



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

December 26, 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 006-06



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: January 8, 2007**

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  
Stacy Humphrey, DLCD Regional Representative  
Mike McCallister

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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  
DEC 19 2006  
LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Estacada Local file number: CPA & ZC 2006-1  
Date of Adoption: 12/11/2006 Date Mailed: 12/18/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 9/7/2006

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

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

**Zone change & comprehensive plan map amendment from M-1 (light industrial) to C-1 (commercial) for property described as 34E, 20BA, tax lots 100, 200, 300, 400.**

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: light industrial to: commercial  
Zone Map Changed from: M-1 to: C-1  
Location: SW corner of Hwy 224 & Rivermill Road Acres Involved: 11.23  
Specify Density: Previous: n/a New: n/a  
Applicable Statewide Planning Goals: 9, 11 & 12  
Was and Exception Adopted?  YES  NO

DLCD File No.: 006-06 (15545)

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:

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

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**

### 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: Park-Pihl LLC  
FILE NO.: 2006-01-CP / 2006-01-Z  
HEARING DATES: October 26, 2006 (PC); December 11, 2006 (City Council)

CITY COUNCIL FINDINGS AND DECISION

FACTS

GENERAL INFORMATION

Applicant: Park-Pihl LLC, P.O. Box 369; Estacada, OR 97023

Owner(s): Same

Proposal: Comprehensive Plan map amendment from Light Industrial to Commercial, and corresponding zone change request from M-1 to C-1.

The uses allowed in the C-1 zoning district are identified in Section 16.28 of the City Code and include a variety of service, retail and service commercial uses which are primarily operated inside a building.

Location: Legal Description: T3S, R4E, Section 20BA, Tax Lots 100, 200, 300 and 400; W.M.

Zone: M-1

Comprehensive Plan Designation: Light Industrial

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BACKGROUND INFORMATION:

1. In 2001 a Comprehensive Plan map amendment and zone change application was filed on the subject property (File Nos. 2000-02-CP / 2000-02-Z). The application proposed to change the Comprehensive Plan map from Light Industrial to Commercial and the zoning designation from M-1 to C-1. The application originally included approximately 20 acres of land which is now known as the Atkinson Industrial Park, Lots 1-9. See Exhibit 1. During the public hearing process the applicant revised the proposal to include only Lots 1-3 (located along the Hwy. 224 frontage), which totals approximately 8.99 acres. The Comprehensive Plan map amendment and zone change application was denied by the City Council. A copy of the City Council Findings and Decision is included in Exhibit 4.

2. This new application includes the exact same proposal as the application above, except it includes Lots 1-4 (approximately 11.23 acres), instead of just Lots 1-3.

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**SECTION 1- COMPREHENSIVE PLAN MAP AMENDMENT**  
**FROM LIGHT INDUSTRIAL TO COMMERCIAL**

This proposal is subject to compliance with the Statewide Planning Goals, Oregon Administrative Rules, Estacada Comprehensive Plan and the Estacada City Code. The Planning Staff adopts the previous Findings and Decision by the City Council from File Nos. 2000-02-CP and 2002-02-Z into this staff report by reference therein. Those findings address all the applicable Statewide Planning Goals, Oregon Administrative Rules, Comprehensive Plan policies and City Code requirements except as otherwise modified below.

**PART 1. COMPLIANCE WITH STATEWIDE PLANNING GOALS:**

The City Council finds that Statewide Goals 2, 9, 11 and 12 are applicable to this application.

A. 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.*

1. Goal 2 requires coordination with affected governments and agencies. Notice of this application has been provided to the following agencies and governments for comments; Estacada School District, Estacada Fire District, Oregon Dept. of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD).

2. The subject property is located entirely within the Estacada City limits and therefore is not part of any Urban Growth Management Areas (UGMA) of any nearby or surrounding cities. Therefore this application does not affect any other adopted City or County Comprehensive Plans.

3. Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. The background information and findings provided by the applicant and within this report, and comments received from agencies and interested parties provide an adequate factual base for rendering an appropriate decision consistent with the County Comprehensive Plan.

**This proposal is consistent with Goal 2.**

B. 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."*

1. This Goal is intended to ensure Comprehensive Plans contribute to a stable and healthy economy in all regions of the state. Goal 9 also requires the County to provide for an adequate supply of sites of suitable sizes, types, locations, and services for a variety of industrial and commercial uses consistent with plan policies.

2. The Estacada County Comprehensive Plan has been acknowledged in compliance with Goal 9. OAR 660-009 (Industrial and Commercial Development) outlines the standards and criteria to comply with Goal 9. OAR 660-009-0010(4) outlines the standards and criteria to address any changes to acknowledged commercial, industrial and other employment areas. This Section of the OAR requires any jurisdiction which changes its plan designations of lands 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 to address all applicable planning requirements and;

*a. Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*

*b. Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*

*c. Adopt a combination of the above, consistent with the requirements of this division.*

3. This application includes a plan map amendment from an industrial use designation to a non-industrial use designation on more than 2 acres of land (11.23 acres) within an existing urban growth boundary. Therefore OAR 660-009-0010(4) is applicable to this application. A copy of the OAR is included in Exhibit 7.

4. The applicant has submitted an Economic Opportunity Analysis (EOA) under option 2 above. OAR 660-009-0015 through 660-009-0025 outlines the minimum information required in an EOA. This information is used to determine if the City has an adequate supply of land to provide for the types and amounts of industrial and employment uses likely to occur in the 20 year planning period. Beyond that, this OAR provides much discretion to the City for determining whether the EOA is sufficient to warrant a Comprehensive Plan map amendment supporting either commercial or industrial development.

5. The EOA must address all the technical requirements of OAR 660-009-0015 through 660-009-0025, including 1) a review of national, state and local employment trends; 2) commercial and industrial site requirements; 3) and inventory of industrial and commercial lands; and 4) an assessment of community economic development potential. The Planning Staff does not believe the EOA includes all the technical requirements to satisfy OAR 660-009-0015 through 660-009-0025 for the following reasons:

a. OAR 660-009-0015(3) requires the applicant to provide an inventory of industrial and other employment lands. The inventory must include vacant and developed lands within the planning area designated for industrial and other employment uses. For each site, the inventory must include a description, including site characteristics, of vacant and developed sites, and a description of any development constraints or infrastructure needs that affect the buildable area of the sites.

b. OAR 660-009-0015(4) requires an "Assessment of Community and Economic Development Potential." The economic opportunities analysis must estimate the types and amounts of industrial and other employment uses likely to occur in the planning area. This estimate must be based in part on the industrial and employment lands inventory required in OAR 660-009-0015(3).

c. The EOA is based in most part on assumptions in the City's Comprehensive Plan update which is expected to be completed in 2007. See Section 2 titled "Estacada Overview. This is a draft plan, it has not been adopted by the City and has not been acknowledged by the State. Any factual information in this draft plan, such as amount of commercial or industrial land, parcelization patterns, etc. can be considered in this application. However, any conclusions or assumptions for the report should not be considered because it is not an adopted plan. There are many variables, legal requirements and policy decisions which must be considered in whole by the City before this plan may be adopted. This draft plan also includes substantial changes in the location and acreages of residential, commercial, industrial and multi-family plan designations as a whole.

6. The Planning Staff found that the EOA is not consistent with OAR 660-009-0015 through 660-009-0025 and should not be approved or adopted as part of the Comprehensive Plan for the following reasons:

a) The EOA is flawed because it does not address the minimum technical requirements in OAR 660-009-0015. Specifically, an inventory of industrial and other employment lands as required in OAR 660-009-0015(3) and an accurate corresponding "Assessment of Community and Economic Development Potential as required in OAR 660-009-0015(4).

b) Page 6 the EOA states: The State of Oregon is undertaking aggressive policies for new development growth. The Governor's "Shovel Ready Industrial Land" policy drives the creation of large blocks of serviced, flat, accessible, and building-permit ready land. Estacada has not such lands, but has the potential of easily adding them with a UGB amendment." The subject property currently meets this definition of "Shovel Ready Industrial Land." The site is over 8 acres, includes 4 tax lots in the same ownership which could be sold separately or aggregated into one development parcel, the property is flat, the property has excellent access to State Hwy. 224, and the property is currently served with City sewer, water and storm drainage facilities. This property is suitable for industrial uses and is "building-permit ready."

c). Page 42 under the section titled "Estacada Overview" includes an assumption from the draft Comprehensive Plan update which states that "Estacada has the opportunity to create a large "shovel-ready" industrial site in the northwest corner of the city and this land should replace the Eagle Creek Road land as the City's major new employment center." This assumption is inconsistent with other conclusions of the report that indicate only 11 acres of industrial land will be developed in the next 20 years. If that is the case, the City has more than adequate land in the City and UGB and adding additional land into the UGB for industrial uses is not warranted.

d) Page 23 of the EOA which address the Commercial Land indicates that "...sites directly on Hwy. 224 north of town will be most desirable, especially for retail." The area directly across Hwy. 224 from the subject property includes over 20 acres of land currently zoned Commercial. This Commercial area provides existing short term and long term opportunities for commercial and retail uses along Hwy. 224. This area also provides land to accommodate a large commercial development or to be divided into smaller parcels for individual uses.

e) Page 8 under the section titled "Transportation" indicates that the City is unlikely to attract a mega industrial facility to the distant location to a regional transportation facility. Various sections of the report further support that argument and the need to provide and maintain small to medium size parcels for industrial uses. The subject property does just that. The DLCDC staff has also submitted comments stating that the EOA does not adequately address the need for a short term supply of serviceable small lot industrial parcels if this application is approved. See Exhibit 5.

f) The City is not required to adopt and approve the EOA and Comprehensive Plan amendment just because there is a showing of a need for additional commercial land. This proposal must also be balanced against the short and long term need for industrial lands, appropriate parcel sizes and appropriate locations for industrial and employment needs.

7. At the Planning Commission public hearing the applicant submitted a memorandum titled "Response / Supplemental Information to Planning Staff Report" addressing the issues raised by the Planning Staff. See Exhibit 21. Based on this additional information, the Planning Commission found, and the City Council agrees that the EOA adequately addresses the requirements of OAR 660-009 and adopts them as part of the Comprehensive Plan. The EOA demonstrates the need for additional commercial zoning on the subject property.

**This proposal is consistent with Goal 9.**

**C. 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, such as sewer, water, solid waste and storm drainage. The Goal requires these public facilities and services to be provided at levels necessary and suitable for urban and rural uses, as appropriate. OAR 660-011 implements the requirements of Goal 11.

The subject property is currently served by City sewer, surface water and water facilities which have been constructed consistent with the City's public facilities plans. The Public Works Director has submitted comments indicating the City water, surface water and storm drain facilities are adequate to support used allowed under the proposed C-1 zoning district. See Exhibit 6. The comments from the Public Works Director are incorporated into this staff report by reference therein.

The property is also appropriately located within the service boundaries of Estacada Fire District #1 and Clackamas County Sheriff's District.

**This application is consistent with Goal 11.**

D. 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;

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

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

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

1. *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*

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

3. *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.*

4. Compliance with OAR 660-012-0060(1) can be achieved by one or a combination of the following;

a) *Adopting measures that demonstrate the allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

b) *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

d) *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

e) *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

5. The applicant has submitted a Traffic Impact Analysis (TIA) completed by Lancaster Engineering dated June 2006. See Exhibit 2. The TIS does not specifically address the Transportation Planning Rule (TPR). The TIS includes an evaluation of the Hwy. 224 / River Mill Road and Veterans Boulevard / River Mill Road intersections.

6. The TIA demonstrates the River Mill Road / Veterans Boulevard intersection will operate at an acceptable level of service with the proposed zone change through the 20 year planning period (2026).

7. The TIA demonstrates the Hwy. 224 / River Mill Road intersection will operate at an acceptable level of service through the year 2026 under the current M-1 zoning district.

However, with the proposed zone change to C-1, this intersection will fail (LOS F / greater than 1.0 v/c ratio) in the year 2026. If this intersection is signalized, it will operate at an acceptable level of service (LOS C / .69 v/c ratio).

8. The ODOT have reviewed the submitted TIA and provided comments regarding the impacts on, and adequacy of the State transportation facilities (Hwy. 224 / River Mill Road intersection). See Exhibit 8. The Planning Staff adopts the comments and recommendations from the ODOT staff as part of this report by reference therein.

9. As mentioned in paragraph 5 above, the TIA indicates the Hwy. 224 / River Mill Road intersection will not satisfy the performance standards of the Oregon Highway Plan in the year 2026. Pursuant to OAR 660-012-0060(1)(c)(C) this proposal will significantly affect the transportation facility because it will “*Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP (See paragraph 10 below) or comprehensive plan.*” However, the TIA identifies mitigation to address this impact to include a signalizing the intersection. This mitigation will reduce the volume / capacity (v/c) ratio at this intersection in compliance with the Oregon Highway Plan to accommodate current and future background traffic in the year 2026.

10. At this time, the City’s Transportation System Plan (TSP) has not officially been adopted or acknowledged by the LCDC. The City is currently in the process of reviewing and adopting the TSP. The TSP and the City’s Capital Improvement Plan do identify a planned signal at the Hwy. 224 / River Mill Road intersection. However, in order to consider this improvement in the evaluation of this application under the TPR, the City’s TSP must be adopted. Therefore, if this application is approved, a condition of approval is warranted requiring the City’s TSP to be adopted (including the signalized improvement) prior to the effective date of the Comprehensive Plan amendment.

11. In summary, this proposal is consistent with OAR 660-012-0060(1)(a) and (b) because it does not include in a change in the functional classification of an existing or planned transportation facility, nor change the standards implementing a functional classification. This proposal will significantly affect the transportation system as defined in OAR 660-012-0060(1)(c)(C) because it will reduce the Hwy. 224 / River Mill Road intersection below the minimum acceptable standards in the TSP and Oregon Highway Plan. However, pursuant to OAR 660-012-0060(2)(e) the effects of the plan amendment can be mitigated by construction of a signal which will result in this intersection operating in compliance with the Oregon Highway Plan. A condition of approval is warranted requiring the applicant to construct the improvements to this intersection to mitigate any LOS or v/c as development occurs on the site and to construct the signal when warrants are met. Based on these comments and recommended mitigation improvement this proposal is consistent with the Transportation Planning Rule.

**This application is consistent with Goal 12.**

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**PART 2. COMPLIANCE WITH ESTACADA COMPREHENSIVE PLAN POLICIES.**

The Comprehensive Plan policies adopted by the City Council in the previous application are included in Exhibit 4. The staff believes one additional finding is warranted regarding a policy in Chapter 9 – Economic Element.

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

Objective 1, on page 46 of the Comprehensive Plan states “*Protect those areas zoned for industrial development from encroachment of incompatible land uses.*”

This proposal will result in commercial zoning on the east side and south end of Veterans Boulevard (Lots 1-4) and light industrial zoning on the west side of Veterans Boulevard (Lots 5-9). All 9 of these lots will take direct access to Veterans Boulevard. The Traffic Impact Analysis indicates commercial uses on the subject property will generate up to 107 trips during the morning peak hour, 352 trips during the evening peak hour and 4,250 trips during an average weekday. These traffic trips will all be generated on Veterans Boulevard across the street from the existing area planned for light industrial uses. The Planning Commission finds this additional commercial traffic will result not result in significant conflicts on Veterans Boulevard with industrial truck traffic generated on the opposite side of Veterans Boulevard.

**This proposal is consistent with this objective and Goal 9.**

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**PART 3. SUMMARY OF FINDINGS AND CONCLUSIONS ON COMPREHENSIVE PLAN AMENDMENT**

Parts 1-2 in Section 1 of this report outlines and addresses all the policies, standards and criteria found to be applicable to this proposal. These policies and standards range from being very general (i.e. Statewide Planning Goals) to more specific in nature (i.e. Comprehensive Plan Policies). As a result all these policies and standards must be weighed and balanced against this specific land use proposal to determine whether the existing Light Industrial or the proposed Commercial Plan designation is the most appropriate plan designation.

A. **In consideration of the findings in Parts 1-2, the Commercial Plan designation is appropriate on the subject property for the following reasons:**

**1. This proposal is consistent with Statewide Goal 9 and OAR 660-009 based on the EOA and Supplemental Information in Exhibit 21.**

**2. With conditions requiring adoption of the City TSP and timely improvements to the River Mill Road / Hwy. 224 intersection, this proposal is consistent with Statewide Planning Goal 12 and the TPR.**

**3. In evaluating the general policies throughout the Comprehensive Plan, there is a need for additional commercial land in the City and this site with good visibility and access to Hwy. 224 is a suitable for commercial uses.**

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## **SECTION 2: ZONE CHANGE APPLICATION**

### **PART 1: EVALUATION OF ZONE CHANGE CRITERIA IN SECTION 16.101 OF THE CITY CODE.**

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.*

If the Comprehensive Plan map amendment is approved, the subject property will be designated Commercial. The proposed C-1 zoning district implements the Commercial plan designation. Based on the findings in Section 1 of this report, the Commercial plan designation is warranted. Therefore, the proposed C-1 zoning district is consistent with the Comprehensive Plan. 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.*

The comments from the Public Work Director in Exhibit 6 demonstrate the sewer, surface water and water facilities are adequate to accommodate development under the proposed C-1 zoning district.

The adequacy of the transportation system has been addressed under the discussion of Statewide Planning Goal 12 and the implementing Transportation Planning Rule. Those findings demonstrate that with conditions requiring construction of a signal at the Hwy. 224 / River Mill Road intersection, the transportation facilities are adequate to accommodate uses allowed under the proposed C-1 zoning district.

**This criterion is met.**

**PART 2: SUMMARY OF ZONE CHANGE CRITERIA.**

**A. This proposal complies with both criteria in Section 16.101 of the City Code.**

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ZONING ORDINANCE CONSIDERATIONS

Section 16.28, 16.36, 16.101, 16.128 and 16.132

PLAN CONSIDERATIONS

The Comprehensive Plan provisions found to be applicable to this application are discussed in detail in Section 1, Part 2 of this report.

SITE DESCRIPTION

The subject parcel is approximately 11.23 acres, and is bordered on River Mill Road on the north and State Hwy. 211 on the east. Access is from River Mill Road. No access exists to the State Hwy. The property is currently vacant and is very level. There are no stream, creeks, wetlands or other significant natural features on the property.

VICINITY DATA

Surrounding Conditions: The property is bordered on the south by Timber Park property. The property to the west, across Veterans Boulevard is zoned M-1 and is vacant. The property is bordered on the east by State Hwy. 224. The property across the Hwy. is within the City limits and zoned C-1. The property is bordered on the north by two parcels within the City and zoned Light Industrial. One property is vacant. The other is developed with a dwelling and is the site of the Estacada Bark business.

Service Considerations: Water, sewer, storm drainage and transportation systems would be provided through the City of Estacada. Fire protection is provided by the Estacada Rural Fire Protection District.

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. ODOT

EXHIBITS

1. Tax Assessor location/zoning map
2. Traffic Impact Study, Lancaster Engineering, dated July 2006
3. Economic Opportunity Analysis, dated August 2006
4. City Council Findings and Decision from File Nos. 2000-02-CP / 2000-02-Z
5. Comments; Department of Land Conservation and Development, dated October 16, 2006
6. Comments, Chris Randall, Public Works Director, dated October 17, 2006
7. Oregon Administrative Rule 660-009
8. Comments; Oregon Dept. of Transportation
9. Alice DeAlessandro, Letter of Support
10. Norm and Bee Burke, Letter of Support
11. Sandra and Ron Burke, Letter of Support
12. Fred Campanella, Letter of Support
13. Liz Myers, Letter of Support
14. Cody Lewis, Letter of Support
15. Kimberly Dunn, Letter of Support
16. Jennie Davidson, Letter of Support
17. Tami Ericksen, Letter of Support
18. Connie Tumaniszeieli, Letter of Support
19. Gordon Moore, Letter of Support
20. Mike Park, State of Oregon Public Works Fund Contract
21. Richard Berger, Supplemental Response to EOA, dated October 26, 2006
22. Becky Arnold, Email in Support
23. Danny Scott, Letter in Support

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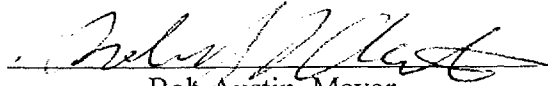
Based on the above findings, it is the decision of the Estacada City Council to approve the Comprehensive Plan map amendment and zone change applications subject to the following conditions:

1. No direct access to OR 224 shall be permitted from these parcels.
2. The City shall amend its acknowledged Comprehensive Plan - Transportation Element - to include a project for signalization of OR 224 at River Mill Road. This approval will not become effective until the Transportation Plan is approved and acknowledged.
3. At the time of building permit application review for any of the subject parcels, the applicant will be required to submit a traffic impact analysis (Unless a determination is made by ODOT and the City that a TIS is not required). The traffic impact analysis shall consider operations at OR 224-River Mill Road and determine the need for intersection improvements including channelization and signalization. If improvements are found to

be warranted, and the City has not yet collected sufficient system development charges to program actual construction, the applicant shall be required to construct the improvements prior to issuance of any building permits.

Approved on December 11, 2006

Signed this 11 day of December, 2006

  
Bob Austin, Mayor