



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

February 26, 2008

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 009-07



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: March 7, 2008

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Cindy Walbridge

<paa> ya/

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



Jurisdiction: **City of Hood River**

Local file number: **2007-54**

Date of Adoption: **2/12/2008**

Date Mailed: **2/15/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/27/2008

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".

Annex into the City 1.86 acres of land

Does the Adoption differ from proposal? Yes, Please explain below:

The proposal originally stated that the City would be annexing 5.13 acres, however, the City only annexed 1.86 acres of land the remainder of the parcel outside the Urban Growth Boundary.

Plan Map Changed from: **na**

to: **na**

Zone Map Changed from: **na**

to: **na**

Location: **3N 10E 27D**

Acres Involved: **(1.86)**

Specify Density: Previous: **na**

New: **na**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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 # 009-07 (16449)

DLCD file No. _____

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

West Side Fire, Ice Fountain Water, Hood River County, Farmers Irrigation

Local Contact: **Cindy Walbridge**

Phone: (541) 387-5217 Extension:

Address: **P.O. Box 27**

Fax Number: **541-387-5289**

City: **Hood River**

Zip: **97031-**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO 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. 1944

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

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 27D #200) ("Hilb");

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 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 only from the Westside Rural Fire Protection District as part of the proposed annexation. Ice Fountain has requested to continue to provide water service to the Property and that the Property remain in the Ice Fountain District;

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 (January 21, 2008 and February 11, 2008 respectively) to consider the annexation of the Property into the City of Hood River and withdrawal of the Property from West Side Fire District;

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

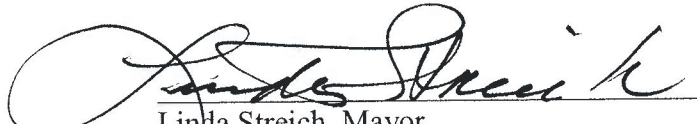
WHEREAS, the City Council adopts the Planning Commission's findings of fact and conclusions of law set forth in the staff report signed January 29, 2008 attached to this Ordinance and incorporated by reference as if fully set forth herein;

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 not from the Ice Fountain Water District and 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 Westside Rural Fire Protection District is the date the annexation is effective.

Read for the first time: February 11, 2008.

Read for the second time and passed: February 11, 2008, to become effective thirty (30) days hence.


Linda Streich, Mayor

ATTEST:


Jennifer McKenzie, City Recorder

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: February 11, 2008

Subject: Ordinance 1944 to annex 1.86 acres in to the City of Hood River

Background: The applicant has requested annexation into the City limits to receive City services in compliance with the City's policy on properties contiguous to City limits requesting services. Staff recommends approval of the annexation, and withdrawal from West Side Fire District only. Ice Fountain has requested that the property remain in the Ice Fountain district and, due to the lack of infrastructure and high cost to bring City water to the area at this time, the staff recommends not withdrawing the subject property from Ice Fountain. The Planning Commission held a public hearing on the January 21, 2008 and is recommending approval of the annexation and withdrawal from West Side to the City Council.

Staff Recommendation: At the conclusion of the public hearing, determine that the property should be annexed into the City, withdrawn from the West Side Fire District, and not withdrawn from Ice Fountain Water District. Read ordinance for the first and second time by title only if there is a full Council.

Suggested Motion: (1) I move that the Hilb property should be annexed into the City and withdrawn from the West Side Rural Fire Protection District and that the effective date for annexation and withdrawal from West Side Rural Fire Protection be the date the ordinance approving the annexation and withdrawal is filed with the Secretary of State.

(2) I move that we read Ordinance 1944 for the first (and second) time by title only.

Alternatives: Don't withdraw; don't annex.

ORDINANCE NO. 1944

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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 27D #200) ("Hilb");

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 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 only from the Westside Rural Fire Protection District as part of the proposed annexation. Ice Fountain has requested to continue to provide water service to the Property and that the Property remain in the Ice Fountain District;

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 (January 21, 2008 and February 11, 2008 respectively) to consider the annexation of the Property into the City of Hood River and withdrawal of the Property from West Side Fire District;

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 January 29, 2008 attached to this Ordinance and incorporated by reference as if fully set forth herein;

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

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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 Westside Rural Fire Protection District is the date the annexation is effective.

Read for the first time: _____.

Read for the second time and passed: _____, 2008, to become effective thirty (30) days hence.

Linda Streich, Mayor

ATTEST:

Jennifer McKenzie, City Recorder

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

In the matter of the annexation)
request by Hilb/VanderZanden)
of 1.86 acres)

FINDINGS AND DECISION

I. BACKGROUND INFORMATION:

- A. REQUEST: To annex 1.86 acres into the City of Hood River for the purpose of developing the property into seven residential units.
- B. APPLICANT AND OWNER: Mark VanderZanden, Surround Architects, Inc./Mikey Hilb, Hood River Cliffs, LLC
- C. PROPERTY LOCATION: The property is located on West Cliff Drive. 3N 10E 27D tax lot 200; location map included in application.
- D. PARCEL SIZE: The total area to be annexed is approximately 1.86 acres. The parcel size is 5.13 acres.
- E. AGENCY COMMENTS:
City Engineering Department
Ice Fountain Water District
- F. ADJACENT PROPERTY OWNER COMMENTS: As of the writing of this report no comments have been received. There was one person testifying neither in favor, nor against at the public hearing – Steve Tessmer, adjacent developer.
- G. ORDINANCE CRITERIA:
17.15.060 Evaluation Criteria – Undeveloped Land
17.15.070 Factors to be taken into Consideration when Determining Fiscal Impact
17.15.080 Factors to be taken into Consideration when Determining Urban Service Capabilities
- H. ORS CRITERIA:
Chapter 222
- I. HISTORY:
 - 1. Annexation application received September 24, 2007.
 - 2. IGA meeting October 10, 2007.
 - 3. Notice of public hearings mailed December 31, 2007.
 - 4. Planning Commission public hearing January 21, 2008.
 - 5. City Council public hearing scheduled for the February 11, 2008.

II. FINDINGS OF FACT:

Pursuant to the City's IGA with the special districts, the City held a meeting with the special districts to discuss the annexation on October 10, 2007. Comments are attached and incorporated into this Planning Commission report. Ice Fountain stated at the meeting that they would continue to provide water service to

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

17.15.060 Evaluation Criteria – Undeveloped Land

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

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

The Hilb property is contiguous to the city limits to the south by I-84. The subject property is partially within the Urban Growth Area (1.86 acres according to the Assessor) and 3.27acres (according to the Assessor) in submerged lands outside the UGA. Only the 1.86 acres is subject to annexation

FINDING: Planning Commission finds the properties are contiguous to the city limits and satisfies this standard.

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

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

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

This area is adjacent and near to property developed to an urban level for residential uses in the City limits.

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

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

No new roads are proposed; the property is located on an existing road connected to the City's street system. The sewer system is already extended adjacent to the area proposed to be annexed. This annexation does not include extension of the City's water system.

Annexation would provide the City with design control over the utilities and how they are installed. Greater City control would allow the engineering department to monitor the design of sewer and other utilities and in the long run would be a cost saving to the entire City.

FINDING: Planning Commission finds that based on the above finding the proposed annexation is compatible and consistent with the rational and logical extension of utilities and roads in the surrounding area.

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

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

The increases in services will be seen in maintenance of sanitary sewer cleaning and an increased demand on fire, police, and public inquiries in general, once the property is developed. West Cliff Drive was previously annexed by the City and is currently maintained by the City. However, because the sewer line is already located in the area and the City already maintains the street, maintenance will not be costly and will not negatively impact the City's ability to serve.

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

In addition, neither the City's sewer funds have a deficit (the deficit is in the City's general fund, which does not affect provision of those services). Sewer can be provided without negatively impacting service elsewhere because the wastewater treatment plant is designed to accommodate the urban growth area; user fees will also offset maintenance costs impacted. Water will be provided by Ice Fountain Water District until it is available on West Cliff Drive.

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

5. **The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the increase;** The applicant is requesting annexation, per City policy, to receive City services for seven single-family residences. The City will receive the development fees associated with building that would be a one time fee of approximately \$15,491.84 and annual fees of approximately \$14,038.50.

Under Measure 50, it is favorable to annex property upon development. The City will receive approximately \$2,811 in tax revenue into its general fund for each million dollars of assessed valuation (the City's tax base for the subject property) for the existing valuation and for added valuation as property is developed within the area proposed for annexation.

Pursuant to the City's IGA with Westside Rural Fire Protection District, the City is required to compensate the District for lost property tax revenue. 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 as to these costs. There are no costs with respect to Ice Fountain because this proposed annexation does not propose to withdraw the property from the Ice Fountain District.

The following is a comparison of the 5.13 acres if the property was annexed and developed in the City versus the County and then if it remained in the UGA.

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**Fiscal Impact
If annexed**

**Fiscal Impact
If not annexed**

Sewer hook-ups \$10,556

none

annual sewer \$3,696

none

Traffic impact \$4,935.84

Loss of \$4,935.84

Franchise Fees: \$504

Loss of \$504

Property Taxes: \$9,838.50

Loss of \$9,838.50

- Total one time fees collected by the City if annexed – \$15,491.84¹
- Total annual fees collected by the City if annexed – \$14,038.50
- Total fees collected by the City if not annexed – \$14,252²

Annexing the existing development into the City, as well as future build out, will include the utilities usage in the calculation of franchise fees for Pacific Power and Light, Northwest Natural Gas, Cable, and Hood River Garbage Service, which go into the City's general fund. Assuming a total monthly outlay of just 150 per month for the future households franchise fees would be in excess of \$504 a year (150 X 12 X 7 X 4%).

FINDING: The financial impact is favorable upon application. Therefore, based on the above findings of fact, the Planning Commission finds there is a public need for the income and improvements that will come with annexation and development of the annexed area which together outweigh any increase in services.

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

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

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

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

¹ This figure does not include building permit fees which would be approximately of \$10,000.

² This figure includes the one time sewer hook up fee as well as the annual sewer service amount.

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

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

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

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

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

9. **The annexation conforms to the Comprehensive Plan.**
Generally, the City's Comprehensive Plan does not contain approval standards. Therefore, compliance with the Comprehensive Plan is achieved through compliance with the City's ordinances.

Goal 1: Citizen Involvement

This Goal is satisfied through provisions in the acknowledged Plan and Hood River Zoning Ordinance providing for citizen participation and public hearings on annexation requests. This application has been processed pursuant to those provisions.

Goal 2: Land Use Planning

The Comprehensive Plan and Zoning Ordinance provide a land use planning process and policy framework as the basis for all decision and actions relating to the use of land. By following the zoning code, procedures for processing this application and the conduct of all public hearing related to the application, this Goal is satisfied.

Goal 3: Agricultural Land

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

Goal 4: Forest Land

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

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and has been "excepted" from the County's resource base.

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

As noted above, the County has adopted the City's ordinances for use in the UGA. However, the County has not adopted the City's Goal 5 Ordinance (1874) addressing protection of riparian areas. This property has approximately 283 feet of waterfront area that will be subject to Goal 5 regulations.

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

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

OPEN SPACE INFORMATION

All parks and open space inventory is from the Parks and Recreation Capital Facilities Master Plan³.

Open Space in the City

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

City Parks

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

24.46 Acres Total Park – This does not include schools

12.11 Acres Open Space

37.1279 Acres TOTAL

The Open Space methodology calculation was based on the Best Development Practices Book⁴ of:

³ Hood River Valley Parks and Recreation District/City of Hood River "Parks and Recreation Capital Facilities Master Plan". Don Ganer & Associates, 1998.

⁴ Ewing, Reid "Best Development Practices" American Planning Association, 1996. Page 35.

1.5 acres per 1,000 population

6,500 population $6.5 \times 1.5 = 9.75$ acres of open space/park land needed

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

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

Goal 6: Air, Water and Land Resources Quality

This application does not increase or decrease the air, water and land resource qualities of the area because it does not involve development of the parcel.

Goal 7: Natural Disasters

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

Goal 8: Recreational Needs

The proposed annexation area does not include a park land and/or open space. The Parks and Recreation District Master Plan does not identify a need for a neighborhood/mini park in this general area. Annexation of this parcel does not include development proposals. Zone change requests and development proposals will be evaluated by the City separately.

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

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

Goal 9: Economy of State

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

Goal 10: Housing

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

Goal 11: Public Facilities

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

Goal 12: Transportation

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

Goal 13: Energy Conservation

This annexation request does not include proposals for development.

Goal 14: Urbanization

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

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

17.15.070 Evaluation Criteria—Fiscal Impact

The following factors are to be taken into consideration when determining fiscal impact for both developed and undeveloped land and may include, but are not limited to:

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

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

17.15.080 Evaluation Criteria--Urban Service Capabilities

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

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

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

The City Charter does not require the City Council to submit a proposal for annexation to the voters. This annexation is not being submitted to the voters; instead, public hearings on the annexation are being held in accordance with this section.

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

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

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

Pursuant to this provision, the City need not call an election in the subject property if all of the owners of land and not less than 50% of the electors residing on the subject property consent to the

City Council Packet

annexation in writing. The City has received a written consent to the annexation from the owner of the land and not less than 50% of the electors. Therefore, no election is necessary.

ORS effective date

The public hearing for this annexation will take place before the City Council on February 11, 2008. If approved, the City Council will read the ordinance approving the annexation and withdrawing the territory from West Side Fire for the first time (and second time if a full Council is present) by title only on February 11, 2008. After the second reading the ordinance will be transmitted to the Secretary of State for filing.

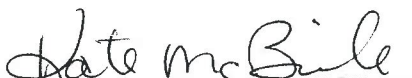
Pursuant to ORS 222.180, the effective date of the annexation would be the date it was filed with the Secretary of States.

III. RECOMMENDATION AND PROPOSED CONDITIONS OF APPROVAL. The Planning Commission recommends approval of the annexation with the following conditions:

1. Prior to final annexation, the applicant shall provide a legal description of the subject property indicating the exact location of the property requested to be annexed in relation to the Urban Growth Area boundary. This annexation approval does not include any lands outside the Urban Growth Area of the City of Hood River.
2. The effective date for the annexation shall be the date the ordinance goes into effect, except for purposes of ORS 308.225. The effective date of the withdrawal from West Side Fire will be the effective date of the annexation, except for purposes of ORS 308.225.
3. The applicant shall deposit with the City funds in the amount of the estimated payment to West Side Rural Fire Protection District in an amount specified by Council. Within 30 days after the estimated payment amounts are approved by the City and the respective Districts, the applicant shall pay the balance owing to the City, or the City shall refund to the applicant any amount overpaid.

PLANNING COMMISSION DECISION: It was moved and seconded to recommend approval of the annexation application by City Council based on the above findings of fact and subject to the conditions of approval. The motion passed with a 4-0 vote.

APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 29th day of **January, 2008.**


Kate McBride, Chair

ATTEST:


Cindy Walbridge, Planning Director

RECEIVED

SEP 24 2007

File # 07-54
Fee _____
Date Rec'd _____

Page 2 of 2

PLANNING DEPARTMENT

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

RECEIVED

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: Mark VanderZanden, Surround Architecture, Inc.

Address: Surround Architecture, Inc.
(physical) 422 NW 8th Avenue, Suite C

(mailing) Portland, OR 97209

(email) mark@surroundinc.com

Telephone: 503.224.6484 Cell Phone: _____

Signature: _____

PARCEL OWNER: (if different than applicant)

Name: Mikey Hilb, Hood River Cliffs, LLC

Address: 801 Oak Street,
(mailing) Hood River, OR 97031

Telephone: _____ Cell Phone: (310) 722-4452

Signature: Mikey Hilb "managing member"
**Authorization of parcel owner required.*

PARCEL INFORMATION:

Township 3N Range 10E Section 27 D Tax Lot(s) 200

Current Zoning: R-1 Parcel Size: 5.13 acres

Property Location (cross streets or address): West Cliff Drive/I-84/Cascade Avenue

Existing Water Service, if any: Ice Fountain

Farmers Irrigation: YES NO Septic: YES NO

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

If yes, Explain: _____

ADDITIONAL PARCEL INFORMATION

Please submit the following information with your completed application:

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

REQUEST

Sewer Service X

Water Service _____

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 _____ (manager member)

HOOD RIVER CLIFFS

Application for Annexation

Findings for Chapter 17.15.060- Evaluation Criteria- Undeveloped Land

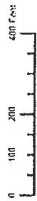
1. The territory is contiguous to the city limits and within the Urban Growth Area;
FINDING: YES, THE SOUTH EDGE OF THE PARCEL IS ON THE CITY LIMITS AND THE SOUTH HALF OF THE PARCEL IS ALREADY WITHIN THE URBAN GROWTH BOUNDARY.
2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;
FINDING: YES, THE PARCEL ADDS TO THE CITY'S CAPACITY TO ACCOMMODATE URBAN GROWTH.
3. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;
FINDING: YES; WEST CLIFF DRIVE IS ALREADY IN THE CITY LIMITS AND UTILITIES ARE ALREADY BEING INSTALLED IN THE SURROUNDING AREA.
4. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing city limits;
FINDING: YES.
5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the increase;
FINDING: YES.
6. The annexation meets the City's urban growth needs, and it is to the City's advantage to control the growth and development plans for the territory; i.e., to be able to address the issues of traffic, density, land use, and the level and timing of necessary facilities and services;
FINDING: YES.
7. If the criteria in 17.15.060 (6) does not apply, the annexation provides a solution for existing problems resulting from insufficient sanitation, water service, needed routes for utility or transportation networks, or other service-related problems;
FINDING: NOT APPLICABLE.
8. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and
FINDING: NO, IT DOES NOT NEGATIVELY IMPACT NEARBY PROPERTIES.
9. The annexation conforms to the Comprehensive Plan.
FINDING: YES.

SE 1/4 SECTION 27 T03N R10E WM
HOOD RIVER COUNTY

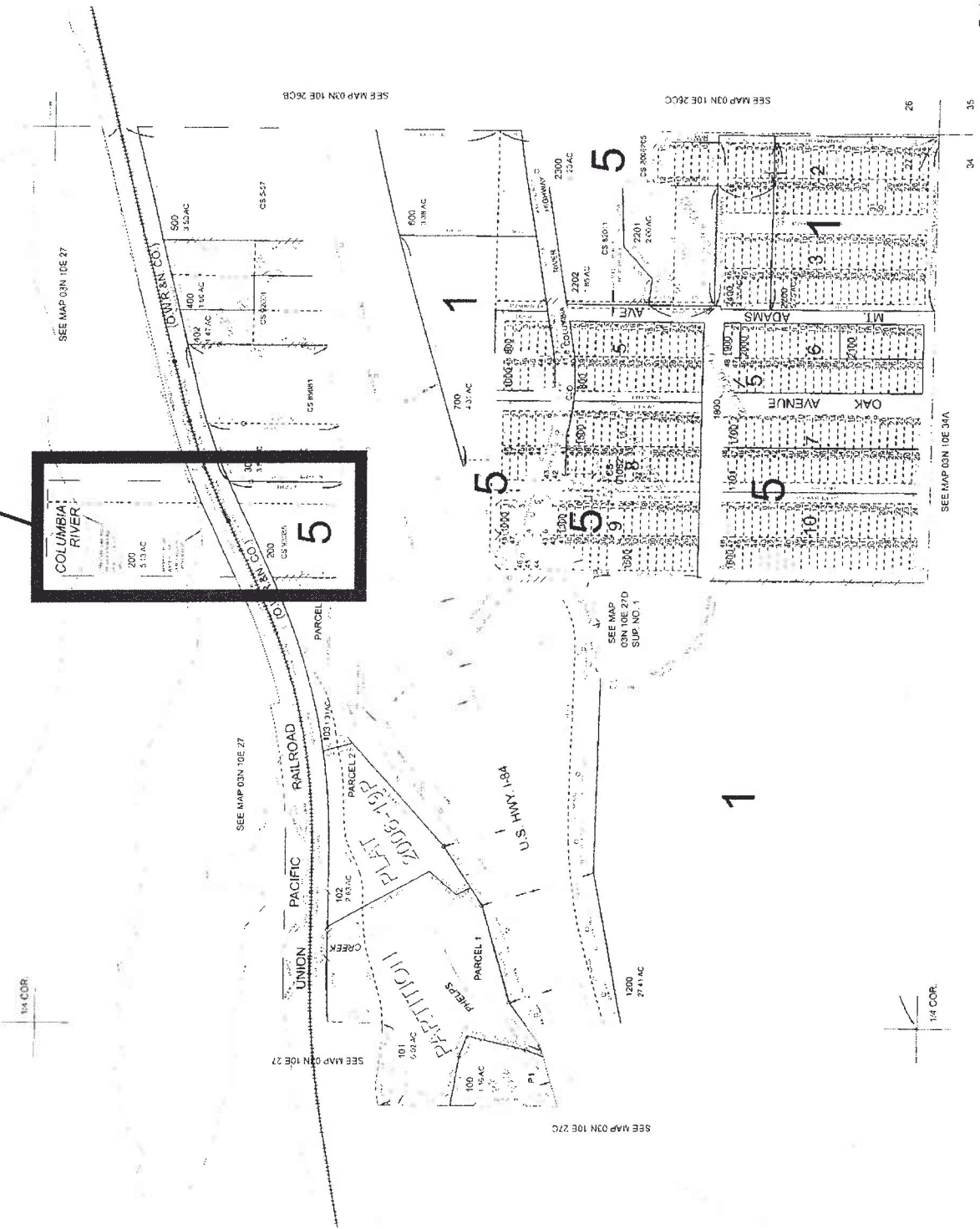
03N 10E 27 D

CANCELLED W/VE
40'
80'
120'
160'
200'
240'
280'

PARCEL LOCATION



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



Revised CMS
8/17/2007

HOOD RIVER CLIFFS, LLC
COUNTY ASSESSORS MAP

03N 10E 27 D



AREA ANALYSIS

79,000 BUILDABLE SQ. FT.
 ZONED R-1

PROPOSED: 7 DWELLING UNITS

project: HOOD RIVER CLIFFS
 date: 09.07.2007
 submitted: CONCEPTUAL DESIGN
 SURROUND
 (C) 2007 SURROUND ARCHITECTURE, INC



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



DLCD
Plan Amendment Specialist
635 Capitol St. NE Suite 150
Salem, OR 97301