

ORDINANCE NO. 2009

(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary — Kevin Pratt and Eric T. Rhodes)

WHEREAS, the owner of certain property (3N 10E 34A Tax Lot 701) contiguous to the City limits located in the Urban Growth Area, Kevin Pratt, has applied for connection to the City's sewer and water systems;

WHEREAS, the owner of certain property (3N 10E 34A Tax Lot 702) contiguous to the City limits located in the Urban Growth Area, Eric T. Rhodes, desires access to the City's sewer and water systems for purposes of future development;

WHEREAS, the subject properties (3N 10E 34A Tax Lots 701 and 702) are legally described as set forth in the annexation application and are located in Hood River County, State of Oregon;

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, the property owners provided their written consent to this annexation. There are no electors registered to vote at the property. This annexation was processed pursuant to ORS 222.125;

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

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

WHEREAS, the Council concluded that the territory sought to be annexed should be annexed and withdrawn only from the Westside Rural Fire Protection District and Ice Fountain Water District as part of the proposed annexation;

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

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

WHEREAS, the Planning Commission and the City Council have, in accordance with the procedures set forth in Chapter 17.15 of the Hood River Municipal Code, held public hearings (June 3, 2013 and June 24, 2013, respectively) to consider the annexation

of the property into the City of Hood River and withdrawal of the property from the Westside Rural Fire Protection District and the Ice Fountain Water District;

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

WHEREAS, the City Council adopts the Planning Commission's Findings of Fact and Conclusions of Law set forth in the decision signed June 4, 2013, attached to this Ordinance as Exhibit A and incorporated by reference as if fully set forth herein;

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

1. The Property described above (3N 10E 34A Tax Lots 701 and 702) is hereby proclaimed to be annexed to the City of Hood River, subject to the decision signed on June 4, 2013, adopted herein.
2. The Property described above is hereby withdrawn from the Westside Rural Fire Protection District and from the Ice Fountain Water District.
3. The effective date of the annexation is the date of filing with the Secretary of State.
4. The effective date for the withdrawal of the territory from the Westside Rural Fire Protection District is the date the annexation is effective (rather than July 1, 2014 as addressed in the planning commission's decision).
5. The effective date for the withdrawal of the territory from the Ice Fountain Water District will be July 1, 2014 (ORS 222.465).

Read for the first time: June 24, 2013.

Read for the second time and passed: July 8, 2013 to become effective thirty (30) days hence.

Signed: July 8th, 2013.

Arthur Babitz
Arthur Babitz, Mayor

ATTEST:

Jennifer Gray
Jennifer Gray, City Recorder

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

In the matter of annexation by)
Kevin Pratt and Eric. T Rhodes)
of two parcels totaling approx.)
1.24 acres, File No. 2012-29)

FINDINGS AND DECISION

**EXHIBIT A
ORDINANCE NO. 2009**

I. BACKGROUND:

- A. **REQUEST:** Annexation of two parcels totaling approximately 1.24 acres in order to connect to City of Hood River sanitary sewer and water facilities (see Attachments "A.1"- "A.2").
- B. **APPLICANTS/OWNERS:** Kevin Pratt (Tax Lot 701) and Eric T. Rhodes (Tax Lot 702)
- C. **PROPERTY LOCATION:** The property is located on the north side of May Street between Rocky Road and Nina Lane. Legal Description: 3N 10E 34A Tax Lots #701 and 702. (see Attachment "B", Location Map).
- D. **PROPERTY SIZE:** Approximately 0.65 acre (Tax Lot 701) and 0.59 acre (Tax Lot 702)
- E. **SITE ZONING:** The parcels currently are zoned Urban Low Density Residential (Urban Growth Area, U-R-1) and they will remain Urban Low Density Residential (R-1) following annexation. The parcels also are in, and will remain in, the Interchange Area Management Plan (IAMP) Overlay Zone.
- F. **CURRENT LAND USE:** There is a single-family dwelling under construction on Tax Lot 701. Tax Lot 702 is vacant.
- G. **SURROUNDING ZONING AND LAND USES:**
North: U-R-1, single-family dwelling
South: U-R-1, single-family dwellings
East: R-1, single-family dwelling
West: U-R-1, single-family dwelling
- H. **APPLICABLE CRITERIA:**
- Hood River Municipal Code (HRMC) Section 17.09.040 – Quasi-Judicial Actions
 - HRMC Chapter 17.15 – Annexation Policy
 - Oregon Revised Statute (ORS) Sections 222.111 through 222.183 Annexation of Contiguous Territory
- I. **AGENCY COMMENTS:** Affected agencies were notified of this request. The following comments were submitted in response to the notice prior to the public hearing:
1. Farmer's Irrigation District: See attached email dated 1/02/2013 (Attachment "C")
 2. Ice Fountain Water District: See attached email dated 1/02/2013 (Attachment "D")
 3. Westside Fire Protection District: See attached email dated 1/02/2013 (Attachment "E")
 4. Farmer's Irrigation District: See attached email dated 4/24/2013 (Attachment "F")
 5. Westside Fire Protection District: See attached email dated 4/25/2013 (Attachment "G")
 6. Ice Fountain Water District: See attached email dated 4/25/2013 (Attachment "H")
 7. Dept. of Land Conservation and Development: See attached email dated 5/30/13 (Attachment "J")

J. **ADJACENT PROPERTY OWNERS COMMENTS:** Property owners within 250 feet of the subject site were notified of this request. No comments were submitted prior to completion of the staff report or during the planning commission's public hearing.

K. **HISTORY:**

1. Application submitted by Kevin Pratt December 17, 2012
2. IGA meeting invitation emailed January 2, 2013
3. Application fee paid by Kevin Pratt April 3, 2013
4. Application form submitted by Eric T. Rhodes April 25, 2013
5. DLCD Annexation Notice mailed April 26, 2013
6. Notice of Planning Commission & City Council hearings mailed May 3, 2013
7. Planning Commission hearing held June 3, 2013
8. City Council hearing to be held June 24, 2013

L. **ATTACHMENTS:**

- Attachment "A.1" – Aerial photograph of site and surrounding properties
- Attachment "A.2" – City of Hood River zoning map and legend
- Attachment "B" – Location Map
- Attachment "C" – Farmer's Irrigation District comments, 1/02/2013
- Attachment "D" – Ice Fountain Water District comments, 1/02/2013
- Attachment "E" – Westside Fire Protection District comments, 1/02/2013
- Attachment "F" - Farmer's Irrigation District comments, 4/24/2013
- Attachment "G" – Westside Fire Protection District comments, 4/25/2013
- Attachment "H" – Ice Fountain Water District comments, 4/25/2013
- Attachment "I" – Estimate for compensation to West Side Rural Fire Protection District
- Attachment "J" – Dept. of Land Conservation and Development comments, 5/30/2013, and copy of wetland delineation concurrence letter, 11/14/2000

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A. CHAPTER 17.15 - ANNEXATION

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

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

FINDINGS: The City Limits boundary abuts the eastern property line of Tax Lot 701 as well as the southern property lines of Tax Lots 701 and 702. As such, the annexation is a natural extension of the City boundary consistent with urban growth.

The proposed annexation is associated with construction of a single-family dwelling on Tax Lot 701 and provision of City sewer and water facilities to the property. The owner of Tax Lot 702 applied for annexation in conjunction with the owner of Tax Lot 701 in order to share application costs.

The City will provide water, sanitary sewer, fire- and police services to the annexed property. The proposed annexation will not, when developed with a single-family dwelling, unreasonably limit the ability of the City to provide levels of services to City residents consistent with community needs and the financial capabilities of the City. And, the proposed annexation will not cause the City to pledge extension of services beyond its resources so as to result in a deficit operation of the service.

Pursuant to the City's Intergovernmental Agreement (IGA) with affected special districts (i.e. West Side Rural Fire Protection District, Ice Fountain Water District, Farmer's Irrigation District), the districts were invited to meetings on January 2, 2013 and April 24, 2013 to discuss the annexation. Representatives of the districts determined that a meeting was not necessary and instead submitted written comments. Comments from the special districts (Attachments "C," "D," "E," "F," "G" and "H") are incorporated herein by reference.

The subject properties will be withdrawn from both the Ice Fountain Water District (IFWD) and the West Side Rural Fire Protection District (WSFD) in association with this annexation, and the applicants will be responsible for compensation to IFWD for three years of lost revenue, as well as compensation to the WSFD for five years of lost revenue. The site will remain in the Farmer's Irrigation District.

The proposed annexation will serve the interests of the entire community and not solely the interests or convenience of those within the territory proposed to be annexed because it will generate property taxes that help pay for services already demanded such as fire protection (based on mutual aid agreements between the City and WSFD).

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

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

FINDINGS: The annexation application generally includes the required information. City policies require property to be annexed into the City Limits in order to obtain sewer and water services (or to record a "consent-to-annexation" document if the property is not contiguous to the City Limits). As such, the owner of Tax Lot 701 applied for annexation in order to construct a single-family dwelling and connect to the City's sewer and water systems. There are no registered voters residing on either of the subject parcels.

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

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

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

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

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

FINDINGS: Although a single-family dwelling is under construction on Tax Lot 701 it is not ready for occupancy and, as such, the property is not considered developed land at this time. Tax Lot 702 is vacant. As such, these criteria are not applicable.

17.15.060 Evaluation Criteria – Undeveloped Land.

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

FINDINGS: The subject property is located within the Urban Growth Area. The City Limits boundary abuts the eastern property line of Tax Lot 701 as well as the southern property lines of Tax Lots 701 and 702 (Attachment “A.2”). As such, the proposal is consistent with this criterion.

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

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

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

FINDINGS: The property abuts May Street along the southern property lines and there is an unimproved public right-of-way between the subject parcels. No new roads are proposed to serve the site. City sanitary sewer and water serves homes surrounding the subject property. As such, the proposal is consistent with this criterion.

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

FINDINGS: Annexation and connection to the City's sanitary sewer and water facilities will result in additional demand on City services including maintenance of sanitary sewer and water lines. The City Wastewater Treatment Plant is designed to accommodate the Urban Growth Area. The City Public Works Department determined that sanitary sewer service facilities are adequate to serve the site and permitted connection to the City's sewer system in association with construction of a single-family dwelling following submittal of the annexation application and a signed consent-to-annexation agreement.

Adequate water volume and pressure is available for domestic purposes to serve the single-family dwelling that is under construction on Tax Lot 701 as well as a future single-family dwelling (an outright

permitted use) on Tax Lot 702. Water pressure becomes more limited south of May Street due to increasing topographical elevation. Because this water pressure issue is a result of topographical elevation rather than water volume, provision of domestic water to the subject property is not expected to negatively impact the City's ability to adequately serve all areas within the existing City Limits.

Water for fire-flow purposes is constrained on the west side of the city due to the design of existing infrastructure. The City of Hood River is in the process of designing and funding improvements to this infrastructure in order to increase fire flow to the west side of the city.

The annexation will result in no direct impact to City streets but a Transportation System Development Charges will be required in association with any future development and frontage improvements are expected to be required in association with any future land division.

Annexation and future development may result in increased demand for service by the City's Fire- and Police Departments, however, these departments already provide service to properties immediately east and south of the site. In addition, the City's Fire- and Police Departments have mutual aid agreements with the West Side Rural Fire Protection District and the Hood River County Sheriff to ensure adequate service in the Urban Growth Area. As such, the proposal is consistent with this criterion.

5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the increase;

FINDINGS: The permanent tax rate for the City of Hood River is \$2.8112 per thousand dollars of assessed valuation. As such, the City will receive approximately \$281.12 in annual general fund revenue for each \$100,000 of property valuation. If this annexation is approved by the city council, property taxes will not be due until November 15, 2014 (based upon the 2014 assessed valuation).

Pursuant to the City's IGA with West Side Rural Fire Protection District (WSFD), the City is required to compensate the District for five years of lost property tax revenue. Pursuant to the City's IGA with Ice Fountain Water District (IFWD), the City is required to compensate the District for three years of lost revenue, user fees, infrastructure and debt service when applicable. Pursuant to resolution of the City Council (Resolutions 2005-12 and 2008-18), the applicants will be required to reimburse the City for these costs as a condition of approval. Therefore, there will be no negative impact to the City associated with the costs of compensating the Districts.

The owner of Tax Lot 701 has one water service on Standby with IFWD and the owner of Tax Lot 702 has two water services on Standby with IFWD. As such, in association with withdrawal of the subject properties from IFWD, compensation is required for three years of lost revenue based on \$60 per year per service, i.e. \$180 per service totaling \$540 (Attachment "H"). There is no compensation due to IFWD for infrastructure or debt service.

Costs associated with withdrawal from WSFD are estimated (Attachment "I") to be a total of approximately \$337.41 for five years of lost property tax revenue (i.e. Tax Lot 701 = \$172.20 and Tax Lot 702 = \$165.21).

As such, conditions of approval are recommended that the property owners and their heirs, successors and assigns shall compensate the City of Hood River for the costs associated with the withdrawal of the subject property from the Ice Fountain Water District and the West Side Rural Fire Protection District pursuant to the applicable intergovernmental agreements. The City of Hood River will send bills to the applicants in November of 2013. Payment will be due to

the City of Hood River no later than December 31, 2013. The applicants may set up a payment plan pursuant to the terms of the City of Hood River.

Annexing the property will result in City collection of franchise fees from Pacificorp, Northwest Natural Gas, Charter Cable, Hood River Electric Co-op, and/or Hood River Garbage Service. Franchise fees go into the City's general fund. If franchise fees for the property total approximately \$150 per month and if the City receives 4% of these fees, the City will collect approximately \$72 per year from franchise utilities ($[\$150 \times 12] \times 4\% = \72).

The following comparison estimates the fiscal impact if the property is annexed and one single-family dwelling is constructed on Tax Lot 701 (currently under construction), versus remaining in the UGA under the County's jurisdiction.

Fiscal Impact

If annexed

Sanitary sewer SDCs (\$1,508/unit) = \$1,508
Annual sanitary sewer fees ($\$48 \times 12$) = \$576
Stormwater SDC (\$650/unit) = \$650
Annual storm sewer fees ($\$2.50 \times 12$) = \$30
Water SDCs (\$3,883/unit) = \$3,883
Annual water fees ($\$28.74 \times 12$) = \$344.88
Transportation SDCs (\$1,802/unit) = \$1,802
Annual franchise fees: Approximately \$72
Existing estimated annual property tax, land only (AV = \$39,270 + \$37,670): \$216.29

Fiscal Impact

If not annexed

\$1,508
 $(\$60 \times 12) = \720
none
none
\$3,883
\$344.88
none
none
none

- Total one time SDCs and fees collected by the City if annexed – \$7,843
- Total annual fees collected by the City if annexed – Approximately \$1,006.56

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

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;

FINDINGS: The proposed annexation was initiated by the owner of Tax Lot 701 who is building a single-family dwelling. As such the annexation is associated with meeting the City's urban growth needs. The Hood River County Community Development Department coordinates with the City of Hood River for development activity inside the Urban Growth Area and generally implements the City's development standards. However, the City has made updates to its Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance that are not yet codified in the County's UGA ordinance (Hood River County Zoning Ordinance Article 17). As such it remains to the City's advantage to control the growth and development of the subject property because it will have a direct impact on City sewer, water, stormwater and transportation infrastructure. In addition, it is to the City's fiscal advantage to control future development on the subject property because it will generate additional revenue through collection of System Development Charges and utility fees. As such, the proposal is consistent with this criterion.

7. 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;

FINDINGS: As addressed above, the criterion in HRMC 17.15.060(6) does apply. As such this criterion does not apply.

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

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

The subject property has been located inside the City's Urban Growth Area (UGA) since 1983 and has been zoned for future urban uses since that time. Annexation of property in the UGA is consistent with the City's Comprehensive Plan. The subject site is adjacent to property that is developed at relatively low density levels for residential uses in the City Limits and Urban Growth Area. Because the zoning designation of the property following annexation (R-1) will remain consistent with the existing County zoning designation (U-R-1), nearby properties are not expected to be negatively affected by the annexation. As such, the proposal is consistent with this criterion.

9. The annexation conforms to the Comprehensive Plan.

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

Goal 1: Citizen Involvement

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

Goal 2: Land Use Planning

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

Goal 3: Agricultural Land

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

Goal 4: Forest Land

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

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

The County has adopted the City's ordinances for use in the UGA but has not adopted the City's Goal 5 Ordinance (Ords. 1863, 1874, 1913, 1938). Henderson Creek flows through Tax Lot 701 and, according to the City's Local Wetland Inventory there are two wetlands on this parcel (HE-3 and HE-4, DSL #00-0431). Development of Tax Lot 701 will not be regulated by the Natural Resource Overlay Zone (HRMC 17.22), including requirements for wetlands, until the property is in the City of Hood River's jurisdiction. Until such time the property owner is obligated to comply with the requirements of Hood River County and the Department of State Lands during construction of the single-family dwelling, driveway and associated site improvements.

Goal 6: Air, Water and Land Resources Quality

Annexation does not increase or decrease the air, water and land resource qualities of the area because it does not directly result in any additional development. Development of the subject property for use consistent with the R-1 Zoning designation is not expected to result in degradation of air, water or land resources beyond what typically occurs with residential development in urban areas.

Goal 7: Natural Disasters

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

Goal 8: Recreational Needs

Goal 8, Policy 6 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."

The following parks and open spaces are identified in the Hood River Valley Parks and Recreation District's Capital Facilities Master Plan¹:

Open space areas in the City:

Eliot Park	11.8 acres
Indian Creek Trail (HRVPRD)	3.3 miles
Indian Creek Park	12.38 acres
Morrison Park, north of I-84	5.5 acres
Sherman Triangle	0.06 acre
Waucoma Park	0.5 acre
Wells Island (portion)	18 acres

Parks in the City:

Aquatic Center (HRVPRD)	1.35 acres
Culbertson Park (HRVPRD)	0.73 acre
Hazelview (HRVPRD)	0.43 acre
Morrison Park South (HRVPRD)	5.33 acres
Rotary Skate Park & BMX (HRVPRD)	2.71 acres
Children's Park	1.24 acres
Coe Park	0.34 acre
Collins Field	2.6 acres
Friendship Park	0.9 acre
Georgiana Smith Park	0.5 acre
Jackson Park	2.5 acres
Mann Park	0.86 acre
Marina Park (Port)	12 acres
Memorial Overlook & Stratton Garden	0.2 acre
Montello Park	0.28 acre
Tsuruta Park	1.01 acres
Tsuruta Tennis Courts	1.1 acres
Wilson Park	1.05 acres
Waterfront Park	6.4 acres
Event Site (Port)	5.5 acres

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

The Hook (Port)	3.8 acres
The Spit (Port)	4.7 acres

Parks in the Urban Growth Area:

Ruthton Park	1.5 acres
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Bowe Addition	0.4 acre
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Total park lands = approximately 55 acres (does not include schools or UGA)

Total open space lands = approximately 51.5 acres

Total park and open space lands = approximately 106.5 acres

The Hood River Valley Park and Recreation Master Plan (2012) includes a needs analysis for provision of parks and open space based upon local demographic trends, a bilingual mail-in household survey, a community workshop, a Latino focus group and stakeholder surveys. The Park Master Plan includes goals for new or enhanced parks and recreation facilities within a 10-year time frame.

Montello Park is located approximately one third of a mile northeast of the subject property and the Park Master Plan does not recommend development additional parks in the vicinity. As such, development of a park or open space on the subject site is not recommended at this time.

Goal 9: Economy of State

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

Goal 10: Housing

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

Goal 11: Public Facilities

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

Goal 12: Transportation

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

Goal 13: Energy Conservation

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

Goal 14: Urbanization

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

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

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

FINDINGS: The findings above in HRMC 17.15.060(5) address fiscal impacts. Costs associated with reimbursing special districts will be paid by the applicants. As such, no unusual or excessive cost will be incurred by the applicants as a result of the annexation. The impact on the City's tax base as a result of annexation is expected to be favorable. As such, the proposal is consistent with these evaluation criteria.

17.15.080 Evaluation Criteria – Urban Service Capabilities.

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

FINDINGS: The findings above in 17.15.060(4) address these criteria. In association with future land division the developer will be required to construct improvements to the site's May Street frontage as well as the unimproved public right-of-way between the two parcels in conformance with City standards. Costs associated with provision of municipal services are expected to be paid by the property owners through a future development process, as well as property taxes and fees on services. As such, the proposal is consistent with these evaluation criteria.

B. OREGON REVISED STATUTES

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

not more than 12 months apart. (7) Two or more proposals for annexation of territory may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.

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

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

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

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

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

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

FINDINGS: Written consent to the annexation must be provided by the owner and not less than 50% of the residents who are registered to vote at this address. Records of the Hood River County Elections

office indicate that there are no voters registered at the subject properties. The property owners signed the application forms. As such, the proposal is consistent with these requirements.

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

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

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

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

III. CONCLUSION: The proposed annexation was initiated by the property owners. The subject property will be withdrawn from the Ice Fountain Water District and the West Side Rural Fire Protection District in association with annexation, and the owners will be responsible for compensating these special districts for lost revenue as addressed in this report. The Hood River County Building Department will continue to inspect the single-family dwelling that is under construction until a final occupancy permit is issued.

IV. CONDITIONS OF APPROVAL: Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the applicants' proposal, the preliminary site plan and related plans and all representations and statements made by the applicants or any of their authorized representatives. This approval is granted subject to the requirements that the applicants, owners or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings:

1. The effective date for the annexation shall be the date it is filed with the Secretary of State, except for purposes of ORS 308.225. Pursuant to ORS 222.465, because the ordinance will be enacted or approved after March 31, 2013, the effective date of the withdrawal from West Side Rural Fire District and Ice Fountain Water District will be July 1, 2014.
2. Annexation and withdrawal from West Side Rural Fire Protection District and Ice Fountain Water District is required. All annexation and withdrawal fees are the responsibility of the applicants.
3. The property owners and their heirs, successors and assigns shall compensate the City of Hood River for the costs associated with the withdrawal of the subject property from the special districts including the West Side Rural Fire Protection District and Ice Fountain Water District pursuant to the applicable

intergovernmental agreements. The City of Hood River will send a bill to the applicant in November of 2013. Payment will be due to the City of Hood River no later than December 31, 2013. The applicants may set up a payment plan pursuant to the terms of the City of Hood River.

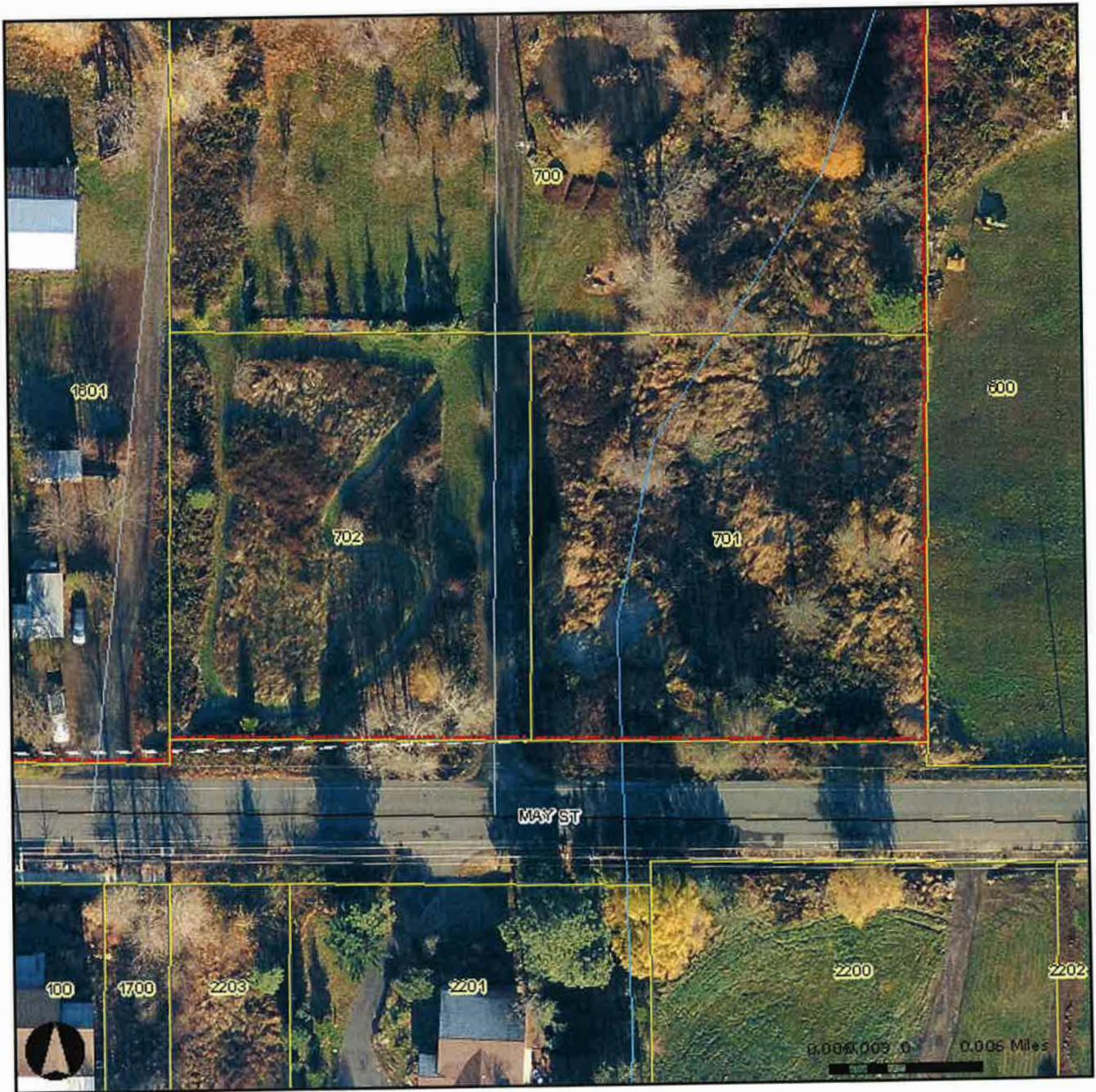
V. DECISION: Commissioner Hollatz moved and Commissioner Weeks seconded a motion to forward a recommendation of approval of the annexation to the City Council based upon the above Findings of Fact and subject to the Conditions of Approval of this Final Order. The motion passed with a 7-0 vote.

APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 4TH day
of JUNE, 2013.


Laurie Stephens, Chair

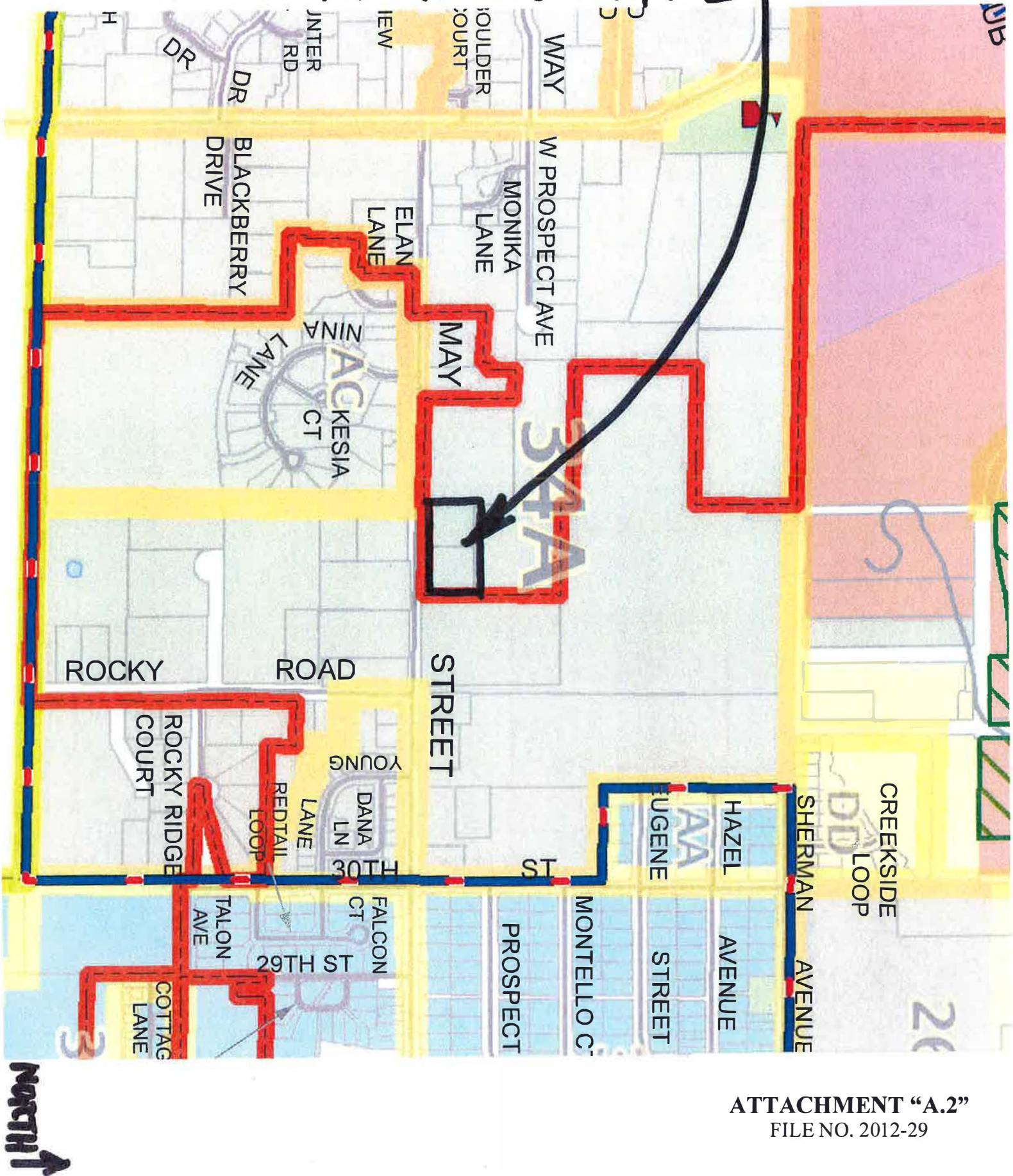
ATTEST:


Kevin Liburdy, Senior Planner



ATTACHMENT "A.1"
FILE NO. 2012-29

3N10E34A TAX LOTS 701 & 702



ATTACHMENT "A.2"
FILE NO. 2012-29

ANNEXATION FILE NO. 2012-29

HOOD RIVER





CITY LIMITS and URBAN GROWTH BOUNDARY ZONING MAP

Legend



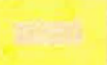
Zoning:

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

Overlay Zones:

-  Interchange Access Mgmt. Plan Zone
-  IAMP-Access Mgmt. Blocks
-  Floodplain
-  Geologic Hazard

Boundaries:

-  City Limits
-  Urban Growth Boundary
-  Assessor Map Index



1 inch equals 0.25 miles

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

Within City Limits:
City of Hood River
Planning Department
301 Oak Street
Hood River, OR 97031

(541) 387-5210

Outside City Limits:
County of Hood River
Planning Department
601 State Street
Hood River, OR 97031

(541) 387-6840

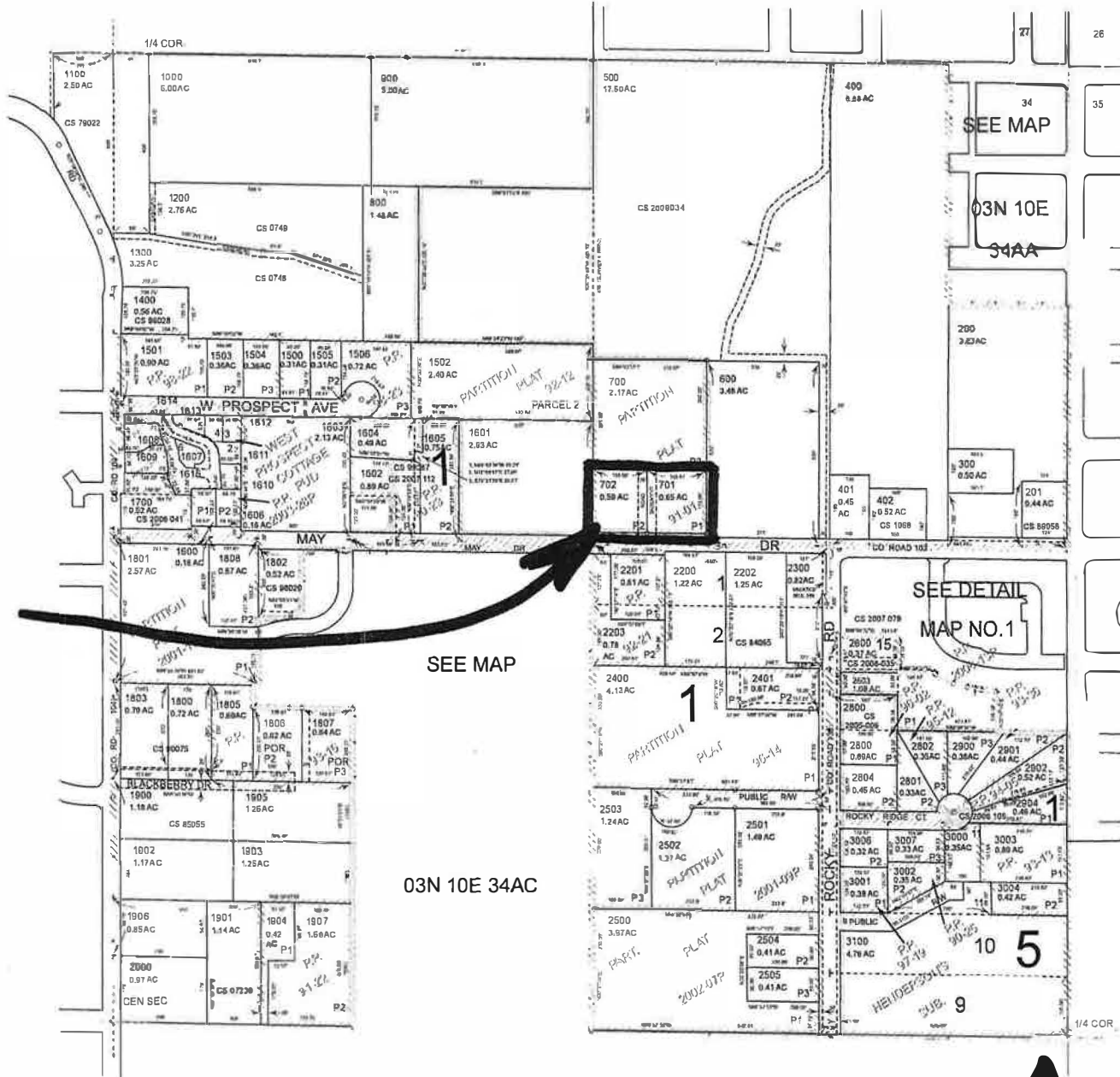
DISCLAIMER: This map product was prepared by Hood River County and is for informational purposes only. It may not have been prepared for



ANNEXATION File No. 2012-29

3N 10E 34A TAX LOTS 701 & 702

Site



NORTH ↑

ATTACHMENT "B"
FILE NO. 2012-29

Revised: MA
7/30/2012

HOOD RIVER
& INDEX
03N10E34A

Kevin Liburdy

From: Rick Brock [rick@fidhr.org]
Sent: Wednesday, January 02, 2013 10:00 AM
To: Kevin Liburdy
Subject: Re: Annexation - 3N10E34A#701

Hi Kevin,
Kevin Pratt's property has .40 acres of irrigation. Farmers Irrigation District will continue to serve irrigation water to annexed properties. These would be our same comments if we attended a meeting. FID will sign the building permit.

Thank you, Happy 2013.

Rick Brock
Farmers Irrigation District

On Wed, Jan 2, 2013 at 9:09 AM, Kevin Liburdy <Kevin@ci.hood-river.or.us> wrote:
Jim, Mark and Rick,

Property owner Kevin Pratt has applied for annexation in association with obtaining a building permit for a new home at the above-referenced parcel.

The building permit is being processed by Hood River County and the city will process the annexation concurrently.

The property is to be withdrawn from both WSFD and IFWD. Would you like to meet to discuss?

Happy new year,

Kevin Liburdy
Senior Planner
City of Hood River
541-387-5224
211 2nd Street
PO Box 27
Hood River, OR 97031

Rick Brock
Farmers Irrigation District
Water Rights Specialist
541-387-5263
rick@fidhr.org

ATTACHMENT "C"
FILE NO. 2012-29

1/2/2013

Kevin Liburdy

From: ifwater@hrecn.net
Sent: Wednesday, January 02, 2013 10:44 AM
To: Kevin Liburdy
Subject: RE: Annexation - 3N10E34A#701

Kevin,

I see no need to meet on this annexation. The customer had an existing water service with Ice Fountain Water District which has never been installed. Ice Fountain Water District standby rate is \$5.00 per month, therefore the total due to Ice Fountain Water District upon annexation is \$180 for three years lost revenue. There is no infrastructure cost or bond payback on this annexation. Thank you and have a good day.

Mark Beam
District Manager
Ice Fountain Water District

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

From : Kevin Liburdy[mailto:Kevin@ci.hood-river.or.us]
Sent : 1/2/2013 9:09:28 AM
To : wsfd502@gorge.net; ifwater@hrecn.net; rick@fidhr.org
Cc :
Subject : RE: Annexation - 3N10E34A#701

Jim, Mark and Rick,

Property owner Kevin Pratt has applied for annexation in association with obtaining a building permit for a new home at the above-referenced parcel.

The building permit is being processed by Hood River County and the city will process the annexation concurrently.

The property is to be withdrawn from both WSFD and IFWD. Would you like to meet to discuss?

Happy new year,

Kevin Liburdy
Senior Planner
City of Hood River
541-387-5224
211 2nd Street
PO Box 27
Hood River, OR 97031

ATTACHMENT "D"
FILE NO. 2012-29

1/2/2013

Kevin Liburdy

From: Jim Trammell [wsfd502@gorge.net]
Sent: Wednesday, January 02, 2013 10:41 AM
To: Kevin Liburdy
Subject: RE: Address for 3N10E34A#701

Kevin,

The Fire District has no comment on the annexation but would request an accounting of the value and proposed payout for the annexation. Is the City or applicant paying for the annexation fees?

If applicant is paying will the City forward annexation payment now or wait until January?

Thanks

JT

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

From: Kevin Liburdy [mailto:Kevin@ci.hood-river.or.us]
Sent: Wednesday, January 02, 2013 9:33 AM
To: Kate Dougherty
Cc: Jim Trammell
Subject: Address for 3N10E34A#701

Good morning, Kate,

Can you verify if an address has been assigned to the above-referenced property in association with a building permit for Kevin Pratt?

Thanks!

Kevin Liburdy
Senior Planner
City of Hood River
541-387-5224
211 2nd Street
PO Box 27
Hood River, OR 97031

From: Jim Trammell [mailto:wsfd502@gorge.net]
Sent: Wednesday, January 02, 2013 9:29 AM
To: Kevin Liburdy
Subject: RE: Annexation - 3N10E34A#701

Kevin

ATTACHMENT "E"
FILE NO. 2012-29

1/2/2013

Opps found the parcel # but address?

Thanks

JT

From: Kevin Liburdy [<mailto:Kevin@ci.hood-river.or.us>]

Sent: Wednesday, January 02, 2013 9:09 AM

To: Jim Trammell; ifwater@hrecn.net; Rick Brock

Subject: Annexation - 3N10E34A#701

Jim, Mark and Rick,

Property owner Kevin Pratt has applied for annexation in association with obtaining a building permit for a new home at the above-referenced parcel.

The building permit is being processed by Hood River County and the city will process the annexation concurrently.

The property is to be withdrawn from both WSFD and IFWD. Would you like to meet to discuss?

Happy new year,

Kevin Liburdy
Senior Planner
City of Hood River
541-387-5224
211 2nd Street
PO Box 27
Hood River, OR 97031

Kevin Liburdy

From: Rick Brock [rick@fidhr.org]
Sent: Wednesday, April 24, 2013 3:52 PM
To: Kevin Liburdy
Subject: Re: Annexation - 3N10E34A#701 and 702

Hi Kevin,

At this time Farmers Irrigation District will continue to serve water to annexed properties.

We have no other comments.

Rick

On Wed, Apr 24, 2013 at 3:40 PM, Kevin Liburdy <Kevin@ci.hood-river.or.us> wrote:
Gentlemen,

We are now moving forward with annexation of 3N10E34A#701 owned by Kevin Pratt, expecting to schedule public hearings in June.

A neighboring property owner who owns the parcel immediately to the west (Eric Rhodes, 3N10E34A#702) is interested in piggybacking with Mr. Pratt's annexation.

Would you like to meet to discuss annexation of 3N10E34#702 including withdrawal of this parcel from both WSFD and IFWD, or would you support inclusion of this second parcel with Mr. Pratt's annexation application?

Best regards,

Kevin Liburdy
Senior Planner
City of Hood River
541-387-5224
211 2nd Street
PO Box 27
Hood River, OR 97031

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ATTACHMENT "F"
FILE NO. 2012-29

Kevin Liburdy

From: Jim Trammell [wsfd502@gorge.net]
Sent: Thursday, April 25, 2013 10:54 AM
To: Kevin Liburdy
Subject: RE: Annexation - 3N10E34A#701 and 702

Kevin,
As long as this meets the intent of our IGA I have no comment.
Thanks
jt

From: Kevin Liburdy [mailto:Kevin@ci.hood-river.or.us]
Sent: Wednesday, April 24, 2013 3:40 PM
To: Jim Trammell; ifwater@hrecn.net; Rick Brock
Cc: Gary Lindemyer
Subject: RE: Annexation - 3N10E34A#701 and 702

Gentlemen,

We are now moving forward with annexation of 3N10E34A#701 owned by Kevin Pratt, expecting to schedule public hearings in June.

A neighboring property owner who owns the parcel immediately to the west (Eric Rhodes, 3N10E34A#702) is interested in piggybacking with Mr. Pratt's annexation.

Would you like to meet to discuss annexation of 3N10E34#702 including withdrawal of this parcel from both WSFD and IFWD, or would you support inclusion of this second parcel with Mr. Pratt's annexation application?

Best regards,

Kevin Liburdy
Senior Planner
City of Hood River
541-387-5224
211 2nd Street
PO Box 27
Hood River, OR 97031

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From: Kevin Liburdy
Sent: Wednesday, January 02, 2013 9:09 AM

ATTACHMENT "G"
FILE NO. 2012-29

4/25/2013

Liburdy

ifwater@hrecn.net

Thursday, April 25, 2013 10:55 AM

Kevin Liburdy

Subject: RE: Annexation - 3N10E34A#701 and 702

Hi,

Need on Ice Fountain's part to meet over this, I spoke to Mr. Rhodes this morning and he currently has two water services on Standby with Ice Fountain Water District. The cost to the city for annexing and withdrawing these three services (2 for Mr. Rhodes, 1 for Mr. Pratt) would be most revenue totaling \$540. \$60 per year per service, times 3 years = \$180 per service. There is no cost for infrastructure. Thank you.

Mark Beam
District Manager
Ice Fountain Water District

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

From : Kevin Liburdy[mailto:Kevin@ci.hood-river.or.us]

Sent : 4/24/2013 3:40:07 PM

To : wsfd502@gorge.net; ifwater@hrecn.net; rick@fidhr.org

Cc : glind@ci.hood-river.or.us

Subject : RE: Annexation - 3N10E34A#701 and 702

Gentlemen,

We are now moving forward with annexation of 3N10E34A#701 owned by Kevin Pratt, expecting to schedule public hearings in June.

A neighboring property owner who owns the parcel immediately to the west (Eric Rhodes, 3N10E34A#702) is interested in piggybacking with Mr. Pratt's annexation.

Would you like to meet to discuss annexation of 3N10E34#702 including withdrawal of this parcel from both WSFD and IFWD, or would you support inclusion of this second parcel with Mr. Pratt's annexation application?

Best regards,

Kevin Liburdy
Senior Planner
City of Hood River
541-387-5224
211 2nd Street
PO Box 27
Hood River, OR 97031

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4/25/2013

ATTACHMENT "H"
FILE NO. 2012-29

Westside Fire District Compensation (ESTIMATE)

Pratt - 3N10E34A#701

2013 Assessed Value = \$39,270

Year 1 = \$39.27 x 0.781	= \$30.67
Year 2 = \$30.67 + 5.8% (i.e. \$1.78)	= \$32.45
Year 3 = \$32.45 + 5.8% (i.e. \$1.88)	= \$34.33
Year 4 = \$34.33 + 5.8% (i.e. \$1.99)	= \$36.32
Year 5 = \$36.32 + 5.8% (i.e. \$2.11)	= \$38.43
Total	= \$172.20

Rhodes - 3N10E34A#702

2013 Assessed Value = \$37,670

Year 1 = \$37.67 x 0.781	= \$29.42
Year 2 = \$29.42 + 5.8% (i.e. \$1.71)	= \$31.13
Year 3 = \$31.13 + 5.8% (i.e. \$1.81)	= \$32.94
Year 4 = \$32.94 + 5.8% (i.e. \$1.91)	= \$34.85
Year 5 = \$34.85 + 5.8% (i.e. \$2.02)	= \$36.87
Total	= \$165.21

Pratt and Rhodes Total (\$172.20 + \$165.21) = \$337.41

Kevin Liburdy

From: MCALLISTER Lynne [lynne.mcallister@state.or.us]
Sent: Thursday, May 30, 2013 12:00 PM
To: Kevin Liburdy
Subject: RE: DSL WD#00-0431 - 3N10E34A Tax Lot 701
Attachments: 20130530113935081.tif

Kevin,

I have attached the concurrence letter you requested. I recommend that you include our correspondence below in your annexation documentation.

Thanks.

Lynne

Lynne McAllister
Wetland Specialist
Department of State Lands
775 Summer Street NE
Salem, OR 97301
503-986-5300
503-378-4844 (FAX)
Lynne.McAllister@state.or.us
www.oregonstatelands.us

From: Kevin Liburdy [mailto:Kevin@ci.hood-river.or.us]
Sent: Friday, May 24, 2013 10:05 AM
To: MCALLISTER Lynne
Subject: RE: DSL WD#00-0431 - 3N10E34A Tax Lot 701

Lynn,

I would appreciate a copy of the concurrence letter.

Should I include your response as an attachment to the findings for the annexation application?

Thanks, Kevin

From: MCALLISTER Lynne [mailto:lynne.mcallister@state.or.us]
Sent: Monday, May 20, 2013 3:56 PM
To: Kevin Liburdy
Cc: HARTMAN Heidi
Subject: RE: DSL WD#00-0431 - 3N10E34A Tax Lot 701

Hi Kevin,

Thank you for contacting our department. That file is in hard copy, and the only electronic document we have for it is the concurrence letter. If you need a copy of the entire file, I can have our support staff scan the file, which is a minimum cost of \$5.25, and put it on a CD (\$5.00) or send in an attachment. The file is quite small, so it would be easy to scan and send you the whole thing if you want all of it. Alternatively, you can come into the office and select the part of the file you want and copy it here. If you are mostly interested in just the approved wetland map from the delineation, I can send that with the concurrence letter at no charge. Please let me know

ATTACHMENT "J"

FILE NO. 2012-29

6/4/2013

more specifically what you need.

Please note that this delineation is quite old and may not help you in this situation. Cities and counties are directed to provide our department with a wetland lands use notice prior to building approval. Then we advise a wetland delineation, if needed. Pre-construction site planning is then done to avoid mapped jurisdictional wetlands and waters or to minimize impacts to them. Local wetland inventories and the National Wetlands Inventory are for general planning purposes and reconnaissance and are not intended to be used for development of individual sites. Wetland delineations approved by our department are good for 5 years and then need to be reissued or updated. I have gone through the 2000 file, and it appears there are wetlands and Henderson Creek on the property, but our department would need an updated delineation for proposed site development, since changes over time in water usage, water routing, and development can affect presence, absence, and size of wetlands in the vicinity.

Since the house is already being built, a new delineation could be difficult because a building pad has already been placed, and anything encroaching into wetlands or the stream boundary might not be readily apparent. These matters are not easily resolved post-construction because it is difficult to figure out where the wetland boundary would have been without doing costly wetland forensics. The best approach for now is to stop building and have the site evaluated. The owner should hire a wetland consultant to conduct a wetland/waters delineation and submit a report to our department for approval.

Unless the owner is already working with someone from our department to resolve this, I suggest that he/she contact Heidi Hartman, Resource Coordinator on our Bend staff at 541-388-6060. Feel free to contact me with any additional wetland or wetland delineation questions. I also suggest you contact Caroline Stimson (503-986-5231) to obtain information about the wetland land use notice procedure.

Thank you.
Lynne

Lynne McAllister
Wetland Specialist
Department of State Lands
775 Summer Street NE
Salem, OR 97301
503-986-5300
503-378-4844 (FAX)
Lynne.McAllister@state.or.us
www.oregonstatelands.us

From: Kevin Liburdy [<mailto:Kevin@ci.hood-river.or.us>]
Sent: Friday, May 17, 2013 5:08 PM
To: MCALLISTER Lynne
Subject: DSL WD#00-0431 - 3N10E34A Tax Lot 701

Lynne,

I am processing an annexation application associated with development of a single-family dwelling that currently is located in the City's Urban Growth Area (outside the city limits) and is regulated primarily by Hood River County. The property owner currently is building a home on the property, permitted by Hood River County.

The annexation criteria directed me to check the City's LWI which identifies two wetland areas on the site (HE-3 and HE-4) and references "DSL 00-0431" which I assume is a wetland delineation. I found your contact information on DSL's website. Can you provide us with a copy of WD#00-0431?

6/4/2013

Also, if wetlands have been disturbed during construction of the dwelling, I assume the property owner will need to work with DSL and/or Hood River County to resolve the issue until the annexation process is completed.

I will be out of the office most of next week but please let me know if you have any questions or need any additional information.

Thanks!

Kevin Liburdy
Senior Planner
City of Hood River
541-387-5224
211 2nd Street
PO Box 27
Hood River, OR 97031

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Oregon

John A. Kitzhaber, M.D., Governor

Division of State Lands

775 Summer Street NE, Suite No. 100
Salem, OR 97301-1279
(503) 378-3805
FAX (503) 378-4844
TTY (503) 378-4615

November 14, 2000

Dan Gunderson
221 Indian Cabin Road
Stevenson, WA 98648

RE: Wetland Delineation Report for May Drive parcel, Hood River
County; T3N R10E Sec.34A, tax lot 701. Det. #00-0431

State Land Board

John A. Kitzhaber
Governor

Bill Bradbury
Secretary of State

Jim Hill
State Treasurer

Dear Mr. Gunderson:

I have reviewed the wetland delineation report prepared by Nancy Napp for the project referenced above. Based on the information presented in the report and a site inspection with your consultant by Mike McCabe of our staff, I concur with the wetland and waterway boundaries as mapped on the attached drawing. These wetlands and waterways are subject to the permit requirements of the state Removal-Fill Law. A state permit is required for fill or excavation of 50 cubic yards or more in a wetland area or below the top of bank of a waterway.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

In evaluating a permit application, our agency will first consider whether there is an analysis of alternatives that avoid or minimize wetland or waterway impacts. State law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Division staff on appropriate site design before completing the city or county land use approval process. The permit coordinator for this site is Mike McCabe.

Should additional information be brought to our attention or should site conditions change, we would consider the new information and re-evaluate the site and our jurisdictional determination as needed. Thank you for your report.

Sincerely,

Dana Field
Wetlands Planner

cc: Nancy Napp
Hood River County Planning Department
Jim Goudzwaard, Corps of Engineers
Jim Anderson, Corps of Engineers
Mike McCabe, DSL

