



# 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](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

December 22, 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 004-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 4, 2007**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist  
Stacy Humphrey, DLCD Regional Representative  
Mike Mccallister, City Of Estacada

<paa> ya/

**FORM 2 Notice of Adoption**

**DEPT OF**

**DEC 15 2006**

**LAND CONSERVATION  
AND DEVELOPMENT**

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

For DLCD Use Only

Jurisdiction: City of Estacada Local file number: Annex 2006-5  
Date of Adoption: 12/11/2006 Date Mailed: 12/14/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 6/12/2006

- 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, 17D, tax lot 100. Zone change map amendment from RRFF-5 (County designation) to R-1 (low-density residential) & M-1 (light industrial) consistent with the 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".

**No substantial changes.**

Plan Map Changed from: n/a to: \_\_\_\_\_  
Zone Map Changed from: RRFF-5 to: R-1 & M-1  
Location: 34E, 17D, tax lot 100 Acres Involved: 29.47 acre  
Specify Density: Previous: 5 acce New: 7500 sq ft & no min.  
Applicable Statewide Planning Goals: 2, 9, 10, 11, 12 & 14

Was and Exception Adopted?  YES  NO

DLCD File No.: 004-06 (15297)

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:

**Clackamas County, Estacada Fire Dept, ODOT.**

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Local Contact: **Mike McCallister** Phone: **(503) 353-4502** Extension: \_\_\_\_\_  
Address: **9101 SE Sunnybrook** City: **Clackamas**  
Zip Code + 4: **97015-** Email Address: \_\_\_\_\_  
**mikem@co.clackamas.or.us**

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### **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 2006 – NO. 24**

**A RESOLUTION OF THE ESTACADA CITY COUNCIL PROCLAIMING ANNEXATION OF 29.47 ACRES OWNED BY THE ESTATE OF GLADYS SCHLICHTER.**

WHEREAS, Lance Schlichter, representing the Estate of Gladys Schlichter, submitted a petition to the City requesting that certain properties of which they have ownership 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 27, 2006 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 14, 2006 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 2006 – No. 017 at their August 14, 2006 meeting calling for a measure election to submit to the electors of the City the question of annexation of 29.47 acres into the City limits; and

WHEREAS, on November 7, 2006 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 452 yes to 307 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 11<sup>th</sup> day of December, 2006.

  
Mayor

ATTEST:

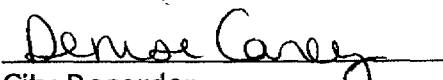
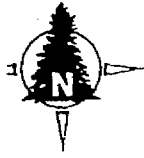
  
City Recorder

EXHIBIT A

05-18-2006 09:55:30am (1093x1171x24b jpeg)



**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

May 16, 2006

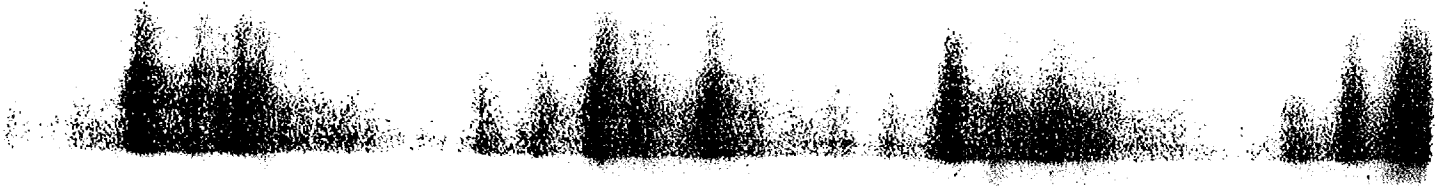
LEGAL DESCRIPTION FOR ANNEXATION

LEGAL DESCRIPTION FOR ANNEXATION TO THE CITY OF ESTACADA, THE SAID TRACT BEING A PART OF THE HUGH CURRIN DONATION LAND CLAIM NO. 40 IN THE SOUTHEAST ONE QUARTER OF SECTION 17, T3S, R4E, W.M., CLACKAMAS COUNTY, OREGON. THE BOUNDARY OF WHICH IS BASED ON A SURVEY ON FILE WITH THE CLACKAMAS COUNTY SURVEYORS OFFICE AS SURVEY NUMBER 10745 AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD IN THE SOUTH LINE OF THE HUGH CURRIN DONATION LAND CLAIM NO. 40, WHICH BEARS SOUTH 89°34'30" WEST 747.78 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE SOUTH LINE OF THE SAID CLAIM SOUTH 89°34'30" WEST 257.12 FEET TO AN ALUMINUM CAP AT AN ANGLE POINT IN THE SAID SOUTH LINE; THENCE ALONG THE SOUTH LINE AS MONUMENTED BY SAID SURVEY NO. 10745, CLACKAMAS COUNTY SURVEY RECORDS, SOUTH 69°44'35" WEST 811.27 FEET TO AN IRON ROD; THENCE LEAVING THE SAID SOUTH LINE NORTH 19°16'10" WEST 1189.98 FEET TO AN IRON ROD; THENCE NORTH 69°44'35" E 161.70 FEET TO AN IRON ROD; THENCE NORTH 19°14'10" WEST 24.53 FEET TO AN IRON ROD; THENCE NORTH 69°16'15" EAST 886.39 FEET TO A STONE WITH "X"; THENCE SOUTH 19°33'45" EAST 1308.96 FEET TO THE POINT OF BEGINNING. CONTAINING 29.5 ACRES MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 10, 1998  
PATRICK M. GAYLORD  
2787



05-16-2006 09:56:07am (1040x1497x24b .jpeg)

# ANNEXATION BOUNDARY FOR LANCE SCHLICHTER IN THE SE 1/4 OF SECTION 17, T3S, R4E, W.M. CLACKAMAS COUNTY, OREGON

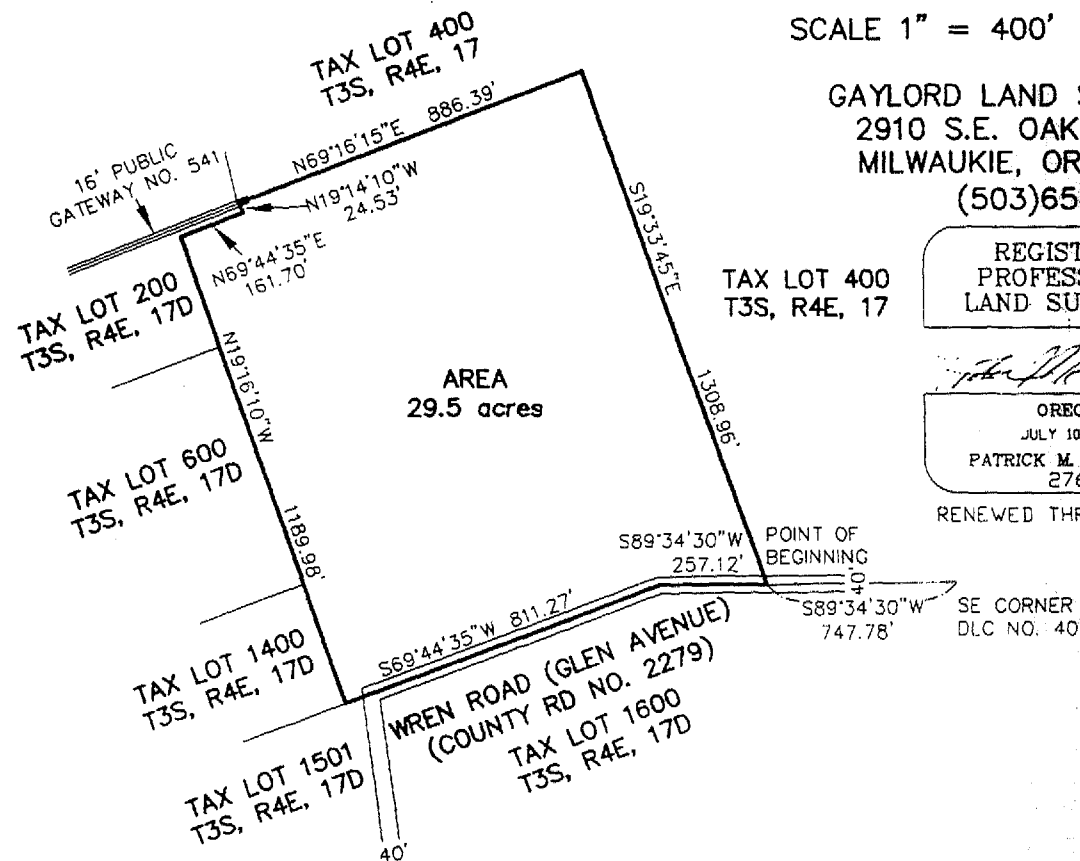
SCALE 1" = 400'      MAY 16, 2006

GAYLORD LAND SURVEYING, INC.  
2910 S.E. OAK GROVE BLVD.  
MILWAUKIE, OREGON 97267  
(503)654-1492

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 10, 1996  
PATRICK M. GAYLORD  
2767

RENEWED THRU 06/30/07



SCALE 1" = 400'  
PROJECT NO. 06048

EXHIBIT B

NAME: Schlichter  
FILE NO.: 2006-05-A  
PUBLIC HEARING DATE: August 14, 2006

CITY COUNCIL FINDINGS AND DECISION

GENERAL INFORMATION

Applicant: Lance Schlichter; 2365 Royal Oaks Drive; Alamo, CA 94507

Owner(s): The Estate of Gladys Schlichter; 32255 SW Wren Road; Estacada, OR 97023

Proposal: Annexation of a 29.47 acre parcel of land within the Estacada Urban Growth Boundary into the City Limits. This application includes a corresponding zone change from Exclusive Farm Use (EFU) to R-1 and M-1 consistent with the Estacada Comprehensive Plan land use plan map.

Location: North side of Wren Road, approximately 1/8 mile north of the Wren Road / Hinman Road intersection.

Legal Description: T3S, R4E, Section 17D, Tax Lot 100.

Zone: EFU – Exclusive Farm Use; 80 acre minimum lot size (County Zoning District).

Comprehensive Plan Designation: County Designation: Agriculture; City Designation: Low Density Residential (northeast side of Currin Creek) and Light Industrial (southwest side of Currin Creek).

Planning Commission Recommendation: The Planning Commission conducted a public hearing on July 27, 2006 and recommended approval of the Annexation and Zone Change applications.

=====  
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 days following the Planning Commission meeting, unless a continuance is requested, the Commission shall adopt specific findings of fact addressing the review criteria and

forward a recommendation to the City Council. The matter will then be set for a public hearing before the City Council. The City Council may adopt the Planning Commission findings for approval or denial of the annexation, supplement the record as appropriate, or reject the findings and adopt new findings. If the annexation application is approved by the City Council, it shall be referred to the voters in the following May or November election.

#### CONCLUSIONS AND FINDINGS

This application is subject to the standards and criteria in Section 16.124.020 – 16.124.130 of the Estacada City Code.

**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): *The subject site must be located within the Estacada urban growth boundary (UGB).*

According to the Estacada Comprehensive Plan map, the subject property is located within the Estacada Urban Growth Boundary.

2. Section 16.124.020(B): *The subject site must be contiguous to the existing city limits.*

The subject property is contiguous to property within the existing City Limits on the west side which was recently annexed into the City (Forsman Annexation).

**The requirements 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): *The proposed use for the site complies 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 subject property is designated Low Density Residential and Light Industrial on the Estacada Comprehensive Plan map. The Comprehensive Plan Boundary dividing the two plan designations is located along Currin Creek. The portion of the property located northeast of the creek is designated Low Density Residential. The R-1 zoning district implements the Low Density Residential Plan designation. The portion of the property located southwest of the creek is designated Light Industrial. The M-1 zoning district implements the Light Industrial Plan designation. The applicant has not proposed to change the existing Comprehensive Plan designations. The applicant has proposed to change the current County EFU zoning designation to R-1 and M-1, respectively,



consistent with the existing Low Density Residential and Light Industrial Plan designation. The applicant has indicated the property will ultimately be developed consistent with uses allowed under the respective Comprehensive Plan and zoning designations.

**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 Public Works Director has submitted comments addressing the adequacy of the public water and sewer system. See Exhibit 2. The City waste water treatment and water treatment facilities currently have capacity for approximately 800 new connections. Approximately 500 new residential subdivision lots have recently been approved and / or received preliminary plat approval. If all these lots are developed, only 300 new connections would be available. A new subdivision application is currently being considered at this time (Park LLC) for a 265 lot subdivision and additional commercial development (The Planning Staff has recommended approval of the application). Another large tract of land over 100 acres was recently annexed on the north end of town, which is also available for future development.

In summary, City sewer and water services do not currently exist to the site. The City's sewer and water systems currently have a limited capacity to serve approximately 800 new connections. The City has tentatively approved 500 new subdivision lots and is currently reviewing a new subdivision for 268 new lots. Development of the approved and pending subdivision applications would utilize essentially all of the available water and sewer connections. The City also has annexed over 100 acres of additional land in the northern area of the UGB which is also available for future development. Other additional connections will also likely be requested for various commercial, industrial and residential infill projects within the City.

The City Council finds that the capacity of the sewer and water systems is adequate because of the amount of connections currently available (approximately 800) to support buildout of the recently approved and tentatively approved subdivisions in the City. In addition, the historical growth rate of the City is not expected to exceed the ability of the City to construct future capacity upgrades to sewer and water facilities. Additional improvements to City sewer treatment and water treatment facilities are technically feasible to accommodate future growth needs. Only facility planning, design time and funding limit the ability to make additional capacity improvements to these facilities.

**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 property has frontage on Wren Road, which is designated as a local 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 designations through the year 2019. The TSP also provides a Level of Service (LOS) analysis for specific intersections within the City limits and the urban growth boundary. The TSP indicates there are no significant LOS deficiencies at any affected intersections near the subject parcels. The TSP indicates the nearby River Mill Road / Eagle Creek Road intersection will operate at a LOS B in the year 2019 with build out in the area. The TSP demonstrates the area traffic system is adequate to accommodate future traffic (Year 2019) based on the existing zoning and potential development in the area.

The existing right-of-way along the frontage of the subject parcel on Wren Road is approximately 40'. The minimum road right-of-way width required for a local street is 40-60 feet. Additional right-of-way width of up to 10' may be required along the entire frontage of Wren Road to meet minimum right-of-way widths based on future development proposals. A condition of approval is warranted requiring the applicant to sign a waiver of remonstrance against assessment for road right-of-way dedication and improvement costs along the property frontage of Wren Road required in any future land use/development applications on the property.

**This criterion is met.**

*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 of Estacada Park Plan provides for the location and establishment of park facilities.

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. This annexation proposal includes only one parcel. The submitted application includes a signature of the current property owner authorizing annexation of the property.

**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 recommendation of the city planner shall contain, at a minimum, a finding that the city is capable of providing services to the subject property(ies) commensurate with the needs of existing and proposed development at maximum allowable densities.**

The applicable provisions of the Annexation Chapter of the City Code are addressed throughout this report.

Section 16.16.010 (R-1 Zoning District) and Section 16.36.010 (M-1 Zoning District) of the City Code is also applicable to this application. Section 16.16.010 of the City Code outlines the purpose and general locational characteristics of the R-1 zoning district. This Section states "*Devoted to single-family dwellings from which are excluded business and multiple-dwelling structures but does allow certain public nonprofit uses as conditional uses, as well as home occupations, and bed and breakfast facilities with standards.*"

Section 16.28.010 (C-1 District) of the City Code outlines the purpose and general locational characteristics of the M-1 zoning district. This Section states "*Intended for the expansion of light industrial uses. Permits wholly enclosed light industrial uses and commercial uses which are compatible to the surrounding area.*"

The applicant has not submitted any specific development plan, but has indicated the property would be developed consistent with the underlying zoning districts.

This application is being processed in compliance with all policies and standards of the City Charter and requirements of State law including notice to affected agencies and property owners and notice in the local newspaper.

The Planning staff finds the following Sections and policies of the Comprehensive Plan to be applicable to this proposal:

1. 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 City of Estacada plans to provide public facilities and services within the UGB area.
- The UGMA requires annexation to effectuate the City's Comprehensive Plan for the area.
- The City requires annexation in order for urban services to be provided.
- The Plan and UGMA provides the process by which rural lands within the established urban growth boundary may be committed to urban uses as the need occurs.

Overall these policies and Findings of Fact require a property to be annexed into the City Limits in order for the Comprehensive Plan and implementing zoning district to be applied to a property. Also annexation is required in order for urban services to be provided to the property.

Generally, the applicant has proposed to establish land uses on the property consistent with the existing Comprehensive Plan designations. This is consistent with the purpose statement of the proposed R-1 and M-1 zoning districts in the City Code. The application does not propose any changes to the existing Low Density Residential and Light Industrial Plan designations.

**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 in the area or 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 map designation, therefore R-1 and M-1 zoning will be applied to the annexed area, respectively, if the application is approved.

**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.**

The City has completed the necessary coordination by providing notice of this application to affected agencies, including Clackamas County, Estacada School District, Estacada Fire District, Estacada Public Works Department, Cascade Utilities, Portland General Electric, ODOT and the Department of Land Conservation and Development.

**This criterion is met.**

**I. Section 16.124.130: Annexation of Non-conforming Uses.**

**A. Section 16.124.0130(A): When property proposed to be annexed into the city contains a land use not permitted in the zone as an outright permitted use or conditional use specified by the comprehensive plan and/or city code, all nonconforming uses in the annexed area must be abated within ten (10) years of**

**annexation. The council may impose conditions of approval on any conditional use proposed in the annexed area. If a property owner in the area to be annexed initiates annexation, that applicant shall provide a schedule for the removal of all non-conforming uses as part of the annexation application. If initiated by the city, no schedule shall be required. For all annexation proposals, the city council may add conditions to ensure the removal of the nonconforming use within a reasonable time period, not to exceed ten (10) years after annexation.**

The subject parcels will be zoned R-1 and M-1, respectively, upon annexation. Uses Permitted Outright in the R-1 zoning district include single family dwellings built on site, factory-built dwellings, manufactured homes, agricultural uses (except the raising of livestock for commercial purposes), family day care provider, public parks, residential homes and home occupations. Use permitted outright in the M-1 zoning district includes light manufacturing, processing, assembly and other wholly enclosed uses. The portion of the subject property designated Low Density Residential (R-1) is vacant, therefore no nonconforming uses exist on this portion of the site.

The portion of the property designated Light Industrial (M-1) is developed with a single family dwelling. The single family dwelling on the portion of the site designated Light Industrial is not permitted as an allowed or conditional use in the M-1 zoning district and therefore is considered a nonconforming use. The removal of this dwelling as a nonconforming use is regulated under Section 16.124.130(B) and is addressed in the following paragraph.

**This criterion is not applicable.**

**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.**

As mentioned in the findings in the previous criteria, the single family dwelling located on the portion of the property designated Light Industrial is considered a nonconforming use. The applicant has submitted a statement indicating the dwelling will be removed from the property as required in Section 16.124.130(B). See letter dated June 1, 2006. A

condition of approval is warranted to that effect.

**This criterion is met.**

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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 subject property is designated Low Density Residential and Light Industrial on the Estacada Comprehensive Plan map. The proposed R-1 and M-1 zoning district implements the Low Density Residential and Light Industrial plan designation, respectively. 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 and Commercial Plan designations. Those findings are adopted to address this approval criteria by reference therein.

**This criterion is met.**

2. Section 16.101.010B: *The property and affected area is presently provide 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 of the property.*

Based on the findings in the evaluation of the annexation application under Section 16.124.030B the City sewer treatment and water treatment facilities are currently adequate to serve additional development on the subject property. Those findings are adopted to address this approval criteria by reference therein.

**This criterion is met.**

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EXHIBITS


1. Tax assessors/location map
  2. Comments, Chris Randall, Public Works Director
-

Decision: Based on the above findings, it is the decision of the Estacada City Council to approve the Annexation and Zone Change application and refer the matter to a vote of the city electors at the next available elections. Final approval of the application is subject to the following conditions of approval:

1. The applicant / property owners shall sign a waiver of remonstrance for the dedication of road right-of-way and other road improvements along the frontage of the subject properties consistent with City Roadway and Improvement Standards required in any future development applications.
2. The existing dwelling is considered a nonconforming use. This use shall be removed / abated as required in Section 16.124.130(B) of the City Code
3. The City's official zoning map shall be changed to reflect this action upon final approval.

Approved on August 14, 2006

Signed this 17 day of August, 2006

  
Bob Austin, Mayor



NUMBERED KEY CANVASS

RUN DATE:11/22/06 12:33 PM

General Election  
Clackamas County, Oregon  
November 7, 2006

REPORT-EL52 PAGE 0178

		VOTES	PERCENT			VOTES	PERCENT
3-251 CITY OF ESTACADA: ANNEXATION OF 29.47 ACRES							
Vote For 1							
01 = Yes		452	59.55	03 = OVER VOTES		0	
02 = No		307	40.45	04 = UNDER VOTES		59	
-----							
	01	02	03	04			
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0106 106		452	307	0	59		

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CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK  
BY: *Sherry Hall*

Addresses within annexation:

32255 SE Wren Road  
Estacada, OR 97023