

ORDINANCE NO. 730

AN ORDINANCE APPROVING THE BEAVER CREEK CORRIDOR ANNEXATION AND CONCURRENT PLAN MAP AND ZONING DISTRICT MAP AMENDMENTS (FILE NO. 03-019).

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The affected territory is commonly described as the Beaver Creek Canyon Greenway Regional Target Area.
2. The Cities of Gresham and Troutdale, Metro and Mount Hood Community College (MHCC) signed a Memorandum of Understanding (MOU) pertaining to the affected territory. The MOU stipulates that the affected territory must be withdrawn from the City of Gresham, annexed to the City of Troutdale, and acquired by Metro from MHCC in fulfillment of the 1995 Metro Open Spaces, Parks and Streams Bond Measure 26-26.
3. The City of Gresham de-annexed the affected territory on February 4, 2003.
4. The proposal for annexation of the affected territory to the City of Troutdale was conducted under a Type IV legislative land use procedure and in accordance with the Troutdale Development Code and state law. The Director determined that the affected territory is eligible for annexation, and referred it to the Planning Commission.
5. The annexation request includes a request for Plan Map and Zoning District Map amendments to apply the Open Space Plan designation and Open Space Zoning District to the affected territory.
6. The Planning Commission held a public hearing on April 16, 2003 to take public testimony on this matter and forwarded a recommendation to the City Council to approve the annexation and Plan and Zoning District Map amendments.
7. The proposed annexation conforms to the City of Troutdale Comprehensive Land Use Plan.

8. Inclusion of the affected territory within the City of Troutdale is consistent with the purpose served by the City of Troutdale.
9. Upon annexation to the City of Troutdale, utilities to the affected territory will be provided by the City of Troutdale. Mid-County Street Lighting District presently provides street lighting service and will continue to provide that service.
10. The annexation meets the approval criteria specified in Metro Code §3.09.050.
11. The Open Space plan map designation complies with applicable Statewide Planning Goals.
12. The Open Space plan map designation is consistent with the applicable goals and policies of the City of Troutdale Comprehensive Land Use Plan.
13. The Open Space plan map designation is consistent with projected needs for such lands, including the protection of Beaver Creek from the impacts of residential, commercial and industrial development, and is consistent with the needs for additional open space within the Metro area as expressed by Metro's Greenspaces program.
14. The Open Space plan map designation does not result in an excess of Open Space as the designation is for territory that is being annexed to Troutdale concurrently with the proposed Plan Map amendment.
15. Uses allowed in the Open Space plan map designation will not significantly adversely affect existing or planned uses on adjacent lands.
16. Public facilities and services necessary to support uses allowed in the proposed Open Space Plan Map Designation are available, or are likely to be available in the near future and can be extended to serve the uses permitted in the implementing Open Space Zoning District, as necessary.
17. The Open Space Zoning District is the only implementing zone for the requested Open Space Plan map designation.
18. Uses permitted in the Open Space Zoning District are most appropriate for the affected territory and can be accommodated without exceeding its physical capacity.

19. There are adequate public facilities, services, and transportation networks in place, or can be provided concurrently with the development of the property with uses permitted in the Open Space Zoning District.
20. The Open Space Zoning District will not interfere with the livability, development, or value of other land in the vicinity of the site or specific proposals when weighed against the public interest in granting the proposed amendment.
21. The Open Space Zoning District on the affected territory is not detrimental to the general interest of the community.
22. This ordinance was distributed to the Troutdale City Council and made available for inspection more than twenty four hours prior to its adoption. The council is very familiar with the substance of this ordinance.
23. The substance of this ordinance has been discussed at six public meetings, some of which occurred in the City of Gresham and some of which occurred in the City of Troutdale. The public was notified and has been given many opportunities to comment on the ordinance.
24. The City has limited resources and wants to use these resources efficiently. Given the extensive public process that has already occurred, the non-controversial nature of the subject of this ordinance and the need to conserve limited resources, this ordinance is being adopted at one meeting in accordance with Section 30 B. of the Troutdale Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1: Annexation. Based on these findings, the properties identified as Tax Lot 300 on Multnomah County Tax Map 1S3E01, W.M. and Tax Lot 700 on Multnomah County Tax Map 1S3E02, W.M., as shown in Exhibit A, and as specifically identified in the legal description of the affected territory in Exhibit B, are hereby annexed into the corporate limits of the City of Troutdale.

Section 2: Amendment to the City of Troutdale Comprehensive Plan Map. Based on these findings, the Troutdale Comprehensive Land Use Plan Map is hereby amended to designate the annexed properties Open Space (OS), as shown in Exhibit C.

Section 3: Amendment to the City of Troutdale Zoning District Map. Based on these findings, the Troutdale Comprehensive Land Use Plan Map is hereby amended to designate the annexed properties as Open Space (OS), as shown in Exhibit C.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Paul Thalhofer, Mayor

Dated: 5-30-03



Sarah Greif, Office Support Specialist

Adopted: 5-27-03

EXHIBIT B

CITY OF TROUTDALE FILE NO. 03-019

LEGAL DESCRIPTION OF PROPOSED ANNEXATION

Affecting Property Generally Identified as Tax Lot 300 on Multnomah County Assessor's Tax Map 1S3E01 and Tax Lot 700 on Multnomah County Assessor's Tax Map 1S3E02

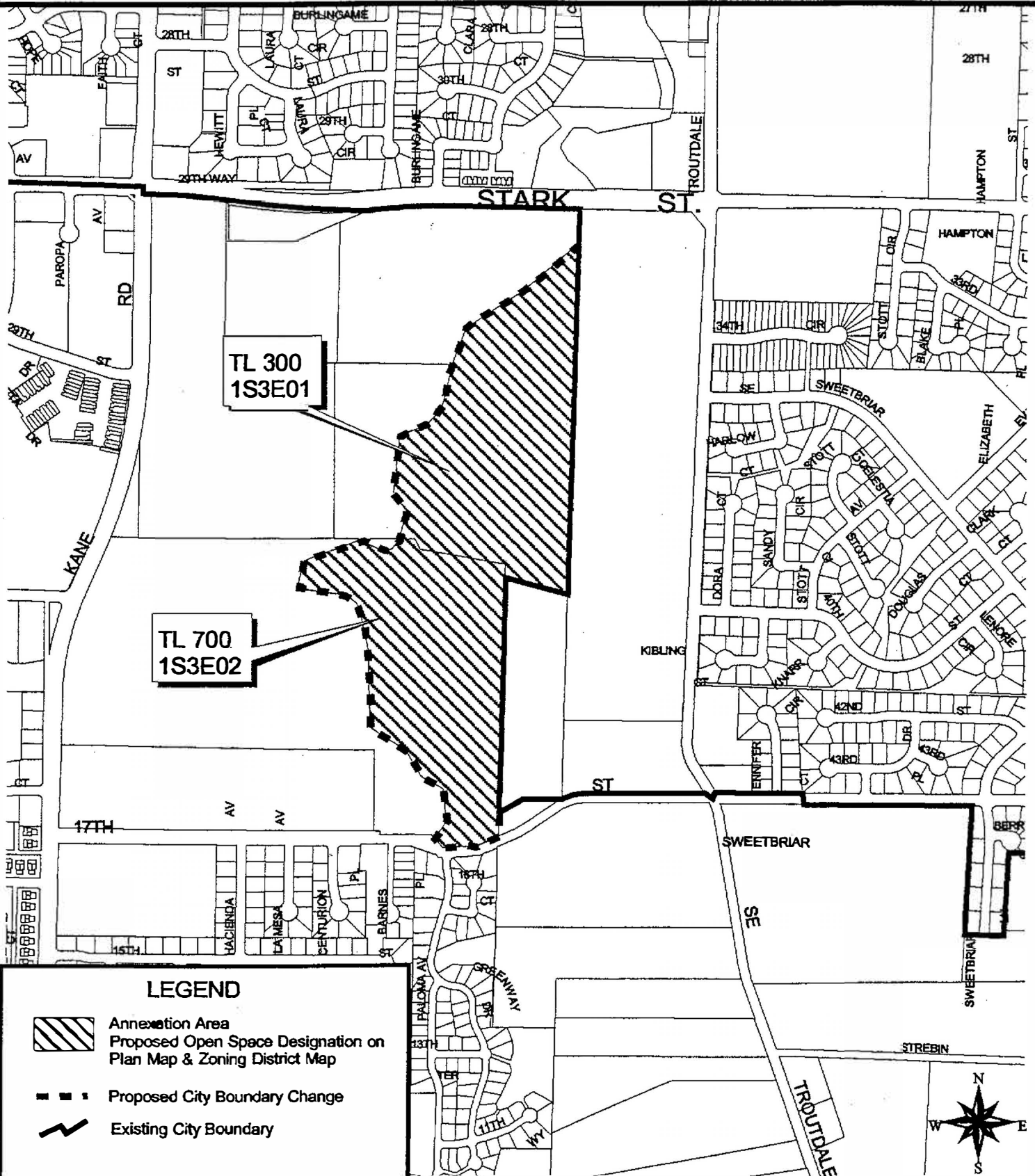
A parcel of real property in the west one-half of Section 1 and the east one-half of Section 2, Township 1 South, Range 3 East, Willamette Meridian, Multnomah County, Oregon, to wit:

Commencing at the northeast corner of that certain parcel of real property annexed into the City of Gresham, Oregon by City of Gresham Ordinance No. 458 on October 18, 1967, which northeast corner was described in said Ordinance as being the intersection of the south line of S.E. Stark Street with the northerly extension of the east line of the Taylor D.L.C., and which northeast corner bears S.89°49'30"E., 962.80 feet and S.00°10'30"W., 30.00 feet from the northwest corner of said Section 1; thence tracing the boundary of said City of Gresham Ordinance No. 458 annexation parcel along the following courses: S.00°18'12"W. along said extension, 241.19 feet to a 5/8" iron rod and the True Point of Beginning of the parcel of real property herein described; thence continuing S.00°18'12"W. along said extension, 1558.60 feet to the northeast corner of the Taylor D.L.C.; thence S.00°18'12"W. along said east line, 293.10 feet; thence N.76°28'18"W., 341.95 feet; thence S.00°01'50"W., 922.25 feet; thence S.00°16'50"W., 324.51 feet; thence S.00°22'05"E., 126.69 feet to the north line of Cochran Road; thence S.65°31'03"W. along said north line, 72.65 feet to a point of curvature; thence along the arc of a 261.48-foot radius curve to the right (the long chord of which bears S.75°31'03"W., 90.81 feet) an arc distance of 91.27 feet to a point of tangency; thence S.85°31'03"W. along said north line, 95.04 feet to a point of curvature; thence along said north line on the arc of a 118.24-foot radius curve to the right (the long chord bears N.77°28'27"W., 69.17 feet) an arc distance of 70.20 feet to a point of tangency; thence N.60°27'57"W. along said north line, 31.34 feet; thence leaving said City of Gresham Ordinance No. 458 annexation parcel boundary, N.35°32'29"E., 123.96 feet to a 5/8" iron rod; thence N.07°41'37"W., 177.00 feet to a 5/8" iron rod; thence N.61°23'33"W., 132.34 feet to a 5/8" iron rod; thence N.31°09'24"W., 160.74 feet to a 5/8" iron rod; thence N.58°16'42"W., 228.67 feet to a 5/8" iron rod; thence N.02°30'16"W., 418.97 feet to a 5/8" iron rod; thence N.13°59'55"W., 233.23 feet to a 5/8" iron rod; thence N.47°54'38"W., 80.86 feet; thence N.83°48'40"W., 265.91 feet to a 5/8" iron rod; thence N.12°21'47"E., 154.01 feet to a 5/8" iron rod; thence N.67°49'35"E., 311.29 feet to a 5/8" iron rod; thence S.64°08'33"E., 109.93 feet to a 5/8" iron rod; thence S.89°31'39"E., 68.72 feet to a 5/8" iron rod; thence N.36°00'31"E., 58.34 feet to a 5/8" iron rod; thence N.20°42'44"E., 151.85 feet to a 5/8" iron rod; thence N.43°24'30"W., 121.51 feet to a 5/8" iron rod; thence N.05°54'37"E., 337.58 feet to a 5/8" iron rod and point of nontangent curvature; thence along the arc of a 328.01 foot radius curve left (the radius point of which bears N.12°18'29"W.) through a central angle of 59°51'09", 342.65 feet (chord bears N.47°45'56"E., 327.28 feet) to a 5/8" iron rod; thence N.17°36'45"E., 329.15 feet to a 5/8" iron rod; thence N.55°52'00"E., 356.01 feet to a 5/8" iron rod; thence N.43°16'15"E., 389.47 feet to the True Point of Beginning.

Contains 47.995 acres, more or less.

CITY OF TROUTDALE FILE NO. 03-019 **EXHIBIT C**

Proposed Beaver Creek Corridor Annexation & Plan Map and Zoning District Map Amendments



Final Documents

For

Annexation to the
City of Troutdale

MU0303

Ord.: #730

Same as DOR 26-647-2003

Final sent to DOR: _____

Signature:

 _____

Date of

Mailing: 6/13/03 _____

MU0303

Sent

Received

DOR:

6/13/03

Sec. State:

Assessor:

Elections:

Mapped:

Yes

Address/Tax lot:

1S3E01 -00300
1S3E02 -00700

26000 SE STARK ST
26000 SE STARK ST

Proposal No. MU0303

1S301, 1S3E02

Annexation to the City of Troutdale

Multnomah Co.







R L I S
REGIONAL LAND INFORMATION SYSTEM



METRO

600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

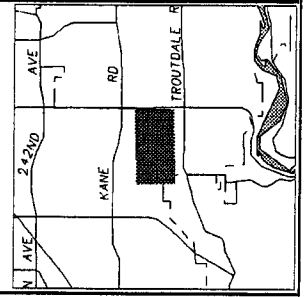
The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the accuracy of merchantability or fitness for a particular purpose, accompanying this product. However, rectification of any errors will be appreciated.

-  County lines
-  City
-  Annexation boundary
-  Urban Growth Boundary

Proposal No. MU0103
CITY OF TROUTDALE
Figure 1

Scale: 1" = 500'

0 500 1000



DLCD 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

(See reverse side for submittal requirements)

Jurisdiction: City of Troutdale Local File No.: 03-019 (If no number, use none)

Date of Adoption: May 27, 2003 (Must be filled in) Date Mailed: June 2, 2003 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: February 25, 2003

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
Land Use Regulation Amendment Zoning Map Amendment
New Land Use Regulation Other: (Please Specify Type of Action)

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

Annexation of 48 acres to the City of Troutdale

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: Gresham Planning to Open Space
Zone Map Changed from: Gresham zoning to Open Space
Location: South side of SE Stark Street, west of Troutdale Road; east of Beaver Creek Acres Involved: 48
Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: Goals 2, 8, & 11

Was an Exception Adopted? Yes: No: X

DLCD File No.:

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Mt. Hood Community College, City of Gresham, Metro, Multnomah County, City of Troutdale

Local Contact: Elizabeth McCallum Area Code + Phone Number: 503-665-5175

Address: 1983 SW 257th Avenue

City: Troutdale Zip Code+4: 97060

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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

Complete Annexation File located in Community Development Department

File # 03-019

Type III Annex/Zone

1S3E01 300 and 1S3E02 700