

ORDINANCE NO. 1958

(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary—City Annexation of properties on Westcliff Drive)

WHEREAS, the owner of certain property contiguous to the City limits located in the Urban Growth Area has previously applied for connection to the City's sewer system, and signed a Consent to Annexation which has been recorded in the deed records of Hood River County at June 8, 2006 and 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 #102 & 103) 3880 Westcliff Drive and a vacant unaddressed contiguous parcel.

WHEREAS, the Consent to Annexation provides the property owners' written consent to annexation and withdrawal, and to pay any costs associated therewith;

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WHEREAS, the Council concluded that the territory sought to be annexed should be annexed and withdrawn only from the Westside Rural Fire Protection District as part of the proposed annexation.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 remains 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 (June 16, 2008 and July 14, 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 findings of fact dated June 18, 2008 and 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 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.
5. The property owner shall comply with the following (Resolution 2008-18): The Property owner, and their heirs, successors and assigns, shall compensate the City for the costs associated with the withdrawal of the Property from Ice Fountain Water District pursuant to the City's Intergovernmental Agreement with Ice Fountain Water District applicable to the withdrawal. The Property owner 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.

Read for the first time, July 14, 2008.

Read for the second time and passed July 28th, 2008 to become effective thirty (30) days hence.

Signed July 28, 2008.


Linda Streich, Mayor

ATTEST:


Jennifer McKenzie, City Recorder

1. The City 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 is filed with the Secretary of State, 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 property owner 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 West Side Fire, the property owner shall pay the balance owing to the City, or the City shall refund to the property owner any amount overpaid.
4. The property will not be withdrawn from Farmers Irrigation District. Farmers may continue to serve the property in accordance with District policies.
5. The Hood River County Building Department will continue to provide building inspections and plan review for the 28 units approved on tax lot #102.

In the matter of the annexation)
request by the City of Hood River)
for 4.14 acres - File #2008-08)

FINDINGS AND DECISION

I. BACKGROUND INFORMATION:

- A. REQUEST: A request by the City of Hood River To annex 4.14 acres into the City of Hood River; see **attachment "A"**.
- B. APPLICANT AND OWNER: City of Hood River/Aerie Development, LLC and CGH-D, LLC
- C. PROPERTY LOCATION: The property addresses are 3880 and approximately 3600 West Cliff Drive. 3N 10E 27D tax lot 102 and 103; location map included in application see **attachment "A"**.
- D. PARCEL SIZE: The total area to be annexed is approximately 4.14 acres.
- E. AGENCY COMMENTS: Agency comments have been incorporated into this report.
- F. ADJACENT PROPERTY OWNER COMMENTS: As of the writing of this report no comments have been received.
- G. ORDINANCE CRITERIA:
17.15.050 Evaluation Criteria – Developed Land
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 222.111 - 222.183 – Annexation of Contiguous Territory
Chapter 222.510 – 222.580 – Annexation of Public Service Districts
- I. HISTORY:
1. Annexation application received April 15, 2008, this date is based on the day the DLCD notice was mailed.
2. IGA meeting May 5, 2008.
3. Notice of public hearings mailed May 27, 2008.
4. Planning Commission public hearing June 16, 2008.
5. City Council public hearing scheduled for the June 23, 2008.

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 May 5, 2008. Comments are attached and incorporated into this report. Ice Fountain stated at the meeting that they would continue to provide water service to this property.

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.

17.15.050 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;**

The proposed property is contiguous to the city limits to the south by I-84 and to the recently annexed (Hilb) property contiguous to the East.

FINDING: Planning Commission finds the properties are 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.

Part of the area proposed for annexation is built with 12 units of an approved 28 unit condominium project and is connected to City sewer. At the time connection to City sewer was requested, the City chose not to annex the area for reasons unrelated to this criterion and discussed below. For the undeveloped portion, 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 represents the natural extension of the existing City boundary to accommodate urban growth.

3. **The development of the property is compatible and consistent with the rational**

and logical extension of utilities and roads to the surrounding area; Part of the annexation area is built out with an 12 units of a 28 unit condominium project. This project was reviewed by the City for compliance and consistency with the City's development codes, transportation system plan and utilities plan pursuant to the Urban Growth Management Agreement. This site is served by City sewer and as part of the installation of the sanitary sewer a pressure main was extended to the east property line for future extension of the service.

FINDING: Planning Commission finds that based on the above finding the proposed development portion of the property to be annexed 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; 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. West Cliff Drive was previously annexed by the City and is currently maintained by the county on the west side and city on the east side of the interchange. There is a private storm sewer and detention system with the condo project which will not require city service. 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 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.

Previously, the City chose not to annex the subject property because it could not extend City water service to the area. However, since then, the City and Ice Fountain have agreed that under circumstances agreeable to both parties, such as in order to prevent a patchwork of infrastructure, Ice Fountain will continue to provide water service. 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 because of existing development; The City of Hood River has initiated the annexation of the proposed property for the purpose of capturing the remaining development fees and collecting property taxes, franchise fees and hotel taxes.

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 upon withdrawal. Pursuant to Resolution of the City Council, the property owner will be required to reimburse the City for these costs as a condition of approval of annexation. Similarly, with respect to Ice Fountain, although the property will not be withdrawn from Ice Fountain at this time, the property owner will be required to reimburse the City for the costs associated with withdrawal from Ice Fountain at the time of withdrawal. Therefore, there will be no negative impact as to these costs.

The following is a comparison of the 4.14 acres if the property was annexed and developed in the City versus the County and then if it remained in the UGA.

<u>Fiscal Impact If annexed</u>	<u>Fiscal Impact If not annexed</u>
Sewer hook-ups \$21,542.40	same
annual sewer \$9,504	same
Franchise Fees: \$1,296	Loss of \$1,296
Property Taxes: \$22,769	Loss of \$22,769
<ul style="list-style-type: none"> • Total annual fees collected by the City if annexed – \$33,569 • Total annual fees collected by the City if not annexed – \$9,504 	

Annexing the existing development into the City, as well as future build out, will include the utilities in the calculation of franchise fees for Pacific Power and Light, Northwest Natural Gas, Cable, and Hood River Garbage Service. These 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 \$1,296 a year (150 X 12 X

18 X 4%).

FINDING: The financial impact is favorable for annexation. 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 the annexation, this outweighs any increase in services.

6. **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 are 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.

7. **The annexation conforms to the Comprehensive Plan.**
The City ordinances 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. Notwithstanding the foregoing, the Planning Commission makes the following general findings of compliance with the City's Comprehensive Plan.

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.

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."

Planning Commission has assembled open space information from the Parks and Recreation District Master Plan and applied a methodology as described in the "Best Development Practiccs" 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 Plan¹.

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

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

.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 Book² of:

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 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.

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

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 System Plan (“TSP”).

Goal 13: Energy Conservation

A portion of this property has already received land use approvals for 28 condominiums. The remaining land will be reviewed by City of Hood River, and energy conservation during development will be encouraged.

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.

17.15.060 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;**
See 17.15.050 (1).
2. **The annexation represents the natural extension of the existing City boundary to accommodate urban growth;**
See 17.15.050 (2).
3. **The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;**
See 17.15.050(3).
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.

See 17.15.050 (4).

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;

A portion of the property that is proposed to be annexed is undeveloped. There was a pre-application with the County of Hood River last year for a 5 unit development; below is a rough estimate of what the fiscal impact would be if that development was pursued or another similar development.

<u>Fiscal Impact If annexed</u>	<u>Fiscal Impact If not annexed</u>
Sewer hook-ups \$5,984	same
annual sewer \$2,640	same
Traffic impact \$3,525.60	Loss of \$3,525.60
Storm Water SDC \$3,250	Loss \$3,250
Franchise Fees: \$360	Loss of \$360
Property Taxes: \$6,324	Loss of \$6,324

- Total one time fees collected by the City if annexed – \$6,775.60³
- Total annual fees collected by the City if annexed – \$9,324
- Total fees collected by the City if not annexed – \$8,624⁴

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 \$360 a year (150 X 12 X 5 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.

³ This figure does not include building permit fees which would be approximately of \$30,000.

⁴ This figure includes the one time sewer hook up fee as well as the annual sewer service amount.

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 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, 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 system development charges/impact fees on the undeveloped portion of the annexed area for water, and traffic, which can be allocated for future City infrastructure development.

FINDING: Even though the existing condominium development has already been approved, the 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 remaining vacant lands; 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 See 17.15.050 (6).**

9. **The annexation conforms to the Comprehensive Plan.**
See 17.15.050 (7).

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 17.15.050(5) and 17.15.060(5) 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 17.15.050(3)&(4) and 17.15.060(3)&(4) 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 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 (there are no electors? If so, please state). Therefore, no election is necessary.

ORS effective date

The public hearing for this annexation will take place before the City Council on July 14, 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 July 14, 2008. After the second reading the ordinance will be sent 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 State.

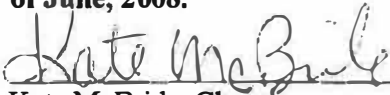
RECOMMENDATION: Planning Commission recommends the City Council approve the annexation with the following conditions of approval.

III. RECOMMENDATION AND PROPOSED CONDITIONS OF APPROVAL.

1. The City 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 is filed with the Secretary of State, 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 property owner 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 West Side Fire, the property owner shall pay the balance owing to the City, or the City shall refund to the property owner any amount overpaid.
4. The property will not be withdrawn from Farmers Irrigation District. Farmers may continue to serve the property in accordance with District policies.
5. The Hood River County Building Department will continue to provide building inspections and plan review for the 28 units approved on tax lot #102.

IV. DECISION: Commissioner Kaden moved and Commissioner Kramer seconded a motion to approve the application for annexation, based on the above Findings of Fact and subject to the Conditions of Approval. The motion passed with a 5-0 vote.

APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 18th day of June, 2008.



Kate McBride, Chair

ATTEST:


Cindy Walbridge, Planning Director

Fee _____
Date Rec'd _____

RECEIVED

**CITY OF HOOD RIVER APPLICATION
ANNEXATION REQUEST and REQUEST for CONNECTION to CITY of 2008
HOOD RIVER SEWER and/or WATER SERVICE**

PLANNING DEPARTMENT

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: CITY OF HOOD RIVER

Address: (physical) 301 OAK ST.

(mailing) PO BOX 27
HOOD RIVER, OR 97031

(email) _____

Telephone: _____ Cell Phone: _____

Signature: [Signature] BOB FRANCIS, CITY

MANAGER

PARCEL OWNER: (if different than applicant)

Name: SEE ATTACHED ASSESSOR REPORTS

Address: (mailing) _____

Telephone: _____ Cell Phone: _____

Signature: _____

**Authorization of parcel owner required.*

PARCEL INFORMATION:

Township 3N Range 10E Section 27D Tax Lot(s) # 102, 103

Current Zoning: R1 & C2 Parcel Size: 4.14

Property Location (cross streets or address): _____

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: _____ City Council Packet

LOT 102 IS CONNECTED TO SEWER & LOT 103 IS VACANT

ATTENTION

ADDITIONAL PARCEL INFORMATION

Please submit the following information with your completed application:

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

REQUEST

Sewer Service _____ **Water Service** _____

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

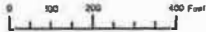
If the City determines that the above-described property is to be annexed, at least 51% of the electors residing on the property will be required to sign a Consent to Annexation in order to complete the annexation process.

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



Signature

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

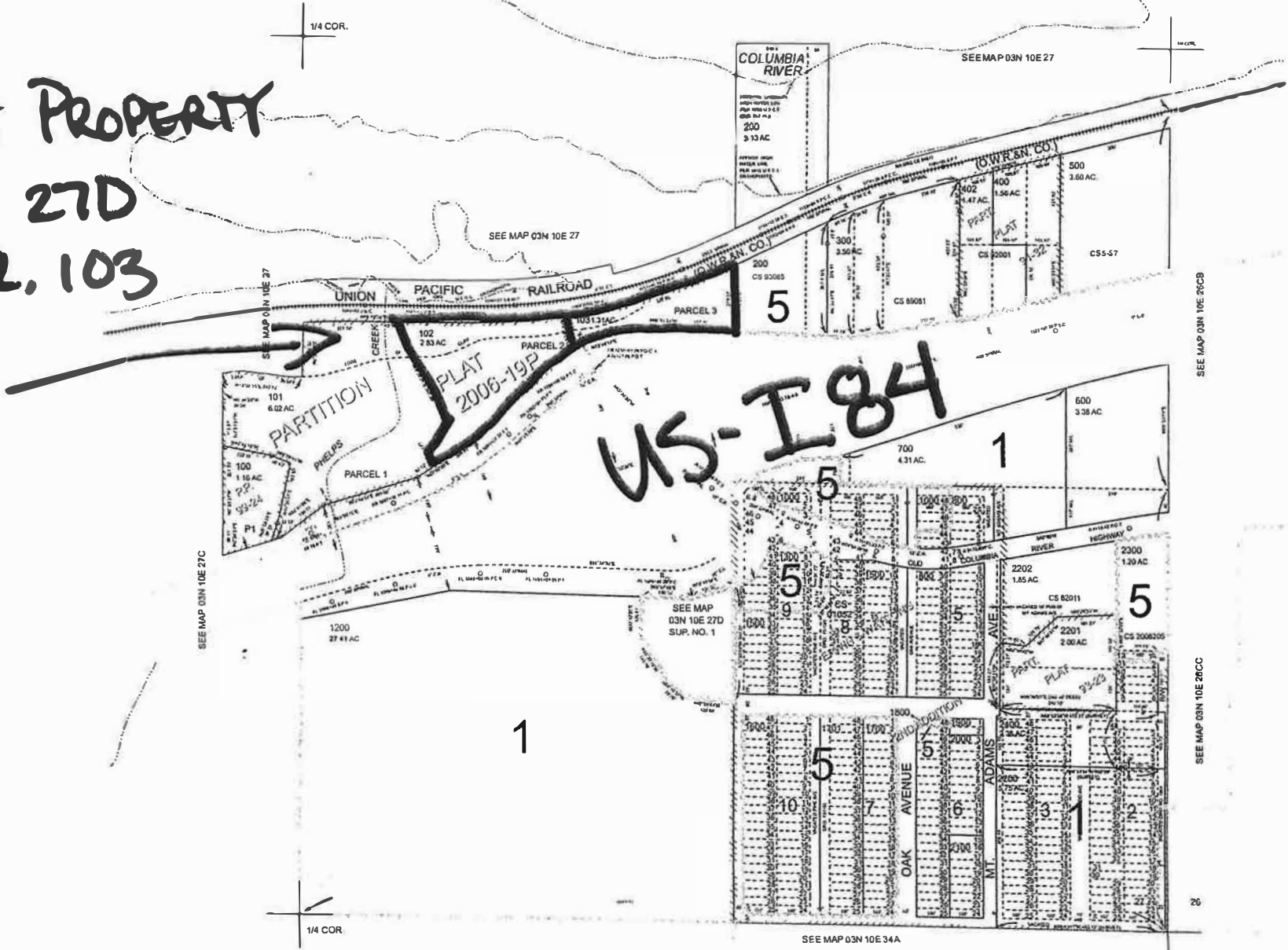


SE 1/4 SECTION 27 T03N R10E WM
HOOD RIVER COUNTY
1" = 200'

03N 10E 27 D

CANCELLED NOS.
401
600
1100
1201
1400
2300
2500

SUBJECT PROPERTY
3N 10E 27D
102, 103



SEE MAP 03N 10E 27C

SEE MAP 03N 10E 27

SEE MAP 03N 10E 27

COLUMBIA RIVER

SEE MAP 03N 10E 27

SEE MAP 03N 10E 26CB

SEE MAP 03N 10E 26CC

SEE MAP 03N 10E 34A

34 35

- 20 -
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Revised CMS
8/17/2007

03N 10E 27 D

200 1.01 (3)

27D #102 para

STATE OF OREGON

SS

COUNTY OF HOOD RIVER

I certify that this instrument was received and recorded in the records of said county.

Sandra E. Berry, Director of records and Assessment and Ex-Officio Recorder.

by: [Signature] Deputy.

DGC#: 20063001
RCPT: 49715 36.00
6/14/2006 3:23 PM

After recording return to:

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

Until a change is requested, all tax statements shall be sent to:

No change

**Declaration of Deed Restrictions/Restrictive Covenants
(Agreement for Improvements/Consent to Annexation)**

DATE: May 26, 2006

PARTIES:

CGH-D, LLC
Boyd H Graves
Halla T. Graves
4000 Westcliff Drive
Hood River, OR 97031

"Owner"

City of Hood River,
An Oregon municipal corporation
PO Box 27
Hood River, OR 97031

"City"

SITE ADDRESS: 3880 Westcliff Drive

PROPERTY DESCRIPTION: 3N 10E 27D #102

"Property"

A parcel of land in Section 27, Township 3 North, Range 10 East, Willamette Meridian, County of Hood River, State of Oregon, described as follows:

Parcel 3 of Partition Plat 9924, recorded October 14, 1999, Hood River County Records.

AGREEMENT FOR IMPROVEMENTS

Owner's Property is located in the City's Urban Growth Area ("UGA"). Pursuant to the Intergovernmental Agreement between the City and Hood River County ("County"), the County takes into account the City's comments on all land use applications. Owner has applied and received approval from the County for a building permit for the Property. As a condition of approval, and in acknowledgement of the fact that said development puts additional burden on Westcliff Drive and Cascade Avenue and the intersections of Westcliff Drive and Cascade Avenue and the interchange between Westcliff Drive and Cascade Avenue, and in consideration of not being required by the City to improve the streets and intersections at this time as a condition of approval, Owner agrees as follows:

- a. To the extent the Property is specifically benefited thereby, Owner consents to and agrees to participate in the improvement of or the local improvement district (L.I.D.) for the improvement of any such streets and intersections.
- b. Owner agrees not to remonstrate to the formation of the local improvement district(s) or to the improvements referred to in Section 1, above. Owner's agreement not to remonstrate does not preclude

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Owner from appearing and testify at any related public hearings regarding formation of the LID, whether the boundaries of the LID include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

- c. Owner agrees to pay their proportionate or assigned share of the improvement costs, including, but not limited to, any applicable connection fees, system development charges, trunk line fees, or user fees.
- d. As used in this Covenant, "street improvement" includes grading, pavement, alleys, gutters, pathways, sidewalks, storm drains, illumination, traffic control devices and all other improvements, modifications and repairs, including undergrounding of power and telecommunication lines in accordance with chapter 12.05 of the Hood River Municipal Code, necessary to bring the streets into compliance with the City's applicable street standards.
- e. This Covenant shall be binding upon the parties, their heirs, executors, successors, and assigns. This Covenant shall run with the land so that fulfillment of this Covenant shall be binding upon all subsequent owners of the Property.
- f. In the event that suit or action is instituted to enforce the terms of this covenant, the prevailing party shall be entitled to recover reasonable attorney fees and all other fees, costs and expenses incurred in connection with the suit or action, including any appeals, in addition to all other amounts allowed by law.
- g. This Covenant shall become effective on or after the date that the Property is annexed into the City.

CONSENT TO ANNEXATION

1. Owner owns real property located within the Urban Growth Area of the City of Hood River. The property is more particularly described above.

2. The City and Hood River County have entered into an intergovernmental Agreement to provide that urban development may occur and the City may provide urban services in the Urban Growth Area before annexation to the City. The City provides water and sewer service in the Urban Growth Area.

3. Owner is requesting that sewer service be provided to Owner's Property.

4. Pursuant to the City's Comprehensive Plan and HRMC Chapter 12.03, Owner may apply for connection to City's sewer and/or water system if Owner provides prior written consent to the annexation of Owner's Property. This Consent to Annexation is made in anticipation of Owner's written request, constitutes Owner's prior written consent, and is not effective until Owner requests connection or connects, whichever is sooner.


5. Pursuant to Resolution 2005-12, for all annexations of property as a result of receiving City water, wastewater, and/or storm water service, the Owner is required to compensate the City for the costs associated with annexation and withdrawal of the property from Ice Fountain Water District, West Side Rural Fire Protection District, and/or Farmers Irrigation District.

IN CONSIDERATION of the City's provision of sewer service to Owner's Property and the mutual benefits and covenants contained herein, Owner agrees, on Owner's behalf and on behalf of Owner's successors in interest, that Owner irrevocably consents to and petitions for the annexation of the above-described Property to the City at the present time or at any time in the future; agrees to waive the requirement that the City present an annexation plan to Owner with respect to any present or future annexation of the Property; and that Owner will compensate the City for the costs associated with the annexation and withdrawal of the Property from the Ice Fountain Water District, West Side Rural Fire Protection District and/or Farmers Irrigation District, (whichever are applicable) pursuant to City Council Resolution 2005-12 and any amendments thereto.

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These Covenants shall be binding upon the parties, their heirs, executors, successors, and assigns. These Covenants shall run with the land so that fulfillment of these Covenants shall be binding upon all subsequent owners of the Property.


In the event that suit or action is instituted to enforce the terms of these Covenants, the prevailing party shall be entitled to recover reasonable attorney fees and all other fees, costs and expenses incurred in connection with the suit or action, including any appeals, in addition to all other amounts allowed by law.


Signature – Boyd H. Graves


Signature – Halla T. Graves

STATE OF OREGON
County of Hood River

This instrument was acknowledged before me on June 8, 2006 by BOYD H. GRAVES and HALLA T. GRAVES, husband and wife, Grantors, convey to CGH-D, LLC.


Notary Public – State of Oregon
My commission expires: 04-08-2008

