

## **ORDINANCE NO. 759**

### **AN ORDINANCE APPROVING THE ANNEXATION OF 11.23 ACRES AND CONCURRENT COMPREHENSIVE PLAN MAP AND ZONING DISTRICT MAP AMENDMENTS ON THE EASTERLY 2.3 ACRES (LAND USE FILE NO. 04-088 ASAKAWA)**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. The affected territory is specifically described as Tax Lot 400 on Multnomah County Tax Assessor's Map 1S3E01D and includes the abutting right-of-way of SE Sweetbriar Road for a total area of approximately 11.23 acres or 489,321 square feet.
2. Pursuant to Troutdale Development Code 6.010 Annexation Criteria, the proposal for annexation of the affected territory to the City of Troutdale was conducted as a Type IV Quasi-Judicial procedure. The Director determined that the affected territory is eligible for annexation, as it is entirely within the Urban Growth Boundary.
3. Pursuant to Troutdale Development Code 6.030 Designation of Annexed Property, the annexation request includes a concurrent request for Plan Map and Zoning District Map amendments to apply the Low Density Residential Plan designation and the R-10 Single Family Residential zoning district to the easterly 2.3 acres of the affected territory, not previously designated under the City-County Urban Planning Area Agreement of June 11, 1998.
4. Pursuant to Troutdale Development Code 16.030 Notice of Hearing, a public hearing was held before the Troutdale Planning Commission on November 17, 2004, and hearings were held before the City Council on December 14, 2004 and January 11, 2005, to consider annexation of the affected territory into the City of Troutdale and to consider the Plan and Zoning District Map designations on 2.3 acres of the affected territory.
5. Pursuant to Troutdale Development Code 6.010(A), the proposed annexation conforms to the City of Troutdale Comprehensive Land Use Plan goals and policies.
6. Pursuant to Troutdale Development Code 6.010(B), inclusion of the affected territory within the City of Troutdale is consistent with the purpose served by the City of Troutdale.

7. Pursuant to Metro Code §3.09.050(d), the annexation is consistent with the City-County Urban Planning Area Agreement of 1998; is consistent with the City's Comprehensive Land Use Plan; is consistent with the Metro Regional Framework and Functional Plans; will promote the timely, orderly and economic provisions of public facilities and services; and is consistent with other applicable criteria for annexation under state and local laws. Upon annexation, the City of Troutdale Public Works, City of Troutdale Police Department, and the Gresham-Barlow School District will provide urban services to the affected territory. Upon annexation, the affected territory will be removed from the Multnomah County Sheriff's service area.
8. The affected territory lies within Multnomah County R.F.P.D. #10, but obtains fire service from Gresham Fire and Emergency Services via a contract with the Fire District. Upon annexation, the affected territory will be withdrawn from R.F.P.D. #10. Gresham Fire and Emergency Services will continue to provide fire service to the affected territory under its contract with the City of Troutdale.
9. Pursuant to Troutdale Development Code 15.050(B)(1), the Low Density Residential (LDR) plan map designation for the easterly 2.3 acres of the affected territory complies with applicable Statewide Planning Goals. The requested plan map designation brings the entire affected territory into the LDR Plan designation.
10. Pursuant to Troutdale Development Code 15.050(B)(2), the Low Density Residential plan map designation for the easterly 2.3 acres of the affected territory is consistent with the City of Troutdale Comprehensive Land Use Plan goals and policies.
11. Pursuant to Troutdale Development Code 15.050(B)(3), the Low Density Residential plan map designation for the easterly 2.3 acres of the affected territory is consistent with projected needs for residential lands within the Urban Growth Boundary and the City of Troutdale.
12. Pursuant to Troutdale Development Code 15.050(B)(4), the Low Density Residential plan map designation for the easterly 2.3 acres of the affected territory does not result in more lands than are needed in the Low Density Residential planning area.
13. Pursuant to Troutdale Development Code 15.050(B)(5), uses allowed in the Low Density Residential planning area will not significantly adversely affect existing or planned uses on adjacent lands.
14. Pursuant to Troutdale Development Code 15.050(B)(6), public facilities and services necessary to support uses allowed in the Low Density Residential

planning area are available for extension to the affected territory during land development.

15. Pursuant to Troutdale Development Code 15.050(C)(1), the R-10 Single Family Residential zoning district requested on the easterly 2.3 acres of the affected territory is appropriate for the Low Density Residential plan map designation, and is consistent with the description and policies for the applicable Comprehensive Land Use Plan land use classification.
16. Pursuant to Troutdale Development Code 15.050(C)(2), the uses allowed in the R-10 Single Family Residential zoning district requested on the easterly 2.3 acres of the affected territory can be accommodated on the affected territory without exceeding its physical capacity.
17. Pursuant to Troutdale Development Code 15.050(C)(3), adequate public facilities, services, and transportation networks are planned to be provided concurrently with the development of the easterly 2.3 acres of the affected territory and balance of the affected territory, which is already zoned R-10 Single Family Residential.
18. Pursuant to Troutdale Development Code 15.050(C)(4), the R-10 Single Family Residential zoning district map amendment on the easterly 2.3 acres of the affected territory will not interfere with the livability, development, or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.
19. Pursuant to Troutdale Development Code 15.050(C)(5), the R-10 Single Family Residential zoning district map amendment on the easterly 2.3 acres of the affected territory will not be detrimental to the general interest of the community.
20. Notice of the public hearings was provided in accordance with applicable laws.

## **NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE**

**Section 1:** Annexation. Based on these findings, the affected territory consisting of approximately 11.23 acres, inclusive of the abutting right-of-way of SE Sweetbriar Road, specifically described in Attachment A "Annexation Description," and as identified as Tax Lot 400 on Multnomah County Tax Assessor's Map 1S3E01D and abutting County Road right-of-way, as mapped in Attachment B, is hereby annexed into the corporate limits of the City of Troutdale.

**Section 2.** Withdrawal from Fire District. The property is also hereby withdrawn from Multnomah County R.F.P.D. #10 on the effective date of the annexation.


**Section 3:** Amendment to the City of Troutdale Comprehensive Plan Map. Based upon these findings, the Troutdale Comprehensive Land Use Plan Map is hereby amended to designate the easterly 2.3 acres of the affected territory Low Density Residential (LDR), as generally mapped in Attachment C.

**Section 4:** Amendment to the City of Troutdale Zoning District Map. Based upon these findings, the Troutdale Zoning District Map is hereby amended to designate the easterly 2.3 acres of the affected territory R-10 Single Family Residential (R-10), as generally mapped in Attachment C.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

  
Paul Thalhofer, Mayor

Dated: January 12, 2005

  
Debbie Stickney, City Recorder

**Adopted: January 11, 2005**

ATTACHMENT A  
ORDINANCE NO. 759

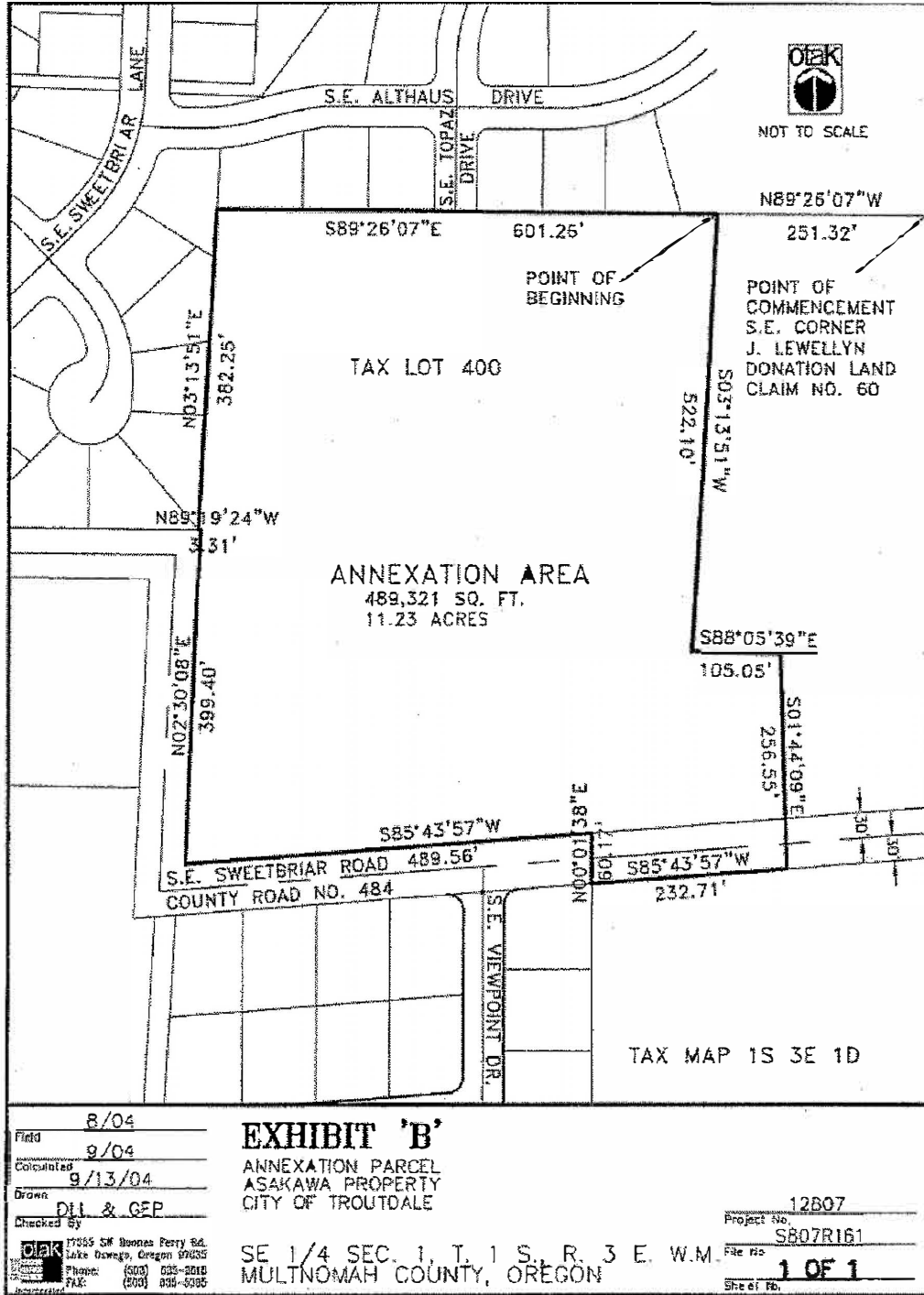
ANNEXATION DESCRIPTION  
September 13, 2004

A tract of land in the southeast one-quarter of Section 1, Township 1 South, Range 3 East of the Willamette Meridian, Multnomah County, Oregon, and being described as follows:

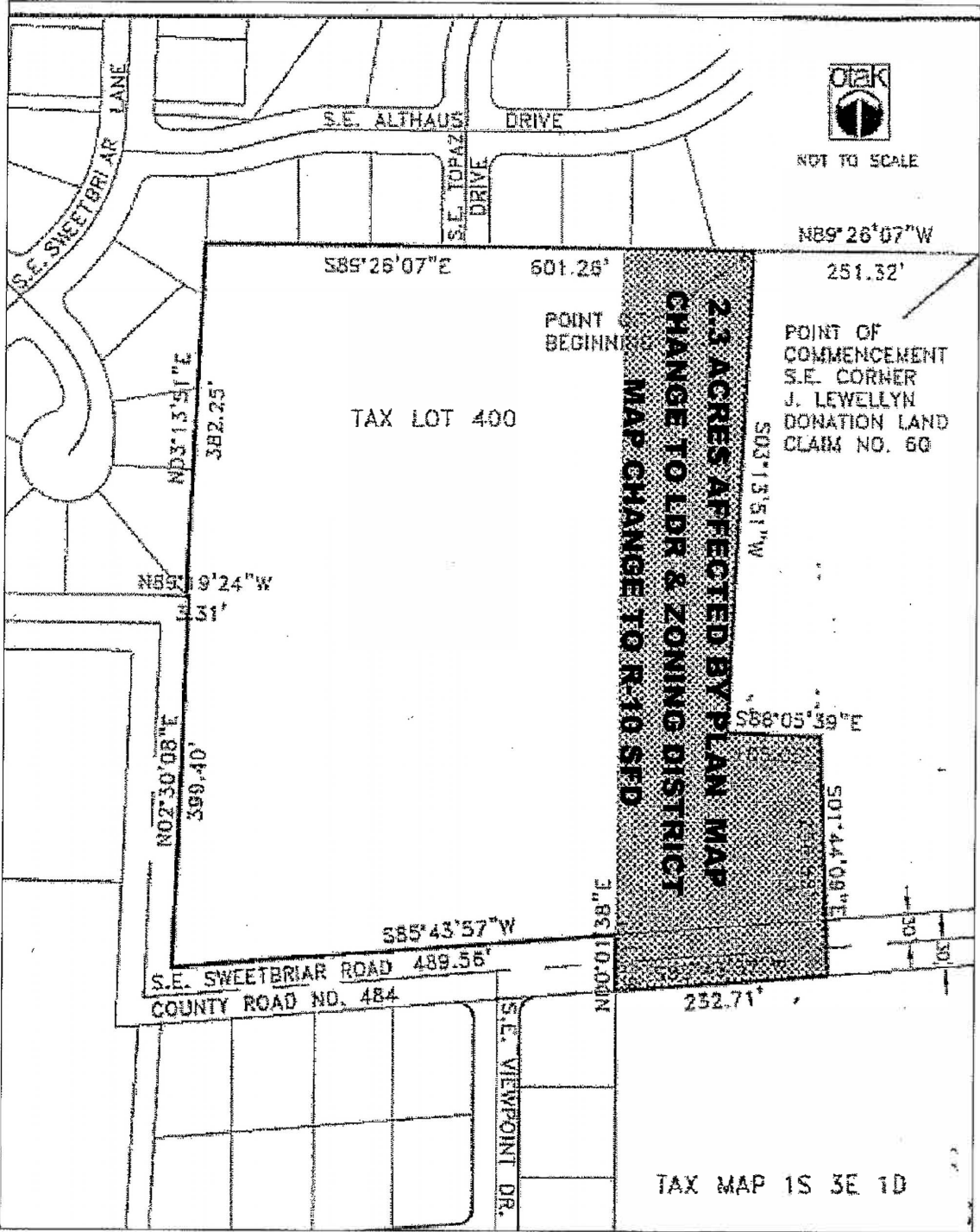
Commencing at on the Southeast corner of the J. Lewellyn Donation Land Claim Number 60 in Section 1, Township 1 South, Range 3 East of the Willamette Meridian, thence along the South line of said Donation Land Claim 251.32 feet to the **Point of Beginning** of the herein described Tract; thence South  $3^{\circ}13'51''$  West, 522.10 feet; thence South  $88^{\circ}05'39''$  East, 105.05 feet; thence South  $1^{\circ}44'09''$  East, 256.55 feet to the southerly right-of-way line of S.E Sweetbriar Road, County Road No. 484; thence South  $85^{\circ}43'57''$  West along said southerly right-of-way line 232.71 feet; thence North  $0^{\circ}01'38''$  East, 60.17 feet to the northerly right of way line of said County Road; thence S  $85^{\circ}43'57''$  West along said northerly right of way, 489.56 feet; thence North  $2^{\circ}30'08''$  East along easterly right-of-way of said County Road, 399.40 feet; thence North  $89^{\circ}19'24''$  West along northerly right-of-way of said County Road, 3.31 feet; thence North  $3^{\circ}13'51''$  East, 382.25 feet to the South line of the J. Lewellyn Donation Land Claim; thence South  $89^{\circ}26'07''$  East along said Donation Land Claim, 601.26 feet to the **Point of Beginning**.

Contains 489,321 square feet (11.23 acres), more or less.

**ATTACHMENT B  
ORDINANCE NO. 759**



**ATTACHMENT C  
ORDINANCE NO. 759**



**The Complete Annexation  
File is located in the  
Community Development  
Department**