

ORDINANCE NO. 2076

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 (Stenberg Bros, LLC)

WHEREAS, Stenberg Bros, LLC (the "Applicant"), the owners of certain property (3N10E34BD Tax Lot 900) 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 2016-25 that requires annexation prior to receiving City sewer services; and

WHEREAS, as part of the annexation proposal, the Applicant included a segment of public right-of-way for Frankton Road, and the property proposed for annexation (the "Annexation Territory") is 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 2016-25, 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 to meet the requirements for annexation under this statute; 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 April 17, 2023, 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 77-83 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 May 22, 2023, 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 Frankton Road. 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 May 4, 2023 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: May 22, 2023.

Read for the Second Time and approved: June 12, 2023.

Paul Blackburn, Mayor

ATTEST:

Jennifer Gray, City Recorder

Legal Description for Total Annexation Area

A tract of land in the Northwest ¼ of Section 34, Township 3 North, Range 10 East of the Willamette Meridian, Hood River County, Oregon, more particularly described as follows:

Commencing at the initial point, which is monumented by brass cap in a monument case, said point being the Center of said Section 34, Township 3 North, Range 10 East;

Thence Northerly, along the North-South center section line of said Section 34 North 00°32'46" East, a distance of 214.71 feet, more or less to the intersection of said North-South center section line and the North line of Parcel 1 of Partition Plat 2006-15P, CS No. 2018-016 and the True Point of Beginning;

thence North 88°55'49" West, a distance of 30.00 feet, more or less to a point on the North line of said Parcel 1 of Partition Plat 2006-15P, CS No. 2018-016, Hood River County Records;

thence along said line North 88°55'49" West, a distance of 165.96 feet, more or less to the Northwest corner of said Parcel 1;

thence along said line North 88°55'49" West, a distance of 39.22 feet, more or less to an angle point for Parcel 2 of said Partition Plat 2006-15P and a Set Red Plastic Cap on 5/8" rebar;

thence Northerly, along the East line of said Parcel 2 North 00°31'31" East, a distance of 60.10 feet, more or less to the Southeast corner of Stonegate East Planned Unit Development, CS No. 1997-041, Hood River County Records;

thence along the East line of said Stonegate East Planned Unit Development North 00°37'32" East, a distance of 10.00 feet, more or less to a Found Yellow Plastic cap on a 5/8" rebar;

thence continuing along said East line North 00°37'32" East, a distance of 160.02 feet, more or less to an angle point for said Stonegate East Planned Unit Development;

thence continuing along the line of said Stonegate East Planned Unit Development South 88°57'01" East, a distance of 66.13 feet, more or less to a Found Yellow Plastic cap on a 5/8" rebar;

thence continuing along the line of said Stonegate East Planned Unit Development South 88°57'01" East, a distance of 55.84 feet, more or less to a Found Yellow Plastic cap on a 5/8" rebar;

thence continuing along the line of said Stonegate East Planned Unit Development South 88°57'01" East, a distance of 82.99 feet, more or less to the most South and East corner of said Stonegate East Planned Unit Development and a Set Red Plastic Cap on a 5/8" rebar;

thence South 88°57'01" East, a distance of 50.70 feet, more or less to a point on the West line of the Subdivision Plat of Sunburst Valley, CS No. 2016-041, Hood River County Records;

ORDINANCE NO. 2076
EXHIBIT A

thence Southerly, along said West line South $00^{\circ}09'39''$ West, a distance of 114.01 feet, more or less to the intersection of said line and the South Right-of-Way of Carr Drive;

Thence along said South Right-of-Way South $88^{\circ}56'18''$ East, a distance of 8.54, more or less to a point 30.00' offset East and parallel with the North-South center section line;

thence Southerly, along said offset line South $00^{\circ}32'46''$ West, a distance of 116.21 feet, more or less;

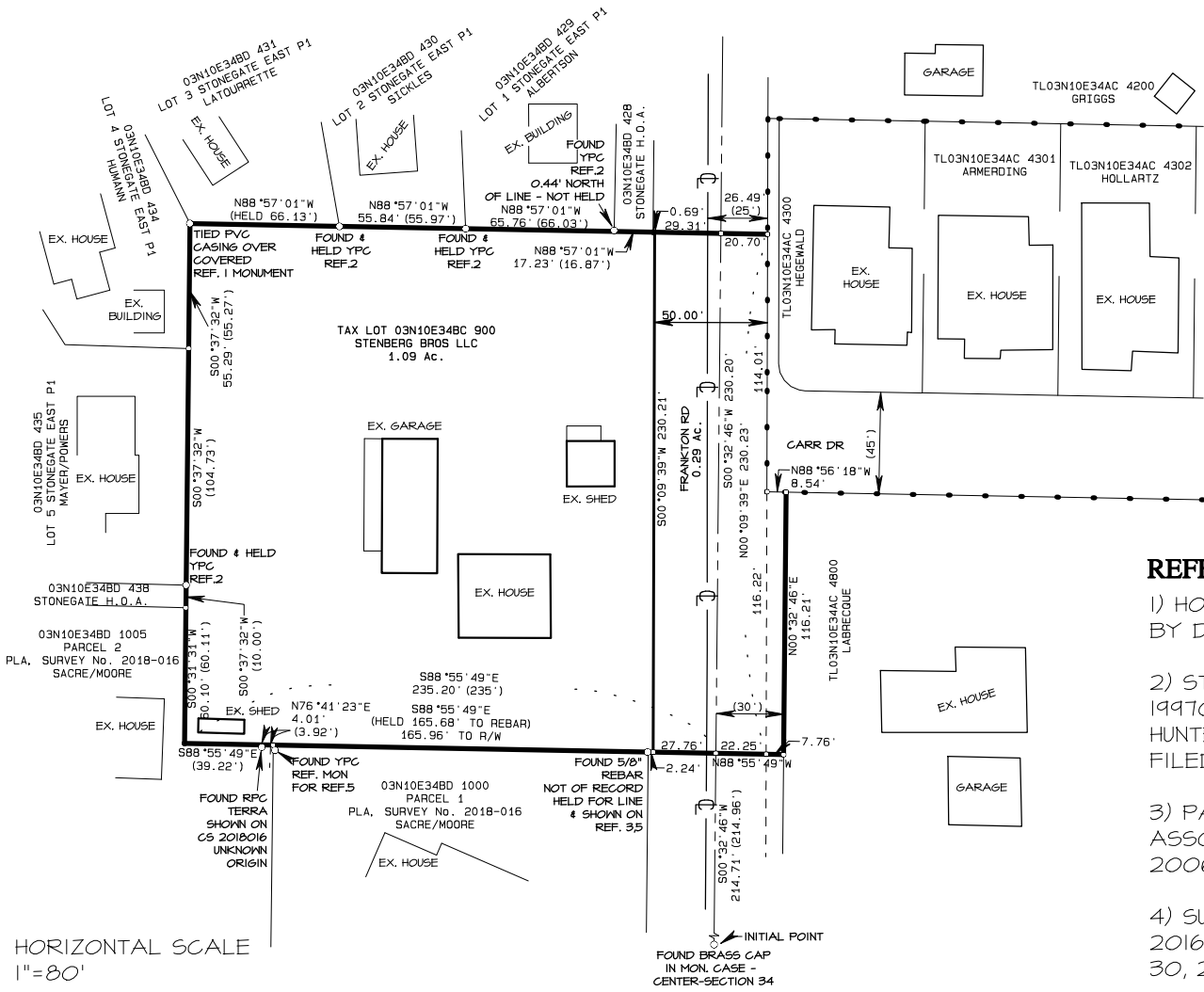
thence North $88^{\circ}55'49''$ West, a distance of 30.00 feet, more or less to the Point of Beginning.

Containing 1.38 Acres, more or less.

ANNEXATION LEGAL DESCRIPTION EXHIBIT

TAX LOT 03N10E34BC 900

TRACT OF LAND LOCATED IN THE SE1/4 OF THE NW1/4
OF SECTION 34, TOWNSHIP 3N, RANGE 10E, W.M.
HOOD RIVER COUNTY, OREGON



LEGEND

- PROPOSED ANNEXATION
- CITY LIMITS OF HOOD RIVER
- YPC YELLOW PLASTIC CAP
- RPC RED PLASTIC CAP

REFERENCES

- 1) HOOD RIVER COUNTY SURVEY CS 1979081 BY DANNY CRON, FOR DALE YOUNG, FILED SEPT. 4, 1979
- 2) STONEGATE EAST PHASE ONE P.U.D., CS 1997041, BY WYEAST SURVEYS, FOR JEFF HUNTER & STONEGATE HOMEOWNERS ASSOCIATION, FILED AUG. 13, 1997
- 3) PARTITION PLAT, CS 2006048, BY KLEIN AND ASSOCIATES, FOR JEFF SACRE, FILED JUNE 1, 2006
- 4) SUNBURST VALLEY SUBDIVISION PLAT, CS 2016041, FOR MICHAEL KETLER, FILED JUNE 30, 2016
- 5) PROPERTY LINE ADJUSTMENT, CS 2018016, FOR JEFF SACRE, FILED APRIL 6, 2018

HORIZONTAL SCALE
1"=80'

**BELL
DESIGN CO.**
Civil Engineering & Land Surveying
belldesigncompany.com 504-443-3886