



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 002-04

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 December 13, 2004, 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
Mike McCallister, City of Estacada

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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 #2004-2
Date of Adoption: 12/13/2004 Date Mailed: 2/16/2006
Date original Notice of Proposed Amendment was mailed to DLCD: 5/11/2004

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: Annexation

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Annex to the City of Estacada property described as 34E, 21CB tax lots 2900, 2903, and 34E, 21C, tax lot 1501. Zone change map amendment from RRFF-5 (county designation) to R-1 (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 to: R-1

Location: 34E, 21CB, tl 2900, 2903, 21C, tl 1501 Acres Involved: 4.96

Specify Density: Previous: 5 acres New: 7500 sq ft

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

Was and Exception Adopted? YES NO

DLCD File No.: 002-04
(13644)

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: **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 2004 – NO. 21

A RESOLUTION OF THE ESTACADA CITY COUNCIL PROCLAIMING ANNEXATION OF 4.96 ACRES OWNED BY DUNLOP INVESTORS/SIMPSON AND BETTY ANN DUNLOP.

WHEREAS, the City of Estacada submitted a petition requesting that certain property owned by Dunlop Investors and Simpson and Betty Ann Dunlop 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 meeting on the proposal on July 22, 2004 after the proper publications and notices and forwarded a recommendation of approval to the City Council; and

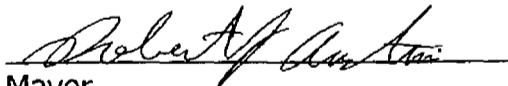
WHEREAS, after proper notices and publications the Estacada City Council conducted a public hearing on August 9, 2004 and voted to approve the annexation request and submit it to a vote of the City electors at the next available election; and

WHEREAS, the Estacada City Council adopted Resolution 2004 – No. 15 at their August 9, 2004 meeting calling for a measure election to submit to the electors of the City the question of annexation of 4.96 acres into the City limits; and

WHEREAS, on November 2, 2004 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 743 yes to 280 no votes, therefore a majority of the electors approving the annexation.

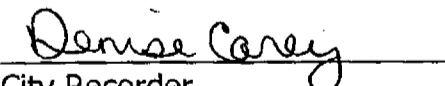
NOW, THEREFORE IT IS ORDERED THAT the territory described in Exhibit "A" is annexed to the City of Estacada according to the City Council findings and decision in Exhibit "B".

PASSED and effective this 13 day of December, 2004.



Mayor

ATTEST:



City Recorder



GAYLORD
LAND SURVEYING, INC.

- Surveying Oregon Since 1970 -

2910 S.E. Oak Grove Blvd. • Milwaukie, OR 97267

Phone 503-654-1492 • Fax 503-654-7878

E-mail: pat@gaylordlandsurveying.com

March 30, 2005

LEGAL DESCRIPTION FOR TAX LOTS 1501, 2900 & 2903

LEGAL DESCRIPTION FOR A TRACT OF LAND IN THE WM. WADE DONATION LAND CLAIM NO. 39 IN THE NORTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SECTION 21, T3S, R4E, W.M., CITY OF ESTACADA, CLACKAMAS COUNTY, OREGON. THE BOUNDARY OF THE SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

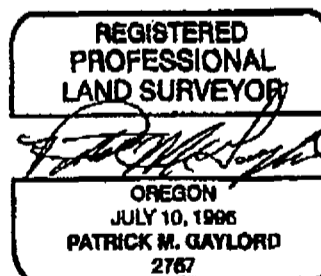
BEGINNING AT THE SOUTHEAST CORNER OF THE WM WADE DONATION LAND CLAIM NO. 39; THENCE N 82°52'32" W ALONG THE SOUTH LINE OF THE SAID CLAIM 311.02 FEET MORE OR LESS TO A POINT IN THE EAST LINE OF GENSING DRIVE; THENCE ALONG THE EAST LINE OF GENSING DRIVE N 00°23'38" E 436.11 FEET TO A POINT IN THE SOUTH LINE OF CONREY ESTATES NO. 1; THENCE ALONG THE SOUTH LINE OF CONREY ESTATES NO 1 AND NO 2, S 89°36'22" E 308.88 FEET TO A POINT IN THE EAST LINE OF THE WM WADE DONATION LAND CLAIM; THENCE ALONG THE SAID EAST LINE S 00°23'38" W 472.56 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 3.22 ACRES MORE OR LESS.

TOGETHER WITH:

THE EAST HALF OF GENSING DRIVE LYING ADJACENT TO THE ABOVE DESCRIBED TRACT

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT A STONE AT THE SOUTHEAST CORNER OF THE WILLIAM WADE DLC NO. 39, SECTION 21, T3S, R4E, W.M., CLACKAMAS COUNTY, OREGON; THENCE N 89°53'00" E 160.01 FEET TO AN IRON PIPE AT THE SOUTHWEST CORNER OF DEED VOLUME 641 PAGE 193; THENCE N 03°27'08" E 470.93 FEET TO AN IRON ROD; THENCE N 89°13'05" W 182.98 FEET TO THE SOUTHEAST CORNER OF DEED VOLUME 210 PAGE 480, CLACKAMAS COUNTY DEED RECORDS, SAID POINT BEING ON THE EAST LINE OF THE WILLIAM WADE DLC; THENCE S 00°29'46" W ALONG THE SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINING 1.86 ACRES MORE OR LESS.



NAME: City of Estacada / Dunlop
FILE NO.: 2004-02-A
PUBLIC HEARING DATE: August 9, 2004

CITY COUNCIL FINDINGS AND DECISION

GENERAL INFORMATION

Applicant: City of Estacada

Owner(s): Dunlop Investors / Simpson and Betty Ann Dunlop

Proposal: Annexation of approximately 4.96 acres of land within the Estacada Urban Growth Boundary into the City Limits. A zone change from RRFF-5 (County zoning) to R-1, Low Density Residential (City zoning) to correspond to the Low Density Residential Plan Designation on the Estacada Comprehensive Plan will also be evaluated as part of the annexation proposal.

Acres: 4.96

Location: Legal Description: T3S, R4E, Section 21C, Tax Lot 1501
T3S, R4E, Section 21CB Tax Lots 2900 and 2903

Zone: Rural Residential Farm Forest, 5 acre minimum lot size (County Zoning District)

Comprehensive Plan Designation: Rural Residential (County Designation); Low Density Residential (City Designation)

Planning Staff Recommendation: Approval

BACKGROUND INFORMATION:

The Planning Commission previously reviewed this application, as well as two other island annexation applications (File Nos. 2004-01-A; Newcomb and 2004-03-A; Mullins) on January 29, 2004 and forwarded a recommendation to the City Council to approve the application. In the review of the Mullins application, the Planning Commission determined the application was incomplete and recommended denial of the application to the City Council. The application was determined to be incomplete in part because a boundary survey of the property was not completed.

At that time Section 16.124.040 of the City Code required a boundary survey of the property to be completed by a registered engineer or surveyor. The City did have a survey drawing/map completed by a surveyor, but this drawing did not qualify as a "boundary

A. Section 16.124.020 outlines two conditions which must be met prior to or concurrent with the City processing an annexation request.

1. Section 16.124.020(A) requires the subject property to be located within the Estacada Urban Growth Boundary (UGB).

The subject property is currently located within the Estacada UGB.

2. Section 16.124.020(B) requires the subject property to be contiguous to the existing City limits.

The subject property is contiguous to the existing City limit boundaries on all sides.

The two conditions of Section 16.124.020 are met.

B. Section 16.124.030 outlines the criteria which applies to all annexation requests.

1. Section 16.124.030(A) requires the proposed use for the site to comply with the Estacada Comprehensive Plan and with the designation on the Estacada Comprehensive Plan map. If a redesignation of the plan map is requested concurrent with the annexation, the uses allowed under the proposed designation must comply with the Estacada Comprehensive Plan.

The Comprehensive Plan map designates this property Low Density Residential, with a corresponding R-1 (single family, 7,500 square foot district) zoning district. There is no proposed use for this site, as it is being initiated by the City under the "Island Annexation" procedures. The applicant has not requested a change of the Comprehensive Plan map. If the application is approved, the proposed uses on the property would be limited to single family residential uses and other uses allowed in the Low Density Residential district consistent with the Estacada Comprehensive Plan and Comprehensive Plan map designation.

This criterion is met.

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

a. Section 16.124.030(B)(1): 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.

The City Public Works Director has submitted comments indicating the upper elevation water system, and the City sewer system is adequate to provide water and sewer service to this area. Given the location of the existing sewer and water facilities and adequate

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, except for consent of at least one-half of the property owners of the area to be annexed. This requirement is not applicable as this application has been initiated under the "Island Annexation" provisions in Section 16.124.100 which allows the City to initiate the proposal without property owner consent.

The minimum submittal requirements are satisfied.

D. Section 16.124.050 requires the City Planner to review Annexation applications to assure consistency with the purposes of the Annexation Chapter of the City Code, with the policies and standards of the City Charter, Code and Comprehensive Plans and any requirements of State law.

The applicable provisions of the Annexation Chapter of the City Code have been addressed throughout this report. The application is being processed in compliance with all policies and standards of the City Charter and requirements of State law.

The Planning staff has identified several Sections and Policies of the Comprehensive Plan applicable to Annexations.

The Planning staff has identified several Sections of the Comprehensive Plan applicable to Annexations. These are discussed below:

1. GOAL 10, Housing Element includes the following goals and policies:

- The City will zone areas annexed in accordance with the plan map land-use designations.

This proposal is to zone the property R-1 which is consistent with the City's Comprehensive Plan map.

2. GOAL 14 includes the following policies and Findings of Fact:

- New urban development may only occur concurrent with or following provision of the development site with public streets, water and sewer services, drainage facilities (as necessary), fire and police protection. And other public services as provided for in the policies governing public facilities and services.

The proposal has been found to be in compliance with the Comprehensive Plan in the discussion above under Sections 16.124.030 and 16.124.110 above. This Section also requires the area to be annexed to automatically be 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 map the corresponding zoning district. If this application is approved the Comprehensive Plan map designation of Low Density Residential would not change and the zoning would change from RRFF-5 to R-1.

This criterion is met.

H. Section 16.124.120 requires Annexation requests to be coordinated with affected public and private agencies, including but not limited to, Clackamas County, Estacada School District, Estacada Fire District, local utilities, the Oregon Department of Transportation, and Portland General Electric.

Clackamas County has no objections to the proposed annexation. No comments have been received from the remaining agencies as of the writing of this report. The Planning staff finds the property is generally ripe for annexation and there are no significant coordination issues with future land use/development proposals that cannot be adequately coordinated with the affected agencies.

This criterion can be met.

I. Section 16.124.130 outlines the requirements for Annexation and abatement of Non-conforming Uses.

This Section requires the applicant to provide a schedule for the removal of any nonconforming uses on the property to be annexed. Tax lot 2900 is developed with a single family dwelling and outbuilding. This is an allowed use in the R-1 zoning district which would be applied to the property if this application is approved. Tax lots 2903 and 1501 are both vacant. There are no nonconforming uses on the subject property which require abatement.

This criterion is met.

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: