



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

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
DLCDC File Number 006-98

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 June 16, 2000, 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: 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 98-3
Date of Adoption: 6/16/2000 Date Mailed: 2/16/2006
Date original Notice of Proposed Amendment was mailed to DLCD: 8/25/1988

- 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 Exstacada property described as 34E, 21CD, tax lot 8700.

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, 21CD tax lot 8700 Acres Involved: 4.82
Specify Density: Previous: 5 acres New: 7500 sq ft
Applicable Statewide Planning Goals: 9, 11, 14
Was and Exception Adopted? YES NO

DLCD File No.: 006-98 (9401)

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.

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.

RESOLUTION 2000 - 14

A RESOLUTION OF THE ESTACADA CITY COUNCIL PROCLAIMING ANNEXATION OF 4.82 ACRES OWNED BY BLANCHE FOREMAN.

WHEREAS, Blanche Foreman submitted a petition to the City requesting that certain property of which she has ownership be annexed to the City. The petition met the requirements for initiating a proposal set forth in Estacada Code 10.811 - 10.823; and

WHEREAS, the Estacada Planning Commission conducted a public hearing on the proposal on December 21, 1999 after the proper publications and notices and forwarded a recommendation of approval subject to conditions to the City Council; and

WHEREAS, after proper notices and publications the Estacada City Council conducted a public hearing on February 3, 2000 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

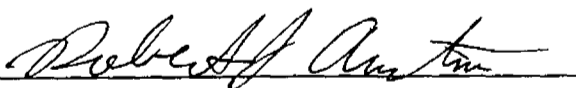
WHEREAS, the Estacada City Council adopted Resolution 2000 - No. 4 at their March 2, 2000 meeting calling for a measure election to submit to the electors of the City the question of annexation of 4.82 acres into the City limits; and

WHEREAS, on May 16, 2000 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 303 yes to 135 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".

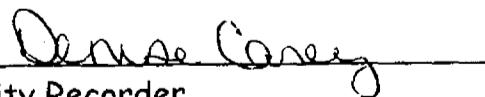
ADOPTED by the City Council this 16 day of June, 2000.

CITY OF ESTACADA, OREGON



Mayor

ATTEST:



City Recorder

"EXHIBIT A"

December 5, 2000

Property Description
Job No. 99-135

W.B. Wells
& Associates, Inc.

Surveyors • Engineers • Planners



Exceptional Service.

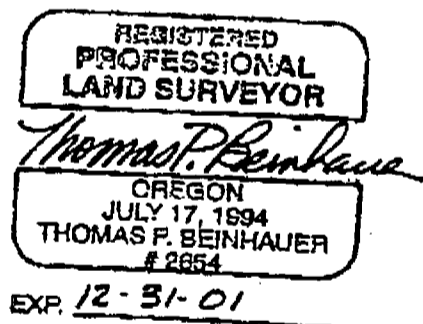
Creative Solutions.

Quality Beyond
Your Expectations

A Tract Of Land Situated In The Southwest One - Quarter Of Section 21, Township 3 South, Range 4 East Of The Willamette Meridian, County Of Clackamas, State Of Oregon, Being More Particularly Described As Follows;

Beginning At A Found Five - Eighths Inch Diameter Rod At The Northwest Corner Of Lot 8, Block 1 Of The Duly Recorded Plat Of Four Seasons, Clackamas County Plat Records; Thence Along The West Line Of Said Plat, South 04°38'32" West, A Distance Of 644.62 Feet, To The North Line Of Regan Hill Road, County Road No. 2508, Said Point Being Marked By A Five - Eighths Inch Diameter Rod With A Yellow Plastic Cap Inscribed " W.B. WELLS & ASSOC., INC.", Said Line Being Referenced As Line "3" As Described In Document No. 2000-072630, Clackamas County Deed Records; Thence Along The North Right - Of -Line Of Said Regan Hill Road, South 89°44'12" West, a Distance Of 327.67 Feet, To A Point, Said Point Being Marked By A Five - Eighths Inch Diameter Rod With A Yellow Plastic Cap Inscribed " W.B. WELLS & ASSOC., INC."; Thence North 04°21'41" East, a Distance Of 651.89 Feet, Said Line Also Being Referenced As Line "1" As Described In Document No. 2000-072629, Clackamas County Deed Records, To A One - Half Inch Diameter Iron Pipe; Thence South 88°57'56" East, A Distance Of 331.31 Feet, To The Point Of Beginning.

Contains 4.89 Acres.



CAQAWINDATA9999135LGI QW

EXHIBIT "B"

NAME: Ivan and Blanche Foreman
FILE NO.: 1999-3-A
HEARING DATE: February 3, 2000

CITY COUNCIL FINDINGS AND DECISION

FACTS

GENERAL INFORMATION

Applicant: Ivan and Blanche Foreman

Owner(s): Same

Proposal: Annexation of land within the Estacada Urban Growth Boundary into the City Limits.

Location: Legal Description: T3S, R4E, Section 21CD, Tax Lot 8700

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 Commission Recommendation: Approval

REVIEW PROCESS

Section 10.817 of the City Code outlines the review procedures for Annexation applications. The procedure is summarized as follows. Once a complete application is submitted and a staff report is completed by the City Planner, 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 10.811 – 10.823 of the Estacada City Code. The City Council has reviewed this application with respect to each of the applicable Sections and makes the following findings:

A. Section 10.812 outlines two conditions which must be met prior to or concurrent with the City processing an annexation request.

The first condition requires the subject property to be located within the Estacada Urban Growth Boundary (UGB). The subject property is currently located within the Estacada UGB.

The second condition requires the subject property to be contiguous to the existing City limits. The subject property is contiguous to the City limits on 3 sides.

The requirements of Section 10.812 are met.

B. Section 10.813 outlines the criteria which applies to all annexation requests.

1. Section 10.813(1) 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. The proposed uses on the property is for single family residential uses. This use is consistent with the Estacada Comprehensive Plan and Comprehensive Plan map designation. The applicant has not requested a redesignation of the Comprehensive Plan map. This criterion is met.

2. Section 10.813(2) 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. 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 Public Works Director has indicated the City's Sewer Facility is currently adequate to accommodate development of the subject property at the maximum density allowed by the Low Density Residential District, and the extension of any necessary services can be completed consistent with the Sewer Master Plan. In regards to water, the property can be serviced adequately upon completion of the Moss Hill Reservoir. It is anticipated the reservoir will be completed within 3 years. The Moss Hill Reservoir is being developed consistent with the City's adopted Water Master Plan. 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 and surrounding area is served from the main street area by 4th Avenue and Regan Hill Road. The 4th Avenue/Regan Hill Road intersection is substandard to the City's road width and grade standards, and also has very limiting site distance characteristics. It is not known whether this intersection will be improved within 3 years. Therefore, the staff recommends the applicant be required to sign a waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs which may be applied or required in any future land use/development application on the property. In addition, the Planning Staff recommends a condition notifying the applicant that any land use/development proposals on the property will require a consideration and evaluation of the adequacy of the Regan Hill Road/4th Avenue intersection, and that substantial improvements may be required prior to approval of any development proposals. This criterion can be met.

3. Section 10.813(3) requires findings documenting the availability of police, fire, parks and school facilities. The adequacy of these services shall be considered in relation to annexation proposals.

The applicant has addressed the availability and adequacy of parks and school facilities. No discussion has been provided regarding the availability of fire and police services. However, police services are provided to the City through a contract with the Clackamas County Sheriff Department. Fire protection is provided by the Estacada Fire District. Park facilities are provided by the City. School facilities are provided by the School District. All these agencies have been sent notice of this application. No comments have been received as of the writing of this report. However, all these services will be available to serve the subject property if it is annexed. The City Council does not believe these services will otherwise be inadequate as a result of this 5 acre parcel being annexed and fully developed as allowed under the Comprehensive Plan.

4. Section 10.813(4) states "The applicant has the burden for satisfying the requirements of this section and the information required for the application process set forth in Section 10.814." This criterion does not require any findings or conclusionary statements.

C. Section 10.814 outlines ten submittal requirements necessary for a complete annexation application.

The applicant has addressed or otherwise provided all the information necessary for a complete application.

D. Section 10.815 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 City Council 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.

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 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 to be applied to a property. Also annexation is required in order for urban services to be provided. The subject property is an island completely surrounded by land within the City Limits, except for the 20 foot strip on the west (tax lot 8690). This is a very suitable property for annexation, and due to the fact that it is an island within the City, represents an appropriate infill of the City Limits. Based on the above comments the City Council finds this proposal is consistent with the applicable goals and policies of the Comprehensive Plan.

E. Section 10.819 outlines the requirements for a Health Hazard Annexation.

This specific request does not involve any area involving a health hazard.

F. Section 10.820 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.

The subject property and adjacent tax lot to the west (tax lot 8690) are currently an island within the City limits. Approval of this application will in fact eliminate all of the land within the island, except for tax lot 8690. Approval of this application will not create any new islands only reduce the size of the existing island. The Planning Staff will recommend to the City Council to initiate annexation of tax lot 8690 if this application is approved by the voters.

G. Section 10.821 outlines the requirements for applying the Comprehensive Plan and Zoning Designations to annexed properties.

This Section requires consideration of whether the proposed request complies with the Estacada Comprehensive Plan. The proposal has been found to be in compliance with the Comprehensive Plan in the discussion above under Sections 10.813 and 10.815 above. This Section also 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 from Urban Low Density Residential or the corresponding zoning district from R-1. This criterion is met.

H. Section 10.822 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. However, given the location of the subject property, which is physically surrounded by lands within the City, the City Council finds the property is ripe for annexation and coordination of future land use/development proposals can easily be coordinated with the affected agencies.

I. Section 10.823 outlines the requirements for Annexation 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. The subject property is developed with a single family dwelling and residential accessory buildings. These types of structures are allowed under the existing Low Density Residential Comprehensive Plan designation and corresponding R-1 zoning district which would be applied to the property upon approval of this request. This Section is not applicable.

SITE DESCRIPTION

The subject parcel is approximately 4.82 acres and developed with a single family dwelling and two accessory buildings. The property slopes up from Regan Hill road, with slopes ranging from approximately 10-25%. The property is completely surrounded by

land within the City limits, except for tax lot 8690. No floodplain, wetlands or geologic hazards are identified on site.

VICINITY DATA

Surrounding Conditions: The property is bordered on the north by a 2.12 acre parcel and on the west by tax lot 8690 and a 3.94 acre parcel. Tax lot 8690 vacant and used as a driveway. The other two parcels are zoned R-1 and developed with a single family dwelling. Regan Hill Road borders the property on the south. Across Regan Hill Road, is the recently developed Cazadero Heights Subdivision. The property to the east is vacant and is the site of the Whitesell Estates Subdivision, which received tentative approval over two years ago. The subdivision approval has now expired.

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 RECEIVED

None

EXHIBITS

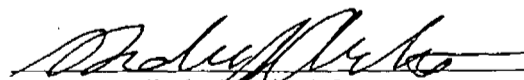
1. Comprehensive Plan map

Based on the above findings, the City Council approves this annexation request, and will submit it to a vote of the City electors at the next available election, with the following conditions of approval:

1. The City's Comprehensive Plan map and official zoning map shall be changed to reflect this action upon final approval.
2. The applicant sign a waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs.
3. The applicant is advised that any land use or development proposals on the subject property may include an evaluation of the adequacy and capacity of the Regan Hill Road/4th Avenue intersection. Substantial improvements may be required to the intersection prior to any future development in the area.

Approved on February 3, 2000

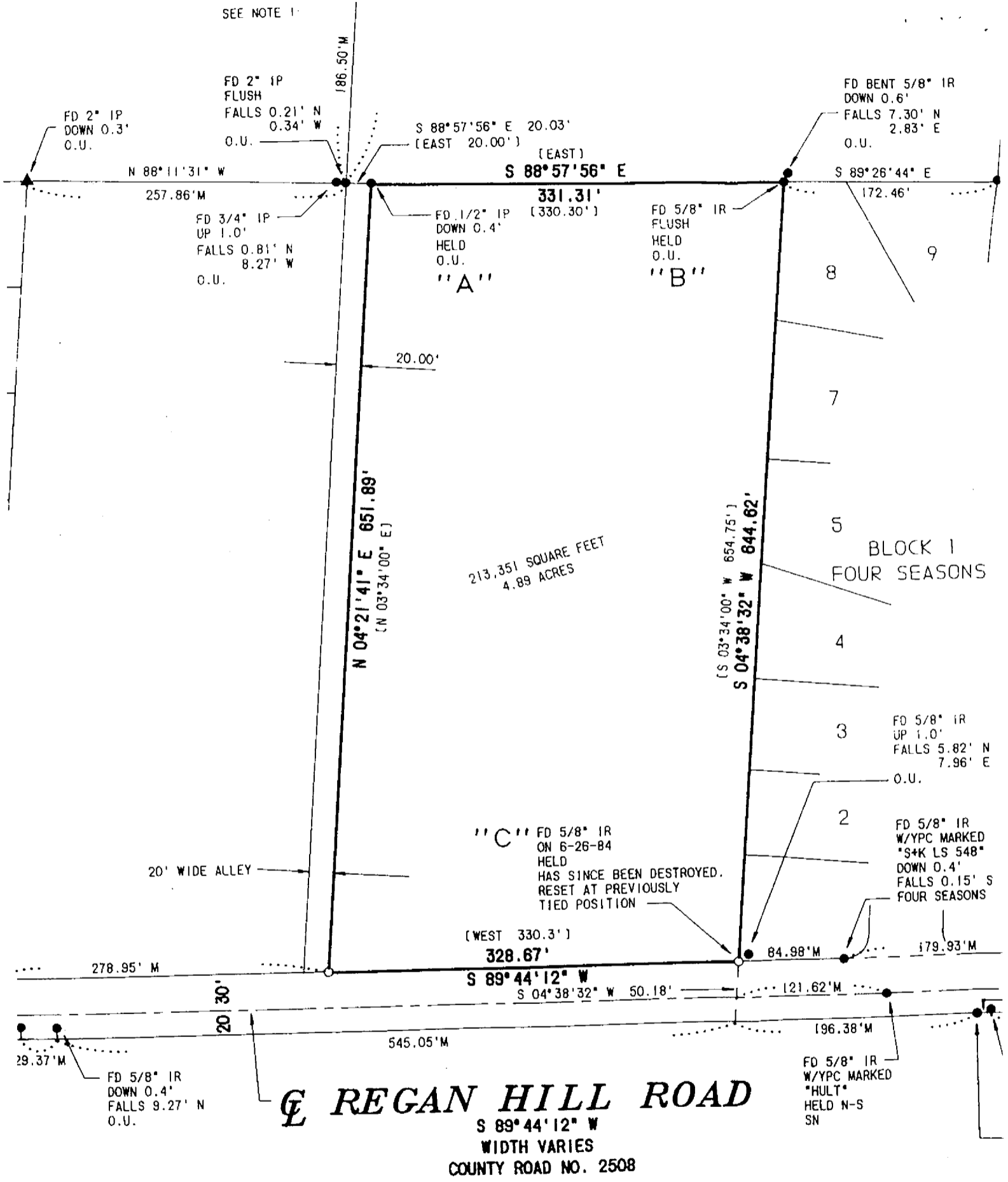
Signed this 3 day of February, 2000


Bob Austin, Mayor

Foreman Annexation - Resolution 2000 -14

List of Addresses:

32700 Regan Hill Road
Estacada, OR 97023



Statement of Vote - Clackamas County Primary Election - May 16, 2000
 ** City of Estacada - Measures 3-78 and 3-79 **

Page Number 107.028.001

	REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	MANEES 3-78 / Acres - YES	MANEES 3-78 / Acres - NO	INTO CITY 3-78 / Acres - YES	INTO CITY 3-78 / Acres - NO	BLANKS	OVERVOTES	MANEES 3-79 / Acres - YES	MANEES 3-79 / Acres - NO	INTO CITY 3-79 / Acres - YES	INTO CITY 3-79 / Acres - NO	BLANKS	OVERVOTES
CONSOL PREC NO 106	1154	462	40.0%	303	135	23	1			244	192	26	0		
CONSOL PREC NO 107	2	0	0.0%	0	0	0	0			0	0	0	0		
**** TOTALS ****	1156	462	39.9%	303	135	23	1			244	192	26	0		

RECEIVED

JUN - 5 2000

City of Estacada

I, John Kauffman, County Clerk, certify that the votes recorded on this abstract correctly summarize the result of votes cast at the election indicated.

By:

John Kauffman

JUN 1 2000