



# 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  
DLCD File Number 007-98

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

<paa> n

**FORM 2 Notice of Adoption**

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

DEPT OF  
FEB 17 2006  
LAND USE CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Estacada Local file number: Annex 98-4  
Date of Adoption: 6/16/2000 Date Mailed: 2/16/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: 9/15/1998

- 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, 20, tax lot 500.**

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 & C-1  
Location: 34E, 20 tax lot 500 Acres Involved: 70.85  
Specify Density: Previous: 5 acres New: 7500 sq ft & no min  
Applicable Statewide Planning Goals: 9, 11, 14

Was and Exception Adopted?  YES  NO

DLCD File No.: 007-98 (9447)

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 - 13

A RESOLUTION OF THE ESTACADA CITY COUNCIL PROCLAIMING ANNEXATION OF 69.323 ACRES OWNED BY FRED AND LEONA CAMPANELLA.

WHEREAS, Fred and Leona Campanella submitted a petition to the City requesting that certain property of which they have 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 did not achieve a consensus on approval or denial of the application, therefore no formal recommendation was forwarded to the City Council; and

WHEREAS, after proper notices and publications the Estacada City Council conducted a public hearing on February 3 and February 17, 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

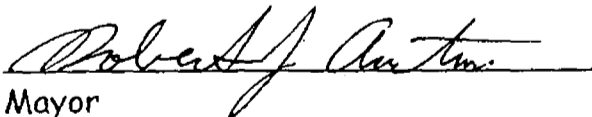
WHEREAS, the Estacada City Council adopted Resolution 2000 - No. 3 at their March 2, 2000 meeting calling for a measure election to submit to the electors of the City the question of annexation of 69.323 acres into the City limits; and

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 244 yes to 192 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:

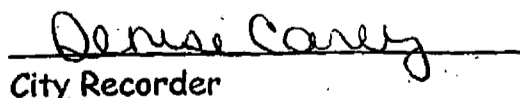
  
City Recorder

EXHIBIT "A"



*All* County Surveyors  
& Planners, Inc.

P.O. Box 955 • Sandy, Oregon 97055 • 503/668-3151 • FAX 503/668-4730

**Legal Description**

of

Fee No. 69-12374

as Surveyed by Clackamas County Survey No. 28646

a 69.449 Acre Tract of Land

Located in the SW ¼ of Sec. 16, SE ¼ of Sec. 17,

NE ¼ of Sec. 20 & the

NW ¼ of Sec. 21, T3S, R4E, W.M.

Clackamas County

for

The City of Estacada

June 14, 2000

A Tract of land located in the Northeast 1/4 of Section 20, and Northwest ¼ of Section 21, Township 3 South, Range 4 East, Willamette Meridian, Clackamas County, Oregon, in the William Wade D.L.C. No. 39 and being more particularly described as follows:

Commencing at the most Northeasterly corner of the William Wade D.L.C. No. 39; thence South 00°00'00" East 1064.58 feet; thence South 69°58'50" West 335.96 feet to a 5/8" iron rod with yellow plastic cap stamped "ACS&P 668-3151" at the Northeast corner of that property described in Recorder's Fee No. 69-12374, Deed Records, Clackamas County, Oregon and marking the true point of beginning of the tract of land herein described; thence along the North line of said property South 69°58'50" 1965.58 feet to a 5/8" iron rod marking the Northeasterly corner of that property described in Fee No. 579, Page 486; thence along the East line of said property South 04°51'18" East 250.00 feet to a 5/8" iron rod marking the Southeast corner thereof; thence along the South line of said property South 69°58'50" West 523.00 feet to a 5/8" iron rod marking the Southwest corner thereof and being on the East right-of-way line of SE Eagle Creek Road; thence along said East right-of-way line South 4°51'18" East 872.89 feet to a 5/8" iron rod marking the Northwesterly corner of that property described in Book 663, Page 873; thence along the North line of said property North 68°02'52" East 208.00 feet to a 5/8" iron rod marking the Northeasterly corner thereof; thence along the East line of said property South 4°51'18" East 208.00 feet to a 5/8" iron rod marking the Southwesterly corner thereof, said point being also on the South line of said Fee No. 69-12374; thence North 69°02'52" East 2303.83 feet to a 5/8" iron rod marking the Southeasterly corner thereof; thence along the Easterly line of said property North 0°00'00" West 845.46 feet to a 5/8" iron rod marking the Northwesterly corner of that property described in Fee No. 96-072409; thence along the Northerly line of said property North 69°30'00" West 208.70 feet to a 5/8" iron rod marking the Northeasterly corner thereof on the West right-of-way line of SE Cemetery Road; thence along said West right-of-way line North 0°00'00" West 53.46 feet to a 5/8" iron rod making the Southeast corner of Lot 3 Connie Acres; thence along the South line of said Lot 3 South 68°30'10" West 330.90 feet to a 5/8" iron rod marking the Southwesterly corner thereof; thence along the West line of said Connie Acres North 00°00'00" West 429.16 feet to the point of beginning containing 69.449 acres.

EXHIBIT "B"

NAME: Fred and Leona Campanella  
FILE NO.: 1999-2-A  
FINAL HEARING DATE: February 17, 2000

CITY COUNCIL FINDINGS AND DECISION

FACTS

GENERAL INFORMATION

Applicant: Fred and Leona Campanella

Owner(s): Same

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

Location: Legal Description: T3S, R4E, Section 20, Tax Lot 500 (70.85 acres)

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

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

Planning Commission Recommendation: The Planning Commission did not achieve a consensus on approval or denial of the application. Therefore, no formal recommendation was forwarded to the City Council.

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 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 10.811 - 10.823 of the Estacada City Code. The Planning Commission has reviewed this application with respect to each of the applicable Sections and makes the following findings:

A. Section 10.812 outlines two conditions that 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 entire south side of the subject property is contiguous to the City limits.

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 the western portion (approximately 200 feet) of the property fronting Eagle Creek Road as Commercial and the remainder of the property Low Density Residential. The applicant has not provided a general land use plan for the property. The applicant has indicated that the contemplated uses are commercial and single family residential in nature consistent with the Comprehensive Plan map designation. This criterion is met.

2. Section 10.813(2) requires an adequate capacity of urban services to exist or be made available within 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 has adequate capacity to accommodate development of the subject property at the maximum density allowed by the Commercial and Low Density Residential Districts, and

the extension of any necessary services can be completed consistent with the Sewer Master Plan. However, extensive off site improvements and extensions will be required and off site easements will need to be obtained. In regards to water, the property can be service 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 by Eagle Creek Road on the west and Cemetery Road on the east. The subject property has approximately 60 feet of frontage on Cemetery Road. The Public Works Director has indicated the annexation of this property will not result in or require any major transportation issues. The adopted Street Master Plan identifies a necessary road across the subject property connecting Eagle Creek Road and Cemetery Road. Therefore, a condition of approval will be included notifying the applicant that dedication of road right-of-way may be required consistent with the Street Master Plan through the appropriate land use process. 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 parks and school facilities. No discussion has been provided regarding the availability of fire and police services. However, the City Council finds the police/sheriff services provided to the City through a contract with the Clackamas County Sheriff Department are adequate. Testimony presented at the public hearing by a City Council member supports that adequate fire protection can be provided by the Estacada Fire District. The information submitted by the applicant supports the availability and adequacy of park facilities. Finally, the 1998 Barmack Report submitted into the record is accepted as the most accurate and up-to-date information on the school facilities, and supports a positive finding for adequacy of the school facilities. This criterion is met.

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 provided all the information necessary for a complete application. This criterion is met.

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

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

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

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 present City's commercial area has only 4.36 acres remaining.
- The City desires to add to its commercial capabilities by providing areas for medical, retail and tourist facilities.
- 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 Plan policies clearly support the need for additional commercially zoned lands. 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 known 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.

Annexation of this property would result in creation of a small island of approximately 1.64 acres around tax lot 700 (1 acre) and tax lot 100 (3-4E-20AC; .64 acres) located on the west side of Eagle Creek Road. The City Council finds the size of the island that would be created is not significant and would not preclude or significantly affect development on the subject property or surrounding area. This specific proposal is not inconsistent with this policy. If this annexation application is referred to the voters and approved, the City could initiate annexation of the remaining island at a later date. If this annexation application is ultimately approved, the Planning Staff has recommend to the City Council to consider annexation of tax lot 700 and possibly 100 under the Island Annexation provisions of the City Code. This criterion is met.

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 Commercial and Urban Low Density Residential or a zone change from C-1 or 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. Based on the comments in paragraph 3 above the City Council finds this annexation is and can be appropriately coordinated with the affected public and private agencies. This criteria is met.

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 only developed with a residential accessory building (pole barn). This type of structure is allowed under the existing Low-Density Residential Comprehensive Plan designation and corresponding R-1 zoning district that would be applied to the property upon approval of this request. This Section is not applicable.

#### SITE DESCRIPTION

The subject parcel is approximately 70.85 acres and developed with a pole barn. The majority of the property contains very slight slopes. The eastern 25% of the property slopes up to Cemetery Road. The slopes are approximately 10-20%. Currin Creek bisects the center of the subject property diagonally. This Creek is identified as a wetland on the National Wetland Inventory and City's adopted wetland map. No geologic hazards are identified on site.

#### VICINITY DATA

Surrounding Conditions: The property is bordered on west by Eagle Creek Road. The area across Eagle Creek Road is primarily zoned RRFF-5 and developed with single family residential uses. The area to the south consists of two parcels of approximately 10 acres and 57 acres, which are located in the City limits. This area is zoned R-1. Tax lot 700 located adjacent to the southwest corner of the property is approximately 1 acre and developed with a single-family dwelling. The subject property is bordered on the east by 7 parcels, and Cemetery Road. This area is located in the UGB and zoned RRFF-5. Six of the 7 tax lots are developed with a single-family dwelling. The area to the north is zoned RRFF-5, and consists of approximately 10 parcels ranging from 1-6 acres. Nine of the properties are developed with single family dwellings.

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

EXHIBITS

1. Comprehensive Plan map
2. Tax Assessor map
3. Letter, Monica Gilman, dated Feb. 8, 2000
4. Letter, School District, dated Dec. 10, 1999
5. Memo, Jay Humphrey
6. 1998 Barmack Report (School Facilities)

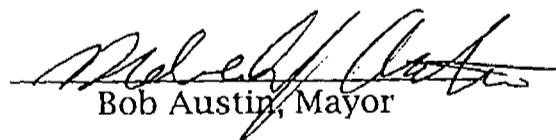
DECISION

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

1. The City's Comprehensive Plan map and official zoning map shall be changed to reflect this action upon final approval.
2. The applicant signs a waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs.
3. The applicant is advised that the City's Street Master Plan identifies a proposed road through the subject property connecting Cemetery Road and Eagle Creek Road. Therefore dedication of road right-of-way may be required as a condition of future land use applications submitted on the property.

Approved on February 17, 2000

Signed this 17 day of February, 2000

  
Bob Austin, Mayor

CLACKAMAS COUNTY

1" = 400'

FRANKLIN PIERCE NO. 38

WILLIAM N. WADE NO. 39

SEE MAP 3 4E 17

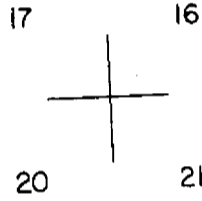
CANCELLED

- 100
- 101
- 1801
- 1901
- 901
- 902
- 1600
- 2300

32200

102  
30107  
103  
30125  
104  
30333  
CONNIE  
ACRES  
1497

500  
70.85Ac.



600  
3.00Ac.  
600E

R.R.F.F-5

108-23

30500

SEE MAP

Current City Boundary

3 4E 20A

700  
101.00Ac.  
30900

800  
9.85Ac.

1000  
57.34 Ac.  
355

108-02

N65°19'W 117.2'  
N65°30'W 304.76'(Deed)  
N89°24'W 645.4'  
(683.1'Deal)  
694.4'

900  
12.72 Ac.  
350

SEE MAP

SEE MAP

1100  
0.43Ac  
1300  
2.80Ac

1200  
0.20Ac.

O.P. 118

E LINE  
CEMETERY

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

Page Number 107.028.001

REGIS-TERED VOTERS	T U R N O U T	T U R N O U T P E R C E N T A G E	M E A S U R E S 3 - 7 8 / C I T Y - E S T A C A D A - Y E S	M E A S U R E S 3 - 7 8 / C I T Y - E S T A C A D A - N O	B L A N K S	O V E R V O T E S	M E A S U R E S 3 - 7 9 / C I T Y - E S T A C A D A - Y E S	M E A S U R E S 3 - 7 9 / C I T Y - E S T A C A D A - N O	B L A N K S	O V E R V O T E S	
CONSOLE PREC NO 106	1154	462	40.0%	303	135	23	1	244	192	26	0
CONSOLE 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: *[Signature]*  
JUN 1 2000