ORDINANCE NO. 1921

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

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

WHEREAS, the property is legally described as set forth in the application and is located in Hood River County, State of Oregon (Tax Lot 2903 Map 3N 10E 34A) (the "Property");

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

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

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

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

WHEREAS, the Council concluded that the territory sought to be annexed should be annexed and withdrawn from the Westside Rural Fire Protection District and Ice Fountain Water District as part of the proposed annexation;

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

WHEREAS, the current tax rate applicable to properties n the City includes a levy for the local option (Measure 14-8, Funding for Purchase for Ladder and a Pumper Truck) passed by the electors of the City in 1997;

WHEREAS, territories that did not have the opportunity to vote on the local option should not be required to pay the levy attributable to the local option;

WHEREAS, the Planning Commission and the City Council have, in accordance with the procedures set forth in Chapter 17.15 of the Hood River Municipal Code, held public hearings (15 November 2006 and 27 November 2006, respectively) to consider the annexation of the Property into the City of Hood River and withdrawal of the Property from the affected special districts;

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

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

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

1. The Property described above is hereby proclaimed to be annexed to the City of Hood River.

2. The Property described above is hereby withdrawn from the Westside Rural Fire Protection District and the Ice Fountain Water District, and not withdrawn from Farmers Irrigation District.

3. The effective date of the annexation is the date of filing within the Secretary of State.

4. The effective date for the withdrawal of the territory from the Ice Fountain Water District is July 1, 2007.

5. The effective date for the withdrawal of the territory from the Westside Rural Fire Protection District is the date the annexation is effective.

6. To the extent applicable, the tax rate for the Property shall not include a levy attributable to Measure 14-8: Funding for Purchase for Ladder Truck and a Pumper Truck approved by the voters in 1997.

Read for the first time: November 27, 2006.

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

Linda Streich, Mayor

ATTEST:

Jill P. Rommel, City Recorder

File # _____
Fee _____
Date Rec'd _____

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: James Brent Sholar and Lynn E Lewis

Address: 3762 Rocky Ridge Court
(physical) Hood River, OR 97031

(mailing) (Same)

(email) bsholar@gorge.net

Telephone: (541) 386-7175 Cell Phone: none

Signature: James B Sholar Lynn E Lewis

PARCEL OWNER: (if different than applicant)

Name: Same as above

Address: _____
(mailing) _____

Telephone: _____ Cell Phone: _____

Signature: James B Sholar Lynn E Lewis

Authorization of parcel owner required.

PARCEL INFORMATION:

Township 3 North Range 10 East Section 34 A Tax Lot(s) 2903

Current Zoning: Residential Parcel Size: 0.52 Acre

Property Location (cross streets or address): 3740 Rocky RIDGE Court

Existing Water Service, if any: Ice Fountain Water

Farmer's Irrigation: ☑ YES ☐ NO Septic: ☐ YES ☑ NO

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

If yes, Explain: _____

A-

File # _____
Fee _____
Date Rec'd _____

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. (VACANT)

REQUEST

Sewer Service ✓ **Water Service** ✓

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

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

Signature

THIS MAP IS FURNIS'''D AS A CONVENIENCE IN LOCATING PROPERTY AND THE C ANY ASSUMES NO LIABILITY FOR ANY DISCREPANCIES AS MAY BE DISCLOSED BY ACTUAL SURVI

COLUMBIA TITLE COMPANY

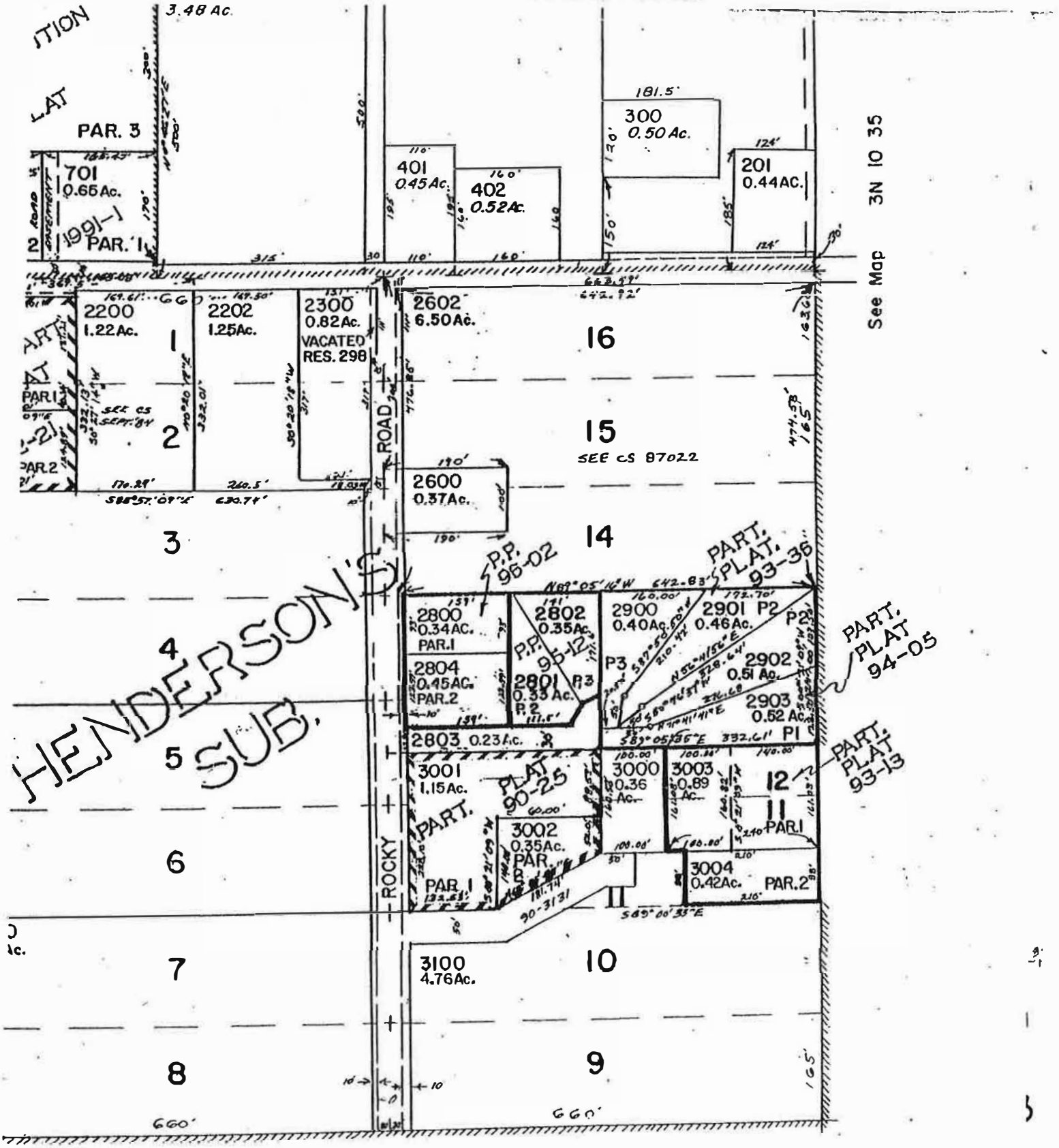
TITLE INSURANCE

ESCROWS

(541) 386-5300
FAX (541) 386-2401

P.O. BOX 660 - 114 CASCADE AVENUE
HOOD RIVER, OREGON 97031

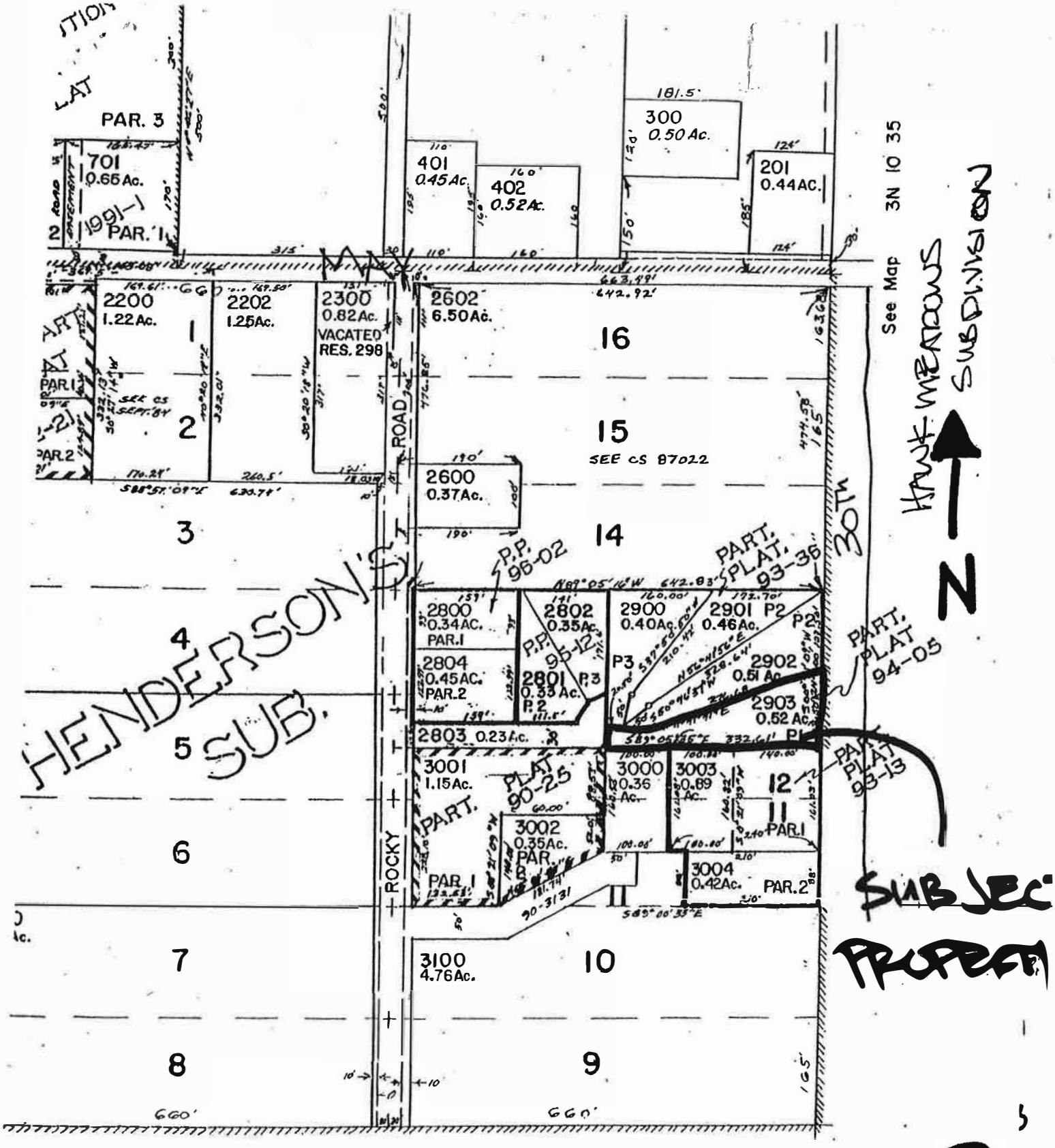
FILE NO. 18368



LEGAL DESCRIPTION
ADJUSTED PARCEL 1

A tract of land located in the Northeast quarter of Section 34, Township 3 North, Range 10 East, of the Willamette Meridian in the County of Hood River and State of Oregon, being more particularly described as follows:

Beginning at the southeast corner of Parcel 1 of Partition Plat 9405, Hood River County Plat Records; thence along the East line of said Parcel 1, North 00°17'42" East, a distance of 110.42 feet to an iron rod with yellow plastic cap marked WYEAST LS 2393; thence South 74°29'43" West, a distance of 152.98 feet to a similar iron rod; thence South 80°56'26" West, a distance of 30.03 feet to a similar iron rod in the northerly line of said Parcel 1; thence along the exterior boundary of said Parcel 1, South 71°38'22" West, a distance of 89.97 feet to a corner therein; thence South 88°16'01" West, a distance of 50.03 feet to a corner therein; thence North 89°05'35" West, a distance of 20.50 feet to a corner therein; thence South 00°19'53" West, a distance of 30.00 feet to the southwest corner thereof; thence along the south line of said Parcel 1, South 89°05'35" East, a distance of 332.61 feet to the point of beginning.


PAR. 3
701
0.66 Ac.
1991-1
PAR. 1
401
0.45 Ac.
402
0.52 Ac.
300
0.50 Ac.
201
0.44 AC.
2200
1.22 Ac.
2202
1.25 Ac.
2300
0.82 Ac.
VACATED
RES. 298
2602
6.50 Ac.
2600
0.37 Ac.
2800
0.34 AC.
PAR. 1
2804
0.45 AC.
PAR. 2
2802
0.35 Ac.
2801
0.33 Ac.
2900
0.40 Ac.
2901
0.46 Ac.
2902
0.51 Ac.
2903
0.52 Ac.
2803 0.23 Ac.
3001
1.15 Ac.
3002
0.35 Ac.
3000
0.36 Ac.
3003
0.89 Ac.
3004
0.42 Ac.
PAR. 2
3100
4.76 Ac.
SEE CS 87022
See Map 3N 10 35
HAWK MEADOWS SUBDIVISION
HENDERSON'S 1ST SUB.
ROCKY ROAD
PART. PLAT 90-25
P.P. 95-02
P.P. 95-12
PART. PLAT 93-36
PART. PLAT 94-05
PART. PLAT 93-13
SUBJECT PROPERTY
N
660'
660'

In the matter of the annexation) request by James Brent Sholar) and Lynn E Lewis for .52 acres)

FINDINGS AND DECISION

I. BACKGROUND INFORMATION:

A. REQUEST: To annex .52 acres into the City of Hood River for the purpose of developing the property.

B. APPLICANT AND OWNER: James Brent Sholar and Lynn E Lewis

C. PROPERTY LOCATION: The property address is 3740 Rocky Ridge Court. 3N 10E 34A tax lot 2903.

D. PARCEL SIZE: The total area to be annexed is approximately .52 acres.

E. ORDINANCE CRITERIA:
17.15.060 Evaluation Criteria – Undeveloped Land
17.15.070 Factors to be taken into Consideration when Determining Fiscal Impact
17.15.080 Factors to be taken into Consideration when Determining Urban Service Capabilities

F. ORS CRITERIA:
Chapter 222

G. HISTORY:
1. IGA meeting 4 October 2006.
2. Annexation application received 22 September 2006.
3. Notice of public hearings mailed 4 October 2006.
4. Planning Commission public hearing 15 November 2006.
5. City Council public hearing scheduled for the 27 November 2006.

H. RECORD:

1. Staff Report and attachments
2. Original public hearing notice
3. Oral and written testimony submitted to the Planning Commission on or before 15 November 2006.
4. Oral and written testimony submitted to the City Council on or before 27 November 2006.

II. FINDINGS OF FACT:

Pursuant to the City's IGAs with the special districts, the City held a meeting with the special districts to discuss the annexation on 4 October 2006. Comments are part of the record and incorporated into this staff report. No comment was received from Ice Fountain.

The applicant has, at their expense, connected the subject property to City water and sewer on 30th Street prior to paving of the road.

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

17.15.060 Evaluation Criteria – Undeveloped Land

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

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

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

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

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

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

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

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

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

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

   With respect to the undeveloped subject property, annexation would provide the City with design control over the utilities and how they are installed. Greater City control would allow the engineering department to monitor the design of water, sewer and other utilities and in the long run would be a cost saving to the entire City.

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

4. **The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to**

adequately serve all areas within the existing city limits.

The increases in services will be seen in maintenance of water system meters, valves and hydrants; sanitary sewer cleaning; storm drain cleaning; pothole repair, sweeping and snow plowing of streets; along with the increased demands on fire, police, and public inquiries in general, once the property is developed. However, because the proposed annexation area will have new infrastructure once developed, that new infrastructure will not be costly for the City to maintain.

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

In addition, neither the City's water nor sewer funds have a deficit (the deficit is in the City's general fund, which does not affect provision of those services). Sewer can be provided without negatively impacting service elsewhere because the wastewater treatment plant is designed to accommodate the urban growth area; user fees will also offset maintenance costs impacted. Water can be provided without negatively affecting the quality of the water or service, and user fees will offset maintenance costs. Although the costs of the City's new water main line project is reflected in its rates, so is the cost of Ice Fountain's system upgrade from a few years ago still reflected in its rates. Therefore, citizens will not be paying for two systems, when only using one.

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

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 one single family dwelling. The City will receive the development fees associated with building that would be a one time fee of approximately $6,096 and annual fees of approximately $3,802.

In May 1997, Oregon voters approved Measure 50, amending the Oregon constitution to cut local property taxes and limit their growth. Measure 50 rolled back assessed values to 90 percent of 1995-96 levels, set permanent tax rates, and limited assessed value growth for individual properties to 3 percent a year.

Measure 47, approved by voters in November of 1996 but repealed by Measure 50 before it was implemented, would have cut taxes at the individual property level by setting each property's 1997-98 tax to 90 percent of its 1995-96 tax. Measure 50,

in contrast, cut taxes at the local government level then passed the savings down to individual property owners. While simple in principle, because the calculation of Measure 50's permanent tax rates involved elements of the old property tax system (tax base and levy) and elements of Measure 47, the tax rate calculations were extremely complex.

Once implemented, however, Measure 50 is a relatively simple tax system of fixed tax rates applied to assessed values that can grow by a maximum of 3 percent a year. The taxes of an individual property are easily calculated as the tax rates times the property's assessed value. The permanent tax rate for the City of Hood River is $2.8112 applied per thousand dollars of assessed valuation.

Before Measure 50, the vast majority of property taxes were collected as dollar limited levies, and except for areas in Measure 5 compression, local governments did not get additional taxes when property developed. Before Measure 50, when property developed, tax revenues generally were not affected and tax rates went down. Under Measure 50, the vast majority of property taxes will be collected as permanent tax rates. This means that local governments, which levy property taxes, will get more property tax revenues when land develops.

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

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 the City's IGA with Ice Fountain Water District, the City is required to compensate the District for lost service revenue, District indebtedness, and infrastructure being taken over by the City. Pursuant to Resolution of the City Council, this applicant will be required to reimburse the City for these costs as a condition of approval of annexation. Therefore, there will be no negative impact as to these costs.

FINDING: The financial impact is 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.

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

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

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

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

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

Properties in the city limits will generally not be affected because the zoning will remain consistent with City zoning designations. The applicant intends to develop the property for residential use.

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

9. **The annexation conforms to the Comprehensive Plan.**

The County has adopted the City's ordinances for use in the UGA. The City's ordinances and those adopted by the County, were adopted under the City's Comprehensive Plan and have been acknowledged as consistent with the City's Comprehensive Plan and the Statewide Goals. Generally, the City's Comprehensive Plan does not contain approval standards. Therefore, compliance with the Comprehensive Plan is achieved through compliance with the City's ordinances.

Goal 1: Citizen Involvement

This Goal is satisfied through provisions in the acknowledged Plan and Hood River Zoning Ordinance providing for citizen participation and public hearings on

annexation requests. This application has been processed pursuant to those provisions.

Goal 2: Land Use Planning
The Comprehensive Plan and Zoning Ordinance provide a land use planning process and policy framework as the basis for all decision and actions relating to the use of land. By following the zoning code, procedures for processing this application and the conduct of all public hearing related to the application, this Goal is satisfied.

Goal 3: Agricultural Land
This goal is not applicable as the property is located within the City's Urban Growth Area and is not used as agricultural land.

Goal 4: Forest Land
This goal is not applicable as the property is located within the City's Urban Growth Area and has been "excepted" from the County's resource base.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources
As noted above, the County has adopted the City's ordinances for use in the UGA. However, the County has not adopted the City's Goal 5 Ordinance (1874) addressing protection of riparian areas. However, there are no riparian areas subject to Goal 5 in the subject area.

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

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

OPEN SPACE INFORMATION
All parks and open space inventory is from the Parks and Recreation Capital Facilities Master Plan[1].

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

1.05 acres	Wilson
.87 acres	Waucoma
.48 acres	Mann
.94 acres	Aquatic Center
2.71 acres	Jaymar "Skate Park"
9.5 acres	Port and Event Site
.5 acres	Library
.2 acres	Overlook Memorial Park
.2 acres	Sherman Triangle Park
.5579 acres	Maley Park and trail
24.46 Acres	Total Park – This does not include schools
12.11 Acres	Open Space
37.1279 Acres	**TOTAL**

The Open Space methodology calculation was based on the Best Development Practices Book[2] of:
1.5 acres per 1,000 population

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

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

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

Goal 6: Air, Water and Land Resources Quality
This application does not increase or decrease the air, water and land resource qualities of the area because it does not involve development of the parcel.

Goal 7: Natural Disasters
This site is not in a floodplain; does not include slopes greater than 25%; does not contain any environmental protection areas and has no designated geologic hazard areas within its boundaries.

Goal 8: Recreational Needs
The proposed annexation area does not include a park land and/or open space. The Parks and Recreation District Master Plan do not identify a need for a neighborhood/mini park in this general area. There is a proposal for a four acre park to the north of this annexation. Annexation of this parcel does not include development proposals. Zone change requests and development proposals will be evaluated by the City separately.

Policy 8 states "as parcels of land are annexed from the UGA into the City, some

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

land will be designated Open Space/Public Land for the development of new parks and public facilities, including access ways, to serve the recreational needs of the community."

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

Goal 9: Economy of State
This Goal requires the City to ensure that there is adequate land with public services provided to meet the needs for economic growth and development. This goal is not applicable.

Goal 10: Housing
These properties have been included within the current buildable lands inventory for the City/UGA, and are and would remain zoned for housing uses.

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

Goal 12: Transportation
The subject property is generally undeveloped. Development would require compliance with the City's Transportation Systems Plan ("TSP").

Goal 13: Energy Conservation
This annexation request does not include proposals for development.

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

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

17.15.070 Evaluation Criteria—Fiscal Impact

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

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

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

17.15.080 Evaluation Criteria--Urban Service Capabilities

1. **The municipal service needs, if any, of the territory to be annexed, including**

those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction and such other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.

2. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

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

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

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

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

The City is including withdrawal of territory from a district named in ORS 222.510 (Ice Fountain and West Side Fire). Pursuant to ORS 222.111(5), the effective date of withdrawal from West Side Fire will be the effective date of the annexation and the effective date of the withdrawal from Ice Fountain will be July 1, 2007, in accordance with ORS 222.465.

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

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

ORS effective date

The public hearing for this annexation will take place before the City Council on 27 November 2006. If approved, the City Council will read the ordinance approving the annexation and withdrawing the territory from Ice Fountain and West Side Fire for the first time by title only on 27 November 2006. Thereafter, the ordinance will be transmitted to the Secretary of State for filing.

Pursuant to ORS 222.180, the effective date of the annexation would be the date it was filed with the Secretary of States. Pursuant to ORS 222.465, because the ordinance will be enacted or approved after March 31, 2006, the effective date of the withdrawal from Ice Fountain will be July 1, 2007.

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

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

1. Prior to final annexation, the applicant shall provide a legal description of the subject property indicating the exact location of the property requested to be annexed in relation to the Urban Growth Area boundary. This annexation approval does not include any lands outside the Urban Growth Area of the City of Hood River.
2. The effective date for the annexation shall be the date the ordinance goes into effect, except for purposes of ORS 308.225. The effective date of the withdrawal from West Side Fire will be the effective date of the annexation, except for purposes of ORS 308.225. Pursuant to ORS 222.465, because the ordinance will be enacted or approved before March 31, 2007, the effective date of the withdrawal from Ice Fountain will be July 1, 2007.
3. The applicant shall deposit with the City funds in the amount of the estimated payments to Ice Fountain Water District and West Side Rural Fire Protection District in an amount specified by 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: Planning Commission recommends approval of the annexation. Commissioner Kate McBride moved and Commissioner Scott Kaden seconded a motion to recommend approval of the annexation application based on the above findings of fact and subject to the conditions of approval. The motion passed with a 4-0 vote.

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

John Everitt, Chair

ATTEST:

Jennifer Donnelly, Senior Planner