

ORDINANCE NO. 2074

An ordinance proclaiming annexation of approximately 5.18 acres of contiguous territory located within the City's Urban Growth Boundary and withdrawing the same from the service territories of Westside Rural Fire Protection District and from the Ice Fountain Water District (IBC 22nd & Belmont)

WHEREAS, Integrity Building and Construction, LLC ("IBC" or the "Applicant"), is the owner of certain property, which is contiguous to the City limits and located within the Hood River Urban Growth Area, and 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 several additional properties and abutting public rights-of-way for annexation (collectively the "Annexation Territory"), including five tax lots 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, which meets the requirements for annexation under this statute. The written consents associated with all parcels in the Annexation Territory were included in the Annexation application; and

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

WHEREAS, notice of a public hearing before the Planning Commission on the annexation request and to withdrawal from the affected service districts 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 request on September 19, 2022, where the Commission accepted all manner of public testimony and written comment on the proposal and kept open the record for further comment; and

WHEREAS, the Planning Commission reconvened on October 17, 2022, 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 City Council held a duly-noticed public hearing on the annexation and withdrawal request on November 28, 2022, reviewed the record compiled before the Planning Commission, the Commission’s recommendation, and accepted all manner of public testimony and written comment on the proposal, after which the Council voted to annex the Annexation Territory and simultaneously withdraw the territory from the Westside Rural Fire Protection District and Ice Fountain Water District; and

WHEREAS, the Council concluded that the Annexation Territory should remain within and be served by the 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; and

WHEREAS, the Council’s decision to annex the Annexation Territory is expressly conditioned upon the applicant executing a contractually binding agreement detailing the Applicant’s commitment to comply with the conditions approval, listed on pages 30-34 of the Staff Report in Exhibit B, and this Ordinance shall not become final or effective until the Applicant executes such an annexation agreement, and it is recorded.

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

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

- Exhibit A – Legal description and drawing of the Annexation Territory, including abutting rights-of-way
- Exhibit B – City Council adopted findings of fact and conclusions of law
- Exhibit C – Supplemental findings of fact and conclusions of law
- Exhibit D – Annexation Agreement, fully executed and recorded

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 the portions of public right-of-way for Belmont Avenue and 22nd Street abutting 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 attached hereto as Exhibit B, plus the additional supplemental findings of fact and conclusions of law attached hereto as Exhibit C.

Section 3. Withdrawal of Territory. The Annexation Territory described in Exhibit A is hereby withdrawn from the service territory of the Westside Rural Fire Protection District and the Ice Fountain Water District upon recordation of this Ordinance. The Annexation Territory shall remain within the boundaries and service territory of the Farmers Irrigation District and shall not be withdrawn from that service district until further notice and Council action.

Section 4. City Zoning. The Annexation Territory shall receive a Hood River zoning designation of Urban Standard Density Residential (R-2) 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. Annexation Agreement. The Applicant shall execute and record the Annexation Agreement attached hereto as Exhibit D prior to final approval and recordation of this Ordinance, and this Ordinance shall not become final or effective until the Annexation Agreement is recorded.

Section 7. 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 8. 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 9. 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: _____, 2023.

Read for the Second Time and approved: _____, 2023.

Mayor

ATTEST:

Jennifer Gray, City Recorder