



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 19, 2008



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 001-08

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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 6, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

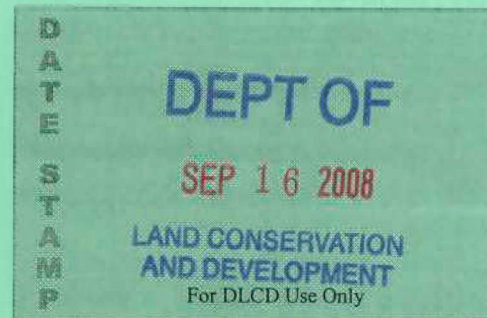
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Scott Hoelscher, City of Estacada

<paa> ya/phone

FORM 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



Jurisdiction: City of Estacada Local file number: CPA & ZC 2008-1
Date of Adoption: 9/8/2008 Date Mailed: 9/15/2008
Date original Notice of Proposed Amendment was mailed to DLCD: 6/9/2008

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" 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 type="checkbox"/> Other: _____ |

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

Zone change & comprehensive plan map amendment from C-1 (general commercial) to C-2 (residential/commercial) for property described as 34E, 20DD, tax lot 7900.

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".

No substantial changes.

Plan Map Changed from: commercial to: residential/commercial
Zone Map Changed from: C-1 to: C-2
Location: S Broadway between 1st Ave & SW 2nd Acres Involved: 25.63
Specify Density: Previous: n/a New: 5,000 sq ft
Applicable Statewide Planning Goals: 9, 11, & 12
Was and Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 001.08 (16943)

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:

Estacada Fire Dept. Clackamas County

Local Contact: **Scott Hoelscher** Phone: **(503) 353-4524** Extension:

Address: **9101 SE Sunnybrook** City: **Clackamas**

Zip Code + 4: **97015-** Email Address:

scotth@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.

NAME: Adam Durham
FILE NO.: CPA & ZC 2008-01
PUBLIC HEARING DATE: September 8, 2008

CITY COUNCIL FINDINGS AND DECISION

GENERAL INFORMATION

Applicant: Adam Durham; 3340 NW 14th Ave.; Camas, WA 98607

Owner(s): Same

Proposal: Comprehensive Plan map amendment from Commercial to Residential Commercial and corresponding zone change from C-1 to C-2.

Location: East side of Broadway Street, approximately 1/4 the mile north of Hwy. 224.

Legal Description: T3S, R4E, Section 20DD, Tax Lot 7900

Size: 5,000 square feet

Zone: C-1: General Commercial

City Council Decision: **APPROVAL**

FINDINGS

The applicant has addressed the Oregon Statewide Planning Goals, Estacada Comprehensive Plan Goals and Policies, and zone change criteria in Section 16.101 of the City Code. The City Council finds the Statewide Planning Goals, Estacada Comprehensive Plan, Estacada City Code, Transportation Planning Rule (TPR) and Oregon Administrative Rules to be applicable to this request.

PART 1: STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement: *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

The Estacada Comprehensive Plan and City Code contain adopted and acknowledged

procedures for citizen involvement. This application has been processed consistent with those procedures including notice to property owners within 300 feet of the subject property, notice to affected agencies and notice in the local newspaper. One or more advertised public hearings will be conducted before the Estacada Planning Commission and Estacada City Council which will provide an opportunity for citizen involvement and input.

This proposal is consistent with Goal 1.

Goal 2; Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. Goal 2 also requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base. There are no other local governments affected by this proposal. Notice of this proposal has been provided to affected agencies in the City. The information provided throughout this document provides a substantial and adequate factual base for the decision making process and will ensure the decision is consistent with the Comprehensive Plan.

This proposal is consistent with Goal 2.

Goal 3; Agricultural Land: *To preserve and maintain agricultural lands.*

Pursuant to the definitions under Statewide Planning Goal 3, agricultural land does not include land within acknowledged urban growth boundaries. The subject property is located within the Estacada City limits and Urban Growth Boundary, and therefore is not considered agricultural land.

Statewide Goal 3 is not applicable.

Goal 4; Forest Land: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. This proposal does not include any land planned or zoned for Forest uses.

Statewide Goal 4 is not applicable.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources: *To conserve*

open space and protect natural and scenic resources.

Goals 5 and 8 of the Estacada Comprehensive Plan identify significant Goal 5 resources within the Estacada Urban Growth Boundary. There are no significant Goal 5 resources located on the subject property.

Statewide Goal 5 is not applicable.

Goal 6; Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

The City of Estacada has adopted sewer, water and storm drainage master plans intended to protect the water and land resources in the City. Any development on this property will require connection to the appropriate urban services consistent with the City Code. This will ensure the maintenance and quality of the water and land resources. The City of Estacada is not located in an air quality maintenance area.

This proposal is consistent with Goal 6.

Goal 7; Areas Subject to Natural Disasters and Hazards: *To protect life and property from natural disasters.*

According to the Department of Geology and Mineral Industries (DOGAMI) geologic hazards maps, there are no geologic hazards (i.e. landslide topography, slump, earthflow, mudflow or debris areas) on the subject property. The subject property is not located within any designated floodplains. The subject property is not located in an area subject to natural disasters or other hazards.

This proposal is consistent with Goal 7.

Goal 8; Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.*

This proposal does not involve any designated recreational or open space lands. This proposal will have no impact on the recreational needs of the City, County or State.

This proposal is consistent with Goal 8.

Goal 9; Economic Development: *"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens."*

This goal requires Comprehensive Plans in urban areas to provide for an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and

commercial uses consistent with plan policies.

This proposal would change the Comprehensive Plan map designation of the subject site from Commercial to Residential Commercial. A corresponding zone change would modify the zoning designation from C-1: General Commercial to C-2: Residential Commercial. If approved, commercial activity could still occur on the subject site. Under Section 16.32.020 of the Estacada Development Code, commercial establishments allowed as an outright use in the C-1 zone are also allowed as an outright permitted use in the C-2 zoning district. The primary difference between the two zones is that the C-2 zone allows both residential and commercial uses. Therefore, the Plan map amendment and zone change would not reduce the supply of commercial land.

Oregon Administrative Rule (OAR) 660, Division 9 is used to satisfy the requirements of Statewide Goal 9. OAR 660-009-010(4) states: "For a post-acknowledgment plan amendment that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements." The subject site is approximately 5,000 square feet in size. Therefore, OAR 660-009-010(4) is not applicable to this proposal.

This proposal is consistent with Goal 9.

Goal 10; Housing: *"To provide for the housing needs of citizens of the state."*

This goal requires local jurisdictions to prepare inventories of buildable residential lands within urban growth boundaries. OAR 660-008 defines the standards for determining compliance with Goal 10. This rule requires a mix and density of lands zoned for needed housing based on housing needs projections.

The subject site is currently planned for commercial uses. Approval of this application will increase the inventory of residential land by allowing the placement of a residence on the 5,000 square foot lot.

This proposal is consistent with Goal 10.

Goal 11; Public Facilities and Services: *"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."*

This Goal provides guidelines for cities and counties in planning for the timely, orderly and efficient arrangement of public facilities and services. For this application the applicable part of Goal 11 is Guideline A(3). This Guideline requires adequate public facilities and services such as sewer, water, solid waste, storm drainage etc. to be provided at levels necessary and suitable for urban uses.

The City has adopted water, sewer and storm drainage facility plans to serve the land within the urban growth boundary. City water and sewer service are currently available to serve the property. In addition, other utilities such as power and telephone are available to serve the property. The subject property is also located in the Estacada School District and Estacada Fire District. The Clackamas County Sheriff provides police protection.

This proposal is consistent with Goal 11.

Goal 12; Transportation; “To provide and encourage a safe, convenient and economic transportation system.”

1. Oregon Administrative Rule (OAR) 660-012 (Transportation Planning Rule) implements Statewide Planning Goal 12.

2. OAR 660-012-0060 applies to any plan map amendment which significantly affects a transportation facility. OAR 660-012-0060(1) requires any amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility to demonstrate that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

3. Pursuant to OAR 660-012-0060(1) a plan or land use regulation amendment is deemed to significantly affect a transportation facility if it would;

a) *Change the functional classification of an existing or planned transportation facility;*

b) *Change standards implementing a functional classification; or*

c) *As measured at the end of the planning period identified in the adopted transportation system plan:*

i. *Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or*

ii. *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

iii. *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Statewide Planning Goal 12 provides guidance to cities and counties for the planning and implementation of transportation plans and changes to major transportation facilities. The proposed Residential/Commercial plan designation allows single family residences and commercial uses. The City of Estacada Transportation System Plan (TSP) demonstrates that all the nearby intersections operate at an acceptable level of service. In addition, the proposed development plan would most likely generate significantly less traffic than development under the existing General Commercial plan designation.

No change in the functional classification of any existing or planned transportation facility is proposed. Moreover, the Comprehensive Plan map amendment and zone change will not change any standards implementing a functional road classification. Therefore, this proposal will not significantly affect the transportation system and is in compliance with the requirements of the Transportation Planning Rule.

This proposal is consistent with Goal 12.

Goal 13; Energy Conservation: *To conserve energy.*

This proposal will have no impact on any identified energy sites or resources.

Goal 13 is not applicable.

Goal 14; Urbanization: *To provide for an orderly and efficient transition from rural to urban land uses.*

The subject property is located inside the City limits of Estacada. This proposal does not include any new annexation of land into the City limits or expansion of the urban growth boundary.

Statewide Goal 14 is not applicable.

Goal 15: Willamette River Greenway: *To protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The subject property is not located within the Willamette River Greenway.

Goal 15 is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes) and Goal 19 (Ocean Resources) are not applicable to the City of Estacada or Clackamas County.

PART 2. ESTACADA COMPREHENSIVE PLAN POLICIES

The Estacada Comprehensive Plan does not have any specific policies or locational criteria for evaluating the appropriate locations for Residential, Commercial, Industrial or other Comprehensive Plan designations in the City. There are, however, general policies in the Comprehensive Plan which are applicable to this proposal. The Planning Commission has reviewed each Chapter/Goal of the Comprehensive Plan and identified and addressed each policy or objective found to be applicable to this request.

a. Goal 1. Citizen Involvement Element: *The purpose of this goal is to ensure an opportunity for citizens residing in Estacada and the planning area to be involved in all phases of the planning process.*

Policy 4 in this Chapter provides for both the city and private property owners to request changes in either the policy texts, the plan map or both. The property owner has initiated this application to amend the Comprehensive Plan map. No text amendment is proposed.

Policy 5 requires all proposed amendments to the plan to be subject to public hearings by the Planning Commission and City Council. In the case of a proposed change in the plan map, all property owners within 300 feet of the requested change shall be notified of the hearing date.

Notice of the Planning Commission public hearing has been provided to all property owners within 300 feet of the subject property consistent with this plan policy, State law and Section 16.132 of the City Code. In addition, notice of the public hearing has been published in the local newspaper consistent with Section 16.132.020 of the City Code. These public notices will ensure an opportunity for all citizens to be involved in the review process.

This application is, and will continue to be processed consistent with Goal 1 of the CP.

b. Goal 2. Agency Coordination Element: *This Goal requires a draft copy of the CP to be sent to specific local agencies and organizations for review and comment before the Plan is submitted to LCDC for acknowledgement.*

No amendment to the text of the Comprehensive Plan is proposed in this application.

There are no policies under this Goal applicable to this proposal.

c. Goal 3. Agricultural Lands Element: *The purpose of this Goal is to preserve and maintain agricultural lands.*

The objective and goals in this Chapter are intended to address the conversion of agricultural land outside the City limits, within and adjacent to the urban growth

boundary.

There are no policies under this Goal applicable to this proposal.

d. Goal 4. Forest Lands Element: *The purpose of this Goal is to preserve and maintain forest lands.*

The objective of this Goal is to encourage the conservation of forest lands necessary for watershed protection and maintenance of wildlife and fisheries habitat, and to encourage replanting and development siting to retain as much forested land as possible.

There are no policies under this Goal applicable to this proposal.

e. Goals 5 and 8. Open Spaces, Natural Resources, Cultural and Recreation Resources Element: *The purpose of this Goal is to 1) conserve open space and protect natural and cultural resources and 2) satisfy the recreational needs of citizens of Estacada and [the] state, and visitors.*

The subject property is not identified as open space on the Comprehensive Plan. There are no known or identified mineral or aggregate resources or energy sources on site. The property does not contain any known or identified scenic or historic sites or buildings, historic or cultural resources or recreation trails.

There are no policies in Goal 5 or Goal 8 applicable to this application.

f. Goals 6 and 7. Environmental Quality Element; Air, Water and Land Resources and Natural Disasters and Hazards. *The purpose of this Goal is to 1) maintain and improve the quality of the area's air, water, and land resources and 2) protect life and property from natural disasters and hazards.*

The Comprehensive Plan indicates the Estacada area has virtually no air quality problems. There are no known or identified floodplains on the property. There are no significant topographical constraints which would limit the property from being developed under either the existing Commercial or proposed Residential Commercial plan designation. According to the Dept. of Geology and Mineral Industry (DOGAMI) maps, there are no geologic hazards on the subject property.

There are no policies under this Goal applicable to this proposal.

g. Goal 9. Economics Element: *The purpose of this Goal is to diversify and improve the economy of Estacada.*

The 6 "Objectives" of this Goal are identified on page 46 of the CP. Objective 6 states "Preserve the existing commercial area and encourage the location of new commercial and retail activities in it." The subject property is designated commercial on the

Comprehensive Plan map. However, in a previous application (Volunteers of America) the City Council interpreted this policy to mean it applies to the downtown core commercial area. The subject property is located north of the downtown core. Therefore, this objective does not apply to this application.

Under "Existing Conditions, Existing Commercial Land" on page 54, the CP states "There is 56 acres of commercially designated lands within the city. Of that only 4.36 acres remain undeveloped. More commercial land is desirable for the city." The proposed Comprehensive Plan map amendment and zone change would preserve the subject property as a commercial site since the C-2 zoning district allows all of the uses permitted outright in the C-1 zone. If approved, the amount of undeveloped vacant land in the City would not change.

Policy 8 on page 55 states "Designate additional commercial lands within the urban growth boundary to satisfy the needs of Estacada Citizens' for Medical, Commercial and Retail Services and to facilitate Policy 7, above." This proposal is consistent with this policy, because it will maintain the current inventory and variety of land available for commercial uses.

This proposal is consistent with Goal 9.

h. Goal 10, Housing Element: The purpose of this Goal is to provide for Estacada's year 2000 housing needs within its urban growth boundary.

Page 57, Objective 1 states "Ensure the provision of a variety of housing types and at price or rent levels reflecting the projected housing needs." Also Objective 3 states "Ensure a future development pattern which protects residential areas from incompatible land uses."

In regards to Objective 1, the Comprehensive Plan map amendment and corresponding zone change would meet this objective since the C-2: Residential Commercial zone allows single-family dwellings. The subject property is accessible via an alley off of E. 1st Ave. and could be developed with a single-family dwelling.

In regards to Objective 3, the issue is whether changing this property to residential commercial is compatible with the surrounding area. The C-2 zone is intended for a mixture of office, retail, personal or business services and the establishment of single-family dwellings. This proposal will result in a small 5,000 lot that could be developed for residential or commercial purposes. The subject property is surrounded by single-family residential to the north, south and east. Therefore, the Planning Staff finds the proposed plan designation is generally compatible with the adjacent development pattern. Although approval of the request would result in a small spot zone of Residential Commercial within a General Commercial area, this change will not negatively impact the development pattern of the area. As previously mentioned, the area is currently highly

residential. In addition, there is C-2 zoning across 1st Ave. just to the north of the subject site.

Policy 6 on page 66 states "Mobile homes meeting zoning ordinance criteria for single-family residences shall be encouraged as a source of lower cost, single-family housing." The applicant states that a manufactured dwelling would be placed on the property if this request is approved. Therefore, the proposed development is consistent with Policy 6 because it would provide an affordable housing opportunity within the city.

This proposal is consistent with Goal 10.

i. Goal 11. Public Facilities and Services Element. *The purpose of this Goal is to provide orderly and efficient public facilities and services to adequately meet the needs of Estacada residents.*

The 4 "Objectives" of this Goal are identified on page 67. This proposal is consistent with these objectives for the following reasons:

1. The subject property is located within the Estacada Fire District and receives police protection through a service contract with Clackamas County Sheriff Department.
2. The City has adopted master plans to accommodate sewer, water and storm drainage within the City limits and UGB.
3. School facilities and services are adequate to accommodate an additional residential housing unit in the City.
4. This proposal will have no impact on any capital improvement plans for streets, sidewalks, and street signs.

This proposal is consistent with Goal 11.

j. Goal 12. Transportation Element. *The purpose of this Goal is to provide and encourage a safe, convenient, aesthetic and economical transportation system.*

The 6 "Objectives" of this Goal are identified on page 75. Objective 1 states: "Provide good local access and circulation." Objective 2 states: "Move traffic quickly and safely." This proposal is consistent with Objectives 1 and 2 for the following reasons:

1. The Estacada TSP generally demonstrates that the transportation system is adequate to accommodate future growth in the year 2030 within the UGB.
2. The proposed Residential/Commercial plan designation will most likely generate less traffic than the existing Commercial plan designation.

3. The affected transportation system will continue to provide for good circulation and safe movement of vehicles for land uses allowed under the proposed Residential/Commercial plan designation.

This proposal is consistent with Goal 12.

k. Goal 13. Energy Element. *The purpose of this Goal is to conserve energy resources and encourage use of reusable energy resources.*

There are no policies under this Goal applicable to this proposal.

l. Goal 14. Urbanization Element. *The purpose of this Goal is to provide sufficient land to accommodate growth to the year 2000 and provide for the orderly development of this land.*

This Goal primarily addresses the need to establish an UGB to meet land needs for the period 1980 to 2000 and the policies for converting rural land to urban land. This specific proposal does not involve a conversion of rural land to urban land.

There are no policies under this Goal applicable to this proposal.

PART 3. SUMMARY AND CONCLUSIONS OF COMPREHENSIVE PLAN POLICIES AND STATEWIDE PLANNING GOALS

As with all Comprehensive Plan amendments, the purpose, policies, inventory information and objectives in each Chapter of the Comprehensive Plan must be reviewed and evaluated to determine the most appropriate land use plan designation. It is not uncommon to find that the applicable policies and objectives will often support both the existing and proposed Comprehensive Plan designation. As a result, the objectives and policies in the Comprehensive Plan must be weighed and balanced to determine whether the existing Commercial plan designation or proposed Residential/Commercial designation is more appropriate on the subject property.

Based on the findings in parts 1 and 2 of this report, the Residential/Commercial plan designation is warranted for the following reasons.

1. The inventory of land available for commercial uses will not be reduced. If approved, the new C-2 zoning designation will allow commercial development to occur on the site.
2. The Plan map change from Commercial to Residential Commercial would not significantly alter the existing land use pattern. The prevailing land use pattern in the area is predominately single-family residential. There is residential development to the north, south and east of the subject property. The single-family residence proposed by the applicant would be compatible with the neighborhood.

3. The site is north of the main commercial core of Estacada. The steep uphill north of Thriftway creates a barrier between the downtown commercial core and the single-family residential to the north.

4. Future commercial development on the subject property is unlikely. The location of the property is not highly suitable for commercial uses due to the small size and limited access. Existing access is from an alley way off of E. 1st Ave. Because of the small lot size (5,000 square feet) parking for any commercial use could be severely limited.

PART 4. ZONE CHANGE

Zone Change Criteria: Section 16.101 identifies two criteria that must be satisfied in order to approve a zone change.

1. Section 16.101.010A: *Approval of the request is consistent with the Comprehensive Plan.*

The proposed zone change is from C-1 to C-2. The C-2 zoning district implements the Residential Commercial plan designation. The policies of the Comprehensive Plan have been addressed in Part 1 and 2 of this report and summarized in part 3. Based on those findings, the proposed Residential Commercial plan designation is consistent with the Comprehensive Plan. Therefore, the proposed C-2 zoning district is consistent with the Comprehensive Plan designation.

This criterion is met.

2. Section 16.101.010B: *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development.*

a. Sewer, Water and Storm Drainage Facilities: The City sewer, water and storm drainage systems have adequate capacity to serve the proposed uses allowed under the proposed C-2 zoning district.

b. Transportation System: The findings in Part 1 of this report under the discussion of Statewide Planning Goal 12 demonstrates the transportation system is adequate to support the proposed zone change to C-2. Those findings are adopted to address this criterion by reference therein.

This criterion is met.

ZONING ORDINANCE CONSIDERATIONS

Sections 16.24, 16.28, 16.101, 16.128, 16.132

PLAN CONSIDERATIONS

The Comprehensive Plan provisions found to be applicable to this application are discussed in detail in Part 2 of this report.

SITE DESCRIPTION

The subject property is 5,000 square feet in size. The property is currently vacant. The central portion of the property is generally flat while the western edge of the site slopes steeply down to N. Broadway. The steep road cut prohibits access from Broadway. Existing site access is from an alley way off of E. 1st Ave. The property has approximately 50' of frontage on N. Broadway.

VICINITY DATA

Surrounding Conditions: All of the properties immediately adjacent properties to the subject site are planned and/or zoned C-1: Commercial. The Comprehensive Plan guides the area north of 1st Ave. for Low Density Residential and Residential Commercial. The adjacent properties to the north and east are developed with single family dwellings. The adjacent property to the west, across Broadway is developed as a funeral home.

Service Considerations: Water, sewer, storm drainage and transportation systems are provided through the City of Estacada. The Estacada Rural Fire Protection District provides fire protection.

RESPONSES REQUESTED

1. DLCD
2. Estacada Fire Department
3. Portland General Electric
4. Cascade Utilities
5. Estacada School District
6. Estacada Public Works Department
7. Estacada Parks and Recreation Department
8. Clackamas County Planning Department

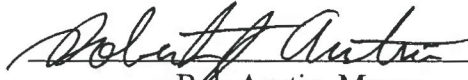
EXHIBITS

1. Tax Assessor location/zoning map

Decision: Based on the above findings, it is the decision of the Estacada City Council to approve the Comprehensive Plan Amendment and Zone Change.

Approved on September 8, 2008

Signed this 8 day of September, 2008


Bob Austin, Mayor

CITY OF ESTACADA
P.O. BOX 958
ESTACADA, OR 97023-0958

15 SEP
PM
2008

15 SEP
PM
2008



Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Ste 150
Salem, OR 97301