



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

5/13/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, May 26, 2010

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Cindy Walbridge, City of Hood River
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

MAY 06 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: CITY OF HOOD RIVER

Local file number: 2010-03

Date of Adoption: 4/26/10

Date Mailed: 5/5/10

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

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 3N10E35BC #1200 INTO THE CITY OF HOOD RIVER.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from:

to:

Zone Map Changed from: U-R-2

to: R-2

Location: SOUTHERN TERMINUS OF OROWAY ROAD

Acres Involved: 1

Specify Density: Previous: 5,000 # MINIMUM

New: 5,000 # MINIMUM

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. 001-10 (18120) [16113]

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

HOOD RIVER COUNTY, WEST-SIDE RURAL FIRE DISTRICT, ICE FOUNTAINS WATER DISTRICT

Local Contact: KEVIN LIBURDY

Phone: (541)387-5224 Extension:

Address: PO BOX 27

Fax Number: 541-387-5289

City: HOOD RIVER

Zip: 97031

E-mail Address: kevin@ci.hood-river.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD of the Adopted Amendment to:

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

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

ORDINANCE NO. 1984

(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—Frances Howard)

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

WHEREAS, the property is legally described as set forth in the application and is located in Hood River County, State of Oregon (3N 10E 35BC #1200);

WHEREAS, pursuant to HRMC Chapter 12.09, a request for connection to City water and/or sewer service for property located contiguous to City limits is considered a written consent to annexation;

WHEREAS, all of the property owners provided their written consent to this annexation. There are five electors registered to vote at the property, three of whom provided written consent to the annexation. This annexation was processed pursuant to ORS 222.125;

WHEREAS, the property is located within the Westside Rural Fire Protection District, Farmers Irrigation District, and the Ice Fountain Water District and ORS Chapter 222 provides for the withdrawal of territories from districts such as the Westside Rural Fire Protection District, Farmers Irrigation District, and Ice Fountain Water District upon annexation;

WHEREAS, notice of the public hearing on the questions of annexation and withdrawal was published and posted as provided in ORS Chapter 222;

WHEREAS, the Council concluded that the territory sought to be annexed should be annexed and withdrawn only from the Westside Rural Fire Protection District and Ice Fountain Water District as part of the proposed annexation;

WHEREAS, the Council concluded that the territory sought to be annexed should remain within the Farmers Irrigation District upon annexation;

WHEREAS, the City has the authority, within constitutional and statutory limits, to set the property tax rate at which annexed territories should be taxed;

WHEREAS, the Planning Commission and the City Council have, in accordance with the procedures set forth in Chapter 17.15 of the Hood River Municipal Code, held public hearings (April 5, 2010, April 19, 2010 and April 26, 2010, respectively) to consider the annexation of the property into the City of Hood River and withdrawal of the Property from the West Side Fire District and the Ice Fountain Water District;

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

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

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

1. The Property described above is hereby proclaimed to be annexed to the City of Hood River, subject to the conditions in the decision signed on April 20, 2010, adopted herein.
2. The Property described above is hereby withdrawn from the Westside Rural Fire Protection District and from the Ice Fountain Water District.
3. The effective date of the annexation is the date of filing with the Secretary of State.
4. The effective date for the withdrawal of the territory from the Westside Rural Fire Protection District is the date the annexation is effective. The effective date for the withdrawal of the territory from the Ice Fountain Water District will be July 1, 2011.

Read for the first time: April 26, 2010.

Read for the second time and passed: April 26, 2010, to become effective thirty (30) days hence.

Signed April 26, 2010.



Arthur Babitz, Mayor

ATTEST:



Jennifer McKenzie, City Recorder

**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: Frances Howard

Address: 5060 Booth Hill Road
(physical) Hood River, Or 97031

(mailing) same as above

(email) na

Telephone: 354.1501 (Jason) Cell Phone: 490-1649

Signature: Frances Howard 309-395-2433

*Robin Clark, granddaughter
Tara's
sister
that lives*

PARCEL OWNER: (if different than applicant)

Name: same as above

Address: _____
(mailing) _____

Telephone: _____ Cell Phone: _____

Signature: _____

***Authorization of parcel owner required.**

PARCEL INFORMATION:

Township 3N Range 10E Section 35BC Tax Lot(s) 1200

Current Zoning: UR2 Parcel Size: 1.05 acres

Property Location (cross streets or address): 750 Ordway Road

Existing Water Service, if any: City of Hood River

Farmers Irrigation: YES NO Septic: YES NO

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

If yes, Explain: septic is backing up

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 _____

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.

Frances a Howard
Signature

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

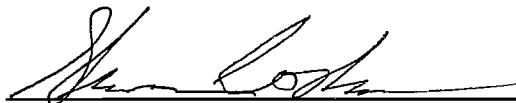
Sewer Service ✓

Water Service _____

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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

4/10/10
Date

Name (print):

Shaun Cochran

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.
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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.

Michelle K. Cochran 4/10/10
Signature Date
Name (print): Michelle K. Cochran

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

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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 _____ Date 4/14/10

Name (print): Ryan Cochran

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

In the matter of the annexation)
by Frances Howard of a) **FINDINGS AND DECISION**
1-acre parcel, File #2010-03)

I. BACKGROUND:

- A. **REQUEST:** Annexation of one parcel in order to connect to City sanitary sewer facilities (see Attachments "A.1"- "A.3"). There is one existing home on the site and the septic system failed.
- B. **APPLICANT:** Frances Howard
- C. **OWNER:** Frances Howard
- D. **PROPERTY LOCATION:** The property is located at 750 Ordway Road. Legal description: 3N 10E 35BC Tax Lot #1200 (see Attachment "A.1").
- E. **PROPERTY SIZE:** Approximately one acre
- F. **SITE ZONING AND LAND USE:** The property currently is in the Urban Growth Area and is zoned Urban Standard Density Residential (U-R-2). If the property is annexed, the zoning will remain Urban Standard Density Residential (R-2). There is one existing single-family home, a detached garage formerly used as a home office/saddle shop and three other accessory buildings on the site.
- G. **SURROUNDING ZONING AND LAND USES:**
 - North (Cottage Lane PUD): R-2/PUD, single-family homes and common open space
 - South (Tax Lot 300): U-R-2, orchard
 - East (Tax Lot 302): U-R-2, orchard with two agricultural storage buildings
 - West (Tax Lot 1300): U-R-2, single-family home, detached garage and accessory buildings, pasture
- H. **APPLICABLE CRITERIA:**
 - Hood River Municipal Code (HRMC) Section 17.09.040 – Quasi-Judicial Actions (Annexation)
 - HRMC Chapter 17.15 – Annexation (Annexation)
 - Oregon Revised Statute (ORS) Sections 222.111 through 222.183 (Annexation)
- I. **AGENCY COMMENTS:** Affected agencies were notified of this request. The following comments were submitted in response to the notice prior to the public hearing:
 - 1. Westside Fire Protection District: See attached email dated 2/24/10(Attachment "C")
 - 2. Ice Fountain Water District: See attached email dated 2/24/10 (Attachment "D") and letter dated 3/18/10 (Attachment "E"). Also, per phone call 3/18/10, debt service payment only of \$2,403.42
 - 3. Farmer's Irrigation District: See attached email dated 2/24/10 (Attachment "F")
 - 4. City Engineering Dept.: No comments.
 - 5. City Building Dept.: See attached email dated 3/22/10 (Attachment "G")
 - 6. City Fire Dept.: See attached email dated 3/22/10 (Attachment "H")
- J. **ADJACENT PROPERTY OWNERS COMMENTS:** Property owners within 250 feet of the subject site were notified of this request. No comments were submitted.

K. HISTORY:

1. Application submitted February 1, 2010
2. DLCD Annexation Notice mailed February 18, 2010
3. IGA meeting invitation sent February 23, 2010
4. Notice of Planning Commission & City Council hearings mailed March 15, 2010
5. Planning Commission hearing opened April 5, 2010, and continued to April 19, 2010
6. Planning Commission hearing held April 19, 2010
7. City Council hearing to be held April 26, 2010
8. Notice of decision for annexation mailed _____, 2010

L. ATTACHMENTS:

- Attachment "A.1" – Map depicting property to be annexed
- Attachment "A.2" – Aerial photograph of site and surrounding properties
- Attachment "A.3" – City of Hood River Zoning Map and legend
- Attachment "C" – Westside Fire Protection District comments, 2/24/10
- Attachment "D" – Ice Fountain Water District comments, 2/24/10
- Attachment "E" – Ice Fountain Water District comments, 3/18/10
- Attachment "F" – Farmer's Irrigation District comments, 2/24/10
- Attachment "G" – City Building Dept. comments, 3/22/10
- Attachment "H" – City Fire Chief's comments, 3/22/10

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A. CHAPTER 17.15 - ANNEXATION

17.15.010 Introduction. It is the policy of the City of Hood River to promote orderly, efficient, and fiscally responsible annexation of territories in conjunction with urban growth or expected or desired urban growth within the urban growth area. Accordingly, the City shall annex property where:

1. The proposed annexation represents the natural extension of the existing City boundary consistent with urban growth;
2. The proposed annexation would not, when developed or as developed, unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs and the financial capabilities of the City, as determined by the City;
3. The proposed annexation would not cause the City to pledge extension of services beyond its resources so as to result in a deficit operation of the service;
4. The proposed annexation would serve the interests of the entire community and not solely the interests or convenience of those within the territory proposed to be annexed.

FINDINGS: The northern property line of the subject site abuts the City Limits and, as such, the annexation is a natural extension of the City boundary consistent with urban growth. Pursuant to the City's Intergovernmental Agreement (IGA) with the special districts (i.e. West Side Fire District, Ice Fountain Water District, Farmer's Irrigation District), the City Manager invited the special districts to a meeting on February 23, 2010, to discuss the annexation. Representatives of the three affected special districts determined that a meeting was not necessary and instead submitted written comments. Comments from the special districts (Attachments "C," "D," "E," and "F") are incorporated herein by reference.

As a part of the "island annexation" process that the City completed in 2007, an agreement was formalized with the Ice Fountain Water District requiring the City to provide water service to several properties on Ordway Road including the subject site. However, the Ordway Road properties were to remain in the Ice Fountain Water District until the end of a three-year period at which time the City would be responsible

for compensating the District for outstanding debt service (Attachment "E"). As such, the subject site and the other affected Ordway Road properties will be withdrawn from the Ice Fountain Water District upon payment of the outstanding debt service. The applicant will be responsible for her proportionate share of the debt service payment. The site also will be withdrawn from the West Side Fire District in association with this annexation, and the applicant will be responsible for compensation to the District based on lost revenue. The site will remain in the Farmer's Irrigation District. The City will provide fire- and police services to the annexed property. The impact on the City's ability to provide services, as well as the financial impact to the City, is addressed below in HRMC 17.15.060.

17.15.020 Application and Process. An annexation may be proposed by the City of Hood River, landowners, or a group of residents and shall include the following elements:

1. Preliminary plans and specifications, drawn to scale, showing the actual shape and dimensions of the property to be annexed and the existing and proposed land uses and residential density. City and County zoning in the proposed territory, as shown on a vicinity map, and contiguous lands must also be indicated.
2. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.
3. Completed certifications of property ownership, registered voter status, map, and legal description.

FINDINGS: The annexation application generally includes the required information. County records indicate the site is used as a single-family home and that the existing detached garage was converted into personal office space in 1998. The City of Hood River utility billing records indicate the site is used for a single-family dwelling.

The septic system serving the existing home on the site recently failed. Because a City sewer line is located within 300 feet of the subject property, state law requires that the property connect to the City's sewer system. At the same time, City policies require property to be annexed into the City Limits in order to obtain sewer service. As such, the applicant applied for annexation in order to connect to the City's sewer system. The application is generally consistent with these requirements.

17.15.030 Filing Fees. Fees for filing for annexation requests shall be set by City Council resolution.

FINDINGS: The applicant submitted a filing fee as set by City Council resolution.

17.15.040 Planning Commission Review. The Planning Commission shall review the application in a public hearing and forward a recommendation with findings to the City Council who will conduct a public hearing according to the *Quasi-Judicial Hearing Procedures* or *Legislative Hearing Procedures* (Chapter 17.09), whichever is applicable.

FINDINGS: The Planning Commission is reviewing the request for annexation and will make a recommendation with findings to the City Council. The City Council will then conduct a Quasi-Judicial public hearing and will make a decision on the annexation application.

17.15.050 Evaluation Criteria – Developed Land. Prior to approving a proposed annexation of developed land, affirmative findings shall be made relative to the following criteria:

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

FINDINGS: The subject property is located within the Urban Growth Area and its northern property line is contiguous to the City Limits (Attachment "A.3"). As such, the proposal is consistent with this criterion.

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

FINDINGS: The subject property was designated for location inside the Urban Growth Area in 1980 when the City-Westside Comprehensive Plan was adopted by the County Board of Commissioners (Ordinance #102). The City was required by the State of Oregon Land Conservation and Development Commission (LCDC) to designate sufficient amounts of urbanizable land to accommodate future expansion. The Urban Growth Boundary was adopted by the City Council and LCDC in 1983 and zoned for future urban uses. The subject site is adjacent to property that is developed at an urban level for residential uses in the City limits (Cottage Lane PUD). As such, the proposal is consistent with this criterion.

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

FINDINGS: The property abuts the terminus of a local street, 29th Street. No new roads are proposed to serve the site as no new development is proposed. The City sewer system serves the Cottage Lane PUD located immediately north of the site and the City is currently providing water service to the existing home on the site. As such, the proposal is consistent with this criterion.

4. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits;

FINDINGS: Annexation and connection to the City's sanitary sewer facilities will result in additional demand on City services including maintenance of sanitary sewer lines. The City already provides water service to the site, so annexation will have no effect on water service to other areas of the city. Sewer can be provided without negatively impacting service elsewhere because the City Wastewater Treatment Plant is designed to accommodate the Urban Growth Area. The City Public Works Department determined that sanitary sewer service facilities were adequate to serve the site and, due to the emergency nature of the applicant's situation (i.e. failed septic system), permitted connection to the City's sewer system immediately following submittal of the annexation application.

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

The City of Hood River Building Department submitted comments expressing concern with the current site address (750 Ordway Road) because it cannot be accessed by emergency service providers via Ordway Road (Attachment "G"). Fire Chief submitted comments recommending that the address of the existing home is changed to reflect the current means of access to the site by emergency service providers, i.e. via Cottage Lane, and/or to match the city's address grid (Attachment "H"). As such, **a condition of approval is recommended that the applicant shall work with the City of Hood River Building- and Fire Departments to update the property address based upon the City's address grid.**

The annexation will result in no additional impact to City streets at this time, and the owner will be required to reimburse special districts for costs associated with annexation. User fees will offset maintenance costs. As such, the proposal is consistent with this criterion.

5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of existing development;

FINDINGS: The applicant is requesting annexation to receive City services for one single-family residence. Under Measure 50, it is favorable to annex property in association with development. The permanent tax rate for the City of Hood River is \$2.8112 per thousand dollars of assessed valuation. As such, the City will receive approximately \$281.12 in annual general fund revenue for each \$100,000 of valuation.

The City's sewer- and water funds are not in deficit (the deficit is in the City's general fund, which does not affect provision of those services). Pursuant to the City's IGA with West Side Fire District, the City is required to compensate the District for five years of lost property tax revenue. Similarly, pursuant to the City's IGA with Ice Fountain Water District, the City is required to compensate the District for three years of lost revenue, user fees, infrastructure and debt service. Pursuant to resolution of the City Council, the 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 to the City associated with the costs of compensating the Districts.

The applicant will be responsible for debt service only on Ice Fountain Water District facilities which is estimated to be approximately \$1,925.17 (Attachments "D" and "E"). The applicant will also be responsible for approximately \$505.20 to West Side Fire District for lost property tax revenue (Attachment "C"). As such, **conditions of approval are recommended that the property owner, and their heirs, successors and assigns, shall compensate the City for the costs associated with the withdrawal of the subject property from Ice Fountain Water District and West Side Rural Fire Protection District pursuant to the City's Intergovernmental Agreement with Ice Fountain Water District and West Side Rural Fire Protection District applicable to the withdrawal. The applicant shall record a document in the deed records of Hood River County executed by the property owner binding the property owner and their heirs, successors and assigns to the obligation required by this condition. The City of Hood River will send a bill to the applicant in November of 2010. Payment will be due to the City of Hood River no later than December 31, 2010. The applicant may set up a payment plan pursuant to the terms of the City of Hood River.**

Annexing the existing home will result in City collection of franchise fees for Pacific Power and Light, Northwest Natural Gas, Charter Cable, and Hood River Garbage Service. Franchise fees go into the City's general fund. Assuming franchise fees for a home total approximately \$150 per month, the City would receive approximately 4% of these fees totaling approximately \$72 a year ($\$150 \times 12 \times 4\% = \72).

The following comparison estimates the fiscal impact if the property is annexed versus remaining in the UGA under the County's jurisdiction.

Fiscal Impact

If annexed

Sanitary sewer SDCs (1 @ \$1,508) = none, already paid \$1,508
 Annual sanitary sewer fees (1 @ \$48 x 12) = \$576
 Annual storm sewer fees (1 @ \$2.50 x 12) = \$30
 Water SDCs (1 @ \$3,883) = none, already served by City
 Annual water (1 @ \$23.81 x 12) = \$285.72
 Annual franchise Fees: \$72
 Existing home estimated annual property tax: \$323.88

Fiscal Impact

If not annexed

none
 none
 Loss of \$30
 none
 none
 Loss of \$72
 Loss of \$323.88

- Total one time SDCs and fees collected by the City – \$1,508
- Total annual fees collected by the City if annexed – \$963.72

As such, the fiscal impact of the annexation is favorable and the proposal is consistent with this criterion.

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

FINDINGS: The criteria detailed above address the growth of the City, extension of City services, financial impact, and ability to continue to provide services to existing residents. Other issues associated with annexation include potential future uses of the property and how those uses might affect nearby properties.

The subject property has been located inside the City's Urban Growth Area (UGA) since 1983 and has been zoned for future urban uses since that time. Annexation of property in the UGA is consistent with the City's Comprehensive Plan. The subject site is adjacent to property that is developed at an urban level for residential uses in the City limits (Cottage Lane PUD). Because the zoning of the property will remain consistent with the existing County zoning designation, properties in the City Limits generally will not be negatively affected by the annexation.

Although the County has adopted the City's zoning ordinance for application in the UGA, it remains to the City's advantage to control the growth and development of the subject property because it will have a direct impact on City sewer, water, stormwater and transportation infrastructure. In addition, it is to the City's fiscal advantage to control development on the subject property because it will generate additional revenue through collection of System Development Charges and utility fees. As such, the proposal is consistent with this criterion.

7. The annexation conforms to the Comprehensive Plan.

FINDINGS: Generally, the City's Comprehensive Plan does not contain approval standards. Therefore, compliance with the Comprehensive Plan is achieved through compliance with the City's ordinances.

Goal 1: Citizen Involvement

This Goal is satisfied through provisions in the acknowledged Comprehensive Plan and Zoning Ordinance that provide for citizen participation including public hearings. This application has been processed pursuant to those provisions. Notices have been mailed to property owners and agencies, posted in appropriate locations and included in the Hood River News. Public hearings are held before the Planning Commission and City Council before a decision is reached.

Goal 2: Land Use Planning

The Comprehensive Plan and Zoning Ordinance provide a land use planning process and policy framework as the basis for all decision and actions relating to the use of land. This Goal is satisfied by following the Zoning Ordinance including applicable procedures for processing this application and conducting public hearing related to the application.

Goal 3: Agricultural Land

This goal is not applicable as the property is located within the City's Urban Growth Area and is not considered agricultural land.

Goal 4: Forest Land

This goal is not applicable as the property is located within the City's Urban Growth Area and has been "excepted" from the County's resource base.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

The County has adopted the City's ordinances for use in the UGA. Although the County has not adopted the City's Goal 5 Ordinance (1874), there are no known Goal 5 resources on the subject site.

Goal 6: Air, Water and Land Resources Quality

This application does not increase or decrease the air, water and land resource qualities of the area because it does not directly result in any additional development.

Goal 7: Natural Disasters

This site is not in a floodplain, does not include slopes greater than 25%, does not contain any environmental protection areas and has no designated geologic hazard areas within its boundaries.

Goal 8: Recreational Needs

Policy 8 states "as parcels of land are annexed from the UGA into the City, some land will be designated Open Space/Public Land for the development of new parks and public facilities, including access ways, to serve the recreational needs of the community."

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

Open space areas in the City:

| | |
|------------------------|-------------|
| "Morrison Park" | 13.54 acres |
| Indian Creek Trail | 14.12 acres |
| "Elloit Park" | 11.8 acres |
| "Waucoma Park" | 0.5 acre |
| Wells Island (portion) | 18 acres |

Parks in the City:

| | |
|-----------------------------------|------------|
| Waterfront Park | 6.45 acres |
| Jackson/Friendship Park | 9.19 acres |
| Children's Park | 1.24 acres |
| Wilson Park | 1.05 acres |
| Tsuruta Park | 0.87 acre |
| Mann Park | 0.48 acre |
| Coe Park | 0.34 acre |
| Memorial Overlook and Rose Garden | 0.4 acre |
| Aquatic Center (HRVPRD) | 0.94 acre |
| Jaymar (HRVPRD) | 2.77 acres |
| Rotary Skate Park (HRVPRD) | 2.71 acres |
| Culbertson Park (HRVPRD) | 0.6 acre |
| Hazelview (HRVPRD) | 0.35 acre |
| Marina Park and Event Site (Port) | 9.5 acres |
| Georgiana Smith (County) | 0.5 acre |

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

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

Total park lands = approximately 37.39 acres (does not include schools)
Total open space lands = approximately 57.96 acres
Total park and open space lands = approximately 95.35 acres

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

Goal 9: Economy of State

This Goal requires the City to ensure that there is adequate land with public services provided to meet the needs for economic growth and development. The property is zoned for residential use. This goal is not applicable.

Goal 10: Housing

The subject property was included within the buildable lands inventory for the City/UGA, and will remain zoned for housing.

Goal 11: Public Facilities

The proposal's effect on public facilities is addressed above in HRMC 17.15.060. Based upon those findings, the annexation of the subject property is consistent with Goal 11.

Goal 12: Transportation

Following annexation, any subsequent development will be required to comply with the City's Transportation System Plan.

Goal 13: Energy Conservation

Annexation and development of lands located close to existing services generally promotes energy conservation. Increased residential densities near collector streets such as May Street are expected to facilitate additional transportation alternatives such as mass transit.

Goal 14: Urbanization

The subject property is located within the Urban Growth Area, as such, and annexation of property is consistent with the City's Comprehensive Plan.

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

17.15.060 Evaluation Criteria – Undeveloped Land.

FINDINGS: There is an existing single-family home and accessory structures on the property. As such, these criteria are not applicable.

17.15.070 Evaluation Criteria – Fiscal Impact. The following factors are to be taken into consideration when determining fiscal impact for both developed and undeveloped land and may include, but are not be limited to:

1. The additional revenues, if any, available to the City as a result of the annexation;
2. Whether any unusual or excessive costs will be incurred as a result of the annexation; and
3. The impact on the City's tax base, if any, as a result of the annexation.

FINDINGS: The findings above in 17.15.060(5) address fiscal impacts. Costs associated with reimbursing special districts will be paid by the applicant and neighboring property owners who benefit from this infrastructure when they annex and develop their properties.

17.15.080 Evaluation Criteria – Urban Service Capabilities.

- A. The municipal service needs, if any, of the territory to be annexed, including those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction, and such other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.
- B. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

FINDINGS: This provision contains factors to be taken into consideration when evaluating urban service capabilities. The findings above in 17.15.060(4) address these criteria. In association with future development of the site, the developer will be required to construct improvements to the site's 29th Street frontage to meet City standards. The developer will be required to pay all costs associated with withdrawing the existing property from the Special Districts as well as providing adequate public facilities.

ORS 222.111 Authority and procedure for annexation. (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year. (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465. (5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. (6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart. (7) Two or more proposals for annexation of territory may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.

FINDINGS: The proposed annexation is for property that is contiguous to the city. The owner of the property is the petitioner for the annexation. The rate of taxation will be consistent with these requirements. The territory to be annexed is a part of districts named in ORS 22.510 including the West Side Fire District, Ice Fountain Water District, and Farmer's Irrigation District, and will be withdrawn from the West Side Fire District and Ice Fountain Water District as of the effective date of the annexation. As addressed below, the City is not obligated to submit the annexation request to the electors. As such, the proposal is consistent with these requirements.

ORS 222.120 - Procedure without election by city electors; hearing; ordinance subject to referendum.

(1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection. (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period. (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question: (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section. (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS 222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance.

FINDINGS: The City Charter does not require the City Council to submit a proposal for annexation to the voters. This annexation is not being submitted to the voters; instead, public hearings on the annexation are being held in accordance with the requirements of this statute. Notice of the public hearings was published in accordance with ORS 222.120, including being published once each week for two successive weeks prior to the date of the City Council hearing in the Hood River News, and posting of notices of the hearing in four public places in the city for the same period of time.

This annexation request includes withdrawal of territory from districts named in ORS 222.510 (West Side Fire District and Ice Fountain Water District). Pursuant to ORS 222.111(5), the effective date of withdrawal from West Side Fire and Ice Fountain Water District will be the effective date of the annexation. As such, the proposal is consistent with these requirements.

ORS 222.125 Annexation by consent of all owners of land and majority of electors. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

FINDINGS: Records of the Hood River County Elections office indicate that there are five voters registered at the subject address. The property owner signed the application form and three of the five voters registered at the subject address also signed application forms. As such, consent was provided by all owners and the majority of electors.

ORS 222.180 Effective date of annexation. (1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

FINDINGS: The public hearing for this annexation will take place before the City Council. If approved, the City Council will read the ordinance approving the annexation and withdrawing the territory from West Side Fire and Ice Fountain Water District for the first time (and second time if a full Council is present) by title only. After the second reading, the ordinance will be transmitted to the Secretary of State for filing. Pursuant to ORS 222.180, the effective date of the annexation would be the date it was filed with the Secretary of States.

222.183 Notice of annexation when effective date delayed for more than one year. (1) If the effective date of an annexation is more than one year after the date of a proclamation of annexation, the city, through its recorder or other city officer or agency performing the duties of recorder under this section, shall send notice to the county clerk of each county within which the city is located. The notice shall be sent not sooner than 120 days and not later than 90 days prior to the effective date of the annexation. (2) The notice described in subsection (1) of this section shall be in addition to any other notice or filing required under ORS 222.010 to 222.750.

FINDINGS: As addressed above, the effective date of annexation will be the date the annexation is filed with the Secretary of State. The annexation will be filed with the Secretary of State less than one year from the date of proclamation of annexation.

III. RECOMMENDATION AND CONDITIONS: Based on the above Findings of Fact and Conclusions of Law, the planning commission recommends of **approval** of the annexation **subject to the following conditions:**

1. The effective date for the annexation shall be the date the ordinance goes into effect, except for purposes of ORS 308.225. The effective date of the withdrawal from West Side Rural Fire District will be the effective date of the annexation, except for purposes of ORS 308.225. The effective date of the withdrawal from Ice Fountain Water District will be July 1, 2011 (ORS 222.465).
2. Annexation and withdrawal from West Side Rural Fire Protection District and Ice Fountain Water District is required as a condition of connection to City services. All annexation and withdrawal fees are the responsibility of the applicant.
3. The property owner, and their heirs, successors and assigns, shall compensate the City for the costs associated with the withdrawal of the subject property from Ice Fountain Water District and West Side Rural Fire Protection District pursuant to the City's Intergovernmental Agreement with Ice Fountain Water District and West Side Rural Fire Protection District applicable to the withdrawal. The applicant shall record a document in the deed records of Hood River County executed by the property owner binding the property owner and their heirs, successors and assigns to the obligation required by this condition. The City of Hood River will send a bill to the applicant in November of 2010. Payment will be due to the City of Hood River no later than December 31, 2010. The applicant may set up a payment plan pursuant to the terms of the City of Hood River.
4. The applicant shall work with the City of Hood River Building- and Fire Departments to update the property address based upon the City's address grid.
5. The applicant/property owner is responsible for knowledge of existing easements and property lines. Conflicts are to be resolved prior to issuance of building permits. This approval does not condone nor

require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.

6. This approval shall be valid for a period of two years from the written notice of the final decision, or the decision on an appeal, whichever is later. A single one-year extension may be granted by the Planning Director prior to the expiration date if the applicant can demonstrate compliance with applicable land division extension standards.
7. Failure to comply with these conditions will nullify this permit.

IV. DECISION: Commissioner Nicol moved and Commissioner Stevens seconded a motion to recommend approval of the annexation by the city council based upon the above Findings of Fact and subject to the Conditions of Approval of this Final Order. The motion passed with a 7 - 0 vote.

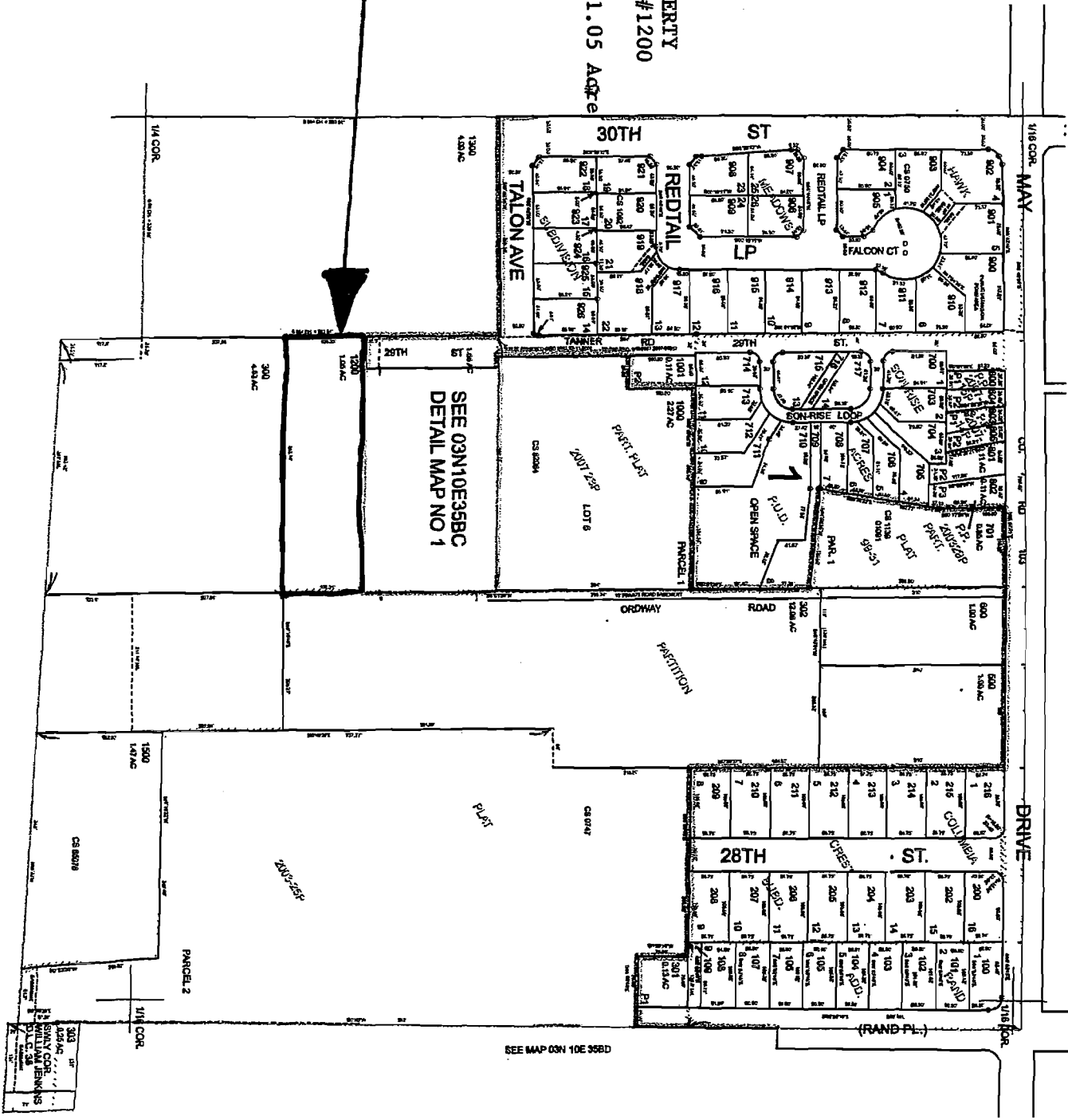
APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 20th day of April, 2010.

Kate McBride, Chair
Kate McBride, Chair

ATTEST:

Kevin Liburdy
Kevin Liburdy, Senior Planner

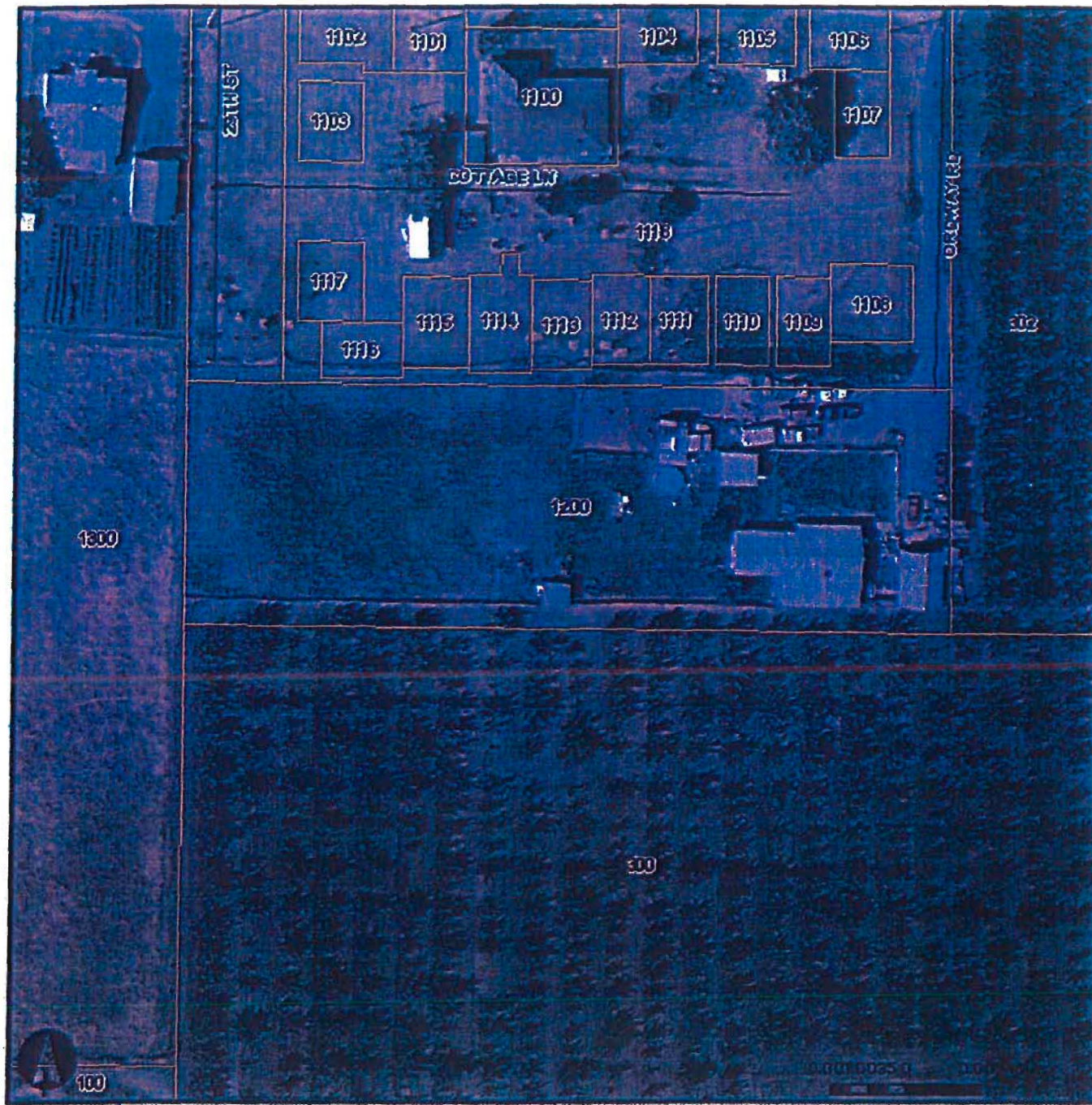
SUBJECT PROPERTY
 3N 10E 35BC #1200
 Zoning U-R2
 Parcel Size 1.05 Acre



SEE MAP 03N 10E 35BD

ATTACHMENT "A.1"
 FILE #2010-03

Revised JB
 07/12/08
 HOOD RIVER
 03N10E35BC



NORTH ↑

LOOP

RIDGE

TALON
AVE

29th St

COTTAGE
LANE

#1200

SPRBC

SITE
R-2 ZONE

SON-RISE
LOOP

NORTH ↑

ATTACHMENT "A.3"
FILE #2010-03

HOOD RIVER




CITY LIMITS and URBAN GROWTH BOUNDARY ZONING MAP

Legend

Zoning:

-  R-1 Urban Low Density Residential
-  R-2 Urban Standard Density Residential
-  R-3 Urban High Density Residential
-  C-1 Office Residential
-  C-2 General Commercial
-  I Industrial
-  LI Light Industrial
-  OS Open Space/Public Facility
-  RC Columbia River Recreational/Commercial

Environmental Protection Areas:

-  Floodplain
-  Geologic Hazard
-  Unique Shoreline Habitat

Boundaries:

-  City Limits
 -  Urban Growth Boundary
 -  Hood River Historic District
 -  ASBA
- Assessor Map Index**
All map index numbers are in CAPITALS
unless otherwise noted

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

Within City Limits:
City of Hood River
Planning Department

Outside City Limits:
County of Hood River
Planning Department



VALENT

GRANDVIEW
DRIVE

BELMONT

AD

Kevin Liburdy

From: Jim Trammell [wsfd502@gorge.net]
Sent: Wednesday, February 24, 2010 11:29 AM
To: Kevin Liburdy
Subject: RE: Annexation of Francis Howard Property (750 Ordway - 3N 10E 35BC #1200) - IGA Meeting with City of Hood River

Kevin,

Mark will be unavailable all of next week, he stated that the City currently provides water to this parcel now, but he must check to see if there are any outstanding costs still owed to the Water District he will check on this and forward any pertinent info to you.

As far as the Fire District is concerned, this parcel meets all the requirements of our agreement, therefore the Fire District would have no comment other than reimbursement for lost revenue. We can meet at Station 2 (1185 Tucker Rd) if you feel it is necessary.

Thanks

Jim Trammell
Fire Marshal
Westside RFPD
1185 Tucker Road
Hood River, OR 97031
W 541 386 1550
F 541 386 7228
wsfd502@gorge.net
westsidefire.com

From: Kevin Liburdy [mailto:Kevin@ci.hood-river.or.us]
Sent: Wednesday, February 24, 2010 9:38 AM
To: wsfd502@gorge.net; ifwater@hrecn.net
Cc: rick@fidhr.org
Subject: RE: Annexation of Francis Howard Property (750 Ordway - 3N 10E 35BC #1200) - IGA Meeting with City of Hood River

Jim and Mark,

Rick Brock has a conflict on Tuesday, 3/2 at 8:30am. Please let me know if 9:00am on Wednesday, March 3rd works for you.

And, if it would make things easier for everyone, I'd be happy to meet at the WSFD office.

Thanks,

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

From: Rick Brock [mailto:rick@fidhr.org]
Sent: Wednesday, February 24, 2010 9:17 AM
To: Kevin Liburdy

ATTACHMENT "C"
FILE #2010-03

3/24/2010

Kevin Liburdy

From: ifwater@hrecn.net
Sent: Wednesday, February 24, 2010 1:39 PM
To: Kevin Liburdy
Subject: RE: Annexation of Francis Howard Property (750 Ordway - 3N 10E 35BC #1200) - IGA Meeting with City of Hood River

Kevin,

The city already serves this parcel water; however, I believe there is some payback to Ice Fountain Water for debt service. I will be out of the office until Monday March 8, but will contact you with the details when I return. This annexation meets all criteria of the IGA. Thank you.

Mark Beam
District Manager
Ice Fountain Water District

----- Original Message -----

From : Kevin Liburdy[mailto:Kevin@ci.hood-river.or.us]
Sent : 2/24/2010 12:15:30 PM
To : wsfd502@gorge.net; ifwater@hrecn.net; rick@fidhr.org
Cc :
Subject : RE: Annexation of Francis Howard Property (750 Ordway - 3N 10E 35BC #1200) - IGA Meeting with City of Hood River

Jim, if you, Mark and Rick just want email your feedback to me rather than holding a meeting, that works for me.

Mark and Rick, please confirm whether or not you would like to hold a meeting.

I just looked at the IGA and it looks like we're supposed to discuss the following at a meeting:

IFWD and City address:

- * affected services both within and outside parcel to be annexed or withdrawn, including which party will serve the affected services
- * affected infrastructure and provision for turning over infrastructure and compensation
- * possible re-positioning of Ice Fountain facilities
- * easements needed by district
- * any other matters the parties need to discuss regarding annexation and withdrawal

WSFD to provide the following financial information:

- * certification of current tax rate if changed from tax rate specified in IGA

IFWD to provide the following financial information:

- * auditor's statements of infrastructure value for infrastructure compensation
- * preliminary account revenue records to determine lost revenue compensation (final amount of lost revenue compensation uses records from 12 months prior to date City Council approves annexation)
- * preliminary calculations of district indebtedness to determine debt compensation

If there is anything else that we need to go over, please let me know.

Thanks,

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

ICE FOUNTAIN® Water District

1185 Tucker Road
Hood River, Oregon 97031-9998

ifwater@hrecn.net e-mail

(541) 386-4299 Phone

(541) 386-7228 Fax

March 18, 2010

Bob Francis
City Manager
P.O. Box 27
Hood River, OR 97031

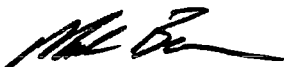
Dear Mr. Francis:

Re: annexation of Ordway Road

Enclosed is the invoice for the properties taken over by the City of Hood River as per the agreement dated January 17, 2007. The City has already paid for three years lost revenue and as indicated on the statement this is for debt service only and will satisfy this obligation. The total amount due is \$12,000.26.

If you have any questions you are welcome to call me at 541-386-4299.
Thank you,

Mark Beam



District Manager
Ice Fountain Water District

enclosures

ATTACHMENT "E"
FILE #2010-03

Ice Fountain Water District
Annexation Calculation
12-Mar-07

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

DEBT SERVICE FOR YEAR

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

LOST REVENUE
TOTAL 50.4542.% PAID 2007

Infrastructure NONE
Fire Hydrant NONE

Less Depreciation NONE

GRAND TOTAL \$ 12,000.26

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

750 Ordway usage = \$390.68
Ordway Rd area total usage = \$2,435.24

$$\frac{\$390.68}{\$2,435.24} = 16.0427\%$$

$$\$12,000.26 \times 16.0427\% = \$1,925.17$$

→ Howard's share of debt service

| |
|---------------------|
| Usage Report |
|---------------------|

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

Sorted By: Service Id

For 010002000

| Service ID | Acct No. | | Name | | | Service Address | | | Route | |
|---|-----------|------------|------------------|------------|---------|-----------------|------------|-----------|---------|---------|
| Meter No. | Chngout | Size | Service | Tran Date | Measure | Act Usage | Bill Usage | Adj Usage | Adj Amt | Charges |
| 010002000 | 010002001 | | MICHELLE COCHRAN | | | 750 ORDWAY ROAD | | | 01 | |
| 070505101 | | 3/4" METER | WATER | 04/01/2006 | Gallons | 8000. | 8000. | 0. | 0.00 | 59.50 |
| 070505101 | | 3/4" METER | WATER | 06/01/2006 | Gallons | 5000. | 5000. | 0. | 0.00 | 54.34 |
| 070505101 | | 3/4" METER | WATER | 08/01/2006 | Gallons | 6000. | 6000. | 0. | 0.00 | 54.34 |
| 070505101 | | 3/4" METER | WATER | 10/01/2006 | Gallons | 12000. | 12000. | 0. | 0.00 | 69.82 |
| 070505101 | | 3/4" METER | WATER | 12/01/2006 | Gallons | 6000. | 6000. | 0. | 0.00 | 54.34 |
| 070505101 | | 3/4" METER | WATER | 02/01/2007 | Gallons | 22000. | 22000. | 0. | 0.00 | 98.34 |
| <hr style="border-top: 1px dashed black;"/> | | | | | | | | | | |
| Grand Totals | | | | | | | | | | |
| | | | WATER | / / | Gallons | 59000. | 59000. | 0. | 0.00 | 390.68 |

Kevin Liburdy

From: Rick Brock [rick@fidhr.org]
Sent: Wednesday, February 24, 2010 2:13 PM
To: Kevin Liburdy
Subject: RE: Annexation of Francis Howard Property (750 Ordway - 3N 10E 35BC #1200) - IGA Meeting with City of Hood River

Hi Kevin,

Here is some feedback. Farmers Irrigation District will continue to serve water into annexed territories. Frances Allene Howard's property has 1.10 water right acres, the land base provided by HRC shows to be 1.06 acres, there are more water rights than land, and there is also a house, outbuildings and a driveway on 3N-10-35-SW/NW-1200 that are not irrigable.

I want to have the Owner remove .15 water right acres from TL 1200 as soon as possible. The affidavit to remove .15 acres of water rights is ready for signature and Notary right now, and I could email it to you, or Howard could stop by the Office and sign it.

I have no other comments.

Thank you,

Rick Brock
FID

-----Original Message-----

From: Kevin Liburdy [mailto:Kevin@ci.hood-river.or.us]
Sent: Wednesday, February 24, 2010 12:16 PM
To: Jim Trammell; ifwater@hrecn.net; rick@fidhr.org
Subject: RE: Annexation of Francis Howard Property (750 Ordway - 3N 10E 35BC #1200) - IGA Meeting with City of Hood River

Jim, if you, Mark and Rick just want email your feedback to me rather than holding a meeting, that works for me.

Mark and Rick, please confirm whether or not you would like to hold a meeting.

I just looked at the IGA and it looks like we're supposed to discuss the following at a meeting:

IFWD and City address:

- * affected services both within and outside parcel to be annexed or withdrawn, including which party will serve the affected services
- * affected infrastructure and provision for turning over infrastructure and compensation
- * possible re-positioning of Ice Fountain facilities
- * easements needed by district
- * any other matters the parties need to discuss regarding annexation and withdrawal

WSFD to provide the following financial information:

- * certification of current tax rate if changed from tax rate specified in IGA

IFWD to provide the following financial information:

- * auditor's statements of infrastructure value for infrastructure compensation
- * preliminary account revenue records to determine lost revenue compensation (final amount of lost revenue compensation uses records from 12 months prior to date City Council approves annexation)
- * preliminary calculations of district indebtedness to determine debt compensation

If there is anything else that we need to go over, please let me know.

Thanks,

Kevin Liburdy
Senior Planner

ATTACHMENT "F"
FILE #2010-03

Kevin Liburdy

From: Julie Harvey
Sent: Monday, March 22, 2010 9:18 AM
To: Kevin Liburdy
Subject: Howard Annexation

Kevin

The only concern that Dave H. has is the address. Do you know if her property can be accessed off of 29th Street and then we can change her address to a 29th St. address. I don't think the fire truck can access the home off of Ordway due to the fence.

Julie Harvey
City Building Department
(541) 387-5202
(541) 387-5222
jmh@ci.hood-river.or.us

Kevin Liburdy

From: Devon Wells
Sent: Monday, March 22, 2010 2:32 PM
To: Kevin Liburdy
Cc: David M. Hyskell; Gary Lindemyer; Julie Harvey
Subject: RE: Howard Annexation - Address and Access

Ok – I understand now.

As far as emergency services goes, I would prefer to see it addressed off of Cottage Lane – that is the most realistic access, and the road that we will be using to get to the property. Otherwise, the address can stay on Ordway, but should be changed to be in the City's grid (somewhere around 1200 block probably). 29th Street will not work for an address.

There's my input...

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

Pride, Honor, Integrity, Courage

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

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

MINUTES

- I. CALL TO ORDER: Kate McBride, Chair at 5:35 p.m.
- II. PRESENT: Kevin Liburdy, Senior Planner, Chair Kate McBride, Commissioners Nikki Hollatz, Laurie Stephens, Casey Weeks, Nathan DeVol, Bill Irving, Jeffery Nicol, and Planning Director Cindy Walbridge,
- ABSENT: Planning Assistant Jessica Kinder
- GUESTS: Kristen Stallman and Sara Morrissey, ODOT, and Josette Griffiths, Hood River County.
- III. OTHER BUSINESS: None
- IV. PLANNING DIRECTORS UPDATE: John Herron has resigned from City Council and Jeff Nicol is one of the two applicants applying to fill his term. An interview date has not been set.
- V. ACTION ON MINUTES: Commissioner Stephens made a motion to approve the minutes of 11/16/09, 12/07/09, and 4/05/10. Seconded by Commissioner Nicols, and approved unanimously.
- VI. PUBLIC HEARINGS:

A. APPLICANT: Frances Howard

FILE NO.: 2010-03

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

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

Liburdy gave the staff report as follows:

- This is a continuation of a hearing that was opened on April 5, 2010, and continued to this evening.
- The request is for annexation of the parcel at 750 Ordway Road, 3N 10E 35BC Tax Lot 1200, which is approximately 1 acre.
- The property is inside the Urban Growth Area, adjacent to the city limits, and currently is zoned U-R-2
- Following annexation, the property will remain in the R-2, Urban Standard Density Residential zone.

- The property owner requested annexation in order to connect to the city's sanitary sewer facilities because the septic system serving the existing single-family home failed and state law prohibits replacement of the septic system when sewer facilities are within 300 feet.
- There are five voters registered at this address.
- Three of these voters provided written consent for the annexation pursuant to ORS 222.125.
- The application generally complies with the city's annexation criteria and applicable state statutes.
- However, we received comments from the city's building and fire depts. who would like to update the property address which is currently based on the county's address grid. By using the city's grid, it will be easier for emergency service providers to find the property when they receive a call.
- We are recommending adoption of a condition of approval that the applicant works with the city's building and fire depts. to re-address the property based on the city's address grid.
- We are also recommending conditions that the applicant will be responsible for compensating West Side Fire District and Ice Fountain Water District based on the city's intergovernmental agreement with these districts. Compensation is estimated to be approximately \$505 to WSFD for lost property tax revenue, and approximately \$1,925 to IFWD for debt service.
- We are recommending the planning commission forwards to the city council a recommendation of approval subject to conditions.
- The city council will then make the decision at the April 26th hearing.

Liburdy asked if the Planning Commissioners had any questions.

McBride: If the owner makes the request for the annexation, why are the renters required to sign?

Liburdy: According to county records, there are five registered voters on site, and ORS 222.125 requires at least three of the registered voters to consent to the annexation or an election must be held.

Nicol: Who decides the addressing of the property?

Liburdy: The City Building Department addresses property in the City with input from City Engineering and Fire and the Postmaster.

Irving: Will the address be assigned Ordway or 29th?

Liburdy: It will likely be addressed Cottage Lane because that is the physical access to the property, or Ordway on the city's grid.

Irving: Why was the property allowed connection to the sewer prior to this hearing?

Liburdy: In an emergency situation, such as a failing septic system, the city manager has allowed connection to the city's system upon submittal of an application for annexation.

Weeks: Is the financial impact to the City based on the current or future development? Is anything being circumvented at this point?

Liburdy: The impact was based on the existing development on the property. Upon further development SDC's and all other costs for development would be assessed and collected.

PROPOSERS: None

OPPOSERS: None

NEITHER FOR NOR AGAINST: None

REBUTTAL: None

DELIBERATION: None

Chair McBride closed the public testimony portion of the hearing and went into deliberation.

Nicol stated the application appears straightforward.

The Commissioners had no further deliberation and Chair McBride called for a motion.

Nicol moved to recommend approval to the City Council of the Howard Annexation (File #2010-03) with the draft findings and conditions of approval. Stephens seconded the motion.

The motion was approved 7-0.

VII. PRESENTATION AND DISCUSSION: Kristen Stallman, ODOT, provided background on the Interchange Area Management Plans for Interstate-84 Exits 62-64 and presented options for Cascade Avenue street sections near Exit 62. The Planning Commission did not select a preferred alternative but will provide additional feedback at their next meeting.

VIII. COMMITTEE/STAFF UPDATES:

Urban Renewal: Considering State Street improvements

Economic Development: County Economic Development Director position is being cut

Planning Director/City Council:

Code Updates: No progress due to cutbacks on staff/hours and current workload

IX. FUTURE MEETINGS:

City Council Meeting: April 26, 2010 – Howard Annexation (File #2010-03)

Planning Commission Meeting: May 3, 2010 – United Telephone Zone and Plan Change (File #2010-06), Wilson Street Cottages PUD (File #2010-01), and Creekside Phase 1 PUD (File #2010-09)

X. ADJOURN: 7:30 p.m.

ATTEST:

Kate McBride, Chair

Date

Kevin Liburdy, Senior Planner

Date (Approved)

DRAFT

Exhibit "A"

Beginning at the Northwest corner of that tract of land conveyed by the Grantors herein to D. A. Hanners and Mary Ann Hanners, husband and wife, by deed recorded in Book 55, at page 435, Deed Records of Hood River County on the 12th day of August, 1955; thence East and along the North line of that tract of land conveyed by the Grantors herein to D. A. Hanners and Mary Ann Hanners and recorded on the 12th day of August, 1955 in Book 55 at Page 435, Deed Records Hood River County a distance of 382.14 feet; thence North 138.25 feet to a point; thence West 382.14 feet upon a line parallel with the South line of a tract herein conveyed a distance of 382.14 feet to a point; thence South 138.25 feet to the place of beginning containing one acre more or less, all in section 35, Township 3 North, Range 10 East of the Willamette Meridian.

Excluding therefrom the following described area:

Beginning at the Southwest corner of that piece of land lying in the Northwest quarter of Section 35, Township 3 North, Range 10 East, of the Willamette Meridian, described in instrument # 20060230, previously known as Tax Lot 1100; thence Southerly along a projection of the West line of said Tax Lot 1100 a distance of 18.5 feet, to an existing fence; thence Easterly along said fence and the Easterly projection of said fence a distance of 382.14 feet, more or less, to the Southeast corner of said Tax Lot 1100; thence Westerly along the South line of Tax Lot 1100, a distance of 382.14 feet to the point beginning.

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

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

