



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

6/1/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Estacada Plan Amendment
DLCD File Number 001-10

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 amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, June 14, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Scott Hoelscher, City of Estacada
Gloria Gardiner, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner
Bill Holmstrom, DLCD Regional Representative

<paa> YA

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: CPA & ZC 2010-1

Date of Adoption: 5/10/2010 Date Mailed: 5/24/2010

Date original Notice of Proposed Amendment was mailed to DLCD: 1/14/2010

- 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 and comp plan map amendment from R-1 (low density res) to R-2 (medium density res) for property described as 34E, 21C, 21CC, and 21CD, tax lots 1302 and 1401; 106 & 6400; and 8800 (respectfully). The rezoning does not involve the westernmost portion of the property. The western portion of the site represents approximately 17 percent of the land area and will remain R-1 (low density residential).

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: low density residential to: medium density residential

Zone Map Changed from: R-1 to: R-2

Location: 598 NE Westview lane Acres Involved: 10.46

Specify Density: Previous: 7,500 New: 5,000

Applicable Statewide Planning Goals: 9, 11 & 12

Was an Exception Adopted? YES NO

DLCD File No.: 001-10 (18066) [16152]

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) 742-4524** 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.

NAME: Vista Noel Subdivision (formally La Collina)
FILE NO.: CPA / ZC 2010-01 (Refilling)
HEARING DATE: May 10, 2010

CITY COUNCIL FINDINGS AND DECISION

GENERAL INFORMATION

Applicant: Novastar Development, Inc. (Tom Barghausen)

Owner(s): Washington Federal Saving Bank

Proposal: Comprehensive Plan map amendment from Low Density Residential to Medium Density Residential. Corresponding zone change from R-1 to R-2.

Location: Directly north of Byrd Nest Estates Phase II, approximately 900 feet north of SE 4th Ave./SE Bryant Road.

Legal Description: T3S, R4E, Section 21CC, Tax Lot 106; T3S, R4E, Section 21C, Tax Lots 1302 and 1402; T3S, R4E, Section 21CD, Tax Lots 6400 and 8800; W.M.

Zone: R-1 (current); R-2 (proposed)

Comprehensive Plan Designation: Low Density Residential (Current) Medium Density Residential (Proposed)

DECISION

Approval of the Comprehensive Plan map amendment and zone change.

BACKGROUND

The Vista Noel Subdivision was initially approved by the Estacada City Council in 2005 as a 42 lot residential subdivision. In 2009 the applicant applied for a Comprehensive Plan Amendment from Low Density Residential to Medium Density Residential and corresponding Zone Change from R-1 to R-2. In addition, a plat modification to increase the density by including 12 additional lots was proposed. The Planning Commission recommended to the Estacada City Council that the Comprehensive Plan Amendment

- 1) **The Comprehensive Plan Amendment and Zone Change is not for the entire property; the westernmost portion of the site will remain R-1.**
- 2) **The modification in density is designed to be compatible with the adjacent neighborhood.**
- 3) **The overall lot count is different from the application that was denied by the City Council.**

The City Council finds that this application represents a substantially different request from the application that was denied by the Estacada City Council on November 12, 2009.

PART II: STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement: *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

The Estacada Comprehensive Plan and City Code contain adopted and acknowledged procedures for citizen involvement. This application has been processed consistent with those procedures including notice to individual adjacent and surrounding property owners within 100 feet of the subject property, notice to affected agencies and notice in the local newspaper. Two advertised public hearings will be conducted before the Estacada Planning Commission and Estacada City Council.

This proposal is consistent with Goal 1.

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.*

Goal 2 requires that all land use actions be consistent with the acknowledged Comprehensive Plan. The findings in Part 3 of this report demonstrate that the proposed Medium Density Residential Plan designation is consistent with the City of Estacada Comprehensive Plan.

Goal 2 also requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base. There are no other local governments affected by this proposal. Notice of this proposal has been provided to affected agencies in the City. The information provided throughout this document provides a substantial and adequate factual base for the decision making process.

This proposal is consistent with Goal 2.

Goal 3; Agricultural Land: *To preserve and maintain agricultural lands.*

Department of Geology and Mineral Industries (DOGAMI) geologic hazards maps, there are no geologic hazards (i.e. landslide topography, slump, earthflow, mudflow or debris areas) on or near the subject property. There are no significant slopes or steep hillsides on the subject property or in the area. The subject property is not located within any designated floodplains. All storm water runoff from the project will be detained in a storm water pond located in the northwestern portion of the property (shown as "Tract A" on the Tentative Plan). The applicant indicates that a geotechnical report was performed for the property and recommendations have been observed by the contractor. There is no evidence that the subject property is located in an area subject to natural disasters or other hazards.

This proposal is consistent with Goal 7.

Goal 8; Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities including destination resorts.*

This proposal does not involve any designated recreational or open space lands, or affect access to any significant recreational uses in the area. This project will have no impact on the recreational needs of the City, County or State.

This proposal is consistent with Goal 8.

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."*

This goal requires Comprehensive Plans in urban areas to provide for an adequate supply of commercial and industrial sites. The sites for economic development should be of suitable size, type, location and service levels for a variety of industrial and commercial uses consistent with plan policies. Given that the proposed Comprehensive Plan amendment is from Low Density Residential to Medium Density Residential, approval of the amendment will not change the inventory of commercial or industrial land in the City.

This proposal is consistent with Goal 9.

Goal 10; Housing: *"To provide for the housing needs of citizens of the state."*

This goal requires local jurisdictions to allocate a sufficient amount of buildable land to satisfy the housing needs of Estacada. Oregon Administrative Rule (OAR) 660-008 defines the standards for determining compliance with Goal 10. This rule requires a mix and density of lands zoned for housing based on housing needs projections. Because the Comprehensive Plan change is from Low Density Residential to Medium Density Residential, approval of this application will not reduce the amount of residentially zoned land or remove buildable land from the residential inventory.

the number of lots.

This proposal is consistent with Goal 12.

Goal 13; Energy Conservation: *To conserve energy.*

This proposal will have no impact on any identified energy sites or resources.

Goal 13 is not applicable.

Goal 14; Urbanization: *To provide for an orderly and efficient transition from rural to urban land uses.*

The subject property is currently located within the City limits of Estacada. The City Council previously approved a subdivision on this property. The property owner is in the process of modifying the subdivision by increasing the density. As part of the Vista Noel subdivision, public facilities are being installed on the property. A condition of approval for the subdivision shall require completion of all improvements prior to the time the plat is submitted for final approval. This proposal does not involve a conversion or transition from rural land to urban land, or a change in the urban growth boundary.

Goal 14 is met.

Goal 15: Willamette River Greenway: *To protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The subject property is not located within the Willamette River Greenway.

Goal 15 is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes) and Goal 19 (Ocean Resources) are not applicable to the City of Estacada or Clackamas County.

Statewide Goals Conclusions: The City Council finds this application is consistent with all applicable Statewide Planning Goals.

PART III. ESTACADA COMPREHENSIVE PLAN POLICIES

The Comprehensive Plan (CP) does not have any *specific* policies or criteria for evaluating the appropriate location for Residential lands or other Comprehensive Plan designations in the City. There are, however, general policies in the Comprehensive Plan which are applicable to this proposal. The City Council has reviewed each Chapter/Goal

d. Goal 4. Forest Lands Element: *The purpose of this Goal is to preserve and maintain forest lands.*

The subject property is currently planned and zoned low density residential. The subject property is committed to and surrounded by urban uses and is not identified or inventoried as forest land on Figure 2 in this Chapter of the Plan. The subject property is not considered forest land.

There are no policies under this Goal applicable to this proposal.

e. Goals 5 and 8. Open Spaces, Natural Resources, Cultural and Recreation Resources Element: *The purpose of this Goal is to 1) conserve open space and protect natural and cultural resources and 2) satisfy the recreational needs of citizens of Estacada and [the] state, and visitors.*

The subject property is not identified as open space on the CP. There are no known or identified mineral or aggregate resources or energy sources on site. The property does not contain any known or identified scenic or historic sites or buildings, historic or cultural resources or recreation trails.

There are no policies under these Goals applicable to this proposal.

f. Goals 6 and 7. Environmental Quality Element; Air, Water and Land Resources and Natural Disasters and Hazards. *The purpose of this Goal is to 1) maintain and improve the quality of the area's air, water, and land resources and 2) protect life and property from natural disasters and hazards.*

The CP indicates the Estacada area has virtually no air quality problems. There are no known or identified floodplains or wetlands on the property. There are no topographical constraints which would limit the property from being developed under either the existing Low Density Residential or proposed Medium Density Residential CP designation. According to the Dept. of Geology and Mineral Industry (DOGAMI) maps, there are no geologic hazards on or near the subject property. The subject property is located outside of the clear zone of the Valley View Airport as identified in Figure 8 of this Chapter.

There are no policies under this Goal applicable to this proposal.

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

Goal 9 of the Estacada Comprehensive Plan outlines the policies to diversify and improve the economy of Estacada. The City is in the process of updating the Economic Chapter of the Comprehensive Plan and recently adopted the written portion of the Economics Opportunity Analysis (EOA). For the current Comprehensive Plan, the six objectives of Goal 9 are identified on page 46. The first objective of Goal 9 is to “protect those areas zoned for industrial development from encroachment of incompatible land uses.”

This proposal is consistent with Goal 11.

j. Goal 12. Transportation Element. *The purpose of this Goal is to provide and encourage a safe, convenient, aesthetic and economical transportation system.*

For a zone change/Comprehensive Plan Amendment, the applicant is required to show that the transportation network affected by the proposed change from R-1 to R-2 is adequate. To demonstrate compliance with the Transportation Element, the applicant has submitted a "Transportation Planning Rule" analysis performed by a registered professional engineer. The analysis concludes that the increased density will generate 12 more PM peak hour vehicle trips. It is not expected that these additional 12 trips will have a significant effect on the City's transportation system.

In addition to the Transportation Planning Rule, six "Objectives" of the Transportation Goal are identified on page 75. Objective 1 states: "Provide good local access and circulation." Objective 2 states: "Move traffic quickly and safely." This proposal is consistent with Objectives 1 and 2 for the following reasons:

1. The Estacada TSP generally demonstrates that the transportation system is adequate to accommodate future growth in the year 2030 within the UGB.
2. The proposed Medium Density Residential plan designation will generate only slightly more traffic than the existing Low Density Residential plan designation.
3. The affected transportation system will continue to provide for good circulation and safe movement of vehicles for the land use proposed for the Medium Density Residential plan designation.

This proposal is consistent with Goal 12.

k. Goal 13. Energy Element. *The purpose of this Goal is to conserve energy resources and encourage use of reusable energy resources.*

There are no Objectives, Policies or Implementation measures in this Chapter of the CP applicable to this application.

Goal 13 is not applicable to this proposal.

l. Goal 14, Urbanization Element. *The purpose of this Goal is to provide sufficient land to accommodate growth to the year 2000 and provide for the orderly development of this land.*

This Goal primarily addresses the need to establish an UGB to meet land needs for the period 1980 to 2000 and the policies for converting rural land to urban land. This specific proposal does not involve a conversion of rural land to urban land, as the property is already designated Low Density Residential. The subject property is already considered

therein.

This criterion is met.

2. Section 16.101.010B: *The property and affected area is presently provided 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.*

a. Sewer, Water and Storm Drainage Facilities: The City sewer, water and storm drainage systems have adequate capacity to serve the proposed uses allowed under the proposed R-2 zoning district.

b. Transportation System: The findings in Part 2 of this report under the discussion of Statewide Planning Goal 12 demonstrate the transportation system is adequate to support the proposed zone change to R-2. Those findings are adopted to address this criterion by reference therein.

Based on the above findings the public facilities and services are adequate to support uses allowed under the proposed R-2 zoning district. The applicant has demonstrated the transportation system is adequate to accommodate the residential use proposed for the R-2 zoning district.

This criterion is met.

ZONING ORDINANCE CONSIDERATIONS

Sections 16.16, 16.28, 16.101, 16.128, 16.132

PLAN CONSIDERATIONS

The Comprehensive Plan provisions found to be applicable to this application are discussed in detail in Part 3 of this report.

SITE DESCRIPTION

The subject property is comprised of several tax lots totally approximately 10.5 acres. The previously existing home, detached garage and pool house have been demolished and removed from the property. The subdivision has been improved with sewer and water services as well as rocked streets. Topography slopes downhill generally to the west.

City of Estacada
PO Box 958
Estacada, OR 97023



POSTAGE DUE .17

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