



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

NOTICE OF ADOPTED AMENDMENT

March 18, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Gaston Plan Amendment
DLCD File Number 003-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office. This adoption was adopted by the City on May 14, 2008, 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 not submitted to DLCD for review 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. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Margaret E. Bell, City of Gaston

<paa>

CITY OF GASTON

116 Front St, PO Box 129, Gaston, OR 97119 Phone 503-985-3340

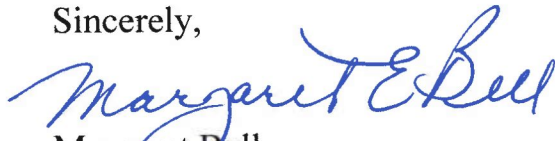
May 23, 2008

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2524

Dept. of Land Conservation and Development,

The City of Gaston Ordinance No. 2008-01 and Ordinance No. 2008-02 on May 14, 2008. The ordinances approve the property annexations belonging to Chris Anderson, No. 2008-01, and Richard Mace, No. 2008-02.

Sincerely,



Margaret Bell
City of Gaston
Phone: 503-985-3340
Fax: 503-985-1014
Email: gaston.city@comcast.net

DEPT OF

MAY 27 2008

LAND CONSERVATION
AND DEVELOPMENT

BEFORE THE CITY COUNCIL OF THE CITY OF GASTON

Ordinance No. 2008-01

An Ordinance Approving Annexation of 2.32 acres, more or less, a portion of Tax Lot 3200, Map 1S 4 35 and Amending the Comprehensive Plan Designation and the Official Zoning Map from Agricultural/Forest AF-20 to Flood Plain FP District.

WHEREAS, the City Council of Gaston, Oregon is authorized by ORS 222 to annex land upon receiving written consent from owners of more than half the land in the territory proposed to be annexed as set forth in the title; and

WHEREAS, the city received written consent from the owner of more than half of the land proposed to be annexed, a legal description which is attached hereto as Exhibit A, sufficient to constitute a so-called "double majority" annexation; and

WHEREAS, the subject property is not proposed to be withdrawn from any special district as a result of or in conjunction with the annexation; and

WHEREAS, the subject property is not required to be annexed into the Clean Water Services boundary because the subject land remains outside the Gaston Urban Growth Boundary, cannot be developed and cannot be served by public sanitary sewer and water facilities; and

WHEREAS, The city currently does not have a separate Planning Commission and therefore the City Council is the only official review body to consider and act on land use requests, including annexation and zoning; and

WHEREAS, the city's planning consultant reviewed the proposal and prepared a staff report and findings dated April 16, 2008, which was submitted to the City Council. The staff report and findings are incorporated by reference, together with public testimony, which were considered by the City Council and entered into the public record at a public hearing duly scheduled and advertised for April 23, 2008; and

WHEREAS, the Gaston Zoning Code Article 3.050 Zoning of Annexed Lands requires that as part of any annexation of land into the city limits, the city shall automatically apply its own zoning district by ordinance in accordance with the land use and/or density specified for the area by the Gaston Comprehensive Plan; and

WHEREAS, the Gaston Comprehensive Plan map designates the subject estimated acreage as within the Flood Plain FP District; and

WHEREAS; the City Council passed a motion to prepare an ordinance approving the annexation and applying the Flood Plain FP Zone District to the subject land;
Now therefore,

THE CITY OF GASTON ORDAINS AS FOLLOWS:

- A. The City Council, hereby approves and adopts the annexation of the subject described hereto as Exhibit A.
- B. The Zoning Map is amended to apply the Flood Plain FP District to the subject property; and
- C. The findings of the staff report presented at the April 23, 2008 hearing are adopted in support of this decision and incorporated herein by reference as though fully set forth.

An emergency being declared, this ordinance shall take effect upon enactment.

Presented and Passed first reading on the 14th day of MAY, 2008

Presented and Passed the second and final reading on the 14th day of MAY, 2008

Votes in favor 7

Votes against 0

Enacted this 14th day of MAY, 2008 by the City Council of the City of Gaston, Oregon.


Margaret Bell, City Recorder

Approved this 14th day of MAY, 2008 by the Mayor.


Mayor

EXHIBIT A

LEGAL DESCRIPTION OF A PORTION OF DOCUMENT NUMBER 98099256 FOR ANNEXATION TO THE CITY OF GASTON

That portion of land in Section 35, Township 1 South, Range 4 West, Willamette Meridian, Washington County, Oregon, being part of the Donation Land Claim of Donald McLeod No. 49 particularly bounded and described as follows, to wit:

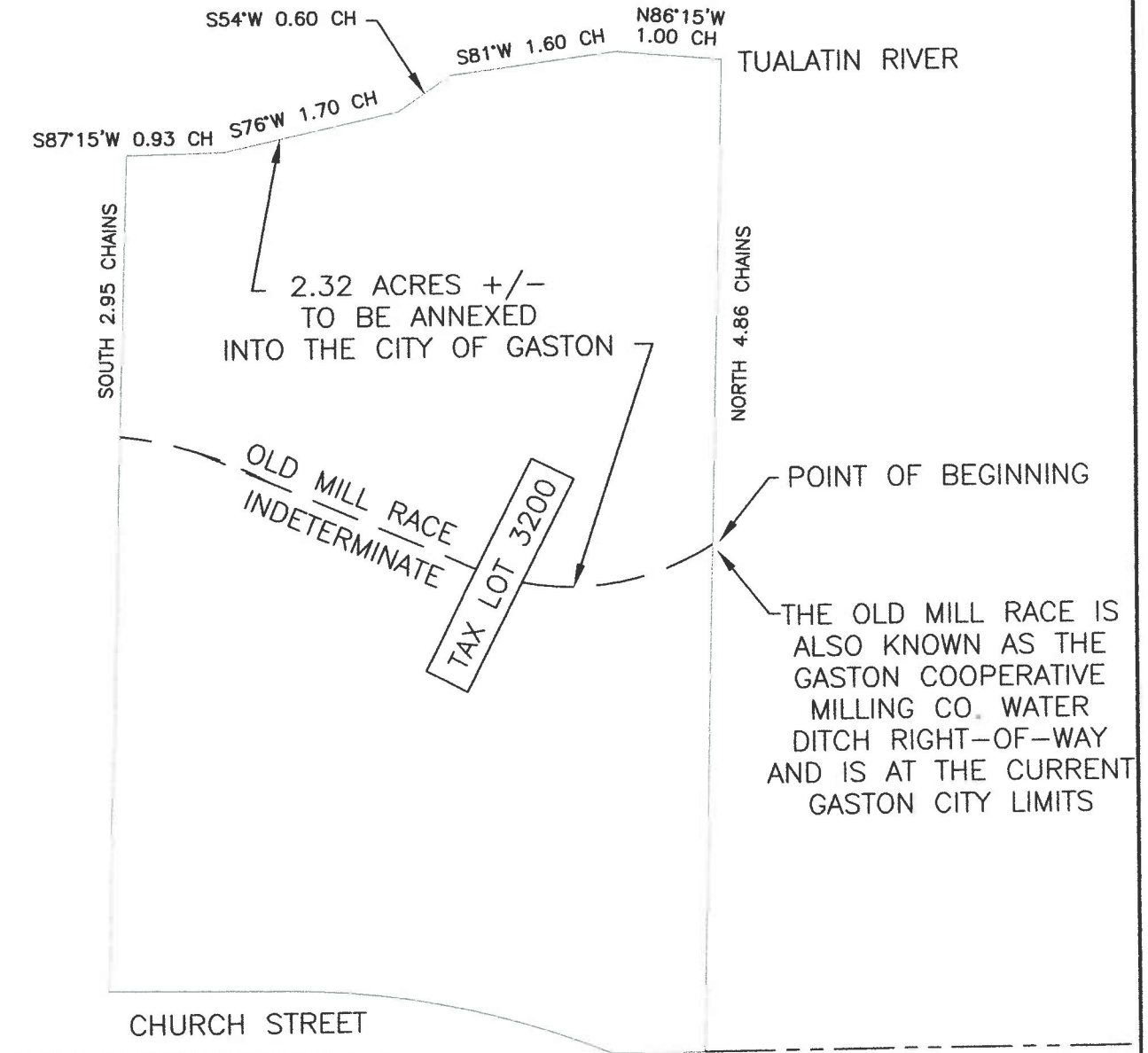
Beginning at the SW corner of a certain tract of 11 acres conveyed to J.L. Harris by deed recorded at Page 440 of Book 68, Record of Deeds for Washington County, Oregon. Running thence North $89^{\circ}33'$ East 4.91 chains to yew post (record indicates North $89^{\circ}33'$ East 4.51 chains to yew post); thence South 45 links; thence North $89^{\circ}33'$ East 1.16 chains; thence North 4.84 chains more or less to a point on the North right of way line of that tract of land sold to the Gaston Cooperative Milling Co. for a water ditch and the true point of beginning; thence North 4.86 chains to center of Tualatin river; thence North $86^{\circ}15'$ West up said river 1.00 chain; thence South 81° West up said river 1.60 chains; thence South 54° West up said river 0.60 chains; thence South 76° West up said river 1.70 chains; thence South $87^{\circ}15'$ West up said river 0.93 chains to Northwest corner of said 11 acres; thence South 2.95 chains more or less to the North right of way line of that tract of land sold to the Gaston Cooperative Milling Co. for a water ditch; thence Easterly along said right of way line to the point of beginning. Containing 2.32 acres of land more or less.

The West boundary of the above described 2.32 acres coincides with the East boundary of a tract of 21.88 acres conveyed to Jane Spence by Deed recorded in Book 25, Page 399, Deed Records of Washington County, Oregon.

TRACT OF LAND IN THE SW 1/4 OF
SECTION 35, T.1S., R.4W., WM, CITY OF
GASTON, WASHINGTON COUNTY, OREGON

EXHIBIT MAP

OF TRACT TO BE ANNEXED INTO THE
CITY OF GASTON



NORTH



SCALE: 1"=100'

TRAIL STREET

LANDESIGN GROUP LLC

4445 SW BARBUR BLVD. #210
PORTLAND, OR, 97239
503-226-0486
FAX: 503-2261670

BEFORE THE CITY COUNCIL OF THE CITY OF GASTON

Ordinance No. 2008-02

An Ordinance Approving Annexation of 11.43 acres, more or less, including a portion of Tax Lot 3800, Map 1S 4 35 and Amending the Comprehensive Plan Designation and the Official Zoning Map from Future Development FD-10 to Suburban Low Density Residential SR-1.

WHEREAS, the City Council of Gaston, Oregon is authorized by ORS 222 to annex land upon receiving written consent from owners of more than half the land in the territory proposed to be annexed as set forth in the title; and

WHEREAS, the city received written consent from the owner of more than half of the land proposed to be annexed, a legal description which is attached hereto as Exhibit A, sufficient to constitute a so-called "double majority" annexation; and

WHEREAS, the subject property is not proposed to be withdrawn from any special district as a result of or in conjunction with the annexation; and

WHEREAS, the subject property is not required to be annexed into the Clean Water Services boundary because Gaston is currently not a part of the Clean Water Services District; and

WHEREAS, The city currently does not have a separate Planning Commission and therefore the City Council is the only official review body to consider and act on land use requests, including annexation and zoning; and

WHEREAS, the city's planning consultant reviewed the proposal and prepared a staff report and findings dated April 16, 2008, which was submitted to the City Council. The staff report are incorporated by reference, together with public testimony, which were considered by the City Council and entered into the public record at a public hearing duly scheduled and advertised for April 23, 2008; and

WHEREAS, the Gaston Zoning Code Article 3.050 Zoning of Annexed Lands requires that as part of any annexation of land into the city limits, the city shall automatically apply its own zoning district by ordinance in accordance with the land use and/or density specified for the area by the Gaston Comprehensive Plan; and

WHEREAS, the Gaston Comprehensive Plan map designates the subject land, 11.43 acres, more or less, as within the Suburban Low Density Residential SR-1 Zoning District; and

WHEREAS; the City Council passed a motion to prepare an ordinance approving the annexation with conditions and applying the SR-1 Zone District to the subject land;
Now, therefore,

THE CITY OF GASTON ORDAINS AS FOLLOWS:

A. The City Council hereby approves and adopts the annexation of the subject territory described in Exhibit A, subject to the following conditions of approval:

1. No development shall be allowed on said annexed property until a City Council determination as part of a land use review process that adequate public services are available; and
2. The applicant agrees that at the time of building permit requests for individual lots on the subject property, each permit will be subject to adoption of City System Development Charge (SDC) requirements, and that no residential building permit request will be submitted before March 15, 2009; and

B. The Zoning Map is amended to apply the SR-1 Zoning District to the subject property; and

C. The findings of the staff report presented at the April 23, 2008 hearing are adopted in support of this decision and incorporated herein by reference as though fully set forth.

An emergency being declared, this ordinance shall take effect upon enactment.

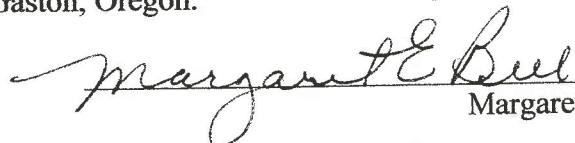
Presented and Passed first reading on the 14th day of MAY, 2008

Presented and Passed the second and final reading on the 14th day of MAY, 2008

Votes in favor 7

Votes against 0

Enacted this 14th day of May, 2008 by the City Council of the City of Gaston, Oregon.


Margaret Bell, City Recorder

Approved this 14th day of MAY, 2008 by the Mayor.


Mayor

EXHIBIT "A"

LEGAL DESCRIPTION

CITY OF GASTON

ANNEXATION

APRIL 8, 2008

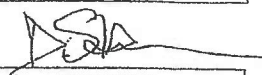
A PORTION OF THAT TRACT OF LAND DESCRIBED AS PARCEL 3 OF DOCUMENT NUMBER 99039279, RECORDED APRIL 1, 1999, WASHINGTON COUNTY DEED RECORDS, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, CITY OF GASTON, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE ALONG THE WEST LINE OF SAID SECTION 35 NORTH 00°30'58" EAST, 122.39 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 157 PRIOR TO ITS VACATION; THENCE LEAVING SAID WEST LINE OF SECTION 35, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING ELEVEN (11) COURSES: 1.) NORTH 50°50'38" EAST, 81.93 FEET; 2.) NORTH 70°20'38" EAST, 100.00 FEET; 3.) NORTH 45°20'38" EAST, 130.70 FEET; 4.) NORTH 77°20'38" EAST, 129.79 FEET; 5.) NORTH 57°20'38" EAST, 196.31 FEET; 6.) NORTH 86°35'38" EAST, 217.75 FEET; 7.) SOUTH 49°39'22" EAST, 188.13 FEET; 8.) SOUTH 39°09'22" EAST, 173.24 FEET; 9.) NORTH 87°20'38" EAST, 110.92 FEET; 10.) NORTH 76°50'38" EAST, 238.38 FEET; 11.) NORTH 45°50'38" EAST, 279.23 FEET TO THE WESTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 80-23456, WASHINGTON COUNTY DEED RECORDS; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF THE PLAT OF "TRAILS END", WASHINGTON COUNTY RECORDS, SOUTH 00°05'47" WEST, 190.86 FEET TO THE SOUTHWEST CORNER OF SAID PLAT; THENCE LEAVING SAID WESTERLY LINE, ALONG THE SOUTHERLY LINE OF SAID PLAT SOUTH 89°49'24" EAST, 55.00 FEET TO THE WESTERLY BOUNDARY LINE OF THE CURRENT CITY LIMITS; THENCE LEAVING SAID SOUTHERLY PLAT LINE, ALONG SAID WESTERLY BOUNDARY LINE SOUTH 00°05'47" WEST, 263.70 FEET TO THE SOUTH LINE OF SAID SECTION 35; THENCE LEAVING SAID WESTERLY BOUNDARY LINE, ALONG SAID SOUTH LINE OF SECTION 35 NORTH 89°38'36" WEST, 1611.36 FEET TO THE POINT OF BEGINNING.

CONTAINS 11.4 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION SHALL NOT BE USED FOR THE TRANSFER OR CONVEYANCE OF REAL PROPERTY.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JANUARY 11, 2005
DARREN S. HARR
56181

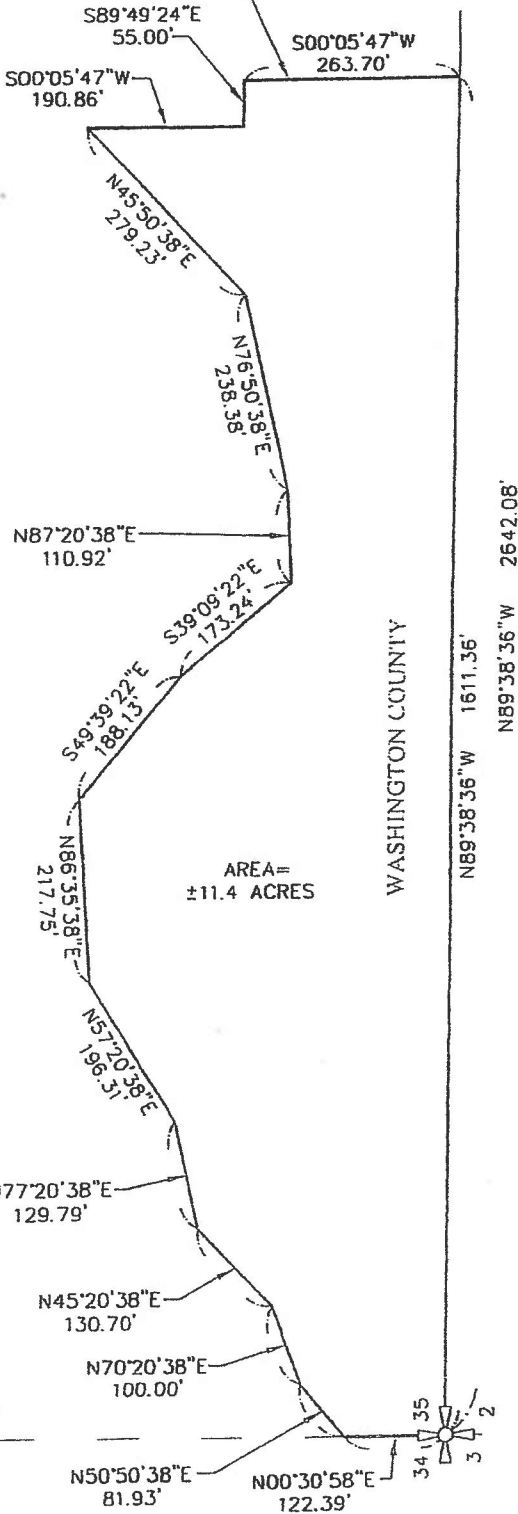
EXPIRATION DATE: 6/30/09

EXHIBIT "B"

CITY OF GASTON ANNEXATION
 LOCATED IN THE SOUTHWEST
 ONE-QUARTER OF SECTION 35,
 TOWNSHIP 1 SOUTH, RANGE 4 WEST, W.M.
 WASHINGTON COUNTY, OREGON

APRIL 8, 2008

APPROXIMATE LOCATION OF
 EXISTING CITY BOUNDARY



AREA =
 ±11.4 ACRES

WASHINGTON COUNTY

YAMHILL COUNTY



SCALE 1" = 200'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

D.S.H.
 OREGON
 JANUARY 11, 2005
 DARREN S. HARR
 56181

RENEWAL DATE: 6-30-09

FRONTIER
 LAND SURVEYING

10110 S.W. NIMBUS AVENUE
 SUITE B-9
 PORTLAND, OREGON 97223
 PHONE: (503)620-4100
 FAX: (503)620-4900
 JOB NO.: 1071