



# 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

November 3, 2008



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 005-07

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: November 18, 2008**

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.**

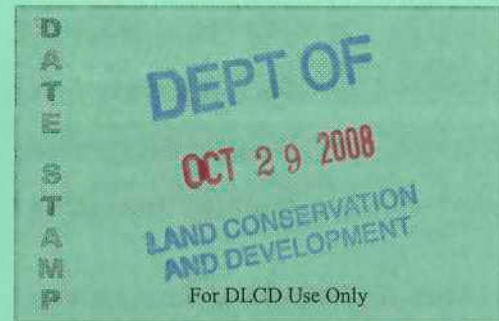
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative  
Scott Hoelscher, City of Estacada

<paa> ya/

FOR

## 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



Jurisdiction: City of Estacada Local file number: Annexation #2007-3  
Date of Adoption: 6/30/2008 Date Mailed: 10/28/2008  
Date original Notice of Proposed Amendment was mailed to DLCD: 11/27/2007

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation           | <input checked="" type="checkbox"/> Other: <u>annexation</u>         |

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

Annex to the City of Estacada property described as 34E, 21D, tax lot 1300, 1400, 1401, 1500, 1502, 1503, 1600, 1700, 1800, 1801 & 2700. Zone change map amendment from RRFF-5 (county designation) to R-1 (low-density residential) consistent with City Comprehensive Plan.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

No substantial changes.

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: RRFF-5 to: R-1

Location: 34E, 21D, tax lot 1300, 1400, 1401, 1500, Acres Involved: 43

1502, 15  
Specify Density: Previous: 5acres New: 7,500 sq ft

Applicable Statewide Planning Goals: 9, 11, & 14

Was and Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 005-07 (16549)



Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? ☒ Yes ☐ No

If no, do the statewide planning goals apply? ☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption? ☐ Yes ☐ No

Affected State or Federal Agencies, Local Governments or Special Districts:

**Estacada Fire Dept. Clackamas County**

Local Contact: **Scott Hoelscher** Phone: **(503) 353-4524** Extension:

Address: **9101 SE Sunnybrook** City: **Clackamas**

Zip Code + 4: **97015-** Email Address: **scotth@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 2008 – 012**

**A RESOLUTION OF THE ESTACADA CITY COUNCIL PROCLAIMING ANNEXATION OF 34 ACRES INTO THE CITY LIMITS.**

WHEREAS, Shirley Dunsmuir submitted a petition to the City requesting that certain properties of which she has ownership and properties owned by Kenneth Peterson, Stephen Mueller, Darrel Schoonmaker, Dale Ames, David Forbis, William & Tracey Dewyn, Troy Banks, Bryan Veselik, and Dale Koegel 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 February 28, 2008 after the proper publications and notices and forwarded a recommendation of approval; and

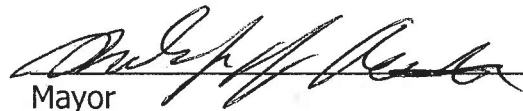
WHEREAS, after proper notices and publications the Estacada City Council conducted a public hearing on March 10, 2008 voted to approve the annexation request with conditions and submit it to a vote of the City electors at the next available election; and

WHEREAS, the Estacada City Council adopted Resolution 2008 – 004 at their March 10, 2008 meeting calling for a measure election to submit to the electors of the City the question of annexation of 34 acres into the City limits; and

WHEREAS, on May 20, 2008 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 389 yes votes to 229 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 30<sup>th</sup> day of June, 2008.

  
Mayor

ATTEST:

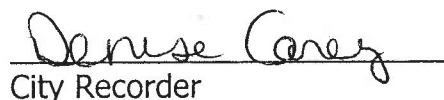
  
City Recorder



EXHIBIT A



Harper  
Houf Peterson  
Righellis Inc.

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS

February 19, 2008

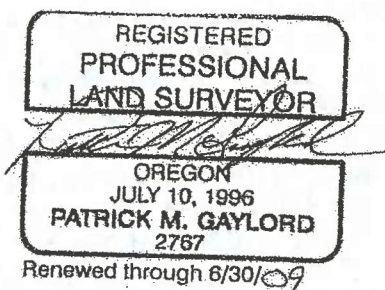
LEGAL DESCRIPTION FOR ANNEXATION TO THE CITY OF ESTACADA

LEGAL DESCRIPTION FOR ANNEXATION OF A TRACT OF LAND TO THE CITY OF ESTACADA, IN THE SOUTHEAST ONE QUARTER OF SECTION 21, T3S, R4E, W.M., CLACKAMAS COUNTY, OREGON. THE BOUNDARY OF THE SAID ANNEXATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 1 OF PARTITION PLAT NO. 2002-019, CLACKAMAS COUNTY RECORDS, WHICH BEARS SOUTH 89°41'33" EAST 652.77 FEET FROM THE CENTER ONE QUARTER CORNER OF SECTION 21; THENCE ALONG THE NORTH LINE OF THE SAID PARTITION PLAT SOUTH 89°41'33" EAST 622.77 FEET TO THE NORTHEAST CORNER OF PARCEL 1 OF THE SAID PLAT; THENCE SOUTH 00°02'51" WEST ALONG THE EAST LINE OF THE SAID PARCEL 1 998.43 FEET TO THE SOUTHWEST CORNER OF PARCEL 2 OF SAID PARTITION PLAT NO. 2002-019; THENCE ALONG THE SOUTH LINE OF THE SAID PLAT, SOUTH 89°59'39" WEST 198.67 FEET TO THE NORTHWEST CORNER OF PARCEL 1 OF THAT TRACT OF LAND CONVEYED TO JOANNE OLSON FIRST SUCCESSOR TRUSTEE AND BENEFICIARIES BY DEED RECORDED AS FEE NO. 94-32313, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF THE SAID DEED SOUTH 00°02'51" WEST 208.67 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE ALONG THE SOUTH LINE OF THE SAID DEED NORTH 89°59'39" EAST 208.67 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE LEAVING THE BOUNDARY OF SAID FEE NO. 94-32313, SOUTH 00°02'51" WEST 121.04 FEET TO A POINT IN THE NORTH LINE OF PARTITION PLAT NO. 1994-82; THENCE ALONG THE NORTH LINE OF THE SAID PLAT NORTH 89°59'34" EAST 20.00 FEET TO THE NORTHEAST CORNER OF THE SAID PARTITION PLAT; THENCE ALONG THE EAST LINE OF THE PLAT, SOUTH 00°02'51" WEST 294.74 FEET TO THE INITIAL POINT OF PARTITION PLAT NO. 1994-82, CLACKAMAS COUNTY RECORDS; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 792, BEING ALSO THE SOUTH LINE OF SAID PARTITION PLAT NO. 1994-82, NORTH 75°50'15" WEST 241.08 FEET TO A POINT OF CURVE LEFT; THENCE AROUND THE CURVE LEFT (CENTRAL ANGLE = 16°51'20", RADIUS = 590.00 FEET, LONG CHORD BEARS NORTH 84°15'55" WEST 172.94 FEET) 173.57 FEET TO A POINT; THENCE SOUTH 87°18'25" WEST 221.70 FEET TO A POINT OF CURVE RIGHT; THENCE AROUND THE CURVE RIGHT (CENTRAL ANGLE = 38°37'47", RADIUS = 570.00 FEET, LONG CHORD BEARS NORTH 73°22'41" WEST 377.07 FEET) 384.30 FEET TO A POINT; THENCE NORTH 54°03'48" WEST 123.99 FEET TO A POINT OF CURVE LEFT; THENCE AROUND THE CURVE LEFT (CENTRAL ANGLE = 10°27'29", RADIUS = 330.00 FEET, LONG CHORD BEARS NORTH 59°17'32" WEST 60.15 FEET) 60.23 FEET TO A POINT; THENCE NORTH 64°31'17" WEST 40.44 FEET TO A POINT OF INTERSECTION WITH THE SAID NORTH RIGHT OF WAY LINE AND THE NORTH LINE OF THE SAID PLAT; THENCE CONTINUING ALONG THE SAID NORTH RIGHT OF WAY LINE OF COUNTY ROAD NO. 792, NORTH 64°31'17" WEST 142.93 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE SOUTHEAST ONE QUARTER OF SECTION 21; THENCE LEAVING THE SAID

NORTH RIGHT OF WAY LINE ALONG THE WEST LINE OF THE SOUTHEAST ONE QUARTER, NORTH 00°06'01" EAST 613.79 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF THE NORTH 660 FEET OF THE WEST ONE HALF OF THE NORTHWEST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 21, BEING ALSO THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO DARREL SCHOONMAKER BY DEED RECORDED AS FEE NO. 95-031612, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTH LINE OF THE SAID NORTH 660 FEET OF THE WEST ONE HALF OF THE NORTHWEST ONE QUARTER OF THE SOUTHEAST ONE QUARTER, SOUTH 89°41'33" EAST 653.02 FEET MORE OR LESS TO A POINT IN THE WEST LINE OF SAID PARTITION PLAT NO. 2002-019; THENCE ALONG THE WEST LINE OF THE SAID PLAT NORTH 00°04'43" EAST 660.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 33.4 ACRES MORE OR LESS.





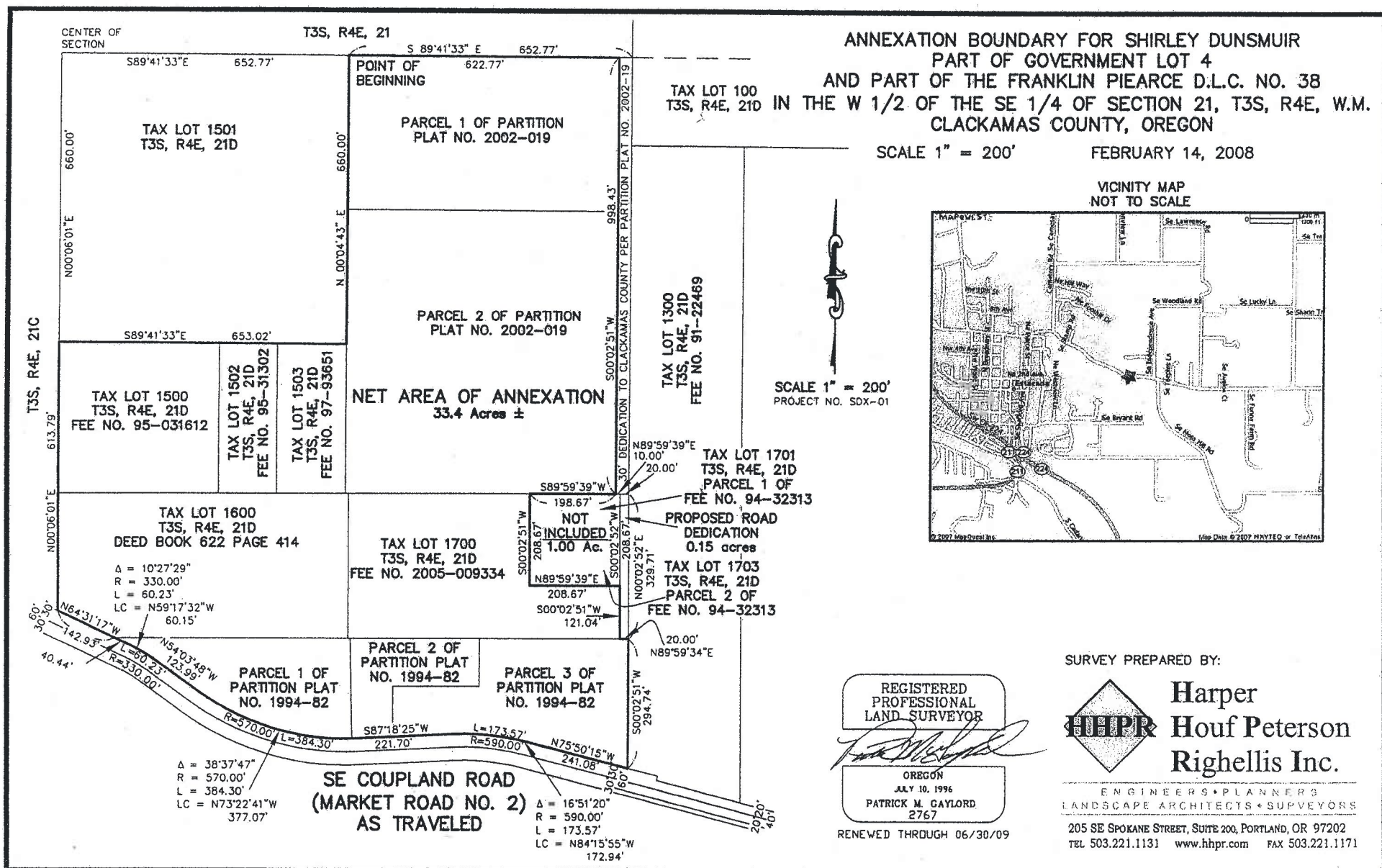


EXHIBIT B

NAME: Shirley Dunsmuir  
FILE NO.: 2007-03  
PUBLIC HEARING DATE: March 10, 2008

CITY COUNCIL FINDINGS AND DECISION

GENERAL INFORMATION

Applicant: Shirley Dunsmuir; P.O. Box 2247, Estacada, OR 97023

Owner(s): Shirley Dunsmuir and ten other land owners. See application for a complete list of owners.

Proposal: Annexation of a 34 acre parcel of land within the Estacada Urban Growth Boundary into the City Limits. This application includes a corresponding zone change from Rural Residential Farm Forest – 5 Acre (RRFF-5) to R-1 (Low Density Residential) consistent with the Estacada Comprehensive Plan map designation.

Location: North side of Coupland Road, approximately 1/2 mile east of the Coupland Road / Cemetery Road intersection.

Legal Description: T3S, R4E, Section 21D, Tax Lot 1600, 1400, 1401, 1500, 1502, 1503, 1700, 1800, 1801 and 2700

Zone: RRFF-5 – Rural Residential Farm Forest; 5 acre minimum lot size (County Zoning District).

Comprehensive Plan Designation: County Designation: Rural; City Designation: Low Density Residential.

Planning Staff Recommendation: Approval of the Annexation and Zone Change

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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 proposal involves the annexation of 10 tax lots into the city limits. Portions of six of the lots are contiguous to property within the existing City Limits.

**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 on the Estacada Comprehensive Plan map. The R-1 zoning district implements the Low Density Residential Plan designation. The applicant has not proposed to change the existing Comprehensive Plan designations. The applicant has proposed to change the current Clackamas County RRFF-5 zoning designation to R-1, consistent with the existing Low Density Residential Plan designation. The applicant has indicated the property will ultimately be developed consistent with uses allowed under the 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.*

The subject property could potentially accommodate up to 249 homes based on the density standard of the R-1: Low Density Residential zoning. The Public Works Director has submitted comments addressing the adequacy of the public water and sewer system. (See Exhibit 2). Public water service currently exists within the Coupland Road right-of-way. This line can be used for connection if the tax lots are annexed into the City. The capacity of the water system is adequate at this time to accommodate development on the subject property.

City sanitary sewer does not currently exist at the subject property. However, as outlined in the January 14, 2008 memo from the Public Works Director, the municipal sewer system currently has the capacity to serve the area proposed under this annexation.

**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 Coupland Road, which is designated as a minor collector. Access will also be provided by Independence Road and Summer Road, both local streets. The Transportation System Plan (TSP) 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 parcel. The TSP demonstrates the area traffic system is adequate to accommodate future traffic based on the existing zoning and potential development in the area.

The existing right-of-way along the frontage of the subject parcel on Coupland Road is approximately 25'. Coupland Road is a minor collector. The minimum road right-of-way width required for a minor collector is 40-60 feet. Additional right-of-way width of up to 35' may be required along the entire frontage of Coupland Road to meet the right-



of-way widths. 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 Coupland 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, the Planning Commission 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 January of 2003 *Population Trends, Findings, and Recommendations* of the Estacada School District Advisory Task Force 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. The submitted application includes signatures of all current property owners authorizing annexation of the ten tax lots.

**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) of the City Code is 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."*

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

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 Section and corresponding policies of the Comprehensive Plan to be applicable to this proposal:

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

- ③ 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.
- ③ The City of Estacada plans to provide public facilities and services within the UGB area.
- ③ The UGMA requires annexation to effectuate the City's Comprehensive Plan for the area.
- ③ The City requires annexation in order for urban services to be provided.
- ③ 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 zoning district in the City Code. The application does not propose any changes to the existing Low Density Residential plan designation.

**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 City Council 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.**

The annexation application reviewed at the January 24, 2008 Planning Commission meeting consisted of an island annexation. The annexation as submitted would have created an island of unincorporated land consisting of two tax lots (T.L. 1701 and T.L. 1703). Following the January 24, 2008 meeting, the applicant made the following two revisions to the annexation application:

- 1) Tax Lot 1300 has been removed from the proposed annexation. Tax Lot 1300 was the 8.72 parcel on the east side of the annexation.
- 2) 20 feet of tax lot 1700 is proposed to be donated to the County if the annexation is ultimately approved by the voters.

The applicant has submitted a revised legal description of the annexation and a revised survey showing the amended annexation. In addition, a letter from the owners of tax lot 1300 requesting that their property be removed from the annexation has been submitted. The Planning Commission supported the amended annexation and determined that the criteria for annexation approval (Section 16.124.030 of the Estacada Development Code) were satisfied.

**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 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 parcel will be zoned R-1 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. The subject property currently contains single family dwellings and pasture areas. Therefore, no nonconforming uses exist on the site.

**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 subject property does not contain a nonconforming use. The single family dwellings located on the subject site are primary uses in the current RRFF-5 zoning district and will be uses permitted outright in the City of Estacada R-1 zoning.

**This criterion is not applicable.**

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Recommended Annexation Conditions: the City Council recommends the following condition 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.

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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 on the Estacada

Comprehensive Plan map. The proposed R-1 zoning district implements the Low Density Residential plan designation. 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 Plan designation. 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 adequate to serve additional development on the subject property based on the number of approved and pending subdivision lots and amount of other undeveloped land in the City. Those findings are adopted to address this approval criteria by reference therein.

**This criterion is met.**

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Recommended Zone Change Conditions: If this application is approved, the following condition of approval is recommended:

1. The City's official zoning map shall be changed to reflect this action upon final approval.
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#### EXHIBITS

1. Annexation Boundary Survey
2. Comments, Chris Randall, Estacada Public Works Director
3. Legal Description for Dedication to Clackamas County

#### RESPONSES REQUESTED

1. Estacada Fire Department
  2. Portland General Electric
  3. Cascade Utilities
  4. Estacada Public Works Department
-

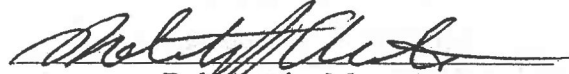


Decision: Based on the above findings, it is the decision of the Estacada City Council to approve the annexation and zone change application subject to the following conditions:

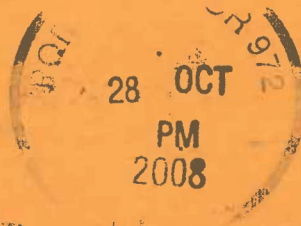
1. The City's official zoning map shall be changed to reflect this action upon final approval.
2. The applicant / property owner shall sign a waiver of remonstrance for the dedication of road right-of-way and other road improvements along the frontage of the subject property consistent with City Roadway and Improvement Standards required in any future development applications.
3. The applicant shall dedicate to Clackamas County the tract of land legally described in Exhibit 3: Legal Description for Dedication to Clackamas County.

Approved on March 10, 2008

Signed this 10 day of March, 2008

  
Bob Austin, Mayor

7023



Attn: Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol Street NE, Ste 150  
Salem, OR 97301