

ORDINANCE NO. 2068

An ordinance proclaiming annexation of certain contiguous territory located within the City's Urban Growth Boundary and withdrawing the same territory from the Westside Rural Fire Protection District (K-2 Page, LLC / Carr Drive)

WHEREAS, K-2 Page, LLC (the "Applicant"), the owners of certain property (3N10E34AC Tax Lot 400) which is contiguous to the City limits and 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 five additional privately-owned lots as well as public right-of-way for Carr Drive at the City's direction, and 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 City directed the applicant to include the five additional privately-owned lots as well as public right-of-way for Carr Drive in order to form a logical boundary and bring the entirety of Carr Drive into the city limits; 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, including reliance on recorded consent-to-annexation agreements, to meet the requirements for annexation under this statute. The written consents associated with all parcels in the Annexation Territory were included in the applicant's Annexation application materials; 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 Westside Rural Fire Protection District was provided 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 June 6, 2022, requested all manner of public

testimony and written comment on the proposal, and voted to recommend approval of the Annexation request to the City Council, subject to conditions of approval, in a written recommendation attached hereto as Exhibit B; and

WHEREAS, the Applicant shall execute a contractually binding annexation agreement detailing the Applicant's commitment to comply with the conditions of approval listed on pages 66-69 of Exhibit B of this Ordinance, and this Ordinance shall not become final or effective until the Applicant executes such an annexation agreement and it is recorded; and

WHEREAS, the City Council held a duly-noticed public hearing on the annexation and withdrawal request on June 27, 2022, 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 and should be withdrawn only from the Westside Rural Fire Protection District; and

WHEREAS, the Council concluded that the Annexation Territory should remain within and be 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.

NOW, THEREFORE, 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 is public right-of-way for Carr Drive. 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 [REDACTED], 2022 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 the Hood River zoning designation Urban Low Density Residential (R-1) 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 – Severability. If any portion of this ordinance is found to be invalid or unenforceable for any reason, that finding shall not affect the validity or enforceability of any other provision of this ordinance.

Section 7 – Transmittal. Pursuant to ORS 222.177, the City Recorder shall:

1. File a certified true copy of this Ordinance with the Oregon Secretary of State and the Hood River County Assessor.
2. File with the Oregon Secretary of State a copy of all statements of landowner consent to this annexation.

Section 8 – Effective Date: This ordinance and the annexation it declares shall be effective upon filing with the Secretary of State’s Office in accordance with ORS 222.180.

Read for the First Time: June 27, 2022.

Read for the Second Time and approved: July 11, 2022.

Kate McBride, Mayor

ATTEST:

Jennifer Gray, City Recorder

Legal Description for Annexation

A tract of land in Section 34, Township 3 North, Range 10 East of the Willamette Meridian, Hood River County, Oregon;

A portion of the South ½ of the North ½ of the Southwest ¼ of the Northeast ¼ of said Section 34, laying 25 feet (25.00') East of the centerline of variable width Frankton Road, being more particularly described as follows:

Beginning at the initial point, which is monumented by a red plastic cap set on a 5/8" dia. Rebar, said point being the most North and East corner of Sunburst Valley Subdivision, filed as CS# 2016 041, Hood River County Records;

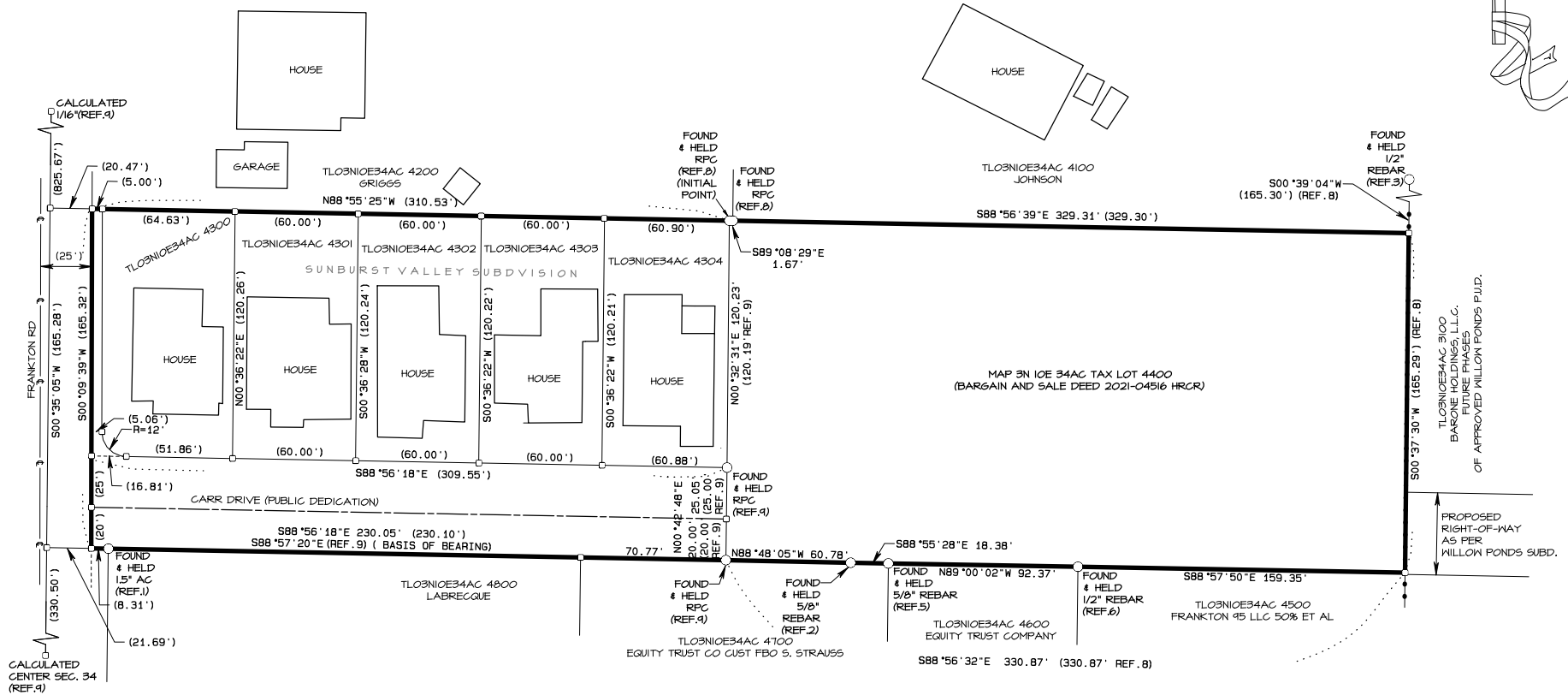
Thence along the North line of said Sunburst Valley Subdivision North 88°55'25" West, a distance of 310.53 feet to the Northwest corner thereof;
thence along the West line of said Sunburst Valley Subdivision South 00°09'39" West, a distance of 165.32 feet to the Southwest corner thereof;
thence along the South line of said Sunburst Valley Subdivision and the South line of Carr Drive South 88°56'18" East, a distance of 309.18 feet to a Red Plastic Cap;
thence South 88°48'05" East, a distance of 60.78 feet to a 5/8" Rebar;
thence South 88°55'28" East, a distance of 18.38 feet to a 5/8" Rebar;
thence South 89°00'02" East, a distance of 92.37 feet to a Yellow Plastic Cap;
thence South 88°57'50" East, a distance of 159.35 feet to a point;
thence North 00°37'30" East, a distance of 165.29 feet to a point;
thence North 88°56'39" West, a distance of 329.31 feet to a Red Plastic Cap;
thence North 89°08'29" West, a distance of 1.67 feet to the initial point.

Containing 2.43 Acres, more or less.

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EXHIBIT A

ANNEXATION LEGAL DESCRIPTION EXHIBIT

IN THE SOUTH 1/2 OF THE NORTH 1/2 OF
THE SW 1/4 OF THE NE 1/4
SEC. 34, T.3N., R.10E., W.M.
HOOD RIVER COUNTY, OREGON



HORIZONTAL SCALE
1"=80'

LEGEND

- PROPOSED ANNEXATION
- CITY LIMITS OF HOOD RIVER

**BELL
DESIGN CO.**
Civil Engineering & Land Surveying
belldesigncompany.com 504-493-3886