



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

February 24, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Estacada Plan Amendment
DLCD File Number 002-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This adoption was adopted by the City on November 28, 2005, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Doug White, DLCD Community Services Specialist
Stacy Hopkins, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Mike McCallister, City of Estacada

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PROF 2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF
FEB 17 2006
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Estacada Local file number: Annex #2005-2
Date of Adoption: 11/28/2005 Date Mailed: 2/16/2006
Date original Notice of Proposed Amendment was mailed to DLCD: 5/13/2005

- | | |
|------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input checked="" type="checkbox"/> Other: <u>Annexation</u> |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Annex to the City of Estacada property described as 34E, 16, tl 1201, 700, 600 & 1200; 34E, 21, portion of tl 402. Zone change3 map amendment from RRFF-5 and EFU (county designation) to R1 (low density residential) consistent with City Comprehensive Plan.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Same.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: **RRFF-5 & EFU** to: **R-1**

Location: **34E, 16, tl 1201, 700, 600 & 1200; ^{f 21, portion of} tl 402** Acres Involved: **154.42**

Specify Density: Previous: **5 acres & 80 acres** New: **7500 sq ft**

Applicable Statewide Planning Goals: **2, 9, 10, 11, 12 & 14**

Was an Exception Adopted? YES NO

DLCD File No.: 002-05 (14416)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Valley View Airport, ODOT

Local Contact: **Mike McCallister** Phone: **(503) 353-4522** Extension: _____
Address: **9101 SE Sunnybrook** City: **Clackamas**
Zip Code + 4: **97015-** Email Address: _____
mikem@co.clackamas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

RESOLUTION 2005 – NO. 18

A RESOLUTION OF THE ESTACADA CITY COUNCIL PROCLAIMING ANNEXATION OF 154.42 ACRES OWNED BY ROBERT & JUANITA MCLAIN, LIZ J. MYERS, ROBERT & BEVERLY VELEY, & LOLA PATTON & JUDITH BLACK.

WHEREAS, Robert & Juanita McLain submitted a petition to the City requesting that certain properties of which they have ownership and properties owned by Liz J. Myers, Robert & Beverly Veley, & Lola Patton & Judith Black be annexed to the City. The petition met the requirements for initiating a proposal set forth in Estacada Code Chapter 16.124; and

WHEREAS, the Estacada Planning Commission conducted a public hearing on the proposal on July 21, 2005 after the proper publications and notices and forwarded a recommendation of approval with conditions; and

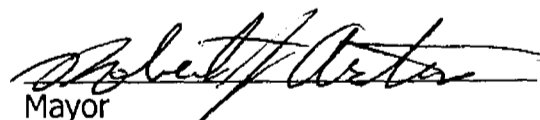
WHEREAS, after proper notices and publications the Estacada City Council conducted a public hearing on August 8, 2005 and voted to approve the annexation request with conditions and submit it to a vote of the City electors at the next available election; and

WHEREAS, the Estacada City Council adopted Resolution 2005 – No. 12 at their August 22, 2005 meeting calling for a measure election to submit to the electors of the City the question of annexation of 154.42 acres into the City limits; and

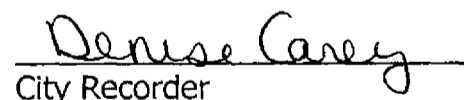
WHEREAS, on November 8, 2005 there was an election held and the question of this annexation was asked of all electors inside the City of Estacada and the outcome was 215 yes to 187 no votes, therefore a majority of the electors approving the annexation.

NOW, THEREFORE IT IS ORDERED THAT the territory described in Exhibit "A" is annexed to the City of Estacada according to the City Council findings and decision in Exhibit "B".

PASSED and effective this 28th day of November, 2005.


Mayor

ATTEST:


City Recorder

LEGAL DESCRIPTION
ESTACADA ANNEXATION
TL 600, 700, 1200 & 1201 (MAP 3-4E-16)
CASCADE COMMUNITIES

JOB NO. 5728
3/28/05 MAR

EXHIBIT "A"

A TRACT OF LAND LOCATED IN SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 EAST, W.M., CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE J.H. MILLER D.L.C. NO.61; THENCE ALONG THE SOUTH LINE THEREOF, S.89°58'56"E., 20.42 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF S.E. DUUS ROAD(COUNTY ROAD NO. 363)(60.00 FEET WIDE)(AKA HEIPLE ROAD); THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING EIGHT(8) COURSES: THENCE 202.98 FEET ALONG THE ARC OF A 652.09 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 17°50'04"E., (THE LONG CHORD BEARS S.73°19'59"E., 202.16 FEET); THENCE S.82°15'00"E., 274.38 FEET; THENCE 180.07 FEET ALONG THE ARC OF A 1030.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°01'00"(THE LONG CHORD BEARS S.87°15'30"E., 179.84 FEET); THENCE N.87°44'00"E., 52.95 FEET; THENCE 217.69 FEET ALONG THE ARC OF A 970.000 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 12°51'30"(THE LONG CHORD BEARS S.85°50'15"E., 217.23 FEET); THENCE S.79°24'30"E., 53.45 FEET; THENCE 222.69 FEET ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 55°28'30"(THE LONG CHORD BEARS N.72°51'15"E., 214.09 FEET); THENCE N.45°07'00"E., 66.62 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO SAMUEL W. HARBIN AND ANN KATHERINE HARBIN, RECORDED SEPTEMBER 14, 1983, IN CLACKAMAS COUNTY RECORDER'S FEE NO. 83-30068; THENCE ALONG THE SOUTHWESTERLY LINE THEREOF, S.28°42'57"E., 1007.43 FEET TO A 5/8" IRON ROD AT THE MOST WESTERLY NORTHWEST CORNER OF "VALLEY VIEW AIRPARK", A SUBDIVISION PLAT OF RECORD (NO. 3153) IN SAID CLACKAMAS COUNTY; THENCE ALONG THE WEST LINE THEREOF, AND ITS SOUTHERLY EXTENSION, S.00°33'35"E., 3622.10 FEET TO THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 EAST, WILLAMETTE MERIDIAN; THENCE ALONG SAID SOUTH LINE, S.89°40'07"W., 37.69 FEET; THENCE S.00°00'00"E., 50.13 FEET TO THE NORTH LINE OF PARCEL I, PARTITION PLAT 1990-26, CLACKAMAS COUNTY RECORDS; THENCE ALONG SAID NORTH LINE, S.89°22'31"W., 1695.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF N.E. CEMETERY ROAD (COUNTY ROAD NO. 2510)(20.00 FEET FROM CENTERLINE); THENCE ALONG SAID RIGHT-OF-WAY LINE, N.00°00'00"E., 49.83 FEET TO THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 16, WILLAMETTE MERIDIAN; THENCE ALONG SAID SOUTH LINE, N.89°19'28"E., 20.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF THAT PUBLIC ROAD DESCRIBED IN DEED BOOK 122, PAGE 461, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID RIGHT-OF-WAY LINE, N.00°00'00:E., 409.66 FEET, MORE OR LESS, TO THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO LIZ JANE MYERS, RECORDED AUGUST 19, 1997, IN CLACKAMAS COUNTY RECORDERS FEE NO. 97-063503; THENCE ALONG SAID NORTH LINE, N.89°16'34"E., 669.39 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO W.J. OSTEEN AND BERNICE OSTEEN, RECORDED AUGUST 22, 1986, IN CLACKAMAS COUNTY RECORDER'S FEE NO. 86-32030; THENCE ALONG THE EAST LINE THEREOF, N.00°00'00"E., 187.66 FEET, MORE OR

NAME: McLain / Meyer
FILE NO.: 2005-02-A
PUBLIC HEARING DATE: August 8, 2005

CITY COUNCIL FINDINGS AND DECISION

GENERAL INFORMATION

Applicant: Robert and Juanita McLain / Liz Meyer

Owner(s): Various.

Proposal: Annexation of approximately 154.42 acres (5 tax lots) of land within the Estacada Urban Growth Boundary into the City Limits. This application includes a corresponding zone change consistent with the Estacada Comprehensive Plan.

Location: The subject properties are located on the east side of Cemetery Road, south of Duus Road, and north of the Hill Way intersection. The western boundary of the area has frontage on Cemetery Road. The eastern boundary of the area borders the Valley View Airport.

Legal Description: T3S, R4E, Section 16, Tax Lots 600, 700, 1200 & 1201; T3S, R4E, Section 21, Tax Lot 402, (the westerly 1,695'x 50' wide strip).

Zone: Rural Residential Farm Forest, 5 acre minimum lot size (tax lots 700, 1200, 1201 and 402), and Exclusive Farm Use, 80 acre minimum lot size (tax lot 600). (County Zoning Districts)

Comprehensive Plan Designation: Rural (tax lots 700, 1200, 1201 and 402) and Agriculture (County Designations); Low Density Residential (City Designation).

Planning Commission Recommendation: Approval.

PART 1: ANNEXATION APPLICATION

REVIEW PROCESS

Section 16.124 of the City Code outlines the review procedures for Annexation applications. The procedure is summarized as follows. Once a complete application is submitted and the City Planner completes a staff report, the Planning Commission is required to hold at least one open public meeting on the annexation request. Within 45

to City R-1 upon annexation consistent with the Low Density Residential Plan designation. The applicant has identified a conceptual land use plan for the tax lots to include approximately 420 single family residential units, 200 units of senior housing, parks, and open space. The proposed uses of the site are allowed outright or conditionally in the proposed R-1 zoning district and therefore comply with the Estacada Comprehensive Plan.

If this application were approved, any new uses would have to comply with the applicable provisions of the Comprehensive Plan and underlying zoning district in effect at that time.

This criterion is met.

2. Section 16.124.030(B): Adequate capacity of urban services must exist or be made available with three years of annexation approval. An adequate capacity of urban services shall mean:

a. Municipal sanitary sewer and water service meeting the requirements enumerated in the City of Estacada's Water and Sewer Master Plans for the provision of these services.

Public sanitary sewer and water service does not currently exist to the site. The applicant has provided a memorandum from the City's Engineer (Curran-McLeod Inc.) to Chris Randall, the Public Works Director, dated March 15, 2005 to address the adequacy of the municipal sewer and water services. See Appendix 3. The City Engineer also submitted a revised letter dated July 15, 2005 regarding the adequacy of water system. See Exhibits 4 and 6. The Public Works Director has also submitted additional comments on this proposal. See Exhibit 2. These documents demonstrate the sewer and water systems are adequate to serve the subject property and can reasonably be extended to the site within three years. The memorandum and the submitted application are adopted as part of this staff report by reference therein.

This criterion is met.

b. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the City shall note requirements including but not limited to dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The City shall also consider public costs for improvement and the ability of the City to provide for those costs.

The subject site has frontage on Cemetery Road and Duus Road. Cemetery is designated as a minor collector street. Duus Road is designated as a County collector street. The City of Estacada Transportation System Plan (TSP) does address the adequacy of the transportation system to accommodate traffic based on existing plan and zoning

c. Section 10.813(C): Findings documenting the availability of police, fire, parks and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

The applicant has addressed the availability and adequacy of police, fire, parks and school facilities. Police services are provided in the City and UGB through a contract with the Clackamas County Sheriff Department. The Estacada Fire District provides fire protection. Although there are currently no standards for service, staff notes that the eventual buildout of the proposed annexation area will likely necessitate additional police and fire services.

The City provides park facilities. The conceptual land use plan submitted by the applicant provides additional park and open space in the annexation area.

The Estacada School District provides school facilities. The applicant's submittal references the January, 2003 *Population Trends, Findings, and Recommendations* of the Estacada School District Advisory Task Force which predicted an enrollment decline through 2006, and indicated that schools were under capacity. The school district also has recently made substantial improvements to the local school facilities in the city. Area schools have adequate capacity to accommodate future development in the proposed annexation area.

This criterion is met.

d. Section 16.124.030(D): The applicant has the burden for satisfying the requirements of this section and the information required for the application process set forth in Section 16.124.060.

This criterion does not require any findings or conclusionary statements.

C. Section 16.124.040 outlines ten submittal requirements necessary for a complete annexation application.

The applicant has addressed or otherwise provided all the information identified in Section 16.124.040(A-J) necessary for a complete application. Written consent from the property owners of tax lots 600 and 1201 is included in the submitted application. The applicant submitted a letter dated June 9, 2005 stating that the applicant has purchased tax lots 700 and 1200, and that Clackamas County has approved a property line adjustment which will result in the westerly 50 x 1695 foot portion of tax lot 1402 becoming a part of tax lot 1200.

The minimum submittal requirements are satisfied.

provided. Previous findings in this report demonstrate the City has adequate public facilities, including water, sewer and transportation facilities to support annexation of the subject property.

Generally, the development pattern and land uses established within the area proposed for annexation includes a mixture of low density residential, agricultural and open space uses consistent with the purpose statement of the R-1 zoning district in the City Code. The application does not propose any changes from the Low Density Residential Plan designation implemented by the R-1 zone.

Staff also notes that the applicant references Goal 10, which encourages a variety of housing types, moderate lot sizes for single-family housing, and mentions the need for adequate assisted housing. Generally, the submitted conceptual land use plan meets the objectives of Goal 10.

Based on these Objectives and Policies and findings in the zone change application the proposed annexation is consistent with the Comprehensive Plan.

This criterion is met.

E. Section 16.124.090 outlines the requirements for a Health Hazard Annexation.

The applicant has not addressed this criteria. The Planning Staff is not aware of any known health hazards on the subject site.

This criterion is not applicable.

F. Section 16.124.100 sets forth the City's policy regarding Island Annexation. The policy is to prevent the creation of islands of unincorporated territory within the City limits.

Approval of this application will not create any islands of unincorporated land.

This criterion is met.

G. Section 16.124.110 outlines the requirements for applying the Comprehensive Plan and Zoning Designations to annexed properties.

This Section requires the area to be annexed to automatically be planned and zoned to correspond to the Estacada Comprehensive Plan map, unless an application for a zone change is requested concurrent with the annexation application. The applicant has not requested to change the Comprehensive Plan; therefore R-1 zoning will be applied to the annexed area.

This criterion is met.

structures. Uses accessory to a single family dwelling are allowed in the R-1 zoning district. Tax Lot 600 appears to be used for agricultural purposes; however the applicant does not indicate if livestock are present. Livestock would constitute a non-conforming use upon annexation. The applicant does not provide a specific schedule for removal of non-conforming uses but states they will be phased out within 10 years as required by code. A condition of approval is warranted to that effect.

This criterion can be met.

B. Section 16.124.130(B): This section shall not apply to a non-conforming use consisting of the continued use of a property as a single family dwelling which, by virtue of annexation, is no longer an outright permitted or conditional use in the zone. Use of an annexed property as a single-family dwelling may continue as a non-conforming use until:

- 1. The property is no longer used as a single family residence.**
- 2. Application is made for development of the property other than as a single family dwelling.**
- 3. The property is conveyed or all occupants over the age of eighteen (18) of the property at the time of annexation dies or no longer reside(s) on the property.**

The proposed R-1 zoning district allows single family dwellings as a permitted outright use. Therefore, the existing single family dwellings on properties within the area proposed for annexation are not considered non-conforming uses.

This criterion is not applicable.

PART 2: ZONE CHANGE APPLICATION

The zone change application is subject to the criteria in Section 16.101 of the City Code. Section 16.101.010 states the City Council may allow a zone change after a hearing conducted pursuant to Chapter 16.132 provided that the applicant provides evidence substantiating the following, unless otherwise provided for in this title:

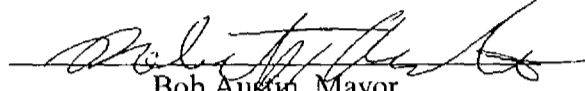
1. Section 16.101.010A: *Approval of the request is consistent with the comprehensive plan.*

The findings in the evaluation of the annexation application under Section 16.124.030A and 16.124.050 demonstrate the proposed zone change is consistent with the Comprehensive Plan and Low Density Residential Plan designation. Those findings are adopted to address this approval criteria by reference therein.

3. The City's official zoning map shall be changed to reflect this action upon final approval.

Approved on August 8, 2005

Signed this 8 day of August, 2005


Bob Austin, Mayor