ORDINANCE NO. 2035

An ordinance annexation certain contiguous territory located within the City's Urban Growth Boundary and withdrawing the same territory from the Westside Rural Fire Protection District (Michael Kitts Homes, Inc.)

WHEREAS, Michael Kitts Homes, Inc. (the "Applicant"), the owner of certain property (3N10E35CB Tax Lot 302) which is not contiguous to the City limits but is located in the Urban Growth Area, applied for annexation to the City; and

WHEREAS, the City Council adopted policy in Resolution 2016-15 that requires annexation prior to receiving City sewer services; and

WHEREAS, as part of the annexation proposal, the Applicant included an additional 22 properties which make the Applicant's property contiguous with the existing city boundary, collectively all of the properties proposed for annexation (the "Annexation Territory") are legally described in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, the Annexation Territory is located in Hood River County, Oregon within the acknowledged Urban Growth Area of the City of Hood River and is contiguous with the existing boundary of the City of Hood River; and

WHEREAS, pursuant to HRMC Chapter 12.09 and Resolution 2016-15, the City requires consent to annex in exchange for receiving City water or sewer service, which also requires that such properties be contiguous with the existing City boundary; and

WHEREAS, the Applicant seeks annexation of the Annexation Territory using the so-called Triple Majority method in ORS 222.170, based on 100% property owner consent, which meets the requirements for annexation under this statute. The written consents associated with all parcels in the Annexation Territory were included in the application; and

WHEREAS, the Annexation Territory is located within the service territories of Westside Rural Fire Protection District, Farmers Irrigation District, and the Ice Fountain Water District, and ORS Chapter 222 provides for the withdrawal of land from these districts upon annexation to a city that provides the same services; and

WHEREAS, notice of a public hearing before the Planning Commission on the annexation request and withdrawal from the affected service districts was published and posted as required by HRMC 17.09 and ORS Chapter 222; and

WHEREAS, the Planning Commission convened its duly noticed public hearing on the annexation and withdrawal request on February 6, 2017, accepted all manner of public testimony and written comment on the proposal and voted to recommend approval of the request to the City Council in a written recommendation attached hereto as Exhibit B; and

WHEREAS, the City Council held a duly-noticed public hearing on the annexation and withdrawal request on February 27, 2017, reviewed the record compiled before the Planning Commission, and the Commission's recommendation, and accepted all manner of public testimony and written comment on the proposal, after which the Council voted that the Annexation Territory should be annexed but should be withdrawn only from the Westside Rural Fire Protection District; and

WHEREAS, the Council concluded that the Annexation Territory should remain within and served by the Ice Fountain Water District and Farmers Irrigation District upon annexation until further notice and Council action; and

WHEREAS, the City has the authority, within constitutional and statutory limits, to set the property tax rates at which annexed territories shall be taxed and to apply City land use designations and regulations to all lands within its corporate boundaries.

WHEREAS, the Michael Kitts Homes, Inc. (Planning File #16-50) application for annexation was received by the City after the Consolidated Land and Cattle, LLC (Planning File #16-48). There are eleven parcels that are included in both annexation proposals as needed to make either one contiguous with the existing City boundary. The Consolidated Land and Cattle, LLC application is approved this same day as Ordinance No. 2034. Because those 11 lots in common between the two annexation proposals are already annexed they no longer need be included in the Michael Kitts Homes, Inc. proposal and may be deleted therefrom.

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

Section 1. Incorporation of Recitals. The foregoing recitals are hereby adopted by the Council and incorporated herein in support of this Ordinance.

Section 2. Annexation of Territory Approved. The real property (the Annexation Territory) described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby annexed into and shall become part of the City of Hood River, Hood River County, Oregon. Also specifically annexed into the City of Hood River are all public rights-of-way adjacent to the Annexation Territory. In support of this decision, the Council specifically adopts as its own the Planning Commission's recommended Findings of Fact and Conclusions of Law, signed February 21, 2017 and attached hereto as Exhibit B.

Section 3. Withdrawal of Territory. The real property (the Annexation Territory) described in Exhibit A is hereby withdrawn from the service territory of the Westside Rural Fire Protection District. the Annexation Territory shall remain within and served by the Ice Fountain Water District and Farmers Irrigation District upon annexation and shall not be withdrawn from these service districts until further notice and Council action.

Section 4. City Zoning. The Annexation Territory shall receive Hood River Zoning (R-2 Urban Standard Density Residential) pursuant to the City's acknowledged Comprehensive Plan and adopted land use regulations.

Section 5. Proportionate share of debt obligation. The Annexation Territory shall be subject to its proportionate share of debt for public obligations and shall be subject to real property tax assessment in the same manner as all other land within the City's corporate boundaries.

Section 6. Recordation. The City Recorder shall cause to be recorded with the Hood River Clerk the fully executed original of this Ordinance.

Read for the First Time this February 27, 2017.
Read for the Second Time and approved March 1, 2017. This ordinance shall take effect on the 31st day following the second reading.

Paul Blackburn, Mayor

ATTEST:

Jennifer Gray, City Recorder

Exhibit 'A'
TERRA SURVEYING
P.O. Box 617
Hood River, OR 97031
PHONE & FAX (541) 386-4531
E-Mail: terra@gorge.net

LEGAL DESCRIPTION
FOR
ANNEXATION FOR MIKE KITTS HOMES

The following tract of land to be annexed is located in the southwest quarter Section 35, Township 3 North, Range 10 East, Willamette Meridian, County of Hood River and State of Oregon, is more particularly described as follows.

Beginning at an iron rod found at the centerline of Belmont Road; thence South 40°04'37" East a distance of 74.82 feet to the original platted northwesterly corner of Lot 30 of the Plat of Bowe's Second Addition as recorded on October 4, 1994, said point is on a curve concaved southeasterly: thence along said curve whose chord bears South 38°41'46" West a distance of 9.99 feet. Radius measures 70.00 feet. Thence along said curve through the central angle of 8°11'06" a distance of 10.00 feet to a 5/8" iron rod, L.S.1815 monumenting the adjusted boundary between Lots 30 and 29 of said Plat of Bowe's Second Addition as filed in County Surveyors office as C.S. No. 95106; thence South 51°00'23" East along adjusted line a distance of 111.12 feet to a 5/8" iron rod, L.S. 1815 monumenting the Southwest corner of said Lot 30; thence South 43°33'06" East a distance of 45.00 feet to the center of a 45 foot radius cul-da-sac; thence South 87°19'09" East a distance of 137.63 feet to a 5/8" iron rod, L.S.1815 monumenting the intersection of Platted Park Place Loop and St. Charles Place Road; thence South 00°50'34" West along centerline of said St. Charles Place Road a distance of 96.07 feet to a point; thence North 76°56'06" East a distance of 39.58 feet to the Northwest corner of Lot 37 of Platted Bowe's Second Addition; thence South 53°47'05" East along the southwesterly line of said Lot 37 a distance of 84.06 feet to the southwesterly corner thereof; thence South 88°30'22" East along south line of said Lot 37 a distance of 100.00 feet to the west line of Lot 4 of the Plat of Hazelview Addition as recorded on April 4, 2000; thence South 01°27'50" West along said Lot 4 a distance of 25.29 feet to the southwest corner of Lot 4; thence South 88°32'10" East a distance of 148.78 feet to the southeast corner of Lot 4; thence South 01°27'50" West along the east line of Lots 6, 7, 8 a distance of 203.23 feet to a point on the east line of Lot 8, which measures 16.77 feet north of the southeast of said Lot 8; thence South 87°21'44" East a distance of 58.16 feet to the northwest corner of Lot 17 of Plat of Hazelview Addition as recorded on April 4, 2000; thence South 87°21'44" East along said Lot 17 a distance of 60.00 feet to the northeast corner of said Lot 17; thence South 02°38'16" West along said Lot 17 a distance of 100.00 feet to the southeast corner of said Lot 17; thence South 02°38'16" West a distance of 50.00 feet to a point on the north line of Lot 16 of said plat; thence South 87°21'44" East a distance of 46.94 feet to the northeast corner of said Lot 16; thence South 02°05'12" West a distance of 55.00 feet to the southeast corner of said Lot 16; thence South 02°10'09" West a distance of 55.00 feet to the southeast corner of Lot 15 of said plat; thence North 87°21'44" West a distance of 104.30 feet to the southwest corner of said Lot 15; thence North 10°19'00" East a distance of 10.11 feet to an angle point on the west line of said Lot 15; thence North 88°34'56" West a distance of 50.16 feet to A 5/8" iron rod, L.S. 1028; thence North 64°35'13" West a distance of 8.75 feet to the southeast corner of Lot 12 of said Plat; thence North 84°19'39" West along the south line of said Lot 12 a distance of 149.19 feet to the southwest corner of said Lot 12, being a point on the east line of the Plat of Bowe Addition First Addition; thence North 01°27'50" East along said east line a distance of 15.29 feet to the southeast corner of Lot 7 of the Plat of Bowe Addition First Addition; thence North 88°30'22" West a distance of 100.00 feet to the southwest corner of said Lot 7; thence North 01°29'38" East along the west line of Lots 7, 8, 9 of said Plat a distance of 150.00 feet to the northwest corner of lot 9 of said Plat; Thence North 88°30'05" West a

Exhibit 'A' (Cont.)

TERRA SURVEYING
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Hood River, OR 97031
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LEGAL DESCRIPTION
FOR
ANNEXATION

distance of 80.00 feet; thence South 01°29'37" West a distance of 10.01 feet to a point on the North line of lot 19 of said Plat; thence North 88°30'41" West a distance of 115.46 feet to an angle point on the North line of lot 20 of said Plat; thence North 83°57'38" West a distance of 80.07 feet to the Southeast corner of lot 22 of said Plat; thence North 88°30'22" West along the south line of lot 22 a distance of 91.23 feet to the Southwest corner of lot 22; thence North 00°14'33" East along the West line of Lots 22, 23, 24 and a portion of lot 25 of said Plat a distance of 196.40 feet to a point on the Easterly right-of-way of Belmont Road; thence North 89°33'43" West a distance of 60.00 feet to a 5/8" iron rod, L.S.59002; thence North 89°33'43" West a distance of 324.51 feet to a 1" iron pipe; thence North 00°26'52" East a distance of 192.91 feet to a 5/8" iron rod, L.S. 59002; thence North 21°37'03" East a distance of 36.74 feet to a 5/8" iron rod, L.S. 59002; thence North 02°19'07" East a distance of 113.16 feet to a 5/8" iron rod, L.S. 59002; Thence North 37°53'02" East a distance of 36.06 feet to a 5/8" iron rod, L.S. 59002; Thence South 88°06'57" East a distance of 195.13 feet to a 1" iron pipe; Thence South 88°06'57" East a distance of 89.28' to a 5/8" iron rod L.S. 59002 on the Westerly right-of-way of Belmont Drive; Thence North 00°14'49" East along said right-of-way a distance of 47.62 feet; Thence South 87°19'09" East a distance of 29.99' to the Point of Beginning.

January 30, 2017
Contains 10.2 Acres, more or less (includes roadways)
EMC

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DECEMBER 30, 2005
ERIK M. CARLSON
72308

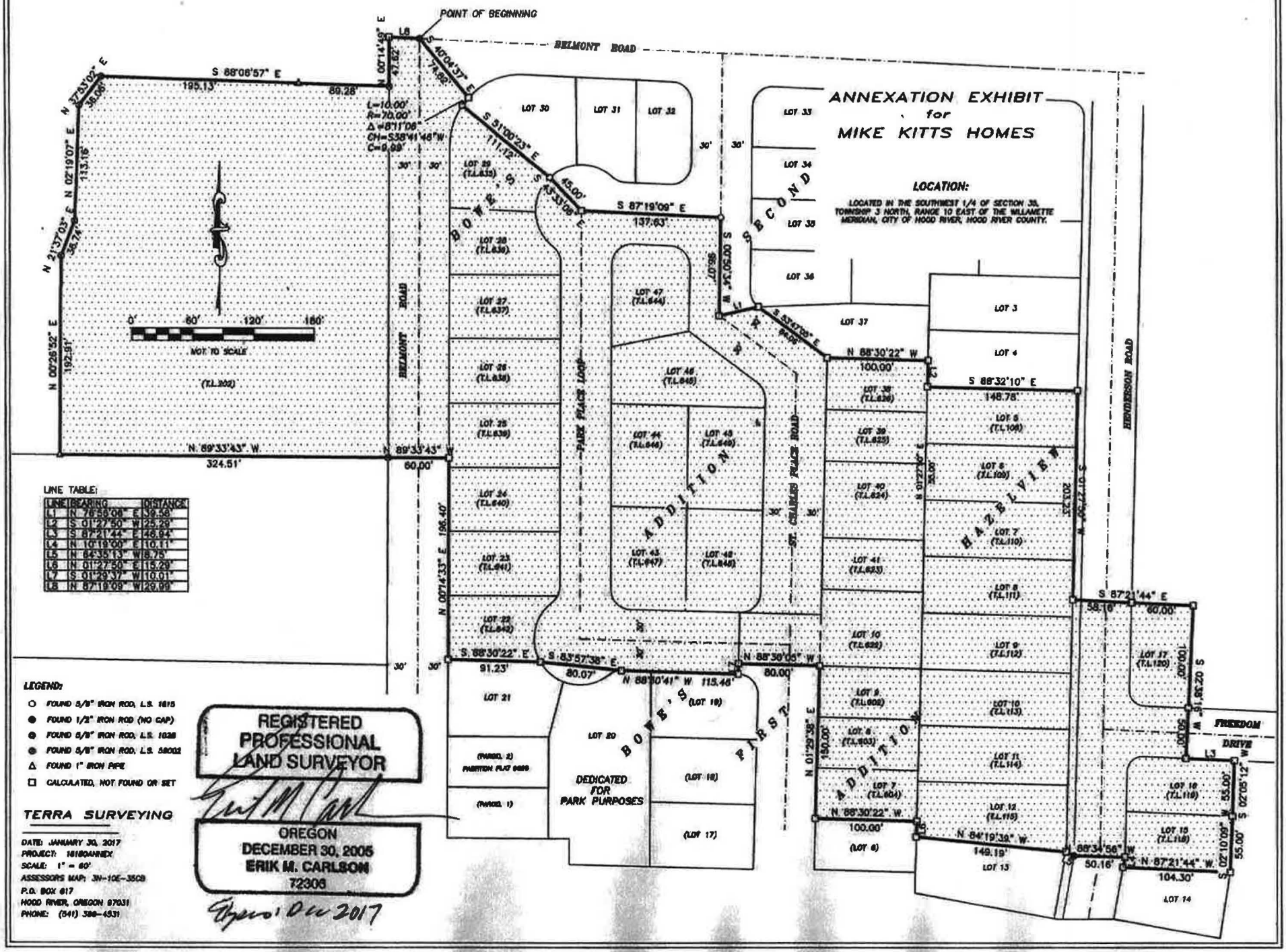
Expires: Dec 2017

TERRA SURVEYING

ANNEXATION EXHIBIT for MIKE KITTS HOMES

LOCATION:

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN, CITY OF HOOD RIVER, HOOD RIVER COUNTY.



LINE TABLE:

LINE	BEARING	DISTANCE
L1	N 76°56'06" E	39.56'
L2	S 01°27'50" W	25.29'
L3	S 87°21'44" E	46.94'
L4	N 10°19'00" E	10.11'
L5	N 64°35'13" W	8.75'
L6	N 01°27'50" E	15.29'
L7	S 01°29'37" W	10.01'
L8	N 87°19'09" W	29.99'

LEGEND:

- ○ FOUND 5/8" IRON ROD, L.S. 1815
- ● FOUND 1/2" IRON ROD (NO CAP)
- ◉ FOUND 5/8" IRON ROD, L.S. 1038
- ◉ FOUND 5/8" IRON ROD, L.S. 58002
- △ FOUND 1" IRON PIPE
- □ CALCULATED, NOT FOUND OR SET

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
DECEMBER 30, 2005
ERIK M. CARLSON
72306

Expires: Dec 2017

TERRA SURVEYING

DATE: JANUARY 30, 2017
PROJECT: 1618ANNEX
SCALE: 1" = 60'
ASSESSORS MAP: 3N-10E-35CB
P.O. BOX 617
HOOD RIVER, OREGON 97031
PHONE: (541) 386-4931

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

In the matter of annexation by)
Michael Kitts Homes, Inc.) **FINDINGS AND DECISION**
File No. #2016-50)

I. BACKGROUND

A. **REQUEST:** The applicant requests approval of an annexation of 34 parcels totaling approximately 10.2 acres of land, more or less. These 24 properties are, when considered as a whole, contiguous with existing city limits. (See Attachment **"A"** in City Hall).

B. **APPLICANTS/OWNERS:** Applicant – Michael Kitts Homes, Inc. – all property owners See Attachment **"B".**

C. **PROPERTY LOCATION**: (See Attachment **"C",** Location Map.)

D. **PROPERTY SIZE**: 34 lots and 10.2 acres including rights-of-way.

E. **SITE ZONING:** The subject properties currently are zoned Urban Medium Density Residential (Urban Growth Area, U-R-2) and will remain Urban Medium Density Residential (R-2) following annexation. The County has an Airport Height Combining (Conical) which will not be applied.

F. **CURRENT LAND USES:** Vacant and Single family dwellings

G. **SURROUNDING ZONING AND LAND USES:**
North: U-R-2, single-family dwellings and the Hood River Care Center
South: U-R-2, single-family dwellings
East: U-R-2, single-family dwellings
West: U-R-2, dwellings and orchard

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 subject to an Intergovernmental Agreement with the City of Hood River were notified of this request - Ice Fountain Water District, Farmer's Irrigation District, and Westside Fire Protection District. As of the writing of this report the City has received comments from Ice Fountain and Farmers. Both districts will continue to serve all the lands proposed for annexation.

J. **ADJACENT PROPERTY OWNERS COMMENTS**: Property owners within 250 feet of the subject site were notified of this request. One letter was received Attachment **"D"** and will be addressed in this report.

K. **RATIONALE FOR TYPE OF APPLICATION:**

EXHIBIT B

The lands to be annexed currently have a Hood River County zoning designation of "Urban Standard Density Residential (UR-2). See Exhibit 33. The territory is currently designated as "R-2 on the City's Zoning Map. Id. Morsman v. City of Madras, 47 Or LUBA 80 (2004) (A city does not err in failing to follow comprehensive plan amendment procedures in approving an annexation, where the annexation decision does not amend the city's comprehensive plan.). For this reason, this application only seeks annexation. Therefore, it is not a post-acknowledgment amendment ("PAPA)."

Roughly half of the territory to be annexed is already developed. The conceptual development plan included with this application shows how the remainder of the territory may feasibly be developed upon annexation. As discussed below, public facilities and services are in fact available to serve the subject properties. See **Attachment A (Map of Water Service & Sewer Service lines).**

The applicant seeks to use the **"Triple Majority"** method of consent annexation because it is based exclusively on landowner consent, as opposed to consent of electors, ORS 222.170(1) allows the use of the Triple Majority method to avoid the election requirement if more than one half of the landowners collectively own more than 50% of the land representing more than 50% of the assessed property values in the territory consent to the annexation. The statute provides:

222.170 Annexation by consent before public hearing or order for election; proclamation of annexation. (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222. I I I, if the city legislative body submits the question to the electors of the city.

There was a period of time between 1986 and 2000 when it was generally believed that the triple majority annexation method was unconstitutional. This was due to the fact that the Oregon Court of Appeals had declared the triple majority provisions of ORS 199.490(2) unconstitutional in Mid-County Future Alternatives Committee v. Metro. Area Local Gov. Boundary Comm'n, 82 Or App 193, 728 P2d 63 (1986), modified 83 Or App 552, 733 P2d 451, rev dismissed 304 Or 89, 742 P2d 47 (1987), at least to the extent that this method was being used to avoid holding an election in the territory to be annexed. See also Storey v. City of Stayton, 15 Or LUBA 165, 1756 (1986) (applying Mid-County, which invalidated the triple majority provisions of ORS 199.490(2), to a proposed annexation under ORS 222, 170(1)); Mid-County Future Alternatives Committee v. Portland Metro, Area Local Gov. Boundary Comm'n, 83 Or App 552, 733 P2d 451 (1987), rev dismissed, 304 Or 89, 742 P2d 47 (1987).

However, in Sherwood School Dist. 88J v. Washington Cty. Ed., 167 Or. App. 372, 386-87, 6 P.3d 518 (2000), the court of appeals overruled its previous decision in Mid-County Future Alternatives Committee and found the triple majority method to be a permissible way to avoid an election in the territory under consideration for annexation. See also Morseman v. City of Madras, 203 Or. App.

546; 126 P.3d 6 (2006), rev. den., 340 Or. 483, 135 P.3d 318 (2006); Kane v. City of Beaverton, 49 Or LUBA512 (2005). As a result, many jurisdictions now use the triple majority method as their preferred form of consent annexation

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

A. STATE STATUTES AND COMMON LAW.

State law establishes some basic substantive standards for all annexations. These are addressed below.

1. The "Reasonableness' Requirement.

The Oregon Supreme Court imposed a "reasonableness' requirement applicable to all annexations in 1952, prior to modern zoning codes and comprehensive planning requirements. See Portland Gen. Elec. Co. v. City of Estacada, 194 Or 145,291 P2d 1129 (1952); Marion County Fire Dist. #1 v. Marion-Polk County Boundary Comm'n, 19 Or App 108,526 P2d 1031 (1974); Kane v. Paulus, 41 Or App 455, 459, 599 P2d i 154 (1979), rev den, 288 Or 113 (1979); Rivergate Residents Ass 'n v. PMALGBC, 70 Or App 205, 689 P2d 326 (1985), rev den, 298 Or 553 (1985); DLCD v. City of St. Helens, 138 Or App. 222,907 P2d 259 (1995); Westside Rural Fire Protection Dist. v. City of Hood River, 43 Or LUBA 546 (2003). The modern adoption of significant statewide land use and annexation laws has not superseded the judicially-imposed reasonableness standard. However, the court of appeals has stated that "the reasonableness question is no longer one that depends solely or mainly on unguided judicial determinations, but is now largely controlled by specific legislative and regulatory criteria.' Department of Land Conservation and Development v. City of St. Helens, 138 Or App 222, 227,907 P2d 259 (1995). As it turns out, all of the above-cited cases and their progeny deal with the "reasonableness' concept in the context of so-called "cherry-stem" or "pan handle' annexations, an issue not triggered by this application.

2. Applicable Oregon Revised Statutes ("ORS').

ORS Chapter 222 establishes procedures and requirements for annexations by cities. These standards are addressed below.

1. 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.

Commission Finding: ORS 222.111(1) requires than the territory to be annexed must be located either "contiguous to the city or "separated from it only by a public right of way or by a stream, bay, lake or other body of water." In this case, the territory to be annexed is contiguous to the existing City boundary. **See Attachment "A".**

(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.

Commission Finding: This application is initiated by the petition of one (l) property owner in the territory. However, the remaining property owners (or their predecessors in interest) residing in the territory to be annexed have previously given their written consent to be annexed.

(3)

Commission Finding: This section is not applicable.

(4)

Commission Finding: This section is not applicable.

(5)

Commission Finding: This section is not applicable.

(6) Commission Finding: This proposal is not required to be voted upon by the electors of the City or of the annexation territory; therefore, this provision is not applicable.

(7)

Commission Finding: This annexation proposal will not be voted upon simultaneously with any other annexation proposal. This provision is not applicable.

222.120 Procedure for annexation without election; hearing; ordinance subject to referendum. (1)

Commission Finding: This section is not applicable.

222.125 Commission Finding: This applicant is not pursuing an annexation using the "100% Consent" method, and therefore this section is not applicable.

222.170 Annexation by consent before public hearing or order for election; proclamation of annexation. (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in Writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day: (a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or (b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city. (2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day: (a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or (b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the

question to the electors of the city. (3) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. (4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section.

Commission Finding: This section is applicable. Because of the way ORS Ch 222 is organized and written, the "general' or "default' annexation process is an "annexation by vote' of the electors in the territory to be annexed. All other annexation methods being considered "exceptions' to this general method. A City Council may elect to dispose of the election in the territory to be annexed (otherwise required under 222.11 1 (5), ORS 222. 120(4) (a) and ORS 222.160) by instead utilizing one of the three "consent" methods. Of the three consent methods, the "triple majority method is typically the most favored, because it is based exclusively on landowner consent, as opposed to consent of electors.

In this case, the applicant is requesting the City use the **"triple majority annexation method**. This method provides an exemption from the election requirement if more than one-half of the landowners collectively own more than 50% of the land representing more than 50% of the assessed property values in the territory consent to the annexation.

As demonstrated in **Attachment "A",** all landowners in the territory have consented to annexation. The applicant and other consenting landowners comprise more than the 50% of the land and more than the required 50% of the total assessed value. In this case, there are two subdivisions that lie between the Barrel Springs property and the existing City of Hood River corporate boundary: the "Bowe Subdivision and the "Hazelview' subdivision. The owners of both of these subdivisions have previously signed consents to annexation which are recorded against their properties.

222.173 Time limit for filing statements of consent, public records. (1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490(2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city. (2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.410 to 192.505.

Commission Finding: This section is applicable. The recorded consents contain a separate written agreement waiving the one-year period as seen in **Attachment "A" Instrument No. 902872. Instrument No. 943300.: Instrument No. 2000256.**

222.177 Transmittal of annexation records to Secretary of State. When a city legislative body proclaims an annexation under ORS 222.125. 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State: (1) A copy of the resolution or ordinance proclaiming the annexation.

(2) An abstract of the vote within the city, if votes were cast in the city...

Commission Finding: Not applicable.

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, (2) For annexation proceedings initiated by a city; the city may specify an effective date that is later than the date specified in subsection (1) of this section. If a later date is specified under this subsection, that effective date shall not be later than 10 years after the date of a proclamation of annexation described in ORS 222.177.

Commission Finding: The City will comply with this section.

B. STATEWIDE PLANNING GOALS

Annexation is a planning responsibility under ORS 197. 175(1) and is subject to compliance with the statewide planning goals. Petersen v. City of Klamath Falls, 279 Or 249,566 P2d 1193 (1977). However, in situations where the city has annexation criteria in its comprehensive plan and/or land use regulations, the statewide planning goals should not be directly applicable Morsman v. City of Madras, 45 Or LUBA 16 (2003)(so stating), Nonetheless, to the extent the Statewide Planning Goals are applicable, this application demonstrates compliance with the Goals as follows:

Goal 1 - Citizen Involvement. Citizen involvement is always applicable to quasi-judicial applications such as this. Statewide Planning Goal 1 is met via the implementation of the provisions in the acknowledged City of Hood River Zoning Ordinance (HRZO) that relate to citizen participation. This application will be reviewed by staff, the Planning Commission and the City Council. The City held a neighborhood meeting on January 12, 2017 in which about 35 people attended to ask questions. At least two public hearings will be conducted with notice and opportunity to be heard presented as required by the HRZO. The property will be posted with notice as well as mailed notice to surrounding property owners and affected governmental agencies. At the public hearings anyone wishing to present relevant testimony or documentary evidence will be allowed to do so. Adequate citizen involvement is guaranteed in this case.

Goal 2 - Land Use Planning The HRCP (Hood River Comprehensive Plan) and HRZO are acknowledged to be in compliance with statewide planning goals and guidelines. Goal 2's coordination obligation will be met because the applicant and City shall seek public comment from any affected unit of government, including the County and any special district whose boundaries overlap with the site. The application does not trigger the Goal 2 exception standards, because no exceptions to any goals are required.

Goals 3 & 4 - Farm and Forest The subject property has been deemed to be urbanizable because it

is inside an urban growth boundary (UGB). Therefore, neither Goal 3 nor Goal 4 applies to this land.

Goal 5. Open Spaces. Scenic and Historic areas, and Natural Resources

A city is not required to apply Goal 5 to a decision to annex property, where the annexation decision does not change the county planning and zoning designations of the property and does not make any of the changes specified in OAR 660-023-0250(3)(a)-(c) that would require application of Goal 5. Roads End Water District v. City of Lincoln City, 67. Or LUBA 452 (2013). The subject property is not designated as an open space, scenic, or historic area and has no natural resources to protect. There are no natural resources located on the subject property. There are no wetlands or floodplains in the territory. There are no landslide hazard areas. There are no historic resources or cultural areas located or identified on the site. There are no identified mineral or aggregate resources on the site. The site is not located in the local downtown historic district. Therefore this goal is satisfied.

Goal 6 - Air, Water and Land Resources Quality - The end use of this property will be for residential use and the 23 other properties are already in residential use. This development will not create any industrial emissions. Storm water will be detained on-site and through the existing storm drainage system and future on-site drainage. There are no significant water demands, and no potential for pollution. This annexation application will not affect in any way the air, water or land resources. Therefore, this goal is met.

Goal 7 Areas Subject to Natural Disasters and Hazards - The subject property 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. There are no identified landslide areas on the subject property and the remaining properties have been previously developed into small subdivision lots. There are no identified wetlands on the subject property nor on other developed lots. Goal 7 is complied with by this application.

Goal 8. Recreational Needs - The applicant's property is proposed primarily for housing, which creates a need for park land. The major park service providers within the boundary are the City of Hood River, Hood River Valley Parks and Recreation District, Hood River County, the Port of Hood River, the Hood River Valley School District, Oregon State Parks, and the U.S. Forest Service. These numerous and varied agencies offer a wide range of parks and recreational facilities for the community and visitors,

The Hood River Valley Parks and Recreation District Master Plan (2012-2022) indicates that there is a "high level of satisfaction with the current park system quality and maintenance and the array of recreation opportunities that serves a diverse group of users. Master Plan at p. 20.

The City of Hood River maintains numerous parks within the City limits, providing a number of venues for recreation, family gatherings and larger group gatherings and events.

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 Plan[1]:

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

Parks in the Urban Growth Area:

Ruthton Park	1.5 acres
Bowe Addition	0.4 acre

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

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

The updated Hood River Valley Park and Recreation Master Plan (2012), not yet adopted by the City of Hood River, 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. The City is working with the Parks District on an updated Master Plan to ultimately be adopted by the City under Goal 8 – Recreational Needs. At that time, the westside of Hood River will be evaluated for additional need.

Hazelview Park (within the annexation area) is located approximately one half of a mile west of the subject property and the Park Master Plan does not recommend development of additional parks in the vicinity. The First Baptist Church of Hood River and the Saint Mary's Catholic Church, located near the site, have ballfields that are used by organizations in the community, and Westside School offer fields and play areas during off school times. As such, development of a park or open space on the subject site has not been justified for this area.

At this time, the finding is that the parks are adequate to meet the needs of the new development which will result from this annexation. This goal is satisfied.

Goal 9 - Economic Development. The applicant proposes to annex the territory to meet housing needs. Goal 9 is therefore inapplicable.

Goal 10 – Housing. An annexation decision that leaves existing county comprehensive plan and land use regulations in place, including county residential comprehensive plan and Zoning map designations, does not implicate Goal 10. Roads End Water District v. City of Lincoln City, 67 Or LUBA 452 (2013). In any event, Goal 10 was significantly weakened by the case of GMK Developments et all v. City of Madras, 57 Or LUBA 81 (2008), affa, 225 Or App 1, 199 P3d 882 (2008), as least as applied to cities with populations under 25,000. After GMK Developments, a city is not required to contemporaneously remedy an identified housing shortfall which it has identified over its 20-year planning period. Since the city can defer fixing any identified Goal 10 problem until a later proceeding, such as periodic review, no annexation could possibly violate Goal 10. In fact, it appears that post-GMK Developments, Goal 10's only remaining direct applicability is at periodic review.

In this case, to the extent a Goal 10 deficiency is anticipated, this annexation helps remedy that shortfall. This annexation application will allow the landowners to apply for Zone changes and development permits which will provide needed housing to the City of Hood River.

Goal 11 - Public Facilities and Services. Goal 11 policies and implementation strategies emphasize the coordination of urban development with provision of public facilities including water, sewer, and transportation. In this case, all of the key public facilities and services are available to serve the proposed annexed area (sewer, water, fire, police, and irrigation). Therefore, the effect of this proposal on the City's continued Goal 11 compliance is neutral.

Goal 12 – Transportation. Goal 12 policies and strategies emphasize a creating and maintaining a safe, accessible, and efficient transportation system. Transportation goals, policies, and implementation strategies of the Comprehensive Plan are to be articulated and detailed in the City's Transportation System Plan (TSP). The TSP lists Belmont Ave as an Urban Collector. (*From TSP: Collector streets provide both access and circulation within and between residential, commercial, industrial, and mixed land uses. Collectors differ from arterials in that they provide more of a citywide circulation function and penetrate residential neighborhoods, distributing trips from the local street system to minor and major arterials. They are intended to carry between 1,200 and 10,000 vehicles per day, including limited through traffic, at a minimum posted speed of 25 mph. The maximum interval for collector roadways should be approximately 1,500 feet. While access and mobility are more balanced than on arterials, new driveways serving single or multi-family homes should not be permitted where traffic volume forecasts exceed 5,000 vehicles per day.)*

Several neighbors at the January 12, 2017 meeting voiced concern about the traffic, especially the intersection of Belmont and 12/13th. A letter was also submitted (**Attachment "D"**) with concerns about Belmont traffic in general and the curves, lack of sidewalks and the ability to back out into traffic.

Belmont currently operates at an acceptable Level of Service ("LOS") because it does not carry 10,000 vehicle trips per day. Belmont Street currently consists of 60 foot of ROW improved with two 12-foot wide travel lanes and two 3-foot wide bicycle lanes for a total pavement width of 30 feet. Once developed, the 60-foot ROW will consist of two 11-foot wide travel lanes, a 6-foot bike lane, 6-inch curbs on both sides of the road, as well as 6 foot planter strips, and 6-foot sidewalks. See Figure 6E in City of Hood River TSP (**Attachment "E"**). The land use approval for Consolidated Land and Cattle (annexation application 16-48) already includes a requirement to improve Belmont to the City standard along their frontage. Michael Kitts Homes will be requesting a Planned Unit Development on land north of the subject property and will have to provide City street improvements along Belmont, also. This will assist in bringing sidewalk to Belmont, but not for the property already developed in the County without sidewalk. The only option to get sidewalk between the subject property and Westside School is through City funds, grants or a local improvement district (LID). However, the City cannot require the developer to complete sidewalks all the way to the school by building 20 homes. There are subdivisions like Bowe Addition, Hazelview, and Adams Loop that were developed in the 1980's and 1990's that did not have to improve Belmont. The lots were built as reverse lots to avoid required improvements. So, cities are constantly playing catch up with improvements. The City's TSP actually has a path to Westside School as shown in ("**Attachment "F"**). There is adequate width now on Belmont for a bike lane.

The intersection of Belmont and 12/13th is also in the City's TSP, but has not reached as high a level of importance as Cascade/Rand, Cascade/20th or 2nd/Oak. It is in the TSP at Motor Vehicle project MV21.

Goal 13 – Energy. LUBA and the Courts have never given any regulatory affect to this Goal. The proposed annexation is neutral from an energy consumption standpoint,

Goal 14 - Urbanization. The land is considered "urbanizable because it is in a UGB. Goal 14 discusses urbanizable land as follows:

Urbanizable Land. Land within urban growth boundaries shall be considered available for urban

development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

This policy is fully implemented by the HRCP and HRZO. Other applicable Goal 14 policies include:

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

These policies are fully implemented by the HRCP and HRZO, as reflected in the fact that the City zoning for this property is Urban Standard Density Residential (R-2), and that urban services are required for the land can develop.

C. ZONING ORDINANCE -CHAPTER 17.15 – ANNEXATION POLICY:

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

Commission Finding: These introductory statements are not, in and of themselves, approval standards. Rather they mirror and duplicate the approval standards found at HRZO 17.15.050. See West Side Rural Fire Protection Dist, v. City of Hood River, 43 Or LUBA 546, 555 (2003).

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.

Commission Finding: The annexation is being proposed by one landowner who owns undeveloped property.

The application includes 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. **See Attachment "A".**

The application also includes an aerial photograph showing City and County Zoning in the proposed territory, as shown on a vicinity map, and contiguous lands are also indicated. **See Attachment "A".**

2. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.

Commission Finding: See below.

3. Completed certifications of property ownership, registered voter status, map, and legal description.

Commission Finding: Voter status is not relevant to a triple majority annexation method.

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

Commission Finding: The application fee was paid.

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.

Commission Finding: The proposed annexation is quasi-judicial in nature, and therefore the procedures set forth in HRZO 17.09.060(A) apply.

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;

Commission Finding: See findings in response to HRZO 17.15.060, below.

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

Commission Finding: See findings in response to HRZO 17.15.060, below.

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

Commission Finding: See findings in response to HRZO 17.15.060, below.

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;

Commission Finding: See findings in response to HRZO 17.15,060, below,

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

Commission Finding: See findings in response to HRZO 17.15.060, below.

6. The proposed annexation does not negatively impact nearby properties, whether located within the

city limits or the urban growth area; and

Commission Finding: With regard to the properties that are already fully developed, there has been no history of conflict. The vacant property owned by Marchesi will develop with up to18 homes. They are developing on an Urban Collector which has not reached capacity, have sewer, water and police and fire services available to them that will not conflict with the service provided to the rest of the City.

7. The annexation conforms to the Comprehensive Plan.

Commission Finding: This criterion is addressed below.

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 within the Urban Growth Area;

The annexation request shows contiguity with the City limits.

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

Commission Finding: The current City of Hood River municipal boundary is rather circuitous and erratic. Nonetheless, the City's long-term goal is to annex all of the land inside the UGA, which sets forth an orderly boundary between urban and rural land uses. LUBA has previously held that HRZC 17.15.050.B does not require that the city's ultimate goal regarding annexation of the UGA properties be achieved in one annexation. Westside Rural Fire Protection Dist. v. City of Hood River, 46 Or LUBA 451, 458-9 (2003). The fact that annexations are typically initiated by the landowners virtually ensures a somewhat erratic and circuitous interim bounty.

In this case, the territory to be annexed is ready to be developed at urban residential densities. In light of the fact that the applicant cannot develop without sanitary sewer, it makes sense from a policy standpoint for the City to require annexation prior to providing the required urban services, even when those services are adjacent and contiguous to the subject property. The city should interpret HRZO 17.50.050(2) as allowing for the annexation of any contiguous property in the UGA which can be served with water and sewer so long as the annexation can be accomplished without a cherry stem. Because the proposed boundary is not a cherry stem, and does not include land that is not located inside the UGA, it does represent a logical extension of the existing city boundary, and this criterion is met.

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

Commission Finding: Belmont Drive is designated as an urban collector street in the TSP, and is currently operating at an acceptable level of service. The proposed annexation will result in development that will make improvements to Belmont Street, in order to ensure that this street remained adequate to serve the transportation needs of the territory to the annexed as well as surrounding lands. The majority of the territory to be annexed is currently served with urban levels of water and sewer service. Urban services such as water and sewer are available in Belmont Drive, adjacent to property owned by the applicant. **(Map of Existing Water & Sewer Service) in Attachment "A".**

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

Commission Finding: Evaluation of the availability of police, fire, parks and school facilities occurred when the subject property was brought into the Urban Growth Boundary and again when the territory was Zoned UR2. Police and fire services were found to be adequate through the additional funds that would be provided after the property is annexed and developed (including permit fees, system development charges and property taxes). Parks and schools were found to be adequate through the inclusion of lands devoted to park and school uses within the UGA.

Annexation of the Subject property will help facilitate provision of adequate police, fire, parks and school facilities to serve the subject area. The City does not anticipate any service deficiencies. See also Cutsforth v. City of Albany, 49 Or LUBA559 (2005) (Findings that an annexation area is adjacent to a long-developed urban neighborhood with full public services that can be readily extended to the annexed territory area are sufficient to demonstrate compliance with a code criterion requiring that "an adequate level of urban services and below structure is available or will be made available in a timely manner.").

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 Public Works Department determined that sanitary sewer and water facilities are adequate to serve the site without negatively impacting the City's ability to adequately serve all areas within the existing City Limits,

Water. In an agreement with Ice Fountain, water will continue to be provided by Ice Fountain Water District who has sufficient capacity and well as the City of Hood River water system has sufficient capacity if they were to eventually serve the annexed areas.

Storm Drainage: Undeveloped areas within the territory to be annexed will be served by storm drainage facilities built by the applicant and maintained by a home owners association (HOA). There are private storm systems in both Bowe Addition and Hazelview which will not be included in the City's storm system.

Sewer: Sewer service will be provided by the City of Hood River. The City Wastewater Treatment Plant is designed to accommodate the Urban Growth Area. The City's SDC Reimbursement Fee Methodology states that the current sewer system has a treatment capacity of 3.75 Million gallons per day (MGD). According to the Capital Facilities Plan, approximately 1.55 mgd is flowing to the wastewater treatment plant. Therefore, more than enough remaining capacity exists to accommodate the grown contemplated by this annexation.

Police: Police service will be provided by the City of Hood River. Annexation and future development will result in a modest amount of increased demand for service by the City's Police Department. However, the Police Department already provides service inside the City Limits immediately west of the subject property. In addition, the City's Police Department has an informal mutual aid agreement with the Hood River County Sheriff's Office to ensure adequate service in the Urban Growth Area.

Fire: Fire Protection services will be provided by the City of Hood River. Annexation and future development will result in a modest amount of increased demand for service by the City's Fire Department. The City's Fire Departments has a mutual aid agreement with the West Side Rural Fire Protection District to ensure adequate service in the Urban Growth Area.

Schools: The Hood River County School District serves the territory to be annexed.

Parks: Hood River Parks and Recreation District provides park services to the territory to be annexed.

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;

Commission Finding: The city council has previously interpreted HRZC 17.15.050(5) in a manner that only requires that an annexation not be detrimental to existing city services or cause the city to operate at a deficit in order to provide services to the annexed territory, Westside Rural Fire Protection Dist. v. City of Hood River, 46 Or LUBA 451, 458-9 (2003). According to the city, there is evidence in the record to support a finding that the annexation of this territory would not add a substantial burden to city services, or shift city services from existing recipients to the annexation territory.

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;

Commission Finding: The annexed territory will be used for urban density residential land. Residential land uses generally do not have any negative impact on neighboring properties in terms of odors, fumes, vibrations, noise, etc. There will be some increase in traffic resulting from the development of new homes, but such increased use will not exceed the carrying capacity of transportation facilities.

Several neighbors at the January 12, 2017 meeting voiced concern about the traffic, especially the intersection of Belmont and 12/13th. A letter was also submitted (**Attachment "D"**) with concerns about Belmont traffic in general and the curves, lack of sidewalks and the ability to back out into traffic.

Belmont currently operates at an acceptable Level of Service ("LOS") because it does not carry 10,000 vehicle trips per day. Belmont Street currently consists of 60 foot of ROW improved with two 12-foot wide travel lanes and two 3-foot wide bicycle lanes for a total pavement width of 30 feet. Once developed, the 60-foot ROW will consist of two 11-foot wide travel lanes, a 6-foot bike lane, 6-inch curbs on both sides of the road, as well as 6 foot planter strips, and 6-foot sidewalks. See Figure 6E in City of Hood River TSP (**Attachment "E"**). The land use approval for Consolidated Land and Cattle includes a requirement to improve Belmont to the City standard along their frontage. The second annexation application, Michael Kitts Homes will be requesting a Planned Unit Development on land north of the subject property and will have to provide City street improvements along Belmont, also. This will assist in bringing sidewalk to Belmont, but not for the property already developed in the County without sidewalk. The only option to get sidewalk between the subject property and Westside School is through City funds, grants or a local improvement district (LID). However, the City cannot require the developer to complete sidewalks all the way to the school by building 20 homes. There are subdivisions like Bowe Addition, Hazelview, and Adams Loop that were developed in the 1980's and 1990's that did not have to improve Belmont. The lots with their backyards against Belmont were built that way to avoid required improvements. So, cities are constantly playing catch up with improvements. The City's TSP actually has a path to Westside School as shown in ("**Attachment "F"**). There is adequate width now on Belmont for a bike lane.

The intersection of Belmont and 12/13th is also in the City's TSP, but has not reached as high a level of importance as Cascade/Rand, Cascade/20th or 2nd/Oak. It is in the TSP at Motor Vehicle project MV21 (out of 24).

It has also been pointed out by the properties subject to this annexation application that their neighboring

properties are not also being annexed. This happened because the applicant applied under the Triple Majority and applied for just the properties required to meet that threshold. The City is well aware that the boundaries created by both of the annexations and is prepared to complete the annexation process when these are complete and when staff time allows.

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;

Commission Finding: This section 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

Commission Finding: The annexed territory will be used for urban density residential land. Residential land uses generally do not have any negative impact on neighboring properties in terms of odors, fumes, vibrations, noise, etc. There will be some increase in traffic resulting from the development of new homes, but such increased use will not exceed the carrying capacity of transportation facilities. This land has been in the Urban Growth Area since 1983 and the only difference between Bowe Addition and Hazelview and the land owned by Marchesi is that they were allowed to development to urban density prior to annexation. Both the developed land and the undeveloped land have been designated as Urban Medium Density Residential for over 30 years. It has always been contemplated that development would occur. This property will be required to provide frontage improvements to Belmont to become one more segment with sidewalk and curb and gutter. This is how development occurs, one segment at a time.

9. The annexation conforms to the Comprehensive Plan.

Commission Finding: This criterion is addressed below.

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.

Commission Finding: Staff will address this criterion. See 1982 Annexation Policy No. 4.

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.

Commission Finding: Staff will address this criterion. See 1982 Annexation Policy No. 4.

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

Commission Finding: Staff will address this criterion. See 1982 Annexation Policy No. 4.

D. CITY OF HOOD RIVER COMPREHENSIVE PLAN

The following comprehensive plan policies have been identified as being applicable to this annexation request and are therefore addressed below:

GOAL 10 HOUSING.

Policy 2. ***The City will ensure the Orderly development of public utilities and services to serve buildable lands within the City and Urban Growth Boundary to meet the residential development needs of the community.***

Commission Finding: The territory to be annexed is currently partially served with public utilities and Services, and it is feasible to serve the vacant land in territory, as discussed elsewhere in this application.

Policy 3. Development in the Urban Growth Area will occur in accordance with the land use designations established in the Plan Map and as further defined in the Urban Growth Management Agreement with Hood River County.

Commission Finding: The land within the territory to be annexed already has an R-2 designation. No further rezoning is required.

Policy 13. A residential lot within the City shall be capable of being served by the City sewer system before a building permit is issued. A residential lot within the UGA shall be capable of being served by either the City sanitary sewer system or an approved sanitary sewer system before a building permit is issued. If the builder elects to build within the UGA prior to the availability of the City sanitary sewer system, the lot area will be determined by the County Sanitarian for a septic tank system.

Commission Finding: The vacant land in the territory will be served by City Sewer. Ice Fountain will provide water service until such mutually-agreed upon time as the City takes over these facilities.

Policy 14. The City will annex parcels that are contiguous to city limits or separated from the City by a public right of Way or body of water to provide water, wastewater or storm water service.

Commission Finding: This plan policy is implemented by HRZO 7.15.050(1) and HRZO 17.15.060(1) and is therefore not directly applicable to this application. Where the text of the comprehensive plan supports a conclusion that a city's land use regulations fully implement the comprehensive plan and displace the comprehensive plan entirely as a potential source of approval criteria, demonstrating that a permit application complies with the city's land use regulations is sufficient to establish consistency/compliance with the comprehensive plan. Save Our Skyline v. City of Bend, 48 Or LUBA 192, 211-12 (2004); Murphy v. City of Ashland 19 Or LUBA 182, 199 (1990); Miller v. City of Ashland, 17 Or LUBA 147, 169 (1988).

Goal 14 - URBANIZATION.

Implementation Strategy 3 ***- City sewer and water services will be provided to property only after the area has been annexed to the City, or "consent to annex" has been put forth.***

Commission Finding: All of the property owners subject to this annexation request have already signed valid or their properties were previously encumbered by recorded, consents to annexation.

4. Only areas contiguous to the City will be considered for annexation. Annexations will be done in accordance with the Annexation Policy adopted by City Council in May, 1982.

Commission Finding: The properties in the annexation represent contiguity between the city limits and the applicant's vacant land. The key portions of the 1982 Annexation Policy (**Attachment "G"**) are reproduced below along with findings.

3. Size of Annexation. ***The City prefers to consider large area annexations of the convenience of the property owner are usually not in the best interest of the City as they can result in administrative and financial encumbrances for the City. Small area annexations will, however, be considered where special circumstances Warrant. Such circumstances would include:***

A. Where such annexation would assist in carrying outgrowth and development in the Comprehensive Plan.

B. Where it is in the best interest of the public, according to the criteria set forth in section 5 below.

Commission Finding: This policy is intended to encourage groups of property owners to work together to submit annexation applications which propose to bring in larger assemblages of properties, as opposed to each property owner filing a separate annexation application. There is a degree of administrative inefficiency in processing smaller, single parcel annexation requests, and this policy seeks to discourage such practices.

In this case, the application proposes a "large area annexation," which is a primarily "developmental' in character. The 1982 policy defines a "developmental annexation as one "that would include land that is described as primarily developmental and promotional in character, which is largely undeveloped and unimproved and which annexation is requested in order to further a project of promotion and development.

5. Annexations Shall Be in the Best Interests of the Entire City.

Commission Finding: Each annexation must be advantageous to the City as a Whole and should not have an adverse impact on the citizens of Hood River, either financially or in relation to the livability of the City or particular neighborhoods. Currently, the residents of the City are subsidizing residents who are not currently located within the City boundary but who are receiving urban services from the City such as sanitary sewer and police services. These properties were allowed to develop conditioned on their agreement to annex if and when a proposal to annex is made. Current city leadership seeks to reverse this trend and bring these lands into the City so that tax revenues can be collected on these properties. This annexation request furthers the City's current policy – **Resolution #2016-25 Attachment "H".**

it shall be City's policy to encourage annexation where:

Commission Finding: Note that the use of the word "OR, as used in the policy, is intended to signal that an annexation request should be encouraged if it meets any one of the following **seven policy objectives (originally the policy objectives were lettered, but were renumbered to follow the 7 issues more easily).**

> ***1. The annexation must be advantageous to the City as a whole and provide a clearer identification for the City UGB, OR***
>
> Commission Finding: This annexation is advantageous to the City as a whole because it will bring in more tax revenue to the City. It also creates a path for the development of additional needed housing. Because of the current shortage of buildable land within the City limits, prices of homes have been increasing at unsustainable rates over the past few years. This, in turn, causes rental prices to increase, and creates pressure on landlords to sell rental stock. The combined result of this economic factors results in more families being priced out of the housing market. Providing more housing stock restores a balance of supply and demand, keeping inflationary

pressures at bay.

The City's long term goal is to urbanize the entire area inside the UGB. This annexation provides an incremental step towards meeting that goal.

2. It would be clearly up to the City's advantage to control the growth and development plans for the area; i.e., to be able to address the issues of traffic, density, land use and the level of timing of necessary facilities and services, OR

Commission Finding: Using annexation as a tool to achieve control over objectives such as traffic, land use, and density, is largely obsolete. Oregon's land use has advances greatly since 1982. For example, the Transportation Planning Rule ("TPR') was enacted in 1991 to implement both Goal 12 (Transportation) and, to the extent it addresses transportation, Goal 11 (Public Facilities and Services). As initially adopted, the TPR required jurisdictions larger than 2,500 to prepare a transportation systems plan (TSP), and for the metropolitan planning areas to adopt regional transportation plans (RTPs). The TPR also set performance goals, and required multi-modal systems and a financing strategy to implement the TSP. As another example, the Goal 10 administrative rule, OAR 660, Div. 8, implemented Goal 10 and provides a framework for controlling density and providing for needed housing. Likewise LCDC enacted rules for public facilities planning in 1984 which implement Goal 11. For all of these reasons, the issues raised by this 1982 are largely governed by other applicable laws. In any event, it is clearly in the City's best interest to allow this area to annex and development consistent with the City's comprehensive plan and Zoning code.

3. The annexation would provide land for development to meet urban needs, OR

Commission Finding: The primary justification for this annexation proposal is to provide needed housing, pursuant to Statewide Planning Goal 10 and as implement by the Hood River Comprehensive Plan and Zoning Code.

4. The annexation would provide a solution for existing problems resulting from insufficient sanitation, water services, or other service related problems, OR

Commission Finding: The City is requiring the annexation to connect to sewer; there are no insufficient problems, just a requirement to develop to an urban standard in city limits.

5. The annexation would provide needed routes for utility and transportation networks, OR

Commission Finding: Not applicable.

6. The annexation will favorably increase the City's tax base because of existing development, OR

Commission Finding: As mentioned above, the developed portion of the territory to be annexed currently receives City services without paying the same tax rates charged to residents of the City. This annexation request remedies that inequity.

7. An impact analysis, as specified in Section 8 below, indicates that an annexation would be in

the best interest of the City.

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

The 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 $13.1 thousand in annual general fund revenue for the approximately $4.7 million of assessed value proposed for annexation. If this annexation is approved, property taxes due to the City based on its tax rate are anticipated beginning on November 15, 2018.

Pursuant to the City's Intergovernmental Agreement (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 when property is withdrawn from WSFD. Costs associate with withdrawal from the WSFD are estimated to be a total of approximately $5.9 thousand in the first year, increasing by 5.8% annually thereafter pursuant to the IGA, for an estimated $33 thousand total over five years. Over the same five-year period, the City is anticipated to receive $70 thousand in increased revenues from the subject properties. The net result is an additional $36.9 thousand dollars over a five-year period without incorporating the value of proposed new residential developments. If within the next two years, the applicants annexed property develops into eighteen (18) homes at an average real market value of $250 thousand, the net revenue impact after compensating WSFD to the City's Property Tax revenue is estimated to be $62.1 thousand.

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

6. Unfavorable Annexations.

It shall be the City's policy to discourage annexation where:

A. The annexation would cause an unreasonable disruption of the current city boundary, such as permanent protuberances, peninsulas, islands, or other unusual extensions; or

Commission Finding: All of the land surrounding the territory to be annexed is located in the current UGB. The long term goal of the City is to urbanize all land inside the UGB. This annexation provides an incremental step towards achieving that long term goal, For this reason, the boundary shape created by this annexation is merely temporary, and will not create any permanent protuberances, peninsulas, islands, or other unusual extensions. The City plans to annex the remaining portions of Bowe Addition and Hazelview soon to even out the line.

B. The annexed area, when fully developed, would severely decrease the ability of the City to provide urban services to the area or the rest of the City.

Commission Finding: All services can be provided without decreasing the City ability to provide services to the rest of the City. The applicant provided letters which indicate that there will be no decrease in the ability of the City of provide urban services to the territory or the rest of the City.

C. An economic analysis of the proposed annexation indicates a deficit operation for city

services to the area.

Commission Finding See #7 above.

D. The annexation would be solely for the benefit of one or a few property owners,

Commission Finding: As mentioned above, the entire City of Hood River benefits by a policy that seeks to have urban density residential growth occur inside the City's boundary, as opposed to continuing to allow urban growth to occur in the County pursuant to consents to annexation. The City simply loses too much tax revenue by allowing development to occur outside the City limits.

7. Conformance with the Comprehensive Plan.

The Comprehensive Plan provides a plan for the future growth of the City of Hood River, Annexations are a major means of implementing the Comprehensive Plan Therefore, each annexation must be in agreement with the plan. Annexation will occur within the Urban Growth Area.

Commission Finding: The territory to be annexed is located in the Urban Growth Area. Compliance with the applicable portions of the comprehensive plan has been established via this application narrative.

8. Impact Analysis.

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

The 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 $13.1 thousand in annual general fund revenue for the approximately $4.7 million of assessed value proposed for annexation. If this annexation is approved, property taxes due to the City based on its tax rate are anticipated beginning on November 15, 2018.

Pursuant to the City's Intergovernmental Agreement (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 when property is withdrawn from WSFD. Costs associate with withdrawal from the WSFD are estimated to be a total of approximately $5.9 thousand in the first year, increasing by 5.8% annually thereafter pursuant to the IGA, for an estimated $33 thousand total over five years. Over the same five-year period, the City is anticipated to receive $70 thousand in increased revenues from the subject properties. The net result is an additional $36.9 thousand dollars over a five-year period without incorporating the value of proposed new residential developments. If within the next two years, the applicants annexed property develops into eighteen (18) homes at an average real market value of $250 thousand, the net revenue impact after compensating WSFD to the City's Property Tax revenue is estimated to be $62.1 thousand.

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

9. Zoning of Annexed Land.

Upon annexation to the City of Hood River, land shall automatically be designated the City zone which most closely resembles the County zone applicable to the land at the time of annexation.

Commission Finding: The City has already zoned this property R-2, conditioned upon annexation.

V. DECISION: Commissioner Rohan moved and Commissioner Smith seconded a motion to forward a recommendation of approval of the annexation to the City Council with the following condition of approval: The Michael Kitts Homes, Inc. (Planning File #16-50) application for annexation was received by the City after the Consolidated Land and Cattle, LLC (Planning File #16-48). There are eleven (11) overlapping properties between the two annexation applications, therefore, the first application, Consolidated Land and Cattle, LLC kept the 11 overlapping properties in their annexation approval, and the Michael Kitts Homes, Inc. application was approved based on approval first of Consolidated Land and Cattle, LLC application. This allows the Michael Kitts Homes, Inc. application to be contiguous with the Hood River city limits. This approval is based on the above Findings of Fact and subject to the Conditions of Approval of this Final Order. The motion passed with a 5-0 vote.

APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 21st day of February, 2017.

CWalbridge

Nate DeVol, Chair

ATTEST:

Cindy Walbridge

Cindy Walbridge, Planning Director

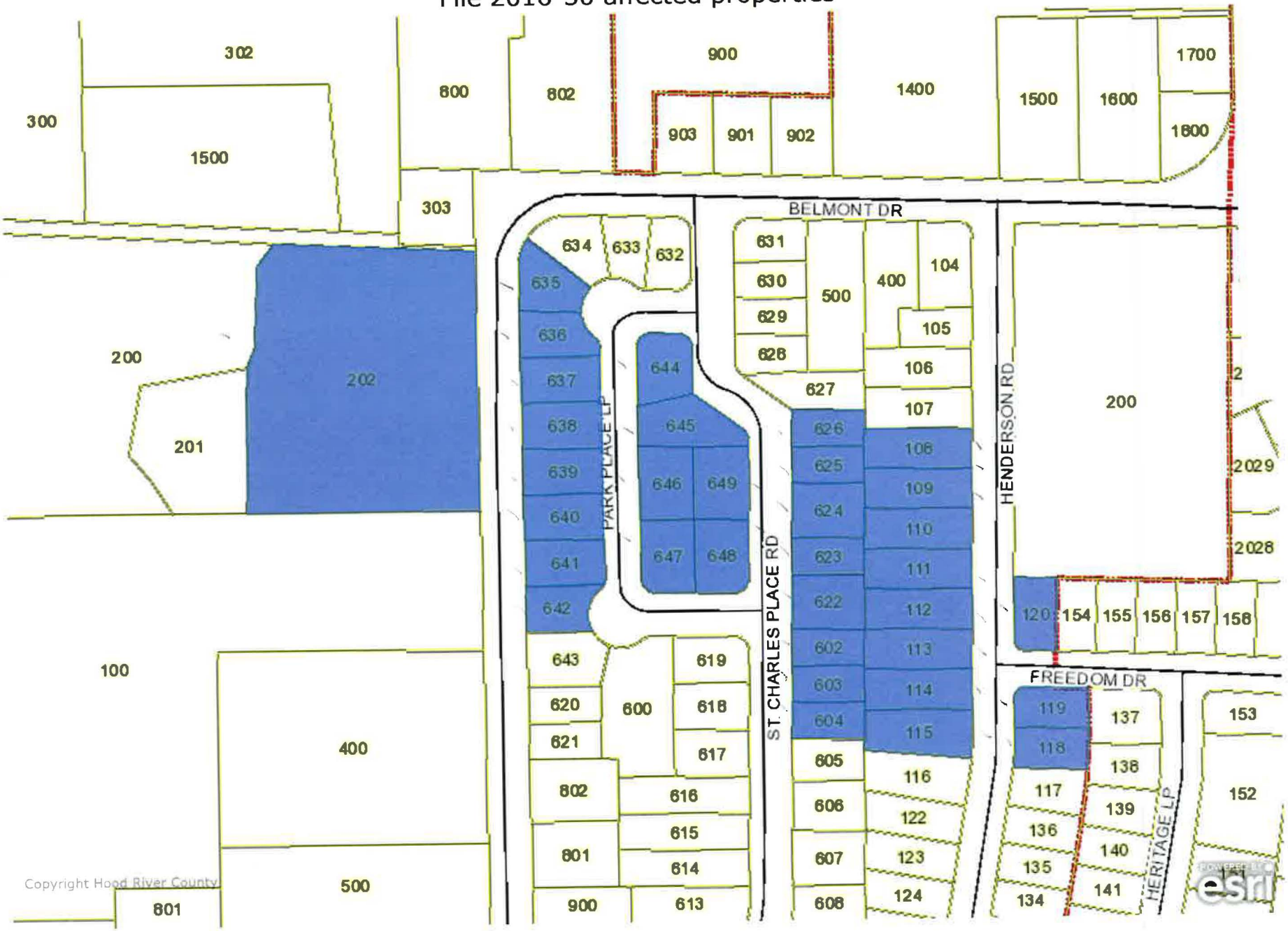
OBJECTID	taxlot	map taxlot	site address	owner	owner address	owner city	owner stat	owner zip
9412	108	03N10E35CA00108	730 HENDERSON, HOOD R	HURLBERT, RL & CF TRUSTEES	6395 TROUT CREEK RIDGE RD	MT HOOD PARKDALE	OR	97041
9413	109	03N10E35CA00109	740 HENDERSON, HOOD R	LAM, LINH MY TRUSTEE	1214 25TH AVE	SAN FRANCISCO	CA	94122
9414	110	03N10E35CA00110	750 HENDERSON, HOOD R	UFFORD, GLEN V & BETTY A ET AL	PO BOX 216	HOOD RIVER	OR	97031
9415	111	03N10E35CA00111	760 HENDERSON, HOOD R	LAMER, JOHN W & LESLIE A	760 HENDERSON	HOOD RIVER	OR	97031
9416	112	03N10E35CA00112	770 HENDERSON, HOOD R	DONNERMEYER, CHRISTOPHER ET AL	770 HENDERSON RD	HOOD RIVER	OR	97031
9417	113	03N10E35CA00113	780 HENDERSON, HOOD R	GREENE, REN & CHAPMAN, CAROL	780 HENDERSON RD	HOOD RIVER	OR	97031
9418	114	03N10E35CA00114	790 HENDERSON, HOOD R	WOHLFORD, STEVEN J	790 HENDERSON RD	HOOD RIVER	OR	97031
9419	115	03N10E35CA00115	800 HENDERSON, HOOD R	MIKKELSON, KARL W & CAROLYN	1767 12TH ST #111	HOOD RIVER	OR	97031
9422	118	03N10E35CA00118	801 HENDERSON, HOOD R	BARRESSE, SARAH ET AL	801 HENDERSON RD	HOOD RIVER	OR	97031
9423	119	03N10E35CA00119	773 HENDERSON, HOOD R	LAM, LINH MY TRUSTEE	1214 25TH AVE	SAN FRANCISCO	CA	94122
9424	120	03N10E35CA00120	771 HENDERSON, HOOD R	SELLARS, JOHN M & SUZANNE C TR'S	771 HENDERSON	HOOD RIVER	OR	97031
9477	602	03N10E35CA00602	783 ST CHARLES PLACE RD	COLIE, RICHARD R	783 ST. CHARLES PLACE	HOOD RIVER	OR	97031
9478	603	03N10E35CA00603	785 ST CHARLES PLACE RD	FRANZ, GARY J & BONNIE S	785 ST. CHARLES PL	HOOD RIVER	OR	97031
9479	604	03N10E35CA00604	787 ST CHARLES PLACE RD	DILLON, DENNIS D & CYNTHIA G TR'S	2045 COWPER ST	PALO ALTO	CA	94301
9497	622	03N10E35CA00622	781 ST CHARLES PLACE RD	POLSON, GRANT G	781 ST. CHARLES PL	HOOD RIVER	OR	97031
9498	623	03N10E35CA00623	779 ST CHARLES PLACE RD	UCZEN, EUGENE J JR & JOYCE L TRUS	779 ST. CHARLES PL	HOOD RIVER	OR	97031
9499	624	03N10E35CA00624	777 ST CHARLES PLACE RD	SHARKEY, RYAN W & SARAH E	201 SELKIRK LN	HOOD RIVER	OR	97031
9500	625	03N10E35CA00625	775 ST CHARLES PLACE RD	LEE, RICHARD D & APRIL M	PO BOX 1519	HOOD RIVER	OR	97031
9501	626	03N10E35CA00626	773 ST CHARLES PLACE RD	BRACKMAN, BONITA JO	PO BOX 1563	HOOD RIVER	OR	97031
9510	635	03N10E35CA00635	768 PARK PLACE LP, HOOD	PILLETTE, BRIAN L & LORI J U-2	768 PARK PLACE LOOP	HOOD RIVER	OR	97031
9511	636	03N10E35CA00636	766 PARK PLACE LP, HOOD	BUDWORTH, WILLIAM D & VELMA R	766 PARK PLACE LOOP	HOOD RIVER	OR	97031
9512	637	03N10E35CA00637	764 PARK PLACE LP, HOOD	ELLINGSON, BARBARA J	764 PARK PLACE LP	HOOD RIVER	OR	97031
9513	638	03N10E35CA00638	762 PARK PLACE LP, HOOD	KOTILA LINDA J	762 PARK PLACE LP	HOOD RIVER	OR	97031
9514	639	03N10E35CA00639	760 PARK PLACE LP, HOOD	HANEL, JUDIE A	PO BOX 215	HOOD RIVER	OR	97031
15	640	03N10E35CA00640	758 PARK PLACE LP, HOOD	WADE, ANDREW F & SUSAN H	758 PARK PLACE LP	HOOD RIVER	OR	97031
16	641	03N10E35CA00641	756 PARK PLACE LP, HOOD	MCFARLEN, ROGER G & KIRKLAND, S	756 PARK PLACE LP	HOOD RIVER	OR	97031
17	642	03N10E35CA00642	754 PARK PLACE LP, HOOD	KIYOKAWA, HOWARD M	PO BOX 1360	HOOD RIVER	OR	97031
19	644	03N10E35CA00644	3653 PARK PLACE LP, HOO	ELLE, DAWN GLORIA, TRUSTEE	3653 PARK PLACE LP	HOOD RIVER	OR	97031
20	645	03N10E35CA00645	774 ST CHARLES PLACE RD	MARTIN, CARL H & WANDA G	774 ST CHARLES PLACE	HOOD RIVER	OR	97031
21	646	03N10E35CA00646	761 PARK PLACE, HOOD RI	BROWN, PRESTON & TUREK, SUNNIE	761 PARK PLACE LP	HOOD RIVER	OR	97031
22	647	03N10E35CA00647	759 PARK PLACE LP, HOOD	MILLER JACK M & RENEE	717 10TH ST	HOOD RIVER	OR	97031
23	648	03N10E35CA00648	778 ST CHARLES PLACE RD	OHGREN, CHRISTINE & CARL G	778 ST. CHARLES PLACE	HOOD RIVER	OR	97031
24	649	03N10E35CA00649	776 ST CHARLES PLACE RD	THOMPSON, RACHEL	776 ST CHARLES PL	HOOD RIVER	OR	97031
32	202	03N10E35CB00202	2900 BELMONT DR, HOOD	MARCHESI, FRANCO	PO BOX 210	HOOD RIVER	OR	97031

Attachment B

2016-50 Properties to Annex Owners

Attachment C

File 2016-50 affected properties



January 23, 2017

City of Hood River
City Planning Dept.
211 2nd Street
Hood River, OR 97031

ATTN: Cindy Walbridge

Dear Cindy;

RE: Application by Michael Kitts Homes and Consolidated Land & Cattle, LLC

I am providing comments for the project overview of the proposed annexation by the above applicants. These properties are currently located in the Urban Growth Boundary of Hood River. The proposed subdivisions would be located on 7.22 acres owned by Consolidated Land & Cattle and the 6.8 acre owned by Michael Kitts Homes.

The following address my concerns:

The City of Hood River has spent considerable time and energy putting together a *Housing Needs Analysis* in 2015 and completing the *Hood River Area Westside Concept Plan* in Dec. 2016. We all realize that the UGB is suited for the needed housing in Hood River. But, I would suggest that after all the energy put into these documents and the public meetings that were held with community members that the City's goal is to 'plan' well before going ahead with the proposals that have been submitted by the applicants for annexation. The have the input from the community and researched documents in place to do a job that is hailed by other communities.

The Hood River Westside Area Concept Plan states that "The goal is to develop an integrated land-use and transportation plan for the 450 acre project area located within the City of Hood River and Hood River County." This again is all about planning for future urbanization.

The proposal we have in front of us creates little islands of homes that would end up in the City and the remaining homes in the UGB. So how would this work? In the winter, the City would come to plow the roads just in front of the annexed homes and the County would plow the rest. Let us suppose there is a fire in a City home and the home next door in the County catches fire – call both Westside Fire Dept. and the City of Hood River? Silly, huh? What about water, would some of us have to take City of Hood River water and everyone else keeps Ice Fountain?

I don't see a lot of planning in the applicants proposals before us. Both developers have a goal to build homes and they have proposed the quickest way to achieve that goal. I hope that the City will not be held hostage to these proposals and will consider how to effectively plan the westside area for the future.

I think the City should deny this application and go back to the drawing board and present a long term plan for expansion of the city into the UGB. The City has two documents to draw from and come up with that long term plan.

I have other concerns about these applications.

Attachment D

In 2007 I presented testimony at the County Planning Commission when Barrel Springs made their first application for a 20 home subdivision. At the time I was concerned about the additional traffic that a 20 home subdivision would bring to the area. I was also concerned about the conservation of all the beautiful trees on the property.

The County denied the application at that time. However,Consolidated Land & Cattle LLC reapplied in 2015 and I testified one more time. I testified again about Landscape Conservation and this time the developer came with an arborist's report of the 25 trees (I counted 37 trees) and they found 12 trees in good condition and the rest fair or good. Of those 25 trees that they listed the arborist said to retain only 4 trees. Unconscionable. I suggested at both hearings that the developer consider keeping many of the trees and create an attractive subdivision around those trees instead of rows of housing that was being proposed. (pictures are attached of the trees that were taken down)

I would hope that if at some point these properties are annexed into the City of Hood River that they will insist that those trees be replaced and will have a discussion with the developer to think out of the box when placing his homes. I mentioned at the time that there are many examples of what developers have done with existing trees and creatively placing the homes on the land they developed in Hood River.

I also testified about the amount of traffic that is now generated on Belmont since 2007. Consolidated Land & Cattle presented a traffic assessment letter stating that the "surrounding roadway system can adequately accommodate the traffic from Barrel Springs."

I did my own non professional traffic study for two days from 8am – 10am on Feb. 23, 2016 and from 7-8am on March 1, 2016. I sat at the corner of Avalon and Belmont. This is where Avalon faces north at the curve on the way to Westside school. (I attached pictures.)

On Feb. 23rd, I counted 776 cars between 7-10am and on March 1st I counted 605 cars between 7-8am. The thing that was the most apparent to me was the curve on Belmont was almost impossible to get across into traffic. I was sitting where the cars wanting to get onto Belmont headed west couldn't make the turn. At one point there were 9 cars waiting to make the turn to the west or head straight north on Belmont. Three of the cars turned around and went through the Bowe Addition to get to Belmont. Also coming south on Belmont heading to the curve, cars couldn't make the turn onto Avalon because of ongoing traffic from the west.

The other thing noted on these two days were the number of children walking on the side of the road to Westside School.

If two new subdivisions are built with their daily traffic, it would be extremely dangerous for anyone walking on the side of the road along Belmont.

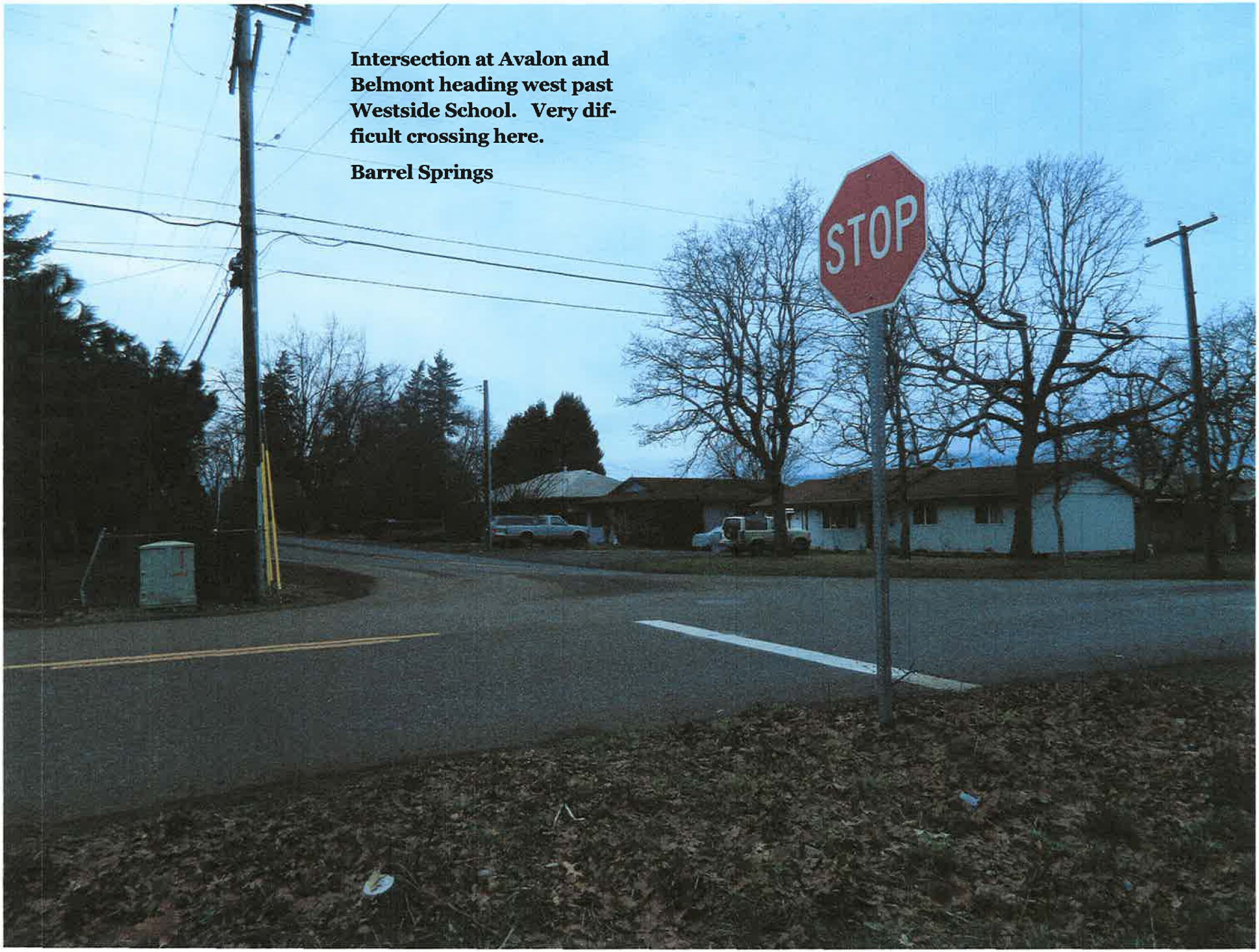
There are also three homes along Belmont across the street from the proposed Consolidated Land & Cattle subdivision and with all the traffic, they were not able to back out onto Belmont during morning rush hour.

In Goal 14: Urbanization
GOAL: To provide for an orderly and efficient transition from rural to urban land use.

In my opinion, this proposed annexation by the two applicants does not meet that goal.

I hope that the City in its wisdom decides that planning for the Westside expansion will be done in a thoughtful manner rather than creating islands of homes that only serves the purpose to get to city sewer.

Judie Hanel

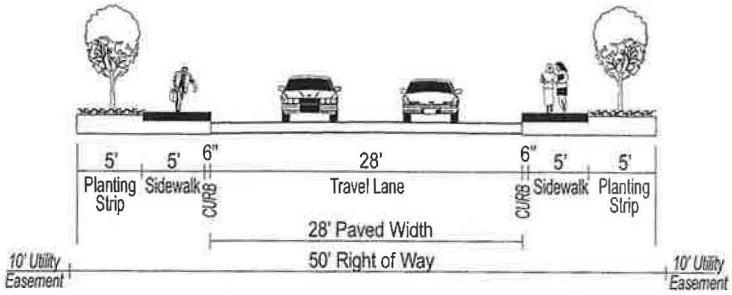


Intersection at Avalon and Belmont heading west past Westside School. Very difficult crossing here.

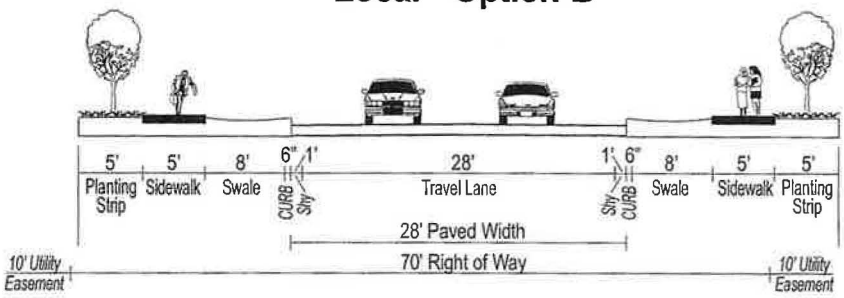
Barrel Springs

Stop sign at Avalon and Belmont looking north. Subject property to the left at fir trees.
Barrel Springs
N
STOP
BELMONT DR
Westside School is to the left of stop sign
Where I sat to count traffic

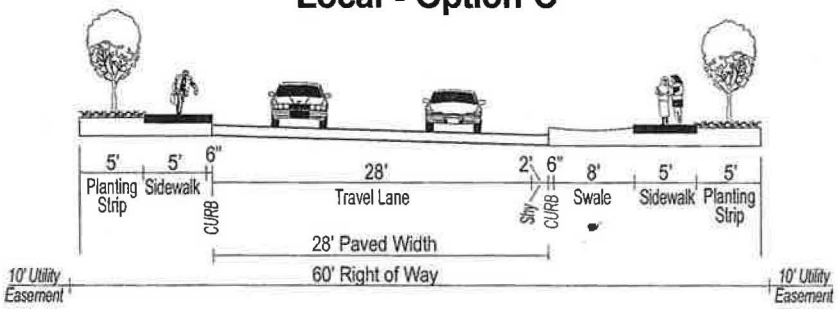
Local - Option A



Local - Option B



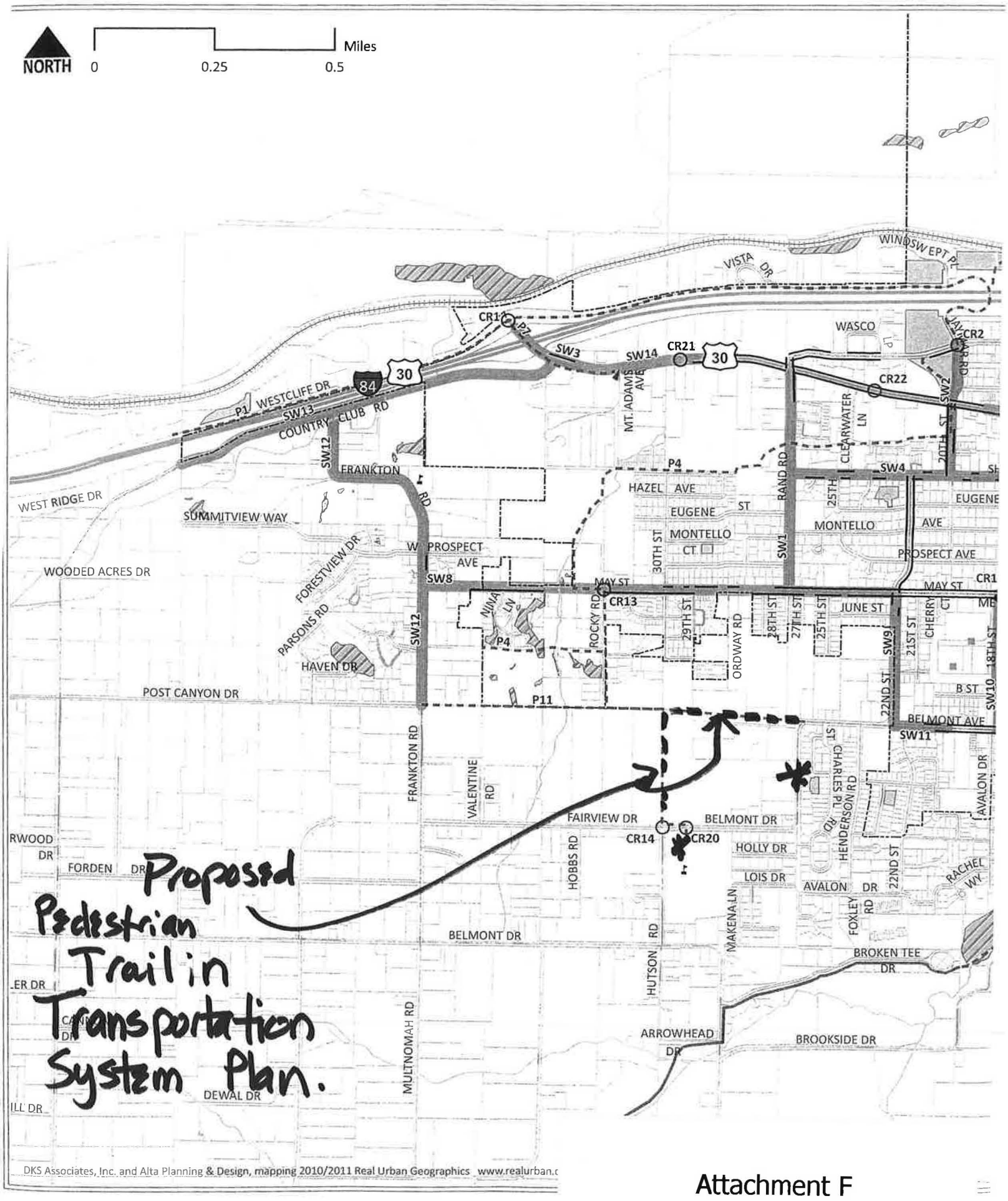
Local - Option C



General Notes:

1. Drawings represent the minimum required cross-section. Modifications may be permitted by the City Engineer.
2. A future refinement plan will produce an alternative cross-section for Westcliff Drive. However, development on Westcliff Drive will be subject to the local street standard. As part of the refinement plan, the sidewalk along the commercial property frontages may be replaced with a pedestrian walkway on public easements through private properties. Walkways through private properties must connect to abutting properties adjacent to Westcliff Drive, with the endpoints of the walkway corridor always connecting to the Westcliff Drive right of way.
3. Parking on one side of the street may be allowed with an approved queuing plan.

Attachment E



Attachment F

CITY OF HOOD RIVER

ANNEXATION POLICY

1. GENERAL POLICY - The City of Hood River supports the policy of orderly and efficient expansion of the City to encompass necessary urban growth within the Urban Growth Boundary. The purpose of annexation is to provide a means by which this policy can be met through the extension of the legal boundaries of the city to keep pace with actual urban growth. Annexation is not intended merely to serve the best interests in the area proposed for annexation, nor is it intended to serve solely the interests of the people living within the existing municipality, but shall serve the long term interest of the entire community, of which both groups are an important part. The City further recognizes that the quality of the basic municipal services are contingent upon sufficient revenues, and that the city can only pledge the extension of services to the proportion that its resources will permit.

2. Types of Annexation

   A. Developmental: An annexation that would include land that is described as "primarily developmental or promotional" in character, which is largely undeveloped and unimproved and which annexation is requested in order to further a project of promotion and development.

   B. Post-Developmental: An annexation that would include land that is described as not being primarily developmental or promotional and which is partially or wholly improved or developed physically and for which annexation is requested on the basis of normal, orderly and gradual development rather than a project of promotional character.

   C. Convenience: An annexation that is typically one owner, whose purpose in annexation is to gain some kind of direct benefit, such as lower hook-up charges and monthly rates for sewer and water services.

3. Size of Annexation

   The City prefers to consider large area annexations of the developmental or post-developmental type. Annexation of small, single lot properties for the convenience of the property owner are usually not in the best interest of the City as they can result in administrative and financial encumbrances for the city. Small area annexation will, however, be considered where special circumstances warrant. Such circumstances would include:

   A. Where such annexation would assist in carrying out growth and development as indicated in the Comprehensive Plan.

   B. Where it is in the best interest of the public, according to the criteria set forth in Section 5 below.

Attachment G

C. Where the annexation of the small area facilitates the desirable annexation of a larger area.

4. City's Participation in Annexation Proposals

Residents or property owners of an area desiring to annex to the City are required to initiate and assume the task of promoting any annexation proposal. The City administrative staff shall cooperate by meeting with the property owners of the area for the purpose of answering questions, furnishing documents, forms and provide an impact analysis and other information necessary to process the proposed annexation. In consultation with the proponents of an annexation, the City staff shall help establish reasonable boundaries for annexations.

In addition, the City will occasionally review the annexation agreements on file and determine if an annexation could be initiated which would be in the best interest of the City.

5. Annexations Shall Be in the Best Interests of the Entire City.

Each annexation must be advantageous to the city as a whole and should not have an adverse impact on the citizens of Hood River, either financially or in relation to the livability of the City or particular neighborhoods.

It shall be the City's policy to encourage annexation where:

A. The annexation would align the City boundaries and provide a clearer identification for the city; OR

B. It would clearly be to the City's advantage to control the growth and development plans for the area; i.e., to be able to address the issues of traffic, density, land use and the level and timing of necessary facilities and services; OR

C. The annexation would provide land for development to meet urban needs; OR

D. The annexation would provide a solution for existing problems resulting from insufficient sanitation, water service or other service-related problems; OR

E. The annexation would provide needed routes for utility and transportation networks; OR

F. The annexation will favorably increase the City's tax base because of existing development; OR

G. An impact analysis, as specified in Section 8 below, indicates that annexation would be in the best interest of the City.

6. Unfavorable Annexations

It shall be the City's policy to discourage annexation where:

A. The annexation would cause an unreasonable disruption of the current city boundary, such as permanent protuberances, peninsulas, islands or other unusual extensions; or

B. The annexed area, when fully developed, would severely decrease the ability of the City to provide urban services to the area or to the rest of the city.

C. An economic analysis of the proposed annexation indicates a deficit operation for city services to the area.

D. The annexation would be solely for the convenience of one or a few property owners.

7. Conformance with Comprehensive Plan

The Comprehensive Plan provides a plan for the future growth of the City of Hood River. Annexations are a major means of implementing the Comprehensive Plan. Therefore, each annexation must be in agreement with the plan. Annexation will occur only within the Urban Growth Area.

8. Impact Analysis

In order to assure that the Planning Commission and the City Council, prior to action upon a proposal for annexation, are fully informed as to the potential impacts of the annexation on both the City and the territory proposed to be annexed, the city planner shall provide both bodies with an impact analysis containing the following information:

A. An analysis of 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. This statement will include both short term and long term plans for all services.

B. A statement of the projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

C. A statement of the additional revenues, if any, available to the City as a result of the annexation.

D. A statement of the foreseeable impact of the proposed annexation upon property outside the city limits, and contiguous to the property included within the proposed annexation.

E. An estimate of any unusual or excessive cost, if any, as a result of the annexation.

9. Zoning of Annexed Land

Upon annexation to the City of Hood River, land shall automatically be designated the City zone which most closely resembles the County zone applicable to the land at the time of annexation.

City of Hood River, Oregon
Resolution No. 2016-25

A Resolution establishing a policy of contemporaneous annexation when extending sanitary sewer service outside the city limits and within the Urban Growth Area

The City Council for the City of Hood River adopts the following findings:

WHEREAS, the City of Hood River owns and operates a municipal waste water collection and treatment system primarily within the City's corporate limits; and

WHEREAS, sanitary sewer is a quintessentially urban service because it is the one urban service that is necessary for residential, commercial and industrial development at high urban densities, which cannot be achieved without sanitary sewer; and

WHEREAS, the cost of staffing, operating and maintaining a modern sanitary sewer collection and treatment system within permit limits is a substantial municipal expense and requires a commensurately healthy rate base and municipal tax base; and

WHEREAS, which means that the City should not extend sanitary sewer outside of the City limits except in extraordinary or unusual circumstances and that annexation should be the customary and normal prerequisite to the provision of sanitary sewer service for urban development; and

WHEREAS, Chapter 12.09 of the Hood River Municipal Code includes a presumption that, in exchange for the extension and provision of sanitary sewer, urban development will annex to the City; and

WHEREAS, HRMC Chapter 12.09 includes alternative arrangements whereby the City has the discretion to provide sanitary sewer to serve urban development outside the City limits if annexation is a requirement of further development or the owner executes a consent to annex at a future date; and

WHEREAS, in the past, the economics of running the City's sanitary sewer system have allowed less strict compliance with the contemporaneous annexation rule, which has led to the proliferation of urban density subdivisions, commercial and industrial development outside the City limits that are served by City sewer; and

WHEREAS, urban types and densities of development outside the City's boundary supported by City sewer impose the same burdens on City services and facilities as do urban development inside the City, but they do not pay equivalent taxes to the City to support those services; in effect, City taxpayers subsidize urban scale development situated outside the City limits and there is little incentive for these developed areas to annex; and

WHEREAS, HRMC 12.03.080 expressly retains to the City the discretion and authority to establish a preference in favor of City residents and land within the City limits in the provision of sanitary sewer service; and

Attachment H

WHEREAS, it is in the City's best interest and protective of the financial integrity of the City's sanitary sewer system to require contemporaneous annexation whenever the City is faced with a request to provide sanitary sewer to land outside the City limits; alternatives to contemporaneous annexation should be used rarely, and contemporaneous annexation in exchange for the provision of sanitary sewer should be the rule except in unusual and extremely compelling circumstances.

NOW, THEREFORE, BE IT RESOLVED by the Hood River City Council, based on the foregoing findings, that the following policies are adopted and shall govern the City's response to any request for an extra-territorial extension of sanitary sewer to serve development outside the City's corporate boundary:

1. Consistent with State-wide Planning Goals 11 and 14 and applicable statutes, the City shall not permit the extension of its sanitary sewer system outside of the Hood River Urban Growth Boundary unless there is a documented health hazard, development of the properties to be served is limited, and any properties thus served pay a differential sewer rate higher than property within the City limits.

2. The City shall not consider or allow the provision of sanitary sewer or the extension of the City's sanitary sewer system to serve any land that is not contiguous with the City limits or will not create a logical and reasonable municipal boundary. Where City sewer service is requested for non-contiguous land, the requestor shall bring about the annexation of all intervening property so that service to land so requested is contiguous to the City's boundary and creates a logical and reasonable municipal boundary.

3. Consistent with HRMC chapter 12.09 and HRMC 12.03.080, the City shall require contemporaneous annexation as a condition of extending its sanitary sewer system to serve development outside its corporate limits. While HRMC chapter 12.09 and HRMC 12.03.080 allow the City to extend its sanitary sewer system and defer annexation until later, delayed annexation should be the rare exception to the principal policy of contemporaneous annexation and will be allowed only in unusual and extremely compelling circumstances.

4. City staff shall work independently and with affected developers and property owners to annex areas outside the City's corporate boundary that are currently served with City sewer and developed at urban densities. Priority in annexation shall be given to land for which consents to annex have been executed and recorded or for which no additional consent is required to affect the annexation.

5. Through intergovernmental agreements, the City has agreed to compensate Ice Fountain Water District and West Side Fire District for the withdrawal of any territory that is annexed to the City's water and fire service territories. The City Council has adopted policies for the payment of these costs by the owners of property that is annexed to the City and withdrawn from Ice Fountain Water District and West Side Fire District. Those policies, set forth in Resolution Nos. 2005-12 and 2008-18, shall remain in effect and are not altered by this 2016 resolution.