

**ORDINANCE NO. 894**

**AN ORDINANCE APPROVING ANNEXATION OF PROPERTY TO THE CITY OF SCAPPOOSE AND AMENDING THE ZONING MAP**

**WHEREAS**, an application was filed by Matthew Van Loo and Judy Bright to annex property described in Exhibit A, attached hereto and incorporated herein, to the City of Scappoose; and

**WHEREAS**, pursuant to Section 17.136.070 of the Scappoose Municipal Code, the property described in Exhibit A would automatically be zoned Low Density Residential (R-1) upon annexation due to the property's "Suburban Residential" Comprehensive Plan designation; and

**WHEREAS**, pursuant to ORS 222.120 notice was given and the City held public hearings pursuant to Scappoose Municipal Code Chapters 17.22, 17.136 and 17.162; and

**WHEREAS**, the Planning Commission held a hearing on the application on November 12, 2020 and the City Council held a hearing on the application on December 7, 2020; now therefore,

**THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:**

**Section 1.** The application to annex the property described in Exhibit A is hereby approved.

**Section 2.** The City of Scappoose Zoning Map is hereby amended, for the property described in Exhibit A, to Low Density Residential (R-1);

**Section 3.** In support of the above annexation and zone change, the City Council hereby adopts the findings, conclusions and recommendations of the Planning Commission Staff Report dated November 5, 2020, attached as Exhibit B.

**Section 3.** The annexation approved by this Ordinance shall take effect 30 days after passage.

**Section 4.** Upon the effective date of this ordinance, the City Planner is directed to conform the Zoning Map to the provisions of this ordinance.

**Section 5.** Upon the effective date of this Ordinance, the City Recorder is directed to provide all notices of annexation required under state law, including but not limited to providing notice to the Columbia County Clerk and Assessor, the Secretary of State, and the Department of Revenue.

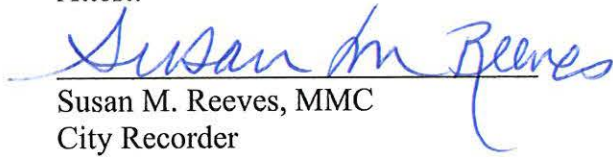
**PASSED AND ADOPTED** by the City Council this 14<sup>th</sup> day of December 2020 and signed by the Mayor and City Recorder in authentication of its passage.

**CITY OF SCAPPOOSE, OREGON**

  
\_\_\_\_\_  
Scott Burge, Mayor

First Reading: December 7, 2020  
Second Reading: December 14, 2020

Attest:

  
\_\_\_\_\_  
Susan M. Reeves, MMC  
City Recorder

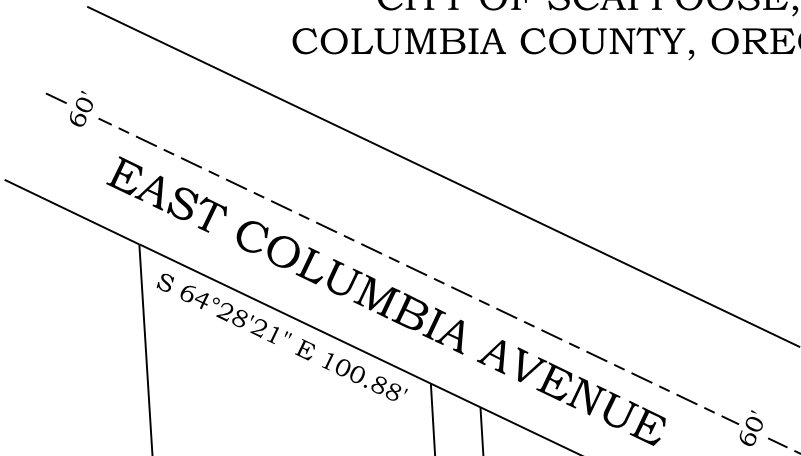
**EXHIBIT "A"**  
Legal Description

Beginning at the quarter corner common to Section 12, Township 3 North, Range 2 West and Section 7, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon; thence South  $21^{\circ}07'11''$  West a distance of 497.16 feet; thence South  $03^{\circ}34'30''$  East a distance of 144.83 feet; thence South  $86^{\circ}27'31''$  West a distance of 86.89 feet to the true point of beginning of a parcel herein described; thence South  $86^{\circ}27'31''$  West a distance of 87.54 feet; thence North  $03^{\circ}32'58''$  West a distance of 243.32 feet to the Southerly right of way of Columbia Avenue (Honeyman County Road No. P-128, 60 right of way); thence South  $64^{\circ}28'21''$  East a distance of 100.88 feet; thence leaving said right of way South  $03^{\circ}21'49''$  East a distance of 194.30 feet to the true point of beginning.

ANNEXATION EXHIBIT  
 FOR JUDITH BRIGHT  
 IN THE SE 1/4 OF SECTION 12  
 T3N, R2W, W.M.,  
 CITY OF SCAPPOOSE,  
 COLUMBIA COUNTY, OREGON



60 Ft/In  
 DWG NO. 20-261 EXHIBIT  
 JOB NO. 20-261  
 10-21-2020



T.L. 501

VAN LOO &  
 BRIGHT  
 T.L. 400

T.L. 301

T.L. 302

T.L. 200

T.L. 503

POINT OF BEGINNING

T.L. 300

T.L. 502

S 64°28'21" E 100.88'

N 03°32'58" W 243.32'

S 03°21'49" E 194.30'

S 86°27'31" W 87.54'

THE POINT OF BEGINNING LIES  
 SOUTH 21°07'11" WEST 497.16',  
 SOUTH 03°34'30" EAST 144.83'  
 AND SOUTH 86°27'31" WEST 86.89'  
 FROM THE QUARTER CORNER  
 COMMON TO SECTION 12,  
 TOWNSHIP 3 NORTH, RANGE 2  
 WEST AND SECTION 7, TOWNSHIP  
 3 NORTH, RANGE 1 WEST,  
 WILLAMETTE MERIDIAN,  
 COLUMBIA COUNTY, OREGON.



K.L.S. SURVEYING INC.  
 1224 ALDER STREET  
 VERNONIA, OREGON 97064  
 (503) 429-6115

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Donald D Wallace*  
 OREGON  
 JANUARY 19, 1993  
 DONALD D WALLACE, JR  
 2601

RENEWS 6/30/22

ANX1-20/ZC1-20

November 5, 2020

*Van Loo/Bright E Columbia Ave Annexation and Zone Change*

## CITY OF SCAPPOOSE STAFF REPORT

**Request:** Approval of an application for Annexation (ANX1-20) and Zone Change (ZC1-20) for a 0.44-acre parcel of land. The property is identified as Columbia County Assessor Map No. 3212-DA-00400. Based on the requirements of the Scappoose Development Code, if this property is annexed it would automatically receive Low Density Residential (R-1) zoning since the site has a “Suburban Residential” Comprehensive Plan Map designation.

**Location:** The site is located south of E Columbia Ave and just west of Jay Davis Lane, at 33946 E Columbia Ave. See attached Vicinity Map (**Exhibit 1**).

**Applicant:** Matthew Van Loo and Judith Bright

**Owner(s):** Matthew Van Loo and Judith Bright

### EXHIBITS

1. Vicinity Map & Columbia County Assessor Map
2. Application Forms
3. Applicant’s Narrative
4. Legal Description and map
5. Annexation Contract, recorded July 29, 2020
6. Comment from City Engineer, dated October 6, 2020
7. Comment from Columbia County Planning Manager, dated October 2, 2020

### SUBJECT SITE

- The subject site consists of one parcel with an area of 0.44-acres. The parcel is located south of E Columbia Ave and just west of Jay Davis Lane, at 33946 E Columbia Ave, and is identified as Columbia County Assessor Tax Lot 3212-DA-00400. See **Exhibit 1**.
- The subject site is designated as Suburban Residential (SR) on the Comprehensive Plan map. The site’s western and northern boundaries abut City limits. Adjoining properties to the west and north within the City are zoned Moderate Density Residential (R-4). The subject site and adjoining properties outside City limits to the east and south are zoned Single Family Residential (R-10) by Columbia County. All abutting properties are in residential use.
- The site is within the boundaries of the Scappoose Rural Fire Protection District and the Scappoose Public School District. The site is currently under the police protection of the Columbia County Sheriff’s Department.

## UTILITIES

- As stated in the narrative (**Exhibit 3**), the existing home on the subject site is already served with public water<sup>1</sup> and sewer, as well as franchise utilities. No additional development is proposed as part of this application.

## PUBLIC & PRIVATE AGENCIES AND PUBLIC NOTICE

- The City of Scappoose City Manager, Police Chief, Engineering, Public Works, and Building; Scappoose Rural Fire Protection District; the Scappoose School District; Department of Land Conservation and Development; and Columbia County Land Development Services have been provided an opportunity to review the proposal. Staff did not receive any objections from these agencies. Comments from these agencies have been incorporated into this staff report as **Exhibits 6 - 7**. The comments received were as follows:
  - The City Engineer submitted a comment (**Exhibit 6**) requesting clarification regarding the extent of the property to be annexed, asking for revisions to the surveyor's map and to the narrative, which the applicant complied with.
  - The Columbia County Planning Manager submitted comments (**Exhibit 7**) stating that the County has no objections to the proposed annexation and to send notice of the final decision once it is issued.
- Notice of this request was mailed to property owners located within 300 feet of the subject site on October 22, 2020 and published in the local newspaper on October 30, 2020. Notices were posted on site on September 25, 2020. As of November 5, 2020, no comments were received from the public.

## **FINDINGS OF FACT**

- 1. The following Statewide Planning Goals have been considered by the City of Scappoose as they pertain to the annexation and zone change request:**

- A. Citizen Involvement (Goal 1)*

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

**Finding:** The City's adopted and acknowledged Comprehensive Plan & Development Code includes citizen involvement procedures with which the review of this application will comply. This process allows for citizens to communicate their input into the zoning map amendment review conducted by the City at public hearings or by submitting written comments. The City of Scappoose Planning Commission will review the proposed annexation and zoning map amendment on November 12, 2020 to make a recommendation to the City Council, which will then hold its own hearing. The applicant posted site notices on September 25, 2020, the City mailed notices to nearby property owners on October 22,

<sup>1</sup> This property was connected to the City's public water system in 1999, presumably under a different SMC policy which previously allowed hookups to the public water system prior to annexation.

City of Scappoose and does not contain any known significant open space, scenic, historic, or natural resources. The proposed annexation and zone change do not conflict with this Goal.

*F. Air, Water and Land Resources Quality (Goal 6)*

**Goal:** *To maintain and improve the quality of the air, water and land resources of the state.*

**Finding:** The site is currently in residential use. If the annexation is approved, the site would be subject to City regulations that do not allow off-site impacts from noise, vibration, odors, glare, or other “nuisance” effects. The potential harmful effects on air, water and land resource quality is limited. The proposed annexation and zone change do not conflict with this Goal.

*G. Areas Subject to Natural Disasters and Hazards (Goal 7)*

**Goal:** *To protect people and property from natural hazards.*

**Finding:** The subject site is not located within a mapped flood plain, potential flood hazard, potential landslide hazard, or earthquake hazard area. The proposal to annex and zone the subject property for residential development is consistent with avoidance of natural disasters and hazards under Goal 7.

*H. Recreational Needs (Goal 8)*

**Goal:** *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.*

**Finding:** The site is presently designated for residential development on the Comprehensive Plan Map and has not been planned for recreational opportunities. The requested zone change to Low Density Residential (R-1) will not result in a reduction in land planned or reserved for recreational use. Consequently, the proposed Annexation and Zone Change will have no significant impact on the City’s planning for recreational needs.

*I. Economic Development (Goal 9)*

**Goal:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

**Finding:** The site is presently designated for residential development on the Comprehensive Plan Map and has not been planned for economic development. Consequently, the proposed Annexation and Zone Change will have no significant impact on the City’s planning for economic development.

and the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system. Since the proposal is consistent with the comprehensive plan designation and with the 2016 Transportation System Plan, staff finds that there is no significant affect to the transportation system as a result of the annexation and zone change to R-1.

*M. Energy Conservation (Goal 13)*

**Goal:** *To conserve energy.*

*1. Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:*

*a. Lot size, dimension, and siting controls;*

*b. Building height, bulk and surface area;*

*c. Density of uses, particularly those which relate to housing densities;*

*d. Availability of light, wind and air;*

*e. Compatibility of and competition between competing land use activities; and*

*f. Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.*

**Finding:** The site is located immediately adjacent to existing residential areas. The proposed R-1 zoning is in accordance with the Comprehensive Plan. The subject site has already been developed with a single-family house and no additional development is proposed at this time.

*N. Urbanization (Goal 14)*

**Goal:** *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Finding:** The subject property is within the Urban Growth Boundary and no expansion of the UGB is proposed. The proposed annexation and zone change would transition the property from rural to urbanized land as foreseen in the Comprehensive Plan, in conformance with this Goal.

*O. Other Goals*

**Finding:** The following goals are not applicable to this application:

- Willamette River Greenway (Goal 15)
- Estuarine Resources (Goal 16)
- Coastal Shorelands (Goal 17)
- Beaches and Dunes (Goal 18)
- Ocean Resources (Goal 19)



- If this site were annexed it would come under the protection of the Scappoose Police Department. Increased assessment valuation would generate some tax revenue to contribute toward the cost of providing service.

#### *Streets*

- Access to and from the site is gained via a driveway connection on E Columbia Ave, which is identified as a Collector in the 2016 Transportation System Plan. As previously discussed, this proposal does not “significantly affect” the City’s street network as defined by the Transportation Planning Rule.

#### *Schools*

- The subject site is already developed with a single-family house and is already within the Scappoose School District, who was notified of the annexation proposal. Staff did not receive a response from the school district in regards to this application; however, since the subject site was already served by the school district prior to the annexation request and since no additional development is proposed at this time, there should not be any additional impact to the school district by this request.

#### *Water Service*

- The existing single-family home is already served by public water via a lateral which is connected to the water main located within E Columbia Ave.

#### *Sanitary Sewer and Storm Drainage*

- The existing single-family home is already served by the public sewer system via a lateral which is connected to the sewer main located within E Columbia Ave.
- No public storm drain system is located near the site. Run off from the existing home and accessory buildings is contained on site.

Therefore, the POLICIES FOR PUBLIC FACILITIES AND SERVICES are satisfied.

#### *POLICIES FOR THE SUBURBAN RESIDENTIAL LAND USE DESIGNATION*

- 3) *Promote the development of homesites at a density and standard consistent with: the level of services that can reasonably be provided, and the characteristics of the natural environment.*
- 5) *Encourage developers to allocate land for open space or recreation in their subdivisions.*
- 6) *Ensure that new developments do not create additional burdens on inadequate sewer, water, street and drainage systems.*

*(Policies 1, 2, and 4 are not applicable to this application.)*

**Finding:** The proposal responds to changes in the community, namely, the need for connection to City sewer services due to a failing septic system. The subject site is within the UGB and abuts City limits and is therefore eligible to petition for annexation in order to connect to City sewer services and alleviate the health hazard that the failing septic system posed to the applicants. Section 17.22.040 (D) is satisfied.

*E. The amendment conforms to Section 17.22.050.*

**Finding:** Consistency with Section 17.22.050 is demonstrated below. Section 17.22.040 (E) is satisfied.

*17.22.050 Transportation Planning Rule Compliance. Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and the applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.*

TRANSPORTATION PLANNING RULE

*OAR 660 Division 12 – Transportation Planning:*

*660-012-0060 Plan and Land Use Regulation Amendments*

*(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

**Finding:** The proposed annexation and zone change will not necessitate changes to the functional classification of existing or planned transportation facilities.

*(b) Change standards implementing a functional classification system; or*

**Finding:** The proposed annexation and zone change will not change any standards implementing the functional classification system.

*(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to*

Duplex	Permitted outright <sup>1</sup>
Accessory Dwelling Units (ADU's) subject to the provisions of Chapter 17.92	Permitted outright <sup>1</sup>

<sup>1</sup> These uses and their accessory uses are permitted outright outside of the Scappoose Creek Flood Plain.

**Finding:** The subject site currently contains a single-family house and multiple outbuildings, which are outright permitted uses. Any future development on site would be reviewed for consistency with the permitted uses in the R-1 zoning district and for conformance with development code standards, building codes, and public works design standards. Section 17.44.030 is satisfied.

### Chapter 17.136 ANNEXATIONS

#### 17.136.020 Policy.

*Annexations shall be considered on a case-by-case basis, taking into account the goals and policies in the Scappoose Comprehensive Plan, long range costs and benefits of annexation, statewide planning goals, this title and other ordinances of the City and the policies and regulations of affected agencies' jurisdictions and special districts.*

- A. *It is the City's policy to encourage and support annexation where:*
1. *The annexation complies with the provisions of the Scappoose Comprehensive Plan.*
  2. *The annexation would provide a logical service area, straighten boundaries, eliminate or preclude islands of unincorporated property, and contribute to a clear identification of the City.*
  3. *The annexation would benefit the City by addition to its revenues of an amount that would be at least equal to the cost of providing service to the area.*
  4. *The annexation would be clearly to the City's advantage in controlling the growth and development plans for the area.*

**Finding:** The proposed annexation complies with the goals and policies of the Comprehensive Plan, as previously discussed in Finding of Fact #2. The annexation area is contiguous to the current City limits boundary, which will expand the City's logical service area. Revenues from the area are anticipated to cover the cost of providing services. Annexation will allow the City to manage growth and alleviate an immediate need for residential property within the City limits. Section 17.136.020(A) is satisfied.

- B. *It is the City's policy to discourage and deny annexation where:*
1. *The annexation is inconsistent with the provisions of the Scappoose Comprehensive Plan.*
  2. *The annexation would cause an unreasonable disruption or distortion of the current City boundary or service area.*
  3. *The annexation would severely decrease the ability of the City to provide services to an area either inside or outside of the City.*
  4. *Full urban services could not be made available within a reasonable time.*

*Van Loo/Bright E Columbia Ave Annexation and Zone Change*

has convenient transportation access to downtown Scappoose and Hwy 30. Urbanization of the site is consistent with the City’s Comprehensive Plan. Section 17.136.040(A).4 is satisfied.

*17.136.070 Zoning upon annexation. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification as shown in the table below. The zoning designation shown on the table below is the city’s zoning district which most closely implements the city’s comprehensive plan map designation.*

<b>Comprehensive Plan</b>	<b>Zoning Classification</b>
SR	R-1, Low Density Residential
GR	R-4, Moderate Density Residential
MH	MH, Manufactured Home Residential
C	EC, Expanded Commercial
I	LI, Light Industrial
AE	PUA, Public Use Airport

**Finding:** The site has a Comprehensive Plan designation of SR, Suburban Residential. Upon annexation, the site would automatically be zoned R-1. Section 17.136.070 is satisfied.

Chapter 17.162 PROCEDURES FOR DECISION MAKING--QUASI-JUDICIAL

*17.162.090 Approval authority responsibilities. [...]*

*C. The planning commission shall conduct a public hearing in the manner prescribed by this chapter and shall have the authority to approve, approve with conditions, approve with modifications or deny the following development applications:*

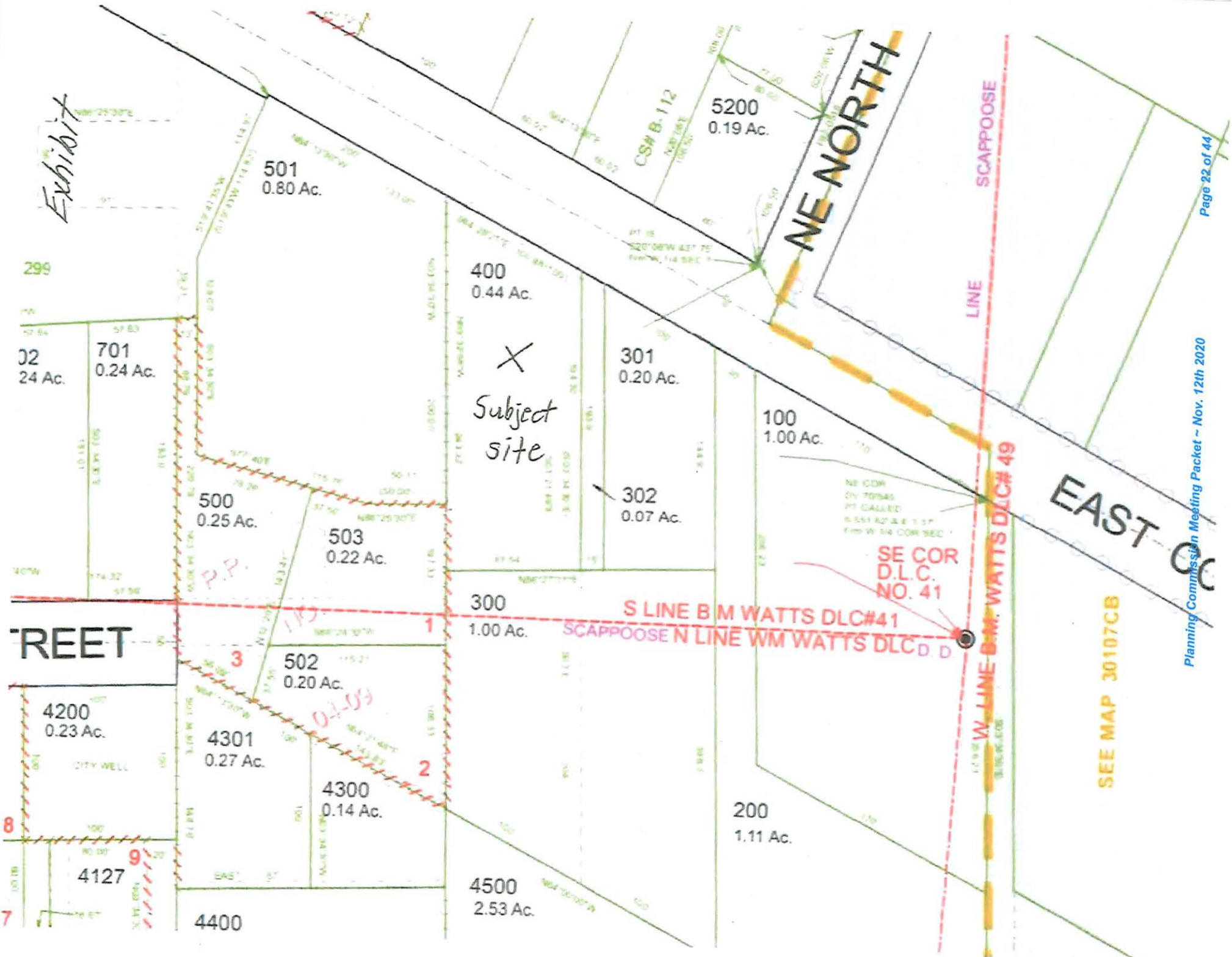
- 1. Recommendations for applicable comprehensive plan and zoning district designations to city council for lands annexed to the city;*
- 2. A quasi-judicial comprehensive plan map amendment except the planning commission’s function shall be limited to a recommendation to the council. The commission may transmit its recommendation in any form and a final order need not be formally adopted;*
- 3. A quasi-judicial zoning map amendment shall be decided in the same manner as a quasi-judicial plan amendment; [...]*

**Finding:** The applicant has requested the concurrent review of Annexation and Zone Change applications. The Planning Commission will make a recommendation to the City Council regarding the applicant’s request. Based on the submitted materials and the staff report, the applicant’s proposal complies with the City’s Comprehensive Plan and with the requirements of Title 17 of the Scappoose Municipal Code. Section 17.162.090(C) is satisfied.

**RECOMMENDATION**

Based on the Findings of Fact and the material submitted by the applicant, staff recommends that the Planning Commission recommend **APPROVAL** of application ANX1-20/ZC1-20 by the City Council.

Exhibit



X  
Subject  
site

NE NORTH

SCAPOOSE  
LINE

EAST CO

S LINE B M WATTS DLC#41  
SCAPOOSE N LINE WM WATTS DLC D.D.

SE COR  
D.L.C.  
NO. 41

W LINE B.M. WATTS DLC#49

SEE MAP 30107CB

REET

702  
24 Ac.

701  
0.24 Ac.

501  
0.80 Ac.

400  
0.44 Ac.

301  
0.20 Ac.

302  
0.07 Ac.

300  
1.00 Ac.

500  
0.25 Ac.

503  
0.22 Ac.

502  
0.20 Ac.

4301  
0.27 Ac.

4300  
0.14 Ac.

4200  
0.23 Ac.

4127

4400

4500  
2.53 Ac.

200  
1.11 Ac.

100  
1.00 Ac.

5200  
0.19 Ac.

(If more than one property owner, please attach additional sheet with names and signatures.)

Applicant Name Matthew Van Loo / Judy Bright  
Business Name n/a  
Mailing Address 33946 E. Columbia City Scappoose State OR Zip 97056  
Phone # 503.804.1747 Fax # n/a Email Address jdbmv123@gmail.com  
Applicant's Signature Matthew Van Loo Judy Bright Date: 8/14/2020  
Applicant's Interest in property Home Owner

**DETAILED SITE INFORMATION**

Are any of the following present on site? If so, please specify the number of acres and/or percentage of site affected.

Floodplain n/a Wetlands n/a Significant Natural Resources n/a

Cultural Resources n/a Airport Noise Contours n/a Slopes greater than 15% n/a

Water Provider:  City of Scappoose  Well

Does the site have access to a City street?  Yes  No (Please explain): \_\_\_\_\_

Does the site have access to County road(s)?  Yes  No (Please explain): Columbia Avenue is now maintained by the City of Scappoose

Are there existing structures on the site?  Yes  No (If Yes, briefly explain future status of structures.) Shop, Shed, Greenhouse

**STRUCTURES:** Are any of the following structures present on the site? (If so, please specify the number of each type of building, and if any of the buildings are in the 100-year floodplain, please write FLOODPLAIN)

- Single Family Residence(s) #: 1
- Accessory Building(s) #: \_\_\_\_\_
- Barn or Other Agricultural Building(s) #: \_\_\_\_\_
- Commercial Building(s): \_\_\_\_\_
- Industrial Building(s) #: \_\_\_\_\_
- Other \_\_\_\_\_
- None

**BUSINESSES:** Is any business being operated on the property to be annexed?

Yes  No (If Yes, describe) \_\_\_\_\_

**COMPLETENESS CHECK (For Office Use Only)**

Received by \_\_\_\_\_ Date \_\_\_\_\_

Accepted as complete by \_\_\_\_\_ Date \_\_\_\_\_

Additional reviews pending?  Yes  No If yes, File # \_\_\_\_\_

Receipt # 01222789 Fee(s) Paid \$2000 on 7-8-2020  
(\$2000)

**Application and Findings  
for  
Annexation into the City of Scappoose**

**Applicant/Owner:**

Matthew Van Loo & Judith Bright  
33946 E. Columbia Avenue  
Scappoose, OR 97056  
503-804-1747  
Jdbmvl123@gmail.com

**Applicant's Representative:**

Van Loo<sup>2</sup> Associates, LLC  
Kirsten Van Loo  
30495 SW Buckhaven Road  
Hillsboro, OR 97123  
503-956-4180

**Location:**

The property is addressed as 33946 E. Columbia Avenue, located just west of N Road/Jay Davis Lane. The parcel is described by Columbia County as tax map/lot 3N2W12DA00400.

**Request:**

Proposal to initiate annexation of approximately .44 acres into the City of Scappoose. The site is within the UGB and is adjacent to the City limits. Upon annexation the property will be rezoned R-1.

Annexation Contract Recording Number:  
2020-007423

**Response:** The proposal is for annexation into the City and amendment to the R-1 zone boundary, and is consistent with the comprehensive plan. The applicable provisions of the Scappoose Comprehensive Plan are addressed later in this document.

C. *The change will not adversely affect the health, safety, and welfare of the community;*

**Response:** The proposed zoning map change is planned for in the Comprehensive Plan. The site is within the Scappoose urban growth boundary, and is designated as Suburban Residential. The request is for annexation and inclusion within the corresponding City zone of R-1. The purpose for annexation is to allow the existing house to connect to the public sewer due to septic system failure, which will have a positive impact to the health, safety and welfare of the community.

D. *The proposal either responds to changes in the community or it corrects a mistake or inconsistency in the comprehensive plan, the zoning map, or this title; and*

**Response:** Oregon Administrative Rules require denial of a request for a permit for septic repair if a sewerage system that can serve the proposed sewage flow is both legally and physically available. The septic system that serves the existing dwelling on the site is failing, and there is a public sewer line in E. Columbia, therefore, state law mandates the annexation into the City.

E. *The amendment conforms to Section 17.22.050.*

**Response:** Section 17.22.050 is addressed below.

**17.22.050 Transportation planning rule compliance.**

*Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and the applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.*

**Response:** The proposed annexation will not have an impact on the transportation system as there is no new development planned. The existing dwelling already has access onto E. Columbia, and no alteration or increase in use is proposed.

**Chapter 17.44 - R-1 Low Density Residential**

**17.44.030 Permitted and Conditional uses.**

**Response:** Single-family detached residential dwellings outside of the Scappoose Creek Flood Plain are permitted outright within the zone. The site contains an existing residence.

**17.44.050 Dimensional Requirements**

**Response:**

Standard	Required	Existing
Minimum Lot Area:	6,000 sf	+/-19,166 sf
Minimum Lot Width	50'	87'
Minimum Setbacks: Front:	20'	Min. 20'



3. *The annexation would severely decrease the ability of the city to provide services to an area either inside or outside of the city;*

**Response:** All necessary services are available and adequate to serve the site.

4. *Full urban services could not be made available within a reasonable time.*

**Response:** Urban services are available to serve the subject site.

#### **17.136.040 Approval Standards**

A. *The decision to approve, approve with modification or deny, shall be based on the following criteria:*

1. *All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;*

**Response:** All services are available to serve the site. The existing dwelling is already served with public water, and has been approved to connect to the sewer prior to annexation. The dwelling will remain for the foreseeable future, upon removal of the house, 2 lots are the maximum that could be accommodated on the site in the future.

2. *The impact upon public services which include but are not limited to police and fire protection, schools and public transportation to the extent that they shall not be unduly compromised;*

**Response:** The site is already served with the specified services. The service provider will change from the County to the City, where applicable, upon annexation. The site is 'fully developed' for the foreseeable future, with a maximum potential of 2 lots upon removal of the existing dwelling.

3. *The need for housing, employment opportunities and livability in the city and surrounding areas;*

**Response:** The site was included in the UGB to meet future housing needs of the City.

4. *The location of the site in relation to efficient provision of public facilities, services, transportation, energy conservation, urbanization and social impacts.*

**Response:** The location of the site has already been determined to be appropriate for low density residential development, as evidenced by the current SR comprehensive plan designation. Urban services are available to serve the site, the existing house is already served by City water, and is in the permitting process to connect to the public sewer line in E. Columbia, due to a failing septic. Storm drainage will continue to be sheet flow over the property. No additional development will occur in the foreseeable future, and the site can only accommodate up to two lots, which will require removal of the dwelling.

#### **17.136.050 Application Submission Requirements.**

A. *All applications shall be made on forms provided by the planner and shall be accompanied by:*

1. *Copies of the annexation area, conceptual development plan(s) and necessary data or narrative (number to be determined at the pre application conference), which explains how the annexation conforms to the standards:*
  - a. *Sheet size for an annexation area, conceptual development plan and required drawings shall not exceed eighteen inches by twenty-four inches, and*
  - b. *The scale of the required drawings shall be an engineering scale.*

*that public services and facilities do not unreasonably degrade significant fish and wildlife habitats.*

**Response:** The Scappoose Land Use and Development code implements this policy. Public sewer and water lines exist within E. Columbia, the existing house is already connected to water. No additional development is expected for the foreseeable future, the maximum the site can accommodate is 2 units, which will require removal of the house.

2. *Allow the construction of certain public facilities, including water lines, sanitary sewer lines and storm sewer lines outside the Urban Growth Boundary when it is beneficial to the City from an engineering or operational basis...*

**Response:** Extension of utilities outside the UGB is not requested. Public facilities exist within E. Columbia along the site frontage, all of which is inside the UGB.

3. *Implement the City of Scappoose Water Master Plan, prepared by Economics and Engineering Services, dated April, 1997.*

4. *Require in new developments that water, sewer, street and other improvements be installed as part of initial construction.*

**Response:** City processes are in place to ensure all necessary public services are provided by new development, consistent with existing City plans. The Land Use and Development Code implements this policy, any future development on the site will be required to comply with the Code. However the maximum the site can accommodate is 2 units, which will require removal of the existing dwelling, therefore, no additional development is expected in the foreseeable future.

5. *Ensure that capacities and patterns of utilities and other facilities are adequate to support the residential densities and land use patterns of the Comprehensive Plan.*

**Response:** Utilities are available to serve the site. Sewer and water exist within E. Columbia along the site frontage. No additional development is expected in the foreseeable future.

6. *Require the nuisance free storage of solid wastes, provide for the efficient collection of solid wastes and encourage the recovery of usable materials through recycling.*

**Response:** The City has processes in place that implement this policy. Future development of the site will be required to comply with all regulations in place at the time of development. The existing dwelling is already served with regular garbage service.

7. *Implement the City of Scappoose Wastewater Master Plan, prepared by KCM, Inc., dated June 1998.*

**Response:** This policy is implemented by the Code, future development will be required to comply with all standards and regulations in place at the time of development.

8. *Develop and implement a watershed control plan to improve watershed management for the protection of surface and groundwater resources and a wellhead protection plan to protect groundwater resources. (Ord 672, 1998)*

**Response:** This policy is not applicable to this request.

9. *Control local flooding and groundwater problems using existing storm drainage systems and construction of new facilities in accordance with the Scappoose Storm Drain System Master Plan.*

**Response:** Annexation of industrial lands is not requested.

21. *Utilize the Public and Semi-Public Comprehensive Plan designation of lands needed by public agencies for future needs.*

**Response:** The Comprehensive Plan designation for the site is Suburban Residential.

22. *Support the development of Local Improvement Districts (LID) to develop local services.*

**Response:** Public water and sewer exist along the site frontage in E. Columbia, a Collector. LIDs are not necessary at this time.

23. *Allow development over natural drainage ways only when it is shown that this development is necessary to the successful completion of the proposed project. If such filling is allowed, the culverts used shall be large enough to handle the maximum peak flow.*

**Response:** No new development is expected in the foreseeable future, and no natural drainage ways exist on site.

24. *In budgeting for public facilities, utilize the following criteria...*

**Response:** The request does not pertain to the City's public facilities budget.

25. *Ensure that new developments do not create additional burdens on inadequate sewer, water, road and drainage systems; in such cases, the City shall require the developer to do the necessary off-site work, and in return may grant variances so that such off-site costs do not make the project prohibitive.*

**Response:** Sewer and water exist along the site frontage, and no new development is planned.

### **Suburban Residential Goals and Policies**

#### **Goal for the Suburban Residential Land use Designation**

*It is the goal of the City of Scappoose to:*

1) *Create conditions suitable for moderate concentrations of people not in immediate proximity to public services, shopping, transportation and other conveniences.*

**Response:** The site has been determined to be suitable for development of low density residential uses through the comprehensive planning process.

2) *To provide places suitable for single family dwellings, duplexes, triplexes, and four-plexes.*

**Response:** The designated City zoning district for the site provides land for single family dwellings.

3) *Minimize adverse effects on adjacent developments through the enforcement of subdivision regulations of the Development Code.*

**Response:** City processes are in place to ensure future development proposals will be reviewed for compliance with the subdivision regulations prior to commencement of development on the subject site. However, no additional development is expected for the foreseeable future.

#### **Policies for the Suburban Residential Land Use Designation**

*It is the policy of the City of Scappoose to:*

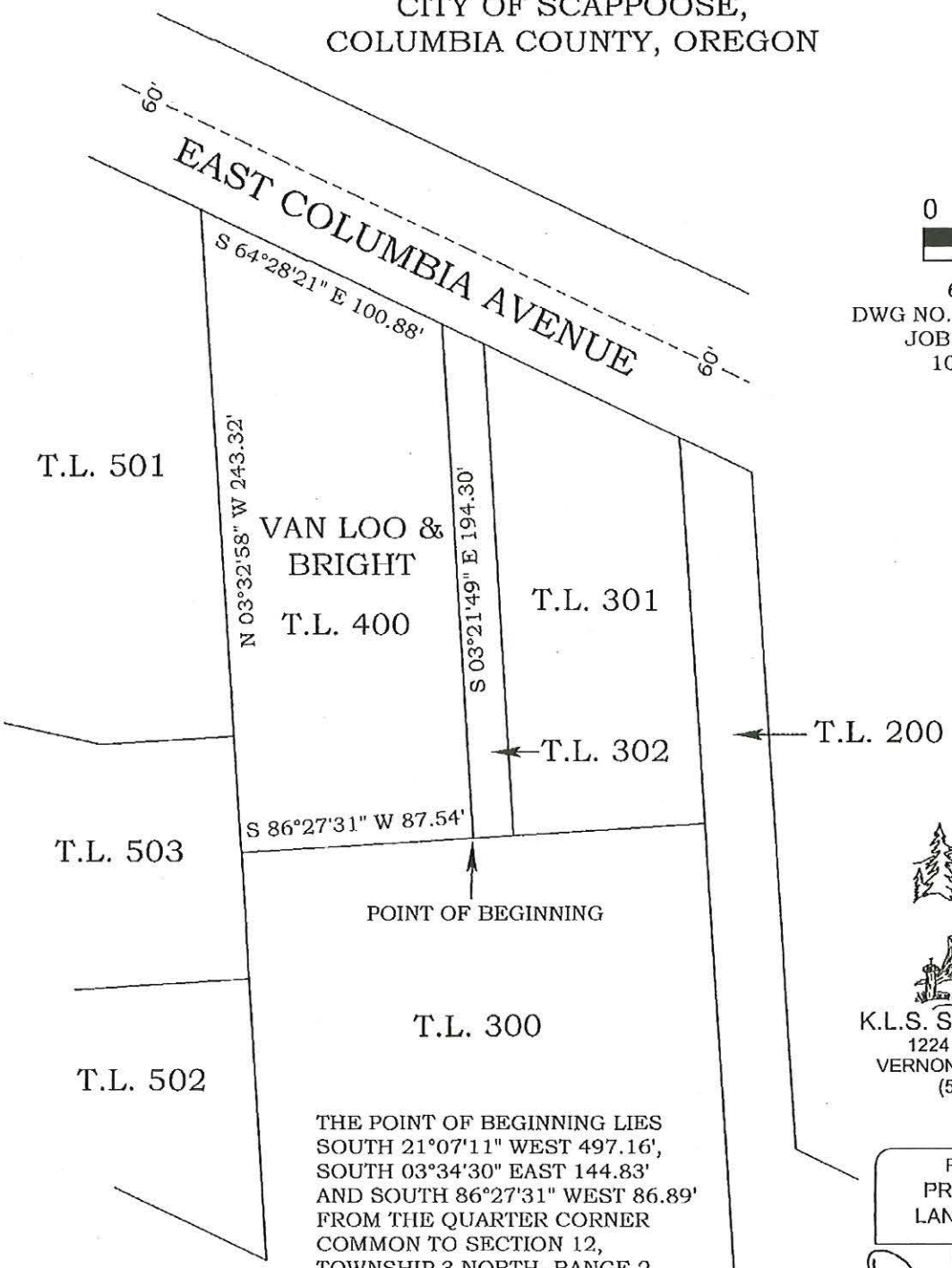
## CONCLUSION

Based on the findings contained above, the Applicant has addressed the applicable criteria for granting approval to annex .44 acres of residential lands into the City of Scappoose.

ANNEXATION EXHIBIT  
 FOR JUDITH BRIGHT  
 IN THE SE 1/4 OF SECTION 12  
 T3N, R2W, W.M.,  
 CITY OF SCAPPOOSE,  
 COLUMBIA COUNTY, OREGON



60 Ft/In  
 DWG NO. 20-261 EXHIBIT  
 JOB NO. 20-261  
 10-21-2020



THE POINT OF BEGINNING LIES  
 SOUTH 21°07'11" WEST 497.16',  
 SOUTH 03°34'30" EAST 144.83'  
 AND SOUTH 86°27'31" WEST 86.89'  
 FROM THE QUARTER CORNER  
 COMMON TO SECTION 12,  
 TOWNSHIP 3 NORTH, RANGE 2  
 WEST AND SECTION 7, TOWNSHIP  
 3 NORTH, RANGE 1 WEST,  
 WILLAMETTE MERIDIAN,  
 COLUMBIA COUNTY, OREGON.



K.L.S. SURVEYING INC.  
 1224 ALDER STREET  
 VERNONIA, OREGON 97064  
 (503) 429-6115

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Donald D. Wallace, Jr.*  
 OREGON

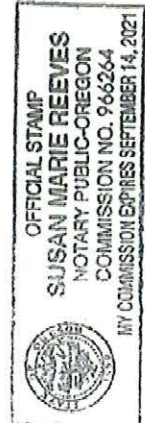
JANUARY 19, 1993  
 DONALD D WALLACE, JR  
 2601

RENEWS 6/30/22

IN WITNESS WHEREOF, the Owners and City have executed this Contract on the date written above.

City of Scappoose, Oregon, a municipal corporation

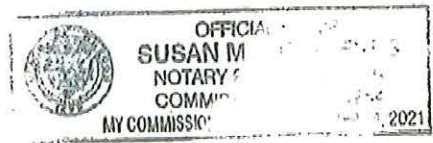
By: Michael J. Sykes  
Michael J. Sykes, City Manager



STATE OF OREGON )  
 ) ss.  
County of Columbia )

This instrument was acknowledged before me this 20<sup>th</sup> day of July, 2020 as the City Manager of the City of Scappoose, a municipal corporation of the State of Oregon.

Susan Marie Reeves  
Notary Public for Oregon  
My Commission Expires: Sept 14, 2021



By: Matthew A. VanLo and Judy Bright  
Matthew Van Loo Judy Bright  
Property Owners

STATE OF OREGON )  
 ) ss.  
County of Columbia )

This instrument was acknowledged before me on July 20, 2020, by Matthew Van Loo + Judy Bright

Susan Marie Reeves  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: Sept 14, 2021



**Laurie Oliver**

---

**From:** Matt Laird <Matt.Laird@columbiacountyor.gov>  
**Sent:** Friday, October 2, 2020 1:38 PM  
**To:** Laurie Oliver  
**Subject:** RE: Annexation and Zone Change (ANX1-20/ZC1-20) referral comment request

Laurie-

Columbia County Planning has no objection to the proposed annexation of 3212-DA-00400.  
Please send a notice of final decision once complete.  
Thank you for the opportunity to comment.

Cordially,

**Matt Laird**

Planning Manager  
Columbia County, Oregon  
230 Strand Street, St. Helens, OR 97051  
503.397.7217  
[matt.laird@co.columbia.or.us](mailto:matt.laird@co.columbia.or.us)  
[www.co.columbia.or.us](http://www.co.columbia.or.us)

*Service ~ Engagement ~ Connection ~ Innovation*

**From:** Laurie Oliver <loliver@cityofscappoose.org>  
**Sent:** Friday, October 2, 2020 11:08 AM  
**To:** Matt Laird <Matt.Laird@columbiacountyor.gov>  
**Subject:** Annexation and Zone Change (ANX1-20/ZC1-20) referral comment request

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Matt-

Please find attached a referral request regarding an annexation application I am currently processing. I have also attached the application, narrative, and a vicinity map. To further explain, this is a unique situation in that the Council approved the property owner to connect to City sewer early in exchange for their agreement to apply for annexation within 90 days of signing the annexation agreement document, which has been recorded (also attached). The owner was unable to repair their septic system, prompting connection to City sewer in an emergency situation.

I am requesting comments back by October 20, 2020. Please let me know if you'd prefer I mail a hard copy as well.

Happy Friday!

**Laurie Oliver Joseph, AICP, CFM** | City Planner & Planning Department Supervisor  
**City of Scappoose**  
33568 E Columbia Ave. | Scappoose, OR 97056 | tel: 503-543-7184  
email: [loliver@cityofscappoose.org](mailto:loliver@cityofscappoose.org)