer Service _____ Water Service _____

In connection with this request to hook up to and receive water and/or sewer service from the City of Hood River, I/we hereby petition the Honorable Mayor and City Council of Hood River for annexation of the above-described property. I/we further desire that by this petition, the above-described property be annexed to and included within the corporate limits of the city of Hood river, Oregon, a municipal corporation, and I/we do hereby consent to such annexation without the necessity of any election being called within the area above described or a public hearing being held pursuant to ORS 222.125, and I/we do hereby consent to the City of Hood River taking such steps a necessary to determine whether or not the above-described property shall be annexed.

If the City determines that the above-described property is to be annexed, at least 51% of the electors residing on the property will be required to sign a Consent to Annexation in order to complete the annexation process.

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


Signature J. Barclay Jeanie T. Jensen Robert E. Barclay

Portland, Oregon 97228

RCPT: 20404 31.00
)/2002 3:48 PM

Tax Acct. No.

True Actual Consideration Paid Is Distribution of Estate

bl

PERSONAL REPRESENTATIVE'S DEED

KNOW ALL MEN BY THESE PRESENTS, that **JOHN A. BARCLAY**, the duly appointed, qualified and acting Personal Representative of the **Estate of Mary Ann Barclay**, deceased, Hood River County Probate File No. 010023P, having been appointed as such Personal Representative by the Circuit Court of the State of Oregon for the County of Hood River on the 19th day of September, 2001, (decedent took title in part of the below-described real property as Mary Ann Trebin Bell) hereinafter called "grantor," for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **JOHN A. BARCLAY** and **ROBERT E. BARCLAY**, as equal tenants in common, hereinafter called "grantees," and unto grantees' heirs, successors and assigns, all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Hood River, State of Oregon described as follows, to wit:

An undivided one-half of that tract described as beginning at the Northwest corner of the most Westerly portion of the William Jenkins Donation Land Claim No. 38, lying in the Southwest quarter of Section 26, Township 3 North, Range 10 East of the Willamette Meridian; thence North 12.03 chains to the center line of The Dalles and Sandy Wagon Road (now known as the Columbia River Highway); thence Southeasterly along the center line of said road 2.60 chains to the Northwest corner of that tract of land conveyed to F.R. Spaulding et ux., by deed recorded July 6, 1916, in Book 11 at page 11, Deed Records of Hood River County; thence South along the West line of said Spaulding tract 11.68 chains to the North line of the William Jenkins Donation Land Claim, aforesaid; thence West 2.50 chains to the place of beginning.

TO HAVE AND TO HOLD the same unto the said grantees, and grantees' heirs, successors and assigns forever. The grantees herein take title as tenants in common, each having an undivided one-half (1/2) interest in the granted premises hereby conveyed.

ANNALA, CAREY, BAKER & THOMPSON, P.C.
ATTORNEYS AT LAW
P.O. BOX 325
HOOD RIVER, OREGON 97031
TELEPHONE (541) 398-1811

(NE)

JENSEN, JEANIE Trebin &
BARCLAY, JOHN A & Robert E. U-2

- 1 -

30102600 # 459

The true and actual consideration paid for this transfer is distribution of an estate.

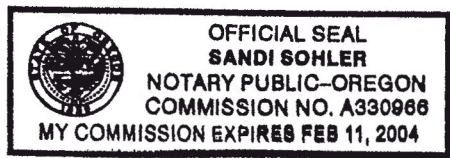
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

WITNESS grantor's hand this 10th day of May, 2002.

GRANTOR: *John A. Barclay*
John A. Barclay, Personal Representative of the Estate of Mary Ann Barclay, Deceased.

STATE OF OREGON)
County of Hood River) ss. May 10, 2002

Personally appeared the above named grantor, **JOHN A. BARCLAY**, the duly appointed, qualified and acting Personal Representative of the **Estate of Mary Ann Barclay**, Deceased, Hood River County Probate File No. 010023P, and acknowledged the foregoing instrument to be his voluntary act and deed as such Personal Representative.



Before Me: *Sandi Sohler*
Notary Public for Oregon
My Commission Expires: 2/11/2004