

ORDINANCE NO. 924

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

WHEREAS, Sherman & Marsha Garver and Richard & Christianne Watt filed an application to annex property described in **Exhibit A** and depicted in **Exhibit B**, attached hereto and incorporated herein, to the City of Scappoose, as well as for Minor Partition; and

WHEREAS, 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, pursuant to Section 17.136.070 of the Scappoose Municipal Code; and

WHEREAS, public notice pursuant to ORS 222.120 and Scappoose Municipal Code Chapters 17.22, 17.136, and 17.162 was given; and

WHEREAS, the Planning Commission held a hearing on the consolidated application on December 11, 2025 and voted unanimously to recommend that the City Council approve the entire consolidated application subject to the conditions of approval and findings contained within the ANX 1-25, ZC 2-25, MiP 1-25 Planning Commission staff report dated December 4, 2025 (**Exhibit C**); and

WHEREAS, the City Council held a hearing on the consolidated application on January 5, 2026; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. The property described in **Exhibit A** is hereby annexed into the city limits of the City of Scappoose, Oregon.

Section 2. The property described in **Exhibit A** is hereby rezoned from Single-Family Residential (R-10) Columbia County zoning to Low Density Residential (R-1) City of Scappoose zoning. The City Planner is directed to conform the Zoning Map to the provisions of this Ordinance.

Section 3. In support of the proposed Annexation, Zone Change, and Minor Partition, the City Council hereby adopts the findings, conditions of approval, and recommendations made by the Scappoose Planning Commission outlined in the ANX 1-25, ZC 2-25, MiP 1-25 Planning Commission staff report, dated December 4, 2025 (**Exhibit C**), attached hereto and incorporated herein.

Section 4. This Ordinance is effective 30 days after passage if not appealed. If appealed, this Ordinance is effective upon the resolution of all appeals.

PASSED AND ADOPTED by the City Council this 20th day of January, 2026, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Joseph A. Backus, Mayor

First Reading: January 5, 2026

Second Reading: January 20, 2026

Attest:



Susan M. Reeves, MMC, City Recorder/HR





KLS Surveying Inc.

1224 Alder Street
Vernonia, OR 97064

Phone: (503) 429-6115
Fax: (866) 297-1402
Email: don@klssurveying.com

Exhibit A Annexation description

A tract of land lying in the Southwest quarter of Section 7, Township 3 North, Range 1 West of the Willamette Meridian, Washington County, Oregon being more particularly described as follows:

- Beginning at a point North 211.12 feet and East 206.73 feet from the Southwest corner of said Section 7;
- thence South $64^{\circ}14'40''$ East 170.63 feet to the West line of Cascade Meadow, Columbia County Survey Records;
- thence North $20^{\circ}05'49''$ East along said West line 526.03 feet to the South line of SE Elm Street;
- thence North $64^{\circ}19'50''$ West along said South line 170.54 feet;
- thence South $20^{\circ}06'15''$ West 525.76 feet to the point of beginning.

Containing 2.05 acres more or less.

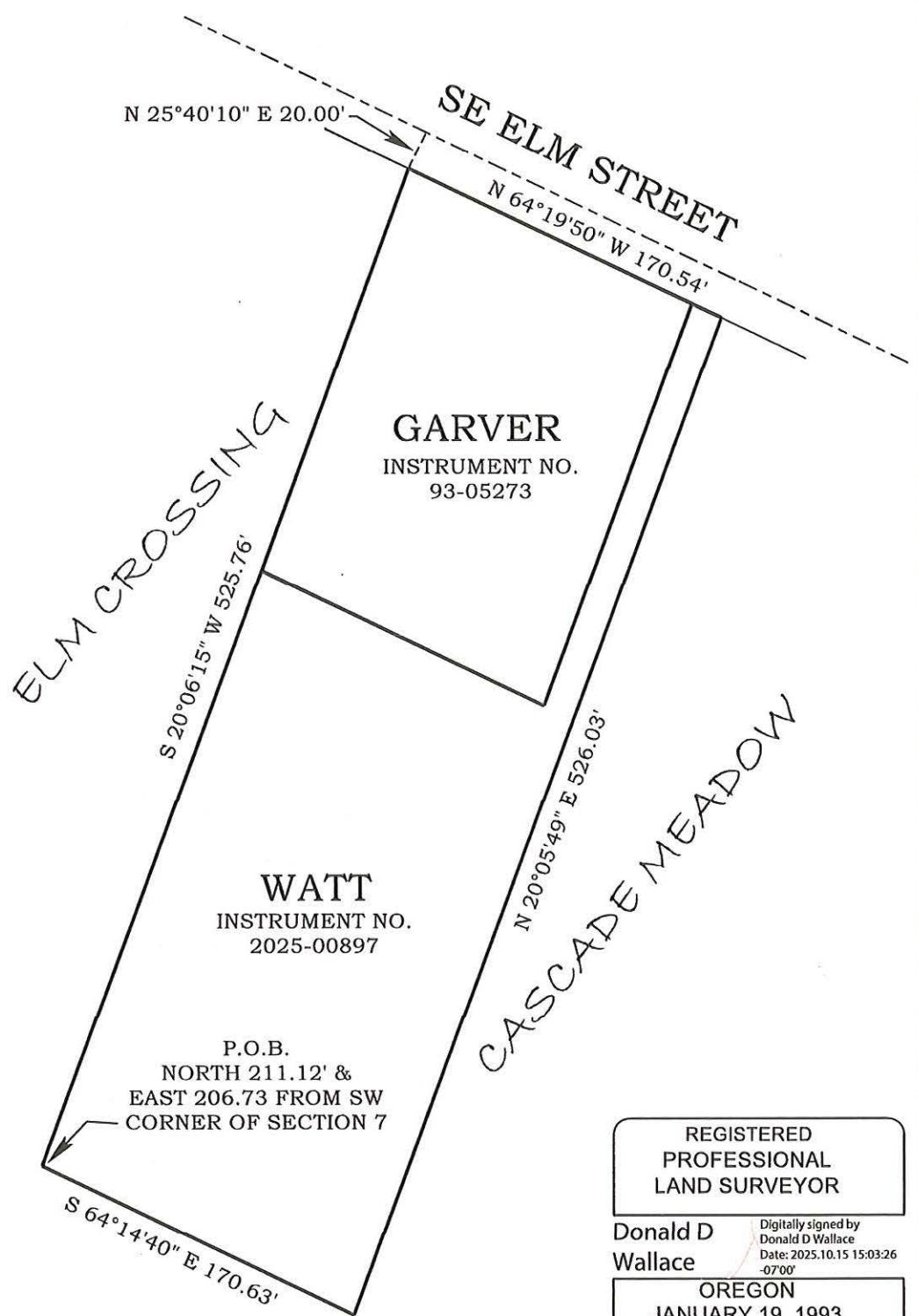
The basis of bearings for this description is Oregon Coordinate Reference System Columbia River West Zone, NAD83 (2011) EPOCH 2010.00.

REGISTERED PROFESSIONAL LAND SURVEYOR	
Donald D Wallace	Digitally signed by Donald D Wallace Date: 2025.10.15 15:03:06 -07:00'
OREGON JANUARY 19, 1993 DONALD D WALLACE, JR 2601	
RENEWS 6/30/26	

EXHIBIT B
ANNEXATION AREA
IN THE SW 1/4 OF SECTION 7,
T3N, R1W, W.M.,
COLUMBIA COUNTY, OREGON

0 80'
80 Ft/In

DWG NO. 25-151 EXHIBIT
JOB NO. SCAPPOOSE
10-15-2025



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

**CITY OF SCAPPOOSE
STAFF REPORT & DECISION**

Request: Approval of an application for Annexation to annex the subject site into City limits, Zone Change to rezone the subject site Single-Family Residential (R-10) County zoning to Low Density Residential (R1) City zoning, and Minor Partition to partition Tax Lot 3000 into two lots.

Location: The site contains two parcels addressed 34094 and 34102 SE Elm Street, south of the SE Elm Street and SE Tussing Way intersection, on properties described as Columbia County Assessor Map #3107-CC-03000 and #3107-CC-03100. See Vicinity Map (**Exhibit 1**).

Applicant: Sherman & Marsha Garver and Richard & Christianne Watt

Owner(s): Sherman & Marsha Garver (Tax Lot 3000) and Richard & Christianne Watt (Tax Lot 3100)

EXHIBITS

1. Vicinity Map
2. Application Form
 - A. Annexation
 - B. Minor Partition
3. Land Use Narrative
4. Preliminary Development Plans
 - A. Cover Sheet (Sheet G-1)
 - B. Existing Conditions Plan (Sheet C-1)
 - C. Proposed Conditions Plan (Sheet C-2)
 - D. Frontage Improvement Plan (Sheet C-3)
 - E. Standard Details (Sheet D-1)
 - F. Topographic Survey
 - G. Preliminary Partition Plat
5. Annexation Legal Description, completed by KLS Surveying Inc., dated October 15, 2025
6. Shared Driveway Agreement, recorded February 21, 2025
7. Referral comment from City of Scappoose Public Works Director, dated November 6, 2025
8. Referral comment from Columbia County Building Official, dated November 10, 2025
9. Referral comment from Columbia River PUD, dated November 10, 2025
10. Referral comment from Columbia County Planning Director, dated November 19, 2025
11. Referral comment from Columbia County Public Works, dated December 2, 2025

SUBJECT SITE

- The subject site consists of two existing tax lots (TL) where TL 3000 is 0.75 acres and TL 3100 is 1.3 acres, totaling 2.05 acres (see **Exhibit 4B**). TL 3000 contains a single-family residence, manufactured home, shop, two paved driveway paths connecting to gravel paths, and some trees (see **Exhibit 4B**). TL 3100 contains a single-family residence, shop, gravel driveway path, and some trees (see **Exhibit 4B**).
- Neither TL 3000 or 3100 are currently connected to municipal utilities. TL 3100 is experiencing a failing septic system and desires to connect to City sewer as a remedy to this (see **Exhibit 3, p. 4**).
- North of the subject site is SE Elm Street and to the north of that is SE Tussing Way and two rows of single-family homes, making up a portion of the Tussing Subdivision. West and east of the subject site are single-family homes platted as Elm Crossing Subdivision and Cascade Meadow Subdivision, respectively. South of the subject site is a large residential property with a house and several outbuildings.
- The subject site is currently in the urban growth boundary (UGB), zoned by Columbia County as Single-Family Residential (R-10), and designated by the City of Scappoose Comprehensive Plan Map as Suburban Residential (SR). The properties to the north and east of the site are in City limits, zoned Moderate Density Residential (R-4), and designated as SR on the Comprehensive Plan Map. The properties to the west and south of the site are in City limits, zoned R-1, and designated as SR on the Comprehensive Plan Map.
- The subject site is not located within the Special Flood Hazard Area (commonly referred to as the 100-year floodplain) and there are no wetlands, slope hazards, or watercourses on or near the site (see **Exhibit 4B**).

OBSERVATIONS

ANNEXATION/ZONE CHANGE

- The applicant is requesting approval of an Annexation (**Exhibit 2A**) that would annex both parcels into City limits. The properties are currently in the UGB and are eligible for annexation according to the Development Code and Comprehensive Plan.
- The subject site is currently zoned R-10 by Columbia County. With an SR Comprehensive Plan Map designation, the subject site will automatically be zoned R-1 upon annexation.
- The subject site is currently in the UGB but surrounded by properties in city limits in each direction. Annexing this site would eliminate an island of unincorporated property, promote desirable urban form, and continue the organic progression of the city.

PARTITION

- The applicant is requesting approval of a Preliminary Partition Plat (**Exhibit 4G**) to partition TL 3000 into two lots to establish separate parcels for the existing single-family home and manufactured home. The lots are proposed to be 24,503 square feet and 6,500 square feet, respectively (see **Exhibit 4G**).
- The Partition request does not create any new streets (see **Exhibit 4G**) so it is not considered

a Major Partition and it is less than 4 lots (see **Exhibit 4G**) so it is not considered a Subdivision. Therefore, this request will be processed as a Minor Partition.

- Given that the Minor Partition proposal is consolidated with the Annexation proposal, the Minor Partition will be processed by the City, subject to City standards since the parcel will be in City limits if the Annexation is approved.

RIGHT-OF-WAY/PUBLIC IMPROVEMENTS

- All proposed parcels of the subject site have frontage on SE Elm Street (see **Exhibit 4B**). This section of SE Elm Street is classified by the 2016 Transportation System Plan (TSP)¹ as a Neighborhood Route, which requires 60 feet of right-of-way width comprised of 36 feet of vehicular travel way & parking, two 5.5-foot planter strips, two 6-foot sidewalks, and two 6-inch utility areas. The SE Elm Street right-of-way is primarily 50 feet wide with a ~29-foot paved width (see **Exhibit 4B**). There are sidewalks on the north side of SE Elm Street and to the east and west of the subject frontage but no sidewalk or curb on the subject site's frontage. The applicant is proposing to provide a 10-foot dedication along TL 3000 to bring the right-of-way width to standard, install a 6-foot sidewalk with curb and gutter along the entire frontage including two new driveway approaches, pave between the existing asphalt concrete and the new curb, and plant street trees (see **Exhibit 4D**). The applicant did not propose a dedication along the frontage of TL 3100 (see **Exhibit 4C**) since it is not part of the Minor Partition proposal, which is the element of the consolidated application that requires the dedication along the frontage of TL 3000. However, the applicant is proposing to install a sidewalk that would go through what is currently and proposed to remain as private property along the frontage of TL 3100 (see **Exhibit 4D**). The applicant will be required by the recommended conditions of approval to dedicate 10 feet of TL 3100 as right-of-way or record a public sidewalk easement in the area that would be dedicated that allows for the public to use the sidewalk as a public walkway as if it were in the right-of-way.
- The applicant will be required to install one new streetlight on their frontage. The applicant has proposed to install a streetlight to the west of the eastern driveway in the right-of-way (see **Exhibit 4D**).

UTILITIES

- There is currently a 15-inch polyvinyl chloride (PVC) sewer main in SE Elm Street as well as a 12-inch concrete sewer main that extends south from the 15-inch PVC main into and through the rear yards of the parcels to the west of the subject site (see **Exhibit 4B**). The applicant proposes installing three new sewer laterals from the SE Elm Street main to serve each of the existing homes (see **Exhibit 4C**). The applicant also indicated on their Proposed Conditions Plan (**Exhibit 4C**) that the contractor may evaluate the feasibility of serving the home on TL 3100 with the sewer main to the west of the subject site that runs through the rear yards of the adjacent homes in the Elm Crossing Subdivision instead of the main in SE Elm Street.
- There is an existing 24-inch PVC stormwater main in SE Elm Street (see **Exhibit 4B**). The applicant is proposing to relocate and install a new catch basin to the west of the driveway

¹ City of Scappoose, Transportation System Plan: Volume 1, 2016, Figures 12 & 13b.

serving Parcel 2 (see **Exhibit 4C**) as required. Runoff will be directed towards this relocated catch basin (see **Exhibit 4C**).

- There is currently an 8-inch cast iron water main in SE Elm Street. The applicant proposes to install two new water laterals from the main to serve Parcels 1 and 2 (see **Exhibit 4C**). TL 3100 will continue to use its existing well as its water source (see **Exhibit 3**, p. 24).

LANDSCAPING, SCREENING, AND STREET TREES

- The applicant is proposing to plant Autumn Brilliance Serviceberry street trees (see **Exhibit 3, p. 13**), which is a species on the Approved Street Trees list². Autumn Brilliance Serviceberries are 25 feet tall and 20 feet wide at maturity, requiring them to be spaced at 20 feet apart on center with a planting width greater than the required 6 feet, which is what the applicant is proposing (see **Exhibit 3, p. 13**).

PUBLIC AND PRIVATE AGENCIES

- The City of Scappoose City Manager, Public Works Director, and Police Chief; Columbia County Public Works Director, Planning Director, and Building Official; Scappoose Rural Fire Protection District; and Columbia River PUD have been provided an opportunity to review and comment on this proposal. The City Engineer's comments are incorporated throughout this report.
- The City of Scappoose Public Works Director provided a referral comment (**Exhibit 7**) stating that they have reviewed the application and have no objection to its approval, provided it meets all criteria set forth in the Scappoose Municipal Code, zoning criteria, and the Scappoose Public Works Design Standards (PWDS).
- The Columbia County Building Official provided a referral comment (**Exhibit 8**) stating that they have reviewed the application and have no objection to its approval as submitted.
- The Columbia River PUD provided a referral comment (**Exhibit 9**) stating that they have reviewed the application and have no objection to its approval as submitted.
- The Columbia County Planning Director provided a referral comment (**Exhibit 10**) stating that they have reviewed the application and have no objection to its approval as submitted.
- The Columbia County Public Works Department provided a referral comment (**Exhibit 11**) requiring that each parcel created through this land use action obtain an access permit from Columbia County. Additionally, the County is requiring that the applicant improve the SE Elm Street frontage to City of Scappoose standards and obtain a right-of-way permit from Columbia County for any work completed in the right-of-way. The County's comments clarified that these requirements will only be enforced if this section of SE Elm Street is found to be a County-owned road currently and after the parcels are annexed into city limits. These requirements have been incorporated into the recommended conditions of approval.
- Notice of the application and hearings was mailed to property owners within 300 feet of the subject site on December 1, 2025, posted in the November 28, 2025 edition of the Columbia

² City of Scappoose, Approved Street Trees, 2023, page 10, available at:
https://www.scappoose.gov/sites/default/files/fileattachments/building/page/667/scappoose_street_tree_list_updated_2023-06-21.pdf.

County Spotlight, and posted on the subject site in accordance with Chapter 17.162. As of the date of this report, no public comments have been submitted.

FINDINGS OF FACT

The following sections of the Scappoose Development Code are applicable to this request:

Chapter 12.10
VISUAL CLEARANCE AREAS

12.10.020 Visual clearance—Required.

A. A visual clearance area shall be maintained on the corners of all property adjacent to an unregulated intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.

Finding: Though directly south of the SE Elm Street and SE Tussing Way intersection, the intersection is only a three-way intersection and the subject site is not a corner lot so visual clearance on the site's corners are not required. The applicant is proposing to install two driveways (see **Exhibit 4D**). Visual clearance will need to be maintained next to these driveways. Section 12.10.020 is satisfied.

B. A visual clearance area shall contain no vehicle, recreational vehicle, watercraft, parts designed to be affixed to a vehicle of any type, hedge, planting, fence, wall structure, sign, or temporary or permanent obstruction that would impede visibility between a height of three feet and ten feet above the center line grades of the intersecting streets or railroad.

Finding: The required visual clearance areas (VCA) do not contain any of the items listed above (see **Exhibit 4D**). Section 12.10.020(B) is satisfied.

C. Where the crest of a hill or vertical curve conditions contribute to the obstruction of visual clearance areas at a street, driveway or railroad intersection, hedges, plantings, fences, walls, wall structures and temporary or permanent obstructions shall be further reduced in height or eliminated to comply with the intent of the required visual clearance area.

Finding: The areas of the two driveways have negligible slopes in terms of their impact on visual clearance (see **Exhibit 4D**). Without any slopes causing a visual clearance hazard, stricter visual clearance requirements will not be established. Section 12.10.020(C) is satisfied.

D. The preceding provisions shall not apply to the following:
[...]

Finding: The VCAs are free of any objects that could impede visual clearance (see **Exhibit 4D**). Therefore, no exemptions are necessary to satisfy the requirements of this chapter. Section

12.10.020(D) is satisfied.

12.10.030 Visual clearance area dimensions.

A visual clearance area shall consist of a triangular area, two sides of which are lot lines for distances specified in this section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides. The following measurements shall establish the visual clearance areas:

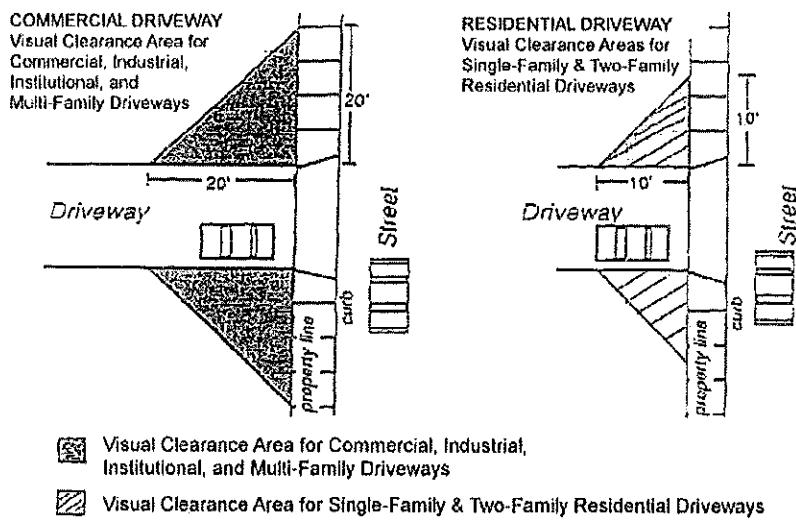
[...]

B. Driveway Intersections

[...]

2. *Single-Family and Two-Family Developments. Driveways to public or private streets shall have a minimum visual clearance area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points ten feet from their intersection. No off-street parking area shall be located in a driveway visual clearance area.*

Figure 12.10.2 Visual Clearance Areas for Driveways



Finding: The applicant is providing a 10-foot triangulation of visual clearance on both sides of both driveways (see **Exhibit 4D**). Section 12.10.030(B) is satisfied.

Chapter 17.01
INTRODUCTION

17.01.060 Right-of-way dedications and improvements.

Upon approval of any development permit or any land use approval of any property which abuts or is served by an existing substandard street or roadway, the applicant shall make the necessary right-of-way dedications for the entire frontage of the property to provide for minimum right-of-

way widths according to the city's public works design standards and shall improve the abutting portion of the street or roadway providing access to the property in accordance with the standards in Chapter 17.154.

Finding: Both parcels of the subject site have frontage on SE Elm Street (see **Exhibit 4B**). This section of SE Elm Street is classified by the TSP³ as a Neighborhood Route, which requires 60 feet of right-of-way width. The SE Elm Street right-of-way is primarily 50 feet wide (see **Exhibit 4B**). The applicant is proposing to provide a 10-foot dedication along TL 3000 to bring the right-of-way width to standard, install a 6-foot sidewalk along the entire frontage including two new driveway approaches, and plant street trees (see **Exhibit 4D**). The applicant did not propose a dedication along the frontage of TL 3100 (see **Exhibit 4C**) since it is not part of the Minor Partition proposal, which is the element of the consolidated application that requires the dedication along the frontage of TL 3000. However, the applicant is proposing to install a sidewalk that would go through what is currently and proposed to remain as private property along the frontage of TL 3100 (see **Exhibit 4D**). The applicant will be required by the recommended conditions of approval to dedicate 10 feet of TL 3100 as right-of-way or record a public sidewalk easement in the area that would be dedicated that allows for the public to use the sidewalk as a public walkway as if it were in the right-of-way. Section 17.01.060 is satisfied.

Chapter 17.22 **AMENDMENTS TO THE TITLE, COMPREHENSIVE PLAN, AND MAPS**

17.22.040 Approval criteria.

Planning commission review and recommendation, and Council approval, of an ordinance amending the comprehensive plan, the zoning map, or this title shall be based on the following criteria:

[...]

B. The proposal is consistent with the comprehensive plan (although the comprehensive plan may be amended concurrently with proposed changes in zoning or this title), the standards of this title, or other applicable implementing ordinances;

Finding: The subject site proposed for annexation is designated as SR on the Comprehensive Plan Map and is proposed to adopt R-1 zoning upon annexation (see **Exhibit 3, p. 7**), as scheduled for SR designated properties. This Zone Change is therefore consistent with the Comprehensive Plan and Development Code. Section 17.22.040(B) is satisfied.

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

Finding: The proposed Zone Change will not negatively impact the health, safety, or welfare of the community as the subject site will adopt R-1 zoning, as scheduled by the Comprehensive Plan and Development Code. The zoning and uses will remain residential. Section 17.22.040(C) is

³ City of Scappoose, Transportation System Plan: Volume 1, 2016, Figures 12 & 13b.

satisfied.

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

Finding: The applicant is requesting that the site be zoned R-1 upon annexation (see **Exhibit 3**, p. 7), in conformance with the requirements of SR designated properties in Section 17.136.070. There is, therefore, no mistake or inconsistency to correct. Section 17.22.040(D) is not applicable.

E. The amendment conforms to Section 17.22.050.

Finding: The proposal conforms to Section 17.22.050, as discussed in the staff report finding to Section 17.22.050. 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.

Finding: See findings to OAR 660-012-0060 for this analysis. Section 17.22.050 is satisfied.

*Chapter 17.44
R-1 LOW DENSITY RESIDENTIAL*

17.44.030 Permitted and Conditional uses.

<i>Use</i>	
<i>Single-family detached residential dwelling unit</i>	<i>Permitted outright¹</i>
<i>Manufactured homes on individual lots subject to Section 17.94.030</i>	<i>Permitted outright¹</i>
[...]	[...]

1 These uses and their accessory uses are permitted outright outside of the Scappoose Creek Flood Plain. In the R-1 zone within the Scappoose Creek Flood Plain, only uses listed in Section 17.84.040 shall be permitted. Additional requirements shall include any applicable section of this title.
[...]

Finding: The applicant is proposing to annex the subject site into city limits (see **Exhibit 2A**). The subject site currently contains two single-family detached residential dwelling units, a manufactured home, and accessory structures, which are all outright permitted in the R-1 zone the site will adopt upon annexation. The subject site is not within the 100-year floodplain and so

the standard regulations apply. Section 17.44.030 is satisfied.

17.44.050 Dimensional requirements.

Dimensional Requirements	Requirement
<i>Minimum lot area</i>	
<i>Single-family detached</i>	<i>Six thousand (6,000) square feet outside the Scappoose Creek Flood Plain</i>
	<i>[...]</i>
<i>Minimum lot width</i>	<i>Not be less than fifty feet, except the minimum lot width at front property line on the arc of an approved full cul-de-sac shall not be less than thirty feet</i>
	<i>Flag lots shall provide a minimum of twenty-five feet of frontage along a public right-of-way</i>
<i>Minimum setback</i>	
<i>Front Yard</i>	<i>Twenty feet</i>
<i>Front of garages or carports</i>	<i>Twenty feet from the property line where access occurs</i>
<i>Side yard</i>	<i>Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side for corner lots</i>
<i>Rear yard</i>	<i>Twenty feet</i>
<i>Setbacks for accessory building behind a residence</i>	
<i>Side</i>	<i>Five feet each</i>
<i>Rear</i>	<i>Five feet</i>
<i>Maximum height</i>	<i>Thirty-five feet</i>
<i>Accessory Building</i>	<i>Twenty-two feet</i>
<i>Principal building per lot</i>	<i>One</i>
<i>Maximum building coverage</i>	<i>Thirty-five percent of the lot area</i>

Finding: The subject site currently encompasses two parcels, TL 3000 and TL 3100, and the applicant is proposing a Minor Partition (**Exhibits 2B & 4G**) to partition TL 3000 into two lots. The table below will demonstrate each lot's compliance based on the applicant's Proposed Conditions Plan (**Exhibit 4C**).

Category	Proposed	Determination
<i>Lot area</i>	<i>TL 3000: Parcel 1: 24,503 sq. ft. Parcel 2: 6,500 sq. ft. TL 3100: 1.3 acres</i>	<i>Satisfied</i>
<i>Lot width</i>	<i>TL 3000: Parcel 1: 80.43 ft.</i>	<i>Not outright satisfied; see discussion below.</i>

	Parcel 2: 74.1 ft. TL 3100: 16 ft.	
Front yard setback	TL 3000: Parcel 1: 23.1 ft. Parcel 2: 16.8 ft. TL 3100: ~93 ft.	Not outright satisfied; see discussion below.
Front of garages setback	TL 3000: Parcel 1: 27.6 ft. Parcel 2: N/A TL 3100: N/A	Satisfied
Principal side yard setback	TL 3000: Parcel 1: 19.5 ft., 8.3 ft. Parcel 2: 15.4 ft., 10.4 ft. TL 3100: ~59 ft., ~53 ft.	Satisfied
Principal rear yard setback	TL 3000: Parcel 1: ~147 ft. Parcel 2: 16.8 ft. TL 3100: ~141 ft.	Satisfied
Accessory side/rear yard setback	TL 3000: Parcel 1: 7 ft. Parcel 2: N/A TL 3100: 11 ft.	Satisfied
Principal building height	TL 3000: Parcel 1: ~10 ft. Parcel 2: ~10 ft. TL 3100: ~10 ft.	Satisfied
Accessory building height	TL 3000: Parcel 1: <22 ft. Parcel 2: <22 ft. TL 3100: <22 ft.	Satisfied
Principal buildings	TL 3000: Parcel 1: 1 Parcel 2: 1 TL 3100: 1	Satisfied
Building coverage	TL 3000: Parcel 1: 11.4% Parcel 2: 20.7% TL 3100: 6.2%	Satisfied

All dimensional requirements are outright satisfied with the exception of the lot width of existing TL 3100 and the front setback of the home on Parcel 2. The substandard lot width of TL 3100 is existing (see **Exhibit 4B**) and is not created or worsened by the proposed Minor Partition (see **Exhibit 4G**). The structure in what is proposed to be Parcel 2 currently meets the R-1 standards

for front setbacks; however, this development also requires a 10-foot right-of-way dedication, making the distance from the front lot line to the structure substandard. The City is requiring that the applicant fully comply with right-of-way width standards and so the applicant will be held harmless for noncompliant front setbacks on Parcel 2. Section 17.44.050 is satisfied.

Chapter 17.104 STREET TREES

17.104.020 Applicability.

A. The provisions of this chapter shall apply to all development as defined in Scappoose Municipal Code Chapter 17.26, Definitions, except a building permit to add to or remodel an existing single family residence.

B. All development shall be required to plant street trees. Street trees shall be defined as trees located on land lying between the property lines on either side of all streets, avenues or public rights-of-way within the city or within easements defined on a recorded plat as street tree easements.

C. All street trees required under this chapter shall be subject to the requirements of Scappoose Municipal Code Chapter 17.140 Public Land Tree Removal.

Finding: The applicant is proposing an Annexation (**Exhibit 2A**), Zone Change, and Minor Partition (**Exhibit 2B**), which collectively fall under the definition of development; see Section 17.26.030. Therefore, street trees are required. If any street trees are removed as part of this development, the provisions of Chapter 17.140 will be applied. Section 17.104.020 is satisfied.

17.104.040 Standards for street trees.

A. Street trees shall be selected from the approved street tree list on file with the Planning Department.

Finding: The applicant is proposing to plant Autumn Brilliance Serviceberries (see **Exhibit 3**, p. 13), which is a species on the Approved Street Trees list⁴. Section 17.104.040(A) is satisfied.

B. At the time of planting, street trees shall not be less than ten feet high for deciduous trees and five feet high for evergreen trees.

Finding: As Autumn Brilliance Serviceberries are deciduous trees, the Conditions of Approval will require them to be planted at no less than 10 feet tall. Section 17.104.040(B) is satisfied.

C. Spacing and minimum planting areas for street trees shall be as follows:

1. Street trees under twenty-five feet tall and less than sixteen feet wide at maturity shall

⁴ City of Scappoose, Approved Street Trees, 2023, page 10, available at:

https://www.scappoose.gov/sites/default/files/fileattachments/building/page/667/scappoose_street_tree_list_updated_2023-06-21.pdf.

be spaced no further than fifteen feet apart in planting areas containing no less than sixteen square feet of porous surface and not less than four feet wide;

2. Street trees under twenty-five feet tall and greater than sixteen feet wide at maturity shall be spaced no further than twenty feet apart in planting areas containing no less than sixteen square feet of porous surface and not less than four feet wide;

3. Street trees between twenty-five feet to forty feet tall and less than twenty-five feet wide at maturity shall be spaced no greater than twenty-five feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;

4. Street trees between twenty-five feet to forty feet tall and greater than twenty-five feet wide at maturity shall be spaced no greater than thirty feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;

5. Street trees greater than forty feet tall at maturity shall be spaced no greater than forty feet apart in planting areas containing not less than thirty-six square feet of porous surface and not less than eight feet wide.

[...]

Finding: Autumn Brilliance Serviceberries are 25 feet tall and 20 feet wide at maturity, triggering the spacing criteria of subsection 3. The applicant is proposing to space the streets 20 feet apart on center with a planting width greater than the required 6 feet (see Exhibit 3, p. 13). Section 17.104.040(C) is satisfied.

E. Street trees shall be planted in accordance with the requirements of Scappoose Municipal Code Section 13.28.020(C).

Finding: The Conditions of Approval will require the applicant to plant street trees in accordance with Section 13.28.020(C). Section 17.104.040(E) is satisfied.

17.104.060 Maintenance of street trees.

A. The adjacent owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all street trees which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and tree wells shall be kept free from refuse and debris.

B. All street trees shall be controlled by pruning to National Arborist Association Pruning Standards for Shade Trees included as Appendix B of the Scappoose Comprehensive Urban Forestry Plan.

C. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet above street surface or eight feet above the sidewalk surface. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property

when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic-control device or sign or sight triangle at intersections as defined in Scappoose Municipal Code 12.10, Visual Clearance Areas. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements.

D. The city shall have the right to plant, prune, and otherwise maintain trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

E. It is unlawful as a normal practice for any person, firm or city department to top any street tree. Topping is defined as the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the city manager after consultation with a registered arborist or certified forester.

17.104.070 Excavation approval required.

Written approval of the city manager is required prior to any excavation within the dripline of a street tree.

17.104.080 Penalties for damage or removal of street trees.

Any activity that results in injury, mutilation or death of a street tree is prohibited. If such injury, mutilation or death of a street tree shall occur, the cost of the repair or replacement shall be borne by the party performing the activity. The replacement value of street trees shall be determined in accordance with the latest revision of the Council of Tree and Landscape Appraisers evaluation method.

Finding: The applicant has stated in their Narrative (**Exhibit 3, pp. 13-14**) that they acknowledge and accept the responsibilities and regulations above. Sections 17.104.060, 17.104.070, and 17.104.080 are 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;*

Finding: The subject site is currently designated as SR on the Comprehensive Plan Map and is therefore scheduled to be zoned R-1 upon annexation. The applicant is requesting for the site to

be zoned R-1 upon annexation (see **Exhibit 3, p. 7**), in conformance with the Comprehensive Plan. The applicant's proposal is also in conformance with the Comprehensive Plan Polices for the Urban Growth Boundary as discussed in the staff report findings to those policies. Section 17.136.020(A)(1) is satisfied.

- 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;*

Finding: The subject site is currently in the UGB but surrounded by properties in city limits in each direction. Annexing this site would eliminate an island of unincorporated property, promote desirable urban form, and continue the organic progression of the city. Section 17.136.020(A)(2) is satisfied.

- 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 services to the area;*

Finding: Upon annexation, the property owners will begin paying property taxes to the City of Scappoose. Additionally, they will pay the applicable system development charges, connection fees, and monthly utility fees upon connection to City utilities. These fees are anticipated to be equal to or greater than the cost of providing these services. Section 17.136.020(A)(3) is satisfied.

- 4. The annexation would be clearly to the city's advantage in controlling the growth and development plans for the area.*

Finding: Having the subject site annexed into city limits allows the City to manage growth and development plans for the area since annexation requires future development of this site to adhere to City standards of the R-1 zone and other applicable City standards for development. Section 17.136.020(A)(4) 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;*

Finding: See findings to Section 17.136.020(A)(1). The proposed Annexation is consistent with the Comprehensive Plan. Section 17.136.020(B)(1) is satisfied.

- 2. The annexation would cause an unreasonable disruption or distortion of the current city boundary or service area;*

Finding: The subject site is an island of unincorporated land in the middle of the city. Annexing the site would promote desirable urban form. Section 17.136.020(B)(2) is satisfied.

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

Finding: SE Elm Street fronts the subject site and has adequate utilities to service the site (see **Exhibit 4B**) without disruption to other utility users. Section 17.136.020(B)(3) is satisfied.

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

Finding: The applicant is proposing to connect all three parcels to City sewer and two parcels to City water (see **Exhibit 4D**). City water could be provided to all three parcels but the applicant is not requesting water connection to TL 3100 at this time. Section 17.136.020(B)(4) is satisfied.

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;*

Finding: Existing municipal police and utility services can be made available to the site immediately and the applicant is proposing connection to City water and sewer upon annexation (see **Exhibit 4D**). The property is already located within the Scappoose Rural Fire Protection District, Scappoose School District, and Scappoose Library District service boundaries. Telecommunication and electric services are currently serving the subject site, demonstrating that adequate capacity exists to do so. No new uses or structures are proposed on the subject site at this time (see **Exhibit 4C**). Section 17.136.040(A)(1) is satisfied.

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;*

Finding: The annexation would bring in three residences on a total of 2.05 acres (see **Exhibit 4C**), which is a minimal impact to public service providers. Municipal police services can be made available to the current and future residents of these properties and the site is already in the service district of the Scappoose Rural Fire Protection District and Scappoose School District. The Scappoose Police Department, Scappoose Rural Fire Protection District, and Scappoose School District all had the opportunity to provide comment on the proposal but none submitted comment. Section 17.136.040(A)(2) is satisfied.

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

Finding: The subject site has three existing residences on it (see **Exhibit 4B**) and while no additional units are proposed to be built at this time (see **Exhibit 4C**), the subject site as a whole

would have capacity to provide more housing units if developed under City standards rather than County standards. The Annexation would also allow TL 3100 to connect to City sewer, resolving the failing septic system issue (see **Exhibit 3, p. 4**) and improving livability in the city. Therefore, the consideration of the city's need for housing and livability supports annexation. The subject site is not adopting commercial zoning so it will not provide employment opportunities. Section 17.136.040(A)(3) is satisfied.

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

Finding: The subject site is adjacent to city limits in all directions. SE Elm Street fronts the subject site (see **Exhibit 4B**) and allows users of the site to efficiently connect to City utilities and the street network. The site is conveniently located for a short commute to all public schools in Scappoose, is already in the Scappoose Rural Fire Protection District service boundary, and can be provided police services immediately upon annexation. The subject site is primarily surrounded by residential uses developed at urban densities. Continued urbanization of this site and area is consistent with the 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.

Comprehensive Plan Designation

SR, Suburban Residential
[...]

Zoning Classification

R-1, Low Density Residential
[...]

Finding: The subject site is currently designated as SR on the Comprehensive Plan Map and is therefore scheduled to be zoned R-1 upon annexation. The applicant is requesting for the site to be zoned R-1 upon annexation (see **Exhibit 3, p. 7**), in conformance with the Comprehensive Plan and this section. Section 17.136.070 is satisfied.

Chapter 17.152
**LAND DIVISION—MAJOR AND MINOR LAND PARTITIONS AND PROPERTY LINE
ADJUSTMENTS**

17.152.020 Partition review required.

- A. A major land partition review is required when a division of land creates a street or road (public or private), within one calendar year.*
- B. A minor land partition review is required when three lots or fewer are created without the creation of a street or road, within one calendar year.*
- C. A property line adjustment is any adjustment to a property line by the relocation of a common*

boundary where an additional parcel of land is not created.

Finding: The applicant is proposing a 2-lot partition that will not create a new public street (see Exhibit 4G). Therefore, this request will be processed as a Minor Partition. Section 17.152.020 is satisfied.

17.152.030 General provisions.

A. An application for a major or minor partition shall be processed through a two-step process: (1) the tentative plan, and (2) the final plat:

- 1. The tentative plan for a major partition shall be approved by the planning commission before the final plat can be submitted for approval consideration; the tentative plan for a minor partition shall be approved by the planner before the final plat can be submitted for approval consideration; and*
- 2. The final plat shall reflect all conditions of approval of the tentative plan.*

Finding: The applicant has submitted a Preliminary Partition Plat (Exhibit 4G). As a Minor Partition, staff would be the approval authority if it were processed on its own. However, since it is in a consolidated application with an Annexation and Zone Change, City Council will be the approval authority for the Minor Partition. The Conditions of Approval will require the applicant to submit a final partition plat reflective of all applicable Conditions of Approval. Section 17.152.030(A) is satisfied.

B. All partition and property line adjustment proposals shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.

Finding: The Conditions of Approval will require that the final partition plat conforms to the requirements of ORS Chapter 92. Section 17.152.030(B) is satisfied.

C. When partitioning tracts into large lots, the approval authority shall require that the lots be of such size and shape as to facilitate future redivision in accordance with the requirements of the zoning district and this title.

[...]

Finding: The proposed partition is designed around two existing residential structures as well as an accessory building (see Exhibit 4B & 4C). Parcel 1 would remain a large lot after the proposed partition; however, future division of the site would require the removal of all structures and cooperation with TL 3100 (part of annexation but not partition) in order to extend future right-of-way through the entire subject site no matter the size and shape of this partition. Section 17.152.030(C) is satisfied.

F. All partition proposals shall have adequate drainage provided to reduce exposure to flood damage.

Finding: There is an existing 24-inch PVC stormwater main in SE Elm Street (see **Exhibit 4B**). The applicant is proposing to relocate and install a new catch basin to the west of the driveway serving Parcel 2 (see **Exhibit 4C**) as required. Runoff will be directed towards this relocated catch basin (see **Exhibit 4C**). Section 17.152.030(F) is satisfied.

G. All land partition proposals shall include neighborhood circulation plans that conceptualize future street plans and lot patterns to parcels within five hundred feet of the subject site. Circulation plans address future vehicular/bicycle/pedestrian transportation systems including bike lanes, sidewalks, bicycle/pedestrian paths and destination points. A circulation plan is conceptual in that its adoption does not establish a precise alignment. An applicant for a partition is required to submit a circulation plan unless the applicant demonstrates to the planner one of the following:

- 1. An existing street or proposed new street need not continue beyond the land to be divided in order to complete or extend an appropriate street system or to provide access to adjacent parcels within five hundred feet of the proposed development; or*
- 2. The proposed street layout is consistent with a street pattern adopted as part of the city's transportation system plan, or a previously adopted circulation plan.*

Finding: No circulation plan will be required since no new streets are proposed or warranted at this time in the vicinity of the subject site (see **Exhibit 4G**). Section 17.152.030(G) is not applicable.

17.152.070 Partition approval criteria.

A request to partition land shall meet all of the following criteria:

A. The proposed partition complies with all statutory and ordinance requirements and regulations;

Finding: Future review and approval of a final partition plat by the City staff will assure that the proposed partition complies with all statutory and ordinance requirements. The Conditions of Approval will ensure these standards are reviewed and met. Section 17.152.070(A) is satisfied.

B. Adequate public facilities are available to serve the proposal;

Finding: The applicant is proposing to utilize the existing 8-inch cast iron water main in SE Elm Street for water services, the 15-inch PVC sewer main in SE Elm Street for sewer services, and the 24-inch PVC stormwater main in SE Elm Street for stormwater management (see **Exhibit 4D**). SE Elm Street is an existing public street that will provide access to each lot (see **Exhibit 4C**). Section 17.152.070(B) is satisfied.

C. All proposed lots conform to the size and dimensional requirements of this title; and

Finding: See findings to Section 17.44.050. Section 17.152.070(C) is satisfied.

D. All proposed improvements meet city and applicable agency standards.

Finding: All proposed improvements will meet City standards, as discussed throughout the findings of the staff report and ensured by the Conditions of Approval. The City of Scappoose Public Works Director, Columbia County Building Official, Scappoose Rural Fire Protection District, and Columbia River PUD have been provided an opportunity to review and comment on the proposal. The applicable requirements issued by these agencies are reflected in the Conditions of Approval. Section 17.152.070(D) is satisfied.

E. Streets or roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects, including conformance with submitted neighborhood circulation plans, unless the city determines it is in the public interest to modify the street or road pattern.

Finding: This proposal would not create any new streets (see **Exhibit 4G**) nor does it conflict with the TSP's⁵ projected locations for future streets. Section 17.152.070(E) is satisfied.

17.152.080 Special provisions for lots created through partition process.

A. The minimum width of the building envelope area shall meet the lot requirement of the applicable zoning district.

B. The lot area shall be as required by the applicable zoning district. In the case of a flag lot, the accessway may not be included in the lot area calculation.

Finding: See findings to Section 17.44.050. The proposed partition meets the dimensional requirements of the R-1 zone. Section 17.152.080(A-B) is satisfied.

C. Each lot created through the partition process shall front a public right-of-way as specified by the zoning designation. All flag lots shall be considered to be major variances and shall be subject to planning commission review and approval.

Finding: Both lots would front SE Elm Street (see **Exhibit 4C**). Although TL 3100 is a flag lot, it is existing and not part of this partition so it will not trigger a Major Variance. Section 17.152.080(C) is satisfied.

D. Setbacks shall be as required by the applicable zoning district.

[...]

Finding: See findings to Section 17.44.050. All setback requirements are outright satisfied with the exception of the front setback of the home on Parcel 2. The structure in Parcel 2 currently meets the R-1 standards for front setbacks; however, this development also requires a 10-foot right-of-way dedication, making the distance from the front lot line to the structure substandard.

⁵ City of Scappoose, Transportation System Plan: Volume 1, 2016, Figure 9.

The City is requiring that the applicant fully comply with right-of-way width standards and so the applicant will be held harmless for noncompliant front setbacks on Parcel 2. Section 17.152.080(D) is satisfied.

F. Screening to the standards included in Section 17.100.090, may be required along the property line of a lot of record where the paved drive of an accessway is located within ten feet of an abutting lot. Screening to the standards included in Section 17.100.090 may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.

Finding: Both driveways are proposed to be installed within 10 feet of the nearest shared property line (see **Exhibit 4D**). Both shared property lines also have existing fences, already meeting the screening requirements of Chapter 17.100.090. Section 17.152.080(F) is satisfied.

G. The Scappoose fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on firefighting capabilities and may require provision of an emergency vehicle turnaround.

Finding: The Scappoose Rural Fire Protection District was provided an opportunity to comment on the proposal but did not provide comment. Section 17.152.080(G) is satisfied.

H. No greater than three single-family detached dwelling units may be served by a common drive. Use of a common drive for access to more than three dwelling units other than single-family detached may be required and shall be subject to the approval of the planner, public works director and the planning commission. Where a common drive is to be provided, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.

Finding: The applicant is proposing a shared driveway between Parcel 2 and TL 3100 (see **Exhibit 4D**). The two existing parcels currently share a driveway as well and have a Shared Driveway Agreement (**Exhibit 6**) between the two parties recorded. The recommended conditions of approval will require the applicant to update the Shared Driveway Agreement with updated property information and applicable requirements. Section 17.152.080(H) is satisfied.

I. Any access way shall be paved and shall comply with the standards set forth in public works design standards.

[...]

Finding: The PWDS⁶ allows for residential driveways to be up to 24 feet wide or 28 feet wide if it serves a 3-car garage. The applicant is proposing to install an 18-foot driveway to serve Parcel 1 and a shared 29-foot driveway to serve Parcel 2 and TL 3100 (see **Exhibit 4D**). The Conditions of

⁶ City of Scappoose, Public Works Design Standards, 2014, Section 5.0070, Table 5-1.

Approval will require the applicant to install the proposed driveway in compliance with the PWDS, including width. Section 17.152.080(I) is satisfied.

Chapter 17.154
STREET AND UTILITY IMPROVEMENT STANDARDS

17.154.030 Streets.

A. No development shall occur unless the development has frontage or approved access to a public street:

- 1. Streets within a development and streets adjacent to a development shall be improved in accordance with this title and the public works design standards and specifications.*
- 2. Any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this title and the public works design standards and specifications.*
- 3. Subject to approval of the city engineer and the planner, the planner may accept and record a non-remonstrance agreement in lieu of street improvements if two or more of the following conditions exist:*
 - a. A partial improvement is not feasible due to the inability to achieve a cohesive design for the overall street;*
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians;*
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;*
 - d. The improvement would be in conflict with an adopted capital improvement plan;*
 - e. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.*

[...]

Finding: All proposed parcels of the subject site have frontage on SE Elm Street (see **Exhibit 4B**). This section of SE Elm Street is classified by the TSP⁷ as a Neighborhood Route, which requires 60 feet of right-of-way width comprised of 36 feet of vehicular travel way & parking, two 5.5-foot planter strips, two 6-foot sidewalks, and two 6-inch utility areas. The SE Elm Street right-of-way is primarily 50 feet wide with a ~29-foot paved width (see **Exhibit 4B**). There are sidewalks on the north side of SE Elm Street and to the east and west of the subject frontage but no sidewalk or curb on the subject site's frontage. The applicant is proposing to provide a 10-foot dedication along TL 3000 to bring the right-of-way width to standard, install a 6-foot sidewalk with curb and gutter along the entire frontage including two new driveway approaches, pave between the

⁷ City of Scappoose, Transportation System Plan: Volume 1, 2016, Figures 12 & 13b.

existing asphalt concrete and the new curb, and plant street trees (see **Exhibit 4D**). The applicant did not propose a dedication along the frontage of TL 3100 (see **Exhibit 4C**) since it is not part of the Minor Partition proposal, which is the element of the consolidated application that requires the dedication along the frontage of TL 3000. However, the applicant is proposing to install a sidewalk that would go through what is currently and proposed to remain as private property along the frontage of TL 3100 (see **Exhibit 4D**). The applicant will be required by the recommended conditions of approval to dedicate 10 feet of TL 3100 as right-of-way or record a public sidewalk easement in the area that would be dedicated that allows for the public to use the sidewalk as a public walkway as if it were in the right-of-way. Section 17.154.030(A) is satisfied.

C. The planning commission may approve an access easement established by deed without full compliance with this title provided such an easement is the only reasonable method by which a lot large enough to develop can develop:

[...]

Finding: The applicant is not proposing an access easement (see **Exhibit 4G**) nor will one be required since all parcels front on a public road. Section 17.154.030(C) is satisfied.

D. The location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:

1. *Street grades shall be approved by the public works director in accordance with the city's public works design standards; and*
2. *Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:*
 - a. *Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or*
 - b. *Conform to a plan adopted by the council, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.*
3. *New streets shall be laid out to provide reasonably direct and convenient routes for walking and cycling within neighborhoods and accessing adjacent development.*

E. The street right-of-way and roadway widths shall not be less than the minimum widths described in the city's public works design standards.

[...]

Finding: All proposed parcels of the subject site have frontage on SE Elm Street (see **Exhibit 4B**).

This section of SE Elm Street is classified by the TSP⁸ as a Neighborhood Route, which requires 60 feet of right-of-way width and a 36-foot paved section. The SE Elm Street right-of-way is primarily 50 feet wide with a ~29-foot paved width (see **Exhibit 4B**). The applicant is proposing to provide a 10-foot dedication along TL 3000 to bring the right-of-way width to standard and complete half-street improvements to provide a 19-foot paved section on the southern half of SE Elm Street (see **Exhibit 4D**). The applicant did not propose a dedication along the frontage of TL 3100 (see **Exhibit 4C**) since it is not part of the Minor Partition proposal, which is the element of the consolidated application that requires the dedication along the frontage of TL 3000. However, the applicant is proposing to install a sidewalk that would go through what is currently and proposed to remain as private property along the frontage of TL 3100 (see **Exhibit 4D**). The applicant will be required by the recommended conditions of approval to dedicate 10 feet of TL 3100 as right-of-way or record a public sidewalk easement in the area that would be dedicated that allows for the public to use the sidewalk as a public walkway as if it were in the right-of-way. Section 17.154.030 (D-E) is satisfied.

H. Concrete vertical curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter and the city's public works design standards. Concrete curbs and driveway approaches are required and shall be built to the city's configuration standards.

[...]

Finding: The PWDS⁹ allows for residential driveways to be up to 24 feet wide or 28 feet wide if it serves a 3-car garage. The applicant is proposing to install an 18-foot driveway to serve Parcel 1 and a shared 29-foot driveway to serve Parcel 2 and TL 3100 (see **Exhibit 4D**). The Conditions of Approval will require the applicant to install the proposed driveways in compliance with the PWDS, including width. Section 17.154.030(H) is satisfied.

K. Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the city that all boundary and interior monuments shall be established or re-established, protected and recorded.

[...]

Finding: In addition to street improvements, the applicant is providing a right-of-way dedication that will adjust the boundary lines and therefore, the property pins (see **Exhibit 4D**). The applicant will be required by the recommended conditions of approval to have their surveyor verify that the property pins are appropriately located following the completion of street improvements and the dedication. Section 17.154.030(K) is satisfied.

O. The developer shall install all street signs, relative to traffic control and street names, as specified by the public works director for any development. The cost of signs shall be the

⁸ City of Scappoose, Transportation System Plan: Volume 1, 2016, Figures 12 & 13b.

⁹ City of Scappoose, Public Works Design Standards, 2014, Section 5.0070, Table 5-1.

responsibility of the developer.

Finding: The Conditions of Approval state that any street signs required by the City Engineer will be installed at the cost and labor of the applicant. Section 17.154.030(O) is satisfied.

P. Joint mailbox facilities shall be provided in all residential developments, with each joint mailbox serving at least two dwelling units.

- 1. Joint mailbox structures shall be placed adjacent to roadway curbs and shall comply with provisions of the Americans with Disabilities Act and implementing federal and state regulations;*
- 2. Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan, and shall be approved by the U.S. Post Office prior to plan approval; and*
- 3. Plans for the joint mailbox structures to be used shall be submitted for approval by the planner prior to final approval.*

Finding: The applicant has proposed to establish a new shared mailbox in front of Parcel 2 to be used by all three parcels (see **Exhibit 4D**). The final location is subject to the approval of the Scappoose Post Office. Section 17.154.030(P) is satisfied.

Q. The location of traffic signals shall be noted on approved street plans, and where a proposed street intersection will result in an immediate need for a traffic signal, a city-approved signal shall be installed. The cost shall be included as a condition of development.

Finding: The TSP¹⁰ does not indicate the need for a traffic signal at the SE Elm Street and SE Tussing Way intersection so none will be required. Section 17.154.030(Q) is satisfied.

R. Street lights shall be installed in accordance with the city's public works design standards.

Finding: This development requires the installation of one streetlight. The applicant is proposing to install one streetlight in front of Parcel 2 (see **Exhibit 4D**). The applicant will be required to install the streetlight using Columbia River PUD approved luminaires in accordance with PWDS and IES standards. Section 17.154.030(R) is satisfied.

S. A Transportation Impact Study (TIS) must be submitted with a land use application if the conditions in (1) or (2) apply in order to determine whether conditions are needed to protect and minimize impacts to transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

[...]

Finding: Applications for Annexation, Zone Change, or Minor Partition do not require a TIS; see Sections 17.136.050 and 17.152.100. There are no new uses or trips that will be generated as

¹⁰ City of Scappoose, Transportation System Plan: Volume 1, 2016, pp 25-35.

part of this development (see **Exhibit 4C**). Section 17.154.030(S) is not applicable.

17.154.050 Easements.

A. Easements for sewers, drainage, water mains electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

B. A property owner proposing a development shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

Finding: The applicant is proposing an 8-foot public utility easement (PUE) on the TL 3000 frontage (see **Exhibit 4G**). The Conditions of Approval will require the applicant to depict an 8-foot PUE on the final partition plat. If the applicant does not provide a dedication of TL 3100, they will be required by the recommended conditions of approval to record a public sidewalk easement in the area that would be dedicated that allows for the public to use the sidewalk as a public walkway as if it were in the right-of-way. Section 17.154.050 is satisfied.

17.154.070 Sidewalks.

A. Sidewalks are required and shall be constructed, replaced or repaired in accordance with the city's public works design standards.

B. Maintenance of sidewalks and curbs in the continuing obligation of the adjacent property owner.

C. Subject to approval by the public works director and planner, planner may accept and record a nonremonstrance agreement for the required sidewalks from the applicant for a building permit for a single-family residence when the public works director determines the construction of the sidewalk is impractical for one or more of the following reasons:

- 1. The residence is an in-fill property in an existing neighborhood and adjacent residences do not have sidewalks;*
- 2. Sidewalk grades have not and will not be established for the property in question within a one-year period;*
- 3. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical.*

D. In the event one or more of the following situations are found by the council to exist, the council may adopt a resolution to initiate construction of a sidewalk in accordance with city ordinances:

- 1. A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard;*
- 2. A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other general pedestrian traffic, and sidewalks are necessary to eliminate the hazard;*
- 3. Fifty percent or more of the area in a given block has been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings and/or parks.*

Finding: SE Elm Street is classified by the TSP¹¹ as a Neighborhood Route, which requires 6-foot-wide sidewalks. The applicant is proposing to install 6-foot sidewalks with curb and gutter along the entire frontage of Parcels 1 and 2 and TL 3100 (see **Exhibit 4D**). The maintenance of sidewalks and curbs will be the continuing obligation of the property owner. The applicant is not proposing a non-remonstrance agreement. Section 17.154.070 is satisfied.

17.154.090 Sanitary Sewers.

- A. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth by the city's public works design standards and the adopted policies of the comprehensive plan.*
- B. The public works director shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.*
- C. Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan and the wastewater treatment facility plan and potential flow upstream in the sewer sub-basin.*
- D. Applications shall be denied by the approval authority where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.*

Finding: There is currently a 15-inch PVC sewer main in SE Elm Street as well as a 12-inch concrete sewer main that extends south from the 15-inch PVC main into and through the rear yards of the parcels to the west of the subject site (see **Exhibit 4B**). The applicant proposes installing three new sewer laterals from the SE Elm Street main to serve each of the existing homes (see **Exhibit 4C**). The applicant also indicated on their Proposed Conditions Plan (**Exhibit 4C**) that the contractor may evaluate the feasibility of serving the home on TL 3100 with the sewer main to the west of the subject site that runs through the rear yards of the adjacent homes in the Elm Crossing Subdivision instead of the main in SE Elm Street. The City of Scappoose Public Works Director provided a referral comment (**Exhibit 7**) stating that they have reviewed the application and have no objection to its approval as submitted provided it meets the applicable criteria. Section 17.154.090 is satisfied.

17.154.100 Storm Drainage.

- A. The planner and public works director shall issue permits only where adequate provisions for stormwater and floodwater runoff have been made, and:*
 - 1. The stormwater drainage system shall be separate and independent of any sanitary sewage system.*
 - 2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street.*
 - 3. Surface water drainage patterns shall be shown on every development proposal plan.*
 - 4. All stormwater analysis and calculations shall be submitted with proposed plans for*

¹¹ City of Scappoose, Transportation System Plan: Volume 1, 2016, Figures 12 & 13b.

public works directors review and approval.

5. All stormwater construction materials shall be subject to approval of the public works director.

B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

C. A culvert or other drainage facility shall, and in each case be, large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The public works director shall determine the necessary size of the facility.

D. Where it is anticipated by the public works director that the additional runoff resulting from the development will overload an existing drainage facility, the planner and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development.

Finding: There is an existing 24-inch PVC stormwater main in SE Elm Street (see **Exhibit 4B**). The applicant is proposing to relocate and install a new catch basin to the west of the driveway serving Parcel 2 (see **Exhibit 4C**) as required. Runoff will be directed towards this relocated catch basin (see **Exhibit 4C**). The City of Scappoose Public Works Director provided a referral comment (**Exhibit 7**) stating that they have reviewed the application and have no objection to its approval as submitted provided it meets the applicable criteria. Section 17.154.100 is satisfied.

17.154.105 Water System.

The planner and public works director shall issue permits only where provisions for municipal water system extensions have been made, and:

A. Any water system extension shall be designed in compliance with the comprehensive plan existing water system plans.

B. Extensions shall be made in such a manner as to provide for adequate flow and gridding of the system.

C. The public works director shall approve all water system construction materials.

Finding: There is currently an 8-inch cast iron water main in SE Elm Street. The applicant proposes to install two new water laterals from the main to serve Parcels 1 and 2 (see **Exhibit 4C**). TL 3100 will continue to use its existing well as its water source (see **Exhibit 3, p. 24**). The City of Scappoose Public Works Director provided a referral comment (**Exhibit 7**) stating that they have reviewed the application and have no objection to its approval as submitted provided it meets the applicable criteria. Section 17.154.105 is satisfied.

17.154.110 Bikeways.

A. Developments adjoining proposed bikeways shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way.

B. Where possible, bikeways should be separated from other modes of travel including

pedestrians.

C. Minimum width for bikeways is four paved feet per travel lane.

Finding: According to the TSP¹², there are no proposed bicycle routes along the applicable section of SE Elm Street so bikeways will not be required. Section 17.154.110 is satisfied.

17.154.120 Utilities.

A. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at fifty thousand volts or above, and:

- 1. The applicant shall make all necessary arrangements with the serving utility to provide the underground services;*
- 2. The city reserves the right to approve location of all surface mounted facilities;*
- 3. All underground utilities, including sanitary sewers, water lines, and storm drains installed in streets by the applicant, shall be constructed prior to the surfacing of the streets; and*
- 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*

B. The applicant for a subdivision shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and:

- 1. Plans showing the location of all underground facilities as described herein shall be submitted to the public works director for review and approval; and*
- 2. Above ground equipment shall not obstruct visual clearance areas for vehicular traffic.*

Finding: There are no overhead utility lines running along the subject site's frontage. The applicant is proposing an 8-foot PUE on the TL 3000 frontage (see **Exhibit 4G**). The Conditions of Approval will require the applicant to depict an 8-foot PUE on the final partition plat. Section 17.154.120 is satisfied.

Chapter 17.162
PROCEDURES FOR DECISION MAKING–QUASI-JUDICIAL

17.162.021 Consolidation of proceedings.

A. Except as provided in subsection C of this section, whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding.

B. In such cases as stated in subsection A of this section, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under Section 17.164.110, in the

¹² City of Scappoose, Transportation System Plan: Volume 1, 2016, Figure 11.

following order of preference: the council, the commission, or the planner.

C. Where there is a consolidation of proceedings:

- 1. The notice shall identify each action to be taken;*
- 2. The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions. Plan map amendments are not subject to the one hundred twenty-day decision making period prescribed by state law and such amendments may involve complex issues. Therefore, the planner shall not be required to consolidate a plan map amendment and a zone change or other permit applications requested unless the applicant requests the proceedings be consolidated and signs a waiver of the one hundred twenty-day time limit prescribed by state law for zone change and permit applications; and*
- 3. Separate actions shall be taken on each application.*

D. Consolidated Permit Procedure.

- 1. Use of the consolidated permit procedures described in this section shall be at the election of the applicant.*
- 2. When the consolidated procedure is elected, application and fee requirements shall remain as provided by resolution approved by the council. If more than one permit is required by this title or other ordinance to be heard by the planning commission or city council, each such hearing shall be combined with any other permit also requiring such hearing. The standards applicable to each permit by this or any other ordinance shall be applied in the consolidated procedures to each application.*
- 3. In a consolidated proceeding, the staff report and recommendation provided by the planner shall be consolidated into a single report.*
- 4. All rules and ordinances of the city not in conflict with this section shall apply in a consolidated permit procedure.*

Finding: The applicant has requested a consolidated application for Annexation (**Exhibit 2A**), Zone Change (**Exhibit 3, p. 7**), and Minor Partition (**Exhibit 2B**). On their own, these application types would have different approval authorities with MiP being reviewed by the Planner and ANX and ZC being reviewed by the City Council. However, since the applicant submitted a consolidated application, the entire consolidated application will be reviewed for approval by the City Council, as the higher approval authority. Approving MiP is a limited land use decision subject to Chapter 17.164 and Oregon Revised Statutes (ORS) 197.195. Approving the other application types are quasi-judicial decisions subject to Chapter 17.162. The consolidated application will be processed as a quasi-judicial decision since it provides more opportunities for public participation and the procedures for quasi-judicial decisions necessitate public hearings, which are not allowed in limited land use decisions. Section 17.162.021 is satisfied.

17.162.025 Noticing Requirements

A. Notice of a pending quasi-judicial public hearing shall be given by the planner in the following manner:

- 1. At least twenty days prior to the scheduled hearing date, or if two or more hearings are scheduled, ten days prior to the first hearing, notice shall be sent by mail to:*

- a. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;*
 - b. All property owners of record or the most recent property tax assessment roll within three hundred feet of the property which is the subject of the notice plus any properties abutting proposed off-site improvements.*
 - c. Any governmental agency or utility whose property, services or facilities may be affected by the decision. The reviewing City Staff shall determine the extent of notice to public agencies or utilities based on perceived interest or impact; noticed agencies may include:*
 - i. Columbia County Land Development Services;*
 - ii. Columbia County Road Department;*
 - iii. Oregon Department of Transportation (ODOT);*
 - iv. ODOT Rail Division;*
 - v. Portland & Western Railroad;*
 - vi. Scappoose Rural Fire Protection District;*
 - vii. Port of St. Helens;*
 - viii. Oregon Department of Aviation;*
 - ix. Scappoose School District;*
 - x. Columbia County Soil Conservation District;*
 - xi. Scappoose Drainage Improvement Company; or*
 - xii. Any other affected agencies as identified by the planner;*
 - d. Acknowledged neighborhood planning organizations, if active;*
 - e. Any person who requests, in writing; and*
 - f. The appellant and all parties to an appeal.*
- 2. At least thirty-five days before the initial hearing on adoption of any proposal to amend the comprehensive plan map or zoning map, notice shall be sent to the Department of Land Conservation and Development;*
- 3. Notice of a hearing on a proposed zone change for a manufactured home park shall be given to tenants of that manufactured home park at least twenty days but no more than forty days prior to the hearing; and*
- 4. The planner shall cause an affidavit of mailing of notice to be filed and made a part of the administrative record.*

B. For all quasi-judicial decisions requiring a public hearing, the applicant shall post signs provided by the planner displaying notice of the pending hearing at least fourteen days prior to the date of the hearing. One sign shall be required for each three hundred feet, or part thereof, of frontage of the subject property on any street. The content, design, size and location of the signs shall be as determined by the planner to assure that the information is legible from the public right-of-way. As a precondition to a hearing, the applicant shall file an affidavit of such posting with the planner no less than ten days prior to the hearing.

C. For all quasi-judicial decisions requiring a public hearing, at least ten days prior to the hearing, notice shall be given in a newspaper of general circulation in the city. An affidavit of publication shall be made part of the administrative record.

Finding: Using the most recent property tax assessment roll, notice of this application was mailed to every property owner within 300 feet of the entire subject site on December 1, 2025. The applicant has provided a signed affidavit certifying that onsite noticing has been posted as of November 10, 2025, consistent with the requirements of this section. Notice of the hearing was published in the November 28, 2025 edition of the Columbia County Spotlight. The public has until December 10, 2025 at 5:00 pm to provide a written public comment. As of the date of this report, no members of the public have submitted written comment. A land use action referral was sent to the City of Scappoose City Manager, Public Works Director, and Police Chief; Columbia County Public Works Director, Planning Director, and Building Official; Scappoose Rural Fire Protection District; and Columbia River PUD. The City Engineer's comments are incorporated throughout this report. Section 17.162.025 is satisfied.

17.162.090 Approval authority responsibilities.

[...]

D. Upon appeal or recommendation, the city council shall conduct a public hearing in the manner prescribed by this chapter and shall have the authority to approve, deny or approve with conditions the following development applications:

- 1. Annexations and the formal imposition of plan and zone designations made to lands annexed to the city;*
- 2. Quasi-judicial plan and zone amendments, including overlay zones;*

[...]

Finding: See findings to Section 17.162.021. Since this application includes a proposal for ANX and ZC, City Council will be the approval authority for the entire consolidated application. Staff has written this staff report and will present it to the Planning Commission, who will make a recommendation to the City Council, who will be the final decision maker. Section 17.162.090 is satisfied.

17.162.140 Decision process.

A. The decision shall be based on:

- 1. Proof by the applicant that the application fully complies with:*
 - a. Applicable policies of the city comprehensive plan; and*
 - b. The relevant approval standards found in the applicable chapter(s) of this title, the public works design standards, and other applicable implementing ordinances.*

B. Consideration may also be given to:

- 1. Proof of a substantial change in circumstances or a mistake in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application; and*
- 2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in subsections (A) or (B)(1) of this section.*

[...]

Finding: The applicant has submitted a complete proposal for Annexation, Zone Change, and Minor Partition. Findings related to the approval criteria have been addressed within this staff report. The recommended conditions of approval are included to ensure the satisfaction of all applicable approval criteria and the requirements of other governmental agencies. Section 17.162.140 is satisfied.

The following sections of the Scappoose Comprehensive Plan are applicable to this request:

POLICIES FOR THE URBAN GROWTH BOUNDARY

[...]

6) *Approve annexations of residential lands, except in the cases of health hazards, when:*

- A) *There is sufficient capacity in the sewer, water, street, school, police and fire systems to service the potential additional populace.*

Finding: Existing municipal police and utility services can be made available to the site immediately and the applicant is proposing connection to City water and sewer upon annexation (see **Exhibit 4D**). The property is already located within the Scappoose Rural Fire Protection District, Scappoose School District, and Scappoose Library District service boundaries. Telecommunication and electric services are currently serving the subject site, demonstrating that adequate capacity exists to do so. Being in the UGB, the subject site has already been considered in all the City's master plans. The City of Scappoose Public Works Director, Scappoose School District, Scappoose Police Department, and Scappoose Rural Fire Protection District, all had the opportunity to provide comment on the proposal. The City of Scappoose Public Works Director stated in their referral comment (**Exhibit 7**) that they have no objections to this proposal, indicating that the requested services are available to serve the site. The other agencies did not provide a referral comment. The Police Department and Fire District did not provide comment. Comprehensive Plan Policies for the Urban Growth Boundary #6(A) is satisfied.

B) *Sufficient in-filling of vacant land has occurred to warrant an expansion.*

[...]

Finding: The area surrounding the subject site to its immediate north, west, and east are all in city limits and fully built out at urban densities. Several vacant residential sites throughout the city are currently under construction or in development review, providing further infilling within city limits. Approving this annexation supports the pattern of growth in the immediate vicinity and the city at large and allows for future redevelopment of the annexation area at urban densities. Comprehensive Plan Policies for the Urban Growth Boundary #6(B) is satisfied.

The following sections of the Oregon Administrative Rules are applicable to this request:

Chapter 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. OAR 660-012-0060(1)(a) is satisfied.

(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. OAR 660-012-0060(1)(b) is satisfied.

(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 be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

[...]

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time

of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

Finding: The City's TSP assumed that development on this site would be under the City's Suburban Residential and Low Density Residential Comprehensive Plan and zoning designations, respectively, and street functional classifications were established accordingly. This proposal does not "significantly affect" an existing or planned transportation facility (as defined by the Transportation Planning Rule) because the annexation and zoning are consistent with the TSP's traffic assumptions and meet criteria above. Accordingly, the City can conclude that the proposed Zone Change does not have a significant effect on the existing transportation system and a TPR analysis will not be required by the applicant. OAR 660-012-0060(1(c)-9) is satisfied.

RECOMMENDATION

Based on the Findings of Fact and the materials submitted by the applicant, staff recommends that the Planning Commission recommend that the City Council **approve ANX 1-25, ZC 2-25, MiP 1-25**, subject to the following conditions:

GENERAL

1. Approval of the consolidated decision will be effective 30 days after the passage of the ordinance.
2. Approval of this preliminary partition plat shall be effective for a period of one year from the date of City Council approval.

PRIOR TO CONSTRUCTION

3. The applicant shall submit construction documents (Plans) in accordance with the Conditions of Approval for streets, utilities, and other public infrastructure that have been prepared and stamped by a registered professional engineer, licensed in the State of Oregon. The Plans shall adhere to the applicable Scappoose Municipal Codes, utility Master Plans, and Scappoose Public Works Design Standards. All applicable improvements shown in the construction documents shall be referenced vertically to the NAVD 88 datum and horizontally to the NAD 1983 HARN State Plane Oregon North FIPS 3601 (Intl Feet).
4. The applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) 1200-C permit from the Oregon Department of Environmental Quality, a Right of Way Permit, and a Grading Permit from the City of Scappoose, if applicable, and attend a Pre-construction Meeting with the City prior to any work. A copy of the approved NPDES permit shall be submitted to the City Engineer prior to approval of the Right-of-Way and Grading Permits, and prior to issuance of the Notice to Proceed for construction. Provide erosion control measures meeting the requirements of the City of Scappoose Public

Works Design Standards, Section 2.0051.

5. The applicant shall provide computations to the Building Official demonstrating adequate domestic water lateral sizing for the development.
6. The applicant shall obtain a Right of Way permit prior to being issued the Notice to Proceed for Type III work including the contact information of the owner and general contractor and pay inspection fees to the City of Scappoose.
7. The applicant shall obtain a Grading permit prior to issuing the Notice to Proceed listing the quantities of the cuts and fills and pay the associated fees to the City of Scappoose.
8. The applicant shall pay all system development charges, connection fees, building permit fees, and any other applicable fees at the time of building permit (for the utility connections) issuance.
9. The applicant shall sign an Improvement Agreement with the City for the proposed improvements and submit a performance bond and maintenance bond in accordance with Chapter 17.154.

CONSTRUCTION REQUIREMENTS

10. The applicant shall submit to the City Engineer a stormwater memorandum, documenting the improvements and analysis regarding the proposed treatment and conveyance in accordance with the Scappoose Public Works Design Standards. Clean Water Services or City of Portland standards are acceptable treatment methods. Any new or existing drywells (if utilized) will be required to be registered with the DEQ.
11. The applicant shall complete half-street improvements along the subject site's frontage, including sidewalks, curb/gutter, street trees, and asphalt concrete paving between the existing asphalt concrete and the new curb. All work shall be completed in conformance with the Scappoose Public Works Design Standards and Scappoose Development Code.
12. The applicant shall install, upgrade, or remove any street signs as required by the Manual on Uniform Traffic Control Devices, Scappoose Municipal Code, or the City Engineer, at the applicant's cost and labor.
13. The applicant shall install one new streetlight on the subject site's frontage, in accordance with the Scappoose Public Works Design Standards and Illuminating Engineering Society standards.
14. The applicant shall plant street trees on their SE Elm Street frontage in accordance with Section 13.28.010(C) and Chapter 17.104. The street trees shall be a species listed on the Approved Street Tree list on file with the Planning Department. The final construction plans shall provide a detail for root guard to protect sidewalks and other surroundings. At

the time of planting, all street trees shall have a 2-inch minimum caliper, a height no less than 10 feet if they are deciduous and 5 feet if they are evergreen, and be spaced as appropriate for the selected species, as specified in the Approved Street Tree list. Street trees shall not be planted in areas where there is a conflict with any below ground utility line. All street trees shall be of good quality, with appropriate staking and conform to the American Standard for Nursery Stock (ANSI Z60.1). The Planner reserves the right to reject any plant material that does not meet this standard.

15. The applicant shall submit final asbuilt plans based on any contractor markups including electronic (AutoCAD) files for GIS updates for the City's review and approval in accordance with the Scappoose Public Works Design Standards prior to final signoff and release of the performance bond.
16. The applicant shall comply with Scappoose Rural Fire Protection District code regarding site access to Tax Lot 3100.

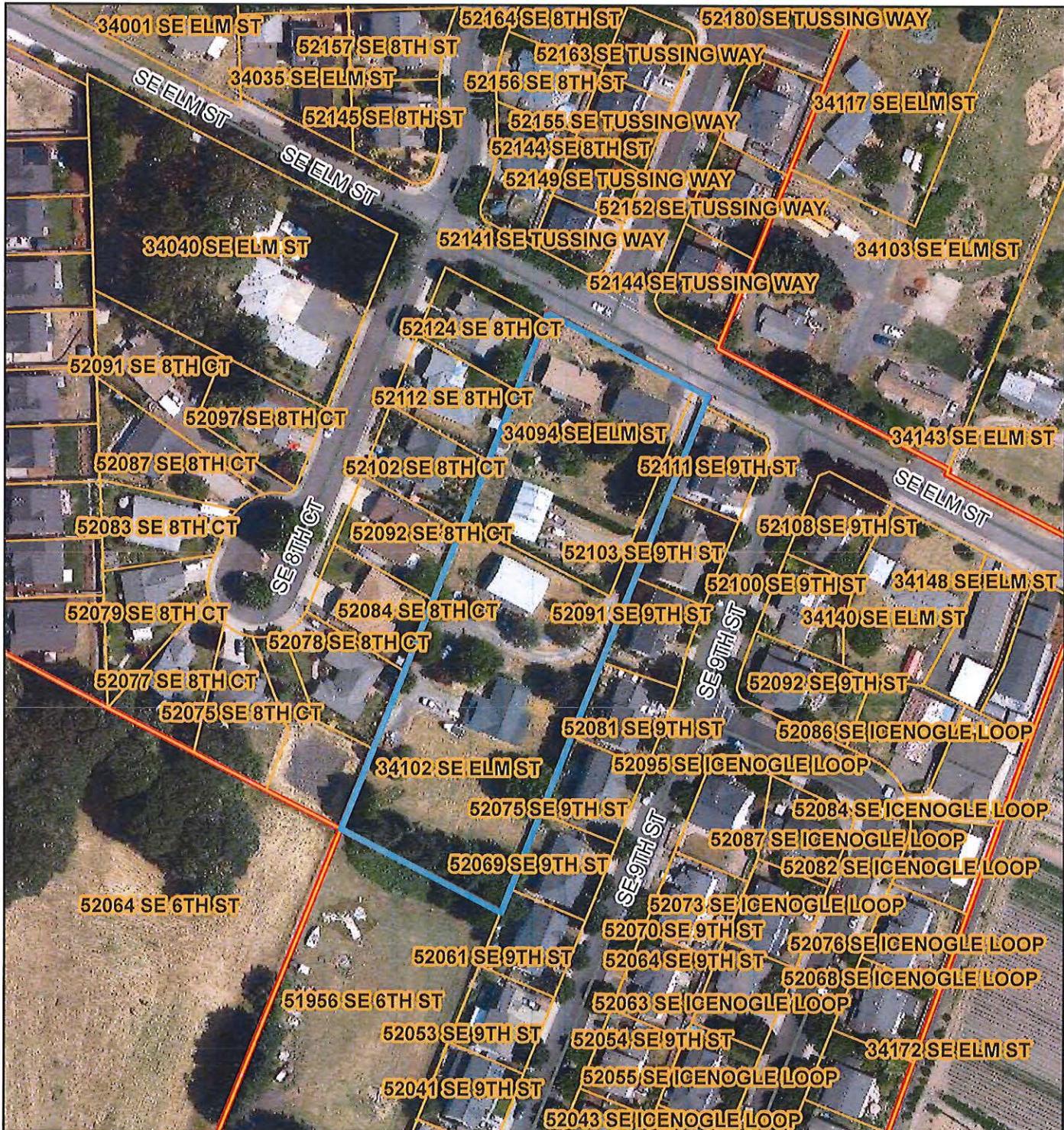
PRIOR TO FINAL PLAT RECORDING

17. The applicant shall have all street improvements, including sidewalks, curb/gutter, street trees, and asphalt concrete paving between the existing asphalt concrete and the new curb, completed to the satisfaction of the City.
18. The applicant shall install municipal water and sewer services to serve Parcels 1 and 2 to the satisfaction of the City.
19. The applicant shall prepare a final partition plat that demonstrates full compliance with the dimensional requirements specified in Section 17.44.050 and that conforms to the requirements of Oregon Revised Statutes Chapter 92, Subdivisions and Partitions. The plat shall include a note that states "This Plat is subject to the Conditions of Approval imposed by the City of Scappoose for local file # MiP 1-25."
20. The applicant shall depict on the final partition plat an 8-foot public utility easement along the northern frontage of Parcels 1 and 2.
21. The applicant shall depict easements for any utilities (public or franchise) that run through multiple properties and cross property lines on the final plat. Any easements which allow access and maintenance of private drainage lines or other common elements, and their associated appurtenances shall meet the applicable requirements of the developer and the Oregon Structural Specialty Code and Oregon Plumbing Specialty Code, whichever is a higher standard.
22. The applicant shall provide a 10-foot right-of-way dedication of Tax Lot 3000 along the SE Elm Street frontage to bring the right-of-way width to a Neighborhood Route standard. This dedication shall be reflected and referenced on the final partition plat.

23. The applicant shall provide a 10-foot right-of-way dedication of Tax Lot 3100 along the SE Elm Street frontage to bring the right-of-way width to a Neighborhood Route standard or record a public sidewalk easement in the area that would be dedicated that allows for the public to use the sidewalk as a public walkway as if it were in the right-of-way.
24. The applicant shall update the Shared Driveway Agreement with updated property information and applicable requirements.
25. The applicant shall have their professional land surveyor verify that the property pins are appropriately located following the completion of street improvements and the right-of-way dedication.
26. The applicant shall submit an electronic copy of the draft Final Partition Plat to the City for review and approval prior to submitting the Plat to Columbia County. After City approval of the Final Plat, the Plat shall be recorded with Columbia County. An electronic copy of the recorded plat shall be provided to the City within 15 days of recording.

Exhibit 1

Garver & Watt Annexation & Partition Vicinity Map



Taxlots with labels

Streets

City Limits Boundary

Subject site

GeoTerra, Frontier, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Scappoose Planning Department
33568 E. Columbia Ave. Scappoose, OR 97056
Phone: 503-543-7184 Fax: 503-543-7182
www.scappoose.gov

ANNEXATION APPLICATION

NOTICE TO APPLICANT: On original application form, please print legibly using black/dark blue ink or type. Applicants are advised to review the list of submittal requirements and recommendations indicated on each land use application form and in the applicable code section prior to submitting an application. Applicants are also advised to schedule a pre-application meeting with staff prior to submitting final application. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED UNTIL THE PLANNING DEPARTMENT RECEIVES ALL REQUIRED SUBMITTAL MATERIALS. REFER TO SUBMITTAL CHECKLIST PAGE.

TRACKING INFORMATION (For Office Use Only)

Application Submittal Includes:		
<input type="checkbox"/> 2 Hard Copies Required (Initial Submittal)	<input type="checkbox"/> Electronic Submittal	<input type="checkbox"/> Fee
<input type="checkbox"/> 7 Hard Copies Required (Final Submittal, once deemed complete by City Planner)		
Date Submitted with payment: _____		Receipt #: _____
File # _____	Hearing Date _____	

SITE LOCATION & DESCRIPTION

Tax Map #(s) 3107-CC Tax Lot #(s) 3000, 3100

Frontage Street or Address 34094 SE Elm St. (lot 3000); 34102 SE Elm St. (lot 3100)

Nearest Cross Street SE Tussing Way, SE 9th Street

Current County Zoning R-10 City Comprehensive Plan Designation SR, Suburban Residential
.75 (3000) Lot 3000: 155' x 202'
Site Size 1.3 (3100) acres sq. ft. Dimensions Lot 3100: 1701' x 304' + flag portion (16' x 212')

REASON FOR REQUEST (If for utility connection, cite which utility.) Lot 3100: To connect to city sewer (failing septic)

Lot 3000: To connect to city sewer and water, and to partition into two smaller lots

OWNERSHIP AND APPLICANT INFORMATION (Property owner signature must be a wet-ink signature. If the property is under-going a change of ownership, proof of purchase or purchase contract must be provided if property owner of record is not the signing party.)

Property Owner(s): Name(s) Lot 3000: Marsha and Sherman Garver

Business Name _____

Mailing Address 34094 SE Elm St. City Scappoose State OR Zip 97056

Phone # _____ Fax # _____ Email Address _____

Does the owner of this site also own any adjacent property? Yes No (If yes, please list tax map and tax lots)

Property Owner(s) Signature(s) Sherman R. Garver Date: 6-25-25

Property Owner(s) Signature(s) Marsha Garver Date: 06-25-25

OWNERSHIP AND APPLICANT INFORMATION (Property owner signature must be a wet-ink signature. If the property is under-going a change of ownership, proof of purchase or purchase contract must be provided if property owner of record is not the signing party.)

Property Owner(s): Name(s) Lot 3100: Christianne and Richard Watt

Business Name _____

Mailing Address 34102 SE Elm St. City Scappoose State OR Zip 97056

Phone # _____ Fax # _____ Email Address _____

Does the owner of this site also own any adjacent property? Yes No (If yes, please list tax map and tax lots)

Property Owner(s) Signature(s) Richard M. Watt Date: 8-6-25

Property Owner(s) Signature(s) Christianne Watt Date: 8-6-25

Applicant: Name Brad Hendrickson
Business Name _____
Mailing Address 134 River Dr. City St. Helens State OR Zip 97051
Phone # (503) 310-0235 Fax # _____ Email Address 3232brad@gmail.com
Applicant's Signature Brad Hendrickson Date: 06/26/2025
Applicant's interest in property Developer (frontage improvements)

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 _____ Wetlands _____ Significant Natural Resources _____

Cultural Resources _____ Airport Noise Contours _____ Slopes greater than 15% _____

Water Provider: City of Scappoose Well

Does the site have access to a City street? Yes No (Please explain): Frontage on SE Elm St. (This portion of SE Elm St. has been confirmed to be within City's jurisdiction)

Does the site have access to County road(s)? Yes No (Please explain): _____

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

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) .

<input type="checkbox"/> Single Family Residence(s) #: <u>1 (lot 3100)</u>	<input type="checkbox"/> Accessory Building(s) #: <u>1 (lot 3100)</u>
<input type="checkbox"/> Barn or Other Agricultural Building(s) #: _____	<input type="checkbox"/> Commercial Building(s): _____
<input type="checkbox"/> Industrial Building(s) #: _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> 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 # _____ Fee(s) Paid _____



PETITION FOR ANNEXATION TO THE CITY OF SCAPPOOSE, OREGON

TO: The Council of the City of Scappoose, Oregon

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Scappoose.

SIGNATURE	PRINTED NAME	I AM A:			ADDRESS	TAX MAP	TAX LOT	PRECINCT NO.	DATE
		PO	RV	OV					
Marsha Garver	Marsha Garver				34094 SE Elm Street Scappoose, OR 97056	3107-CC	3000	n/a	
Sherman Garver	Sherman Garver				34094 SE Elm Street Scappoose, OR 97056	3107-CC	3000	n/a	
Christianne Watt	Christianne Watt				34102 SE Elm Street Scappoose, OR 97056	3107-CC	3100	n/a	
Richard M. Watt	Richard Watt				34102 SE Elm Street Scappoose, OR 97056	3107-CC	3100	n/a	

*PO = PROPERTY OWNER

RV = REGISTER VOTER

OV = OWNER VOTER



Scappoose Planning Department
 33568 E. Columbia Ave. Scappoose, OR 97056
 Phone: 503-543-7146
www.scappoose.gov

PARTITION APPLICATION

NOTICE TO APPLICANT: On original application form, please print legibly using black/dark blue ink or type. Applicants are advised to review the list of submittal requirements and recommendations indicated on each land use application form and in the applicable code section prior to submitting an application. Applicants are advised to schedule a pre-application meeting with the staff prior to submitting final application. **INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED UNTIL THE PLANNING DEPARTMENT RECEIVES ALL REQUIRED SUBMITTAL MATERIALS.**

TRACKING INFORMATION (For Office Use Only)

Application Submittal Includes:

2 Hard Copies Required (Initial Submittal) Electronic Submittal Fee
 7 Hard Copies Required (Final Submittal, once deemed complete by City Planner)

Date Submitted with payment: _____

Receipt #: _____

File #: _____

Final Submittal Date: _____

SITE LOCATION & DESCRIPTION

Tax Map #(s) 3107-CC Tax Lot #(s) 3000

Frontage Street or Address 34094 SE Elm St.

Nearest Cross Street SE Tussing Way and SE 9th Street

Plan Designation SR Zoning: R-1, City of Scappoose (proposed)
 R-10, Columbia County (existing) Site Size 0.75 acres sq. ft.

Dimensions 155' x 202'

SUMMARY OF REQUEST

Proposed Project Name SE Elm Street Partition

Project Type/Narrative Summary: (Provide a brief summary and specify project type: Single Family Residential (SFR), Multi-family Residential (MFR), Commercial (C), Industrial (I)) Already developed with single family residential (SFR).

There are two (2) existing manufactured homes on the property (allowed by Columbia County hardship permit). Proposal is to partition off area with the second manufactured home so it can be sold.

Please indicate the dimensions of proposed parcels in feet:

	Parcel Area	Parcel Width	Parcel Depth
Parcel 1 measurements	24,503 SF (L-shaped)	80.4' and 154.6'	201.6'
Parcel 2 measurements	6,500 SF	74.1'	88.1'
Parcel 3 measurements			

Note: If a residential project is proposed, a Residential Density Calculation Worksheet (page attached) must be submitted.

Is a Variance Requested? Yes No If Yes, identify type of request: Minor Variance Major Variance

Note: Procedures and applicable criteria for variances may be found in SDC Chapter 17.134

PRELIMINARY PARTITION (CONTINUED)

Detailed Site Information

Are any of the following present on the site? (NOTE: If any of the below are present on-site, specify number of acres and/or percentage of site affected.)

Flood Plain _____
Cultural Resources _____

Wetlands _____
Airport Noise Contours _____

Significant Natural Resources _____
Slopes Greater Than 15% _____

Water Provider: City of Scappoose Well Other: Will connect to city water upon annexation

Does the site have access to City street(s) Yes No (Please explain) Frontage on SE Elm Street (a portion that has been confirmed to be within City limits)

Does the site have access to County road(s) Yes No (Please explain) _____

Are street/road improvements requested or required? Yes No (Please explain) 10-foot wide ROW dedication + half-street improvements to Neighborhood Collector standards (see drawings and narrative for detail)

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

No changes proposed

Are there existing wells or septic drain fields on the site? Yes No (If Yes, briefly explain future status.)

Existing septic drain field to be decommissioned. See Sheet C-1 - Existing Conditions Plan for location.

OWNERSHIP AND APPLICANT INFORMATION (Property owner signature must be a wet-link signature. If the property is under-going a change of ownership, proof of purchase or purchase contract must be provided if property owner of record is not the signing party.)

Property Owner(s): Name(s) Marsha and Sherman Garver

Business Name _____

Mailing Address 34094 SE Elm St. City Scappoose State OR Zip 97056

Phone # (503) 438-8477 Fax # _____ Email Address _____

Does the owner of this site also own any adjacent property? Yes No (If Yes, please list tax map and tax lots) _____

Property Owner(s) Signature(s)  Date: 6-25-25

Property Owner(s) Signature(s)  Date: 06-25-25

Applicant: Name Brad Hendrickson

Business Name _____

Mailing Address 134 River Dr., St. Helens, OR 97051

Phone # (503) 310-0235 Fax # _____ Email Address 3232brad@gmail.com

Applicant's Signature  Date: 06/26/2025

Applicant's interest in property Developer (frontage improvements)

RESIDENTIAL DENSITY CALCULATION WORKSHEET

To monitor compliance with State regulations, the City must track the net densities of new residential developments in the City. This worksheet must be completed by the applicant and submitted with the preliminary application for any residential or mixed-use subdivision, planned unit development, partition, or development review approval.

Project Name SE Elm Street Partition

Developer / Applicant Brad Hendrickson

Project Site Address 34094 SE Elm Street

Tax Map #(s) 3107-CC Tax Lot #(s) 3000

Plan Designation SR (Suburban Residential) Zoning R-1, City of Scappoose (proposed)
R-10, Columbia County existing)

Net residential density is calculated on net acreage, the area on a site which is eligible for development. Net acreage is calculated by subtracting undevelopable land from gross acreage.

Residential Density Calculations: Fill in the blanks below to calculate the net residential density.

Total Gross Area of Subject Site (1 acre = 43,560 sq. ft.): 32,497 square feet

Less "undevlopable land": (as applicable)

Public street right-of-way dedication	<u>1,494</u>	Elm St. ROW
Public or private access easements	<u>1,236</u>	Public Utility Easement (PUE)
Public or private access easements		
Private street tracts		
Required internal fire access drive areas		
Storm water treatment and detention areas		
Wetlands and required CWS vegetated corridors		
Areas with 20% or greater slopes		
Areas within the 100-year floodplain		
Land dedicated to the City for parks or greenways		
Maneuvering area for truck loading docks		
Electrical transformer platforms, industrial chemical and/or gas storage areas, or other hazardous area where occupancy is Not Permitted for safety reasons		

Total Net Area (total gross area minus undevelopable land): 29,767 square feet

Net Acreage of Subject Site (total net area divided by 43,560): .68 acres

Total Number of Residential Units Proposed: 2.0 units

Net Residential Density (proposed units divided by net acreage): 2.9 units per net acre



Brad Hendrickson

SE Elm Street Annexation, Zone Change and Minor Partition

Land Use Narrative

Prepared by Lower Columbia Engineering
Submitted to City of Scappoose
Planning Department
June 2025



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List of Drawings

- G-1 Cover Sheet
- C-1 Existing Conditions Plan
- C-2 Proposed Conditions Plan
- C-3 Frontage Improvement Plan

List of Exhibits

- Exhibit A: Preliminary Plat
- Exhibit B: Legal Descriptions



Project Summary

Internal File No: 3693

Pre-Application Date: 4/3/25

Applicant:
Brad Hendrickson
134 N. River St.
St. Helens, OR 97051
(503) 310-0235
3232brad@gmail.com

Applicant Representative:
Chase Berg
Lower Columbia Engineering
58640 McNulty Way
St. Helens, OR 97051
(503) 366-0399
chase@lowercolumbiaengr.com

Current Zoning Designation: Single Family Residential (R-10), Columbia County (tax lots 3000 & 3100)

Proposed Zoning Designation: Low Density Residential (R-1), City of Scappoose (tax lots 3000 & 3100)

Request: Annexation (ANX), Zone Change (ZC) & Minor Partition (MiP)

Location, Size and Ownership:

Tax Lot ID	Site Address	Property Owners	Size	Request
3107-CC-03000	34094 SE Elm St. Scappoose, OR 97056	Marsha & Sherman Garver	0.75 acres	Annexation, Zone Change & Minor Partition
3107-CC-03100	34102 SE Elm St. Scappoose, OR 97056	Christianne & Richard Watt	1.3 acres	Annexation & Zone Change

Project Overview

Annexation and Zone Change

The applicant is seeking approval to annex two tax lots (3000 and 3100) into the City and to rezone both lots from Columbia County Zone R-10 (Single Family Residential) to City of Scappoose Zone R-1 (Low-Density Residential). The purpose of the annexation is to allow the properties to connect to the public sewer system in light of a failing septic system on lot 3100 and to allow for the partition of lot 3000 into two smaller lots. Both of the new lots will connect to City water. Lot 3100 will continue using its well as a water source.

Both lots are already developed with residential uses and are inside the Urban Growth Boundary (UGB). No new development is proposed beyond utility connections and right-of-way improvements required by the City. Extension of public services to the subject properties is both efficient and logical. They are adjacent to the City limits on all four sides. Public utilities are available for connections in the adjacent SE Elm Street right-of-way and it has been determined that there is sufficient capacity to serve these sites. The properties are already being served by the Scappoose Fire District, School District, Police and local road system.

Lot 3100 is a 1.3-acre flag lot with one stick-built dwelling and one general purpose accessory building. The existing septic system is failing and annexation/rezoning is required for a new connection to the city sewer and decommissioning of the failing septic. Lot 3000 is 0.75 acres and has two manufactured homes and one detached garage. The placement of the second manufactured home was allowed under a Columbia County hardship permit.

Minor Partition

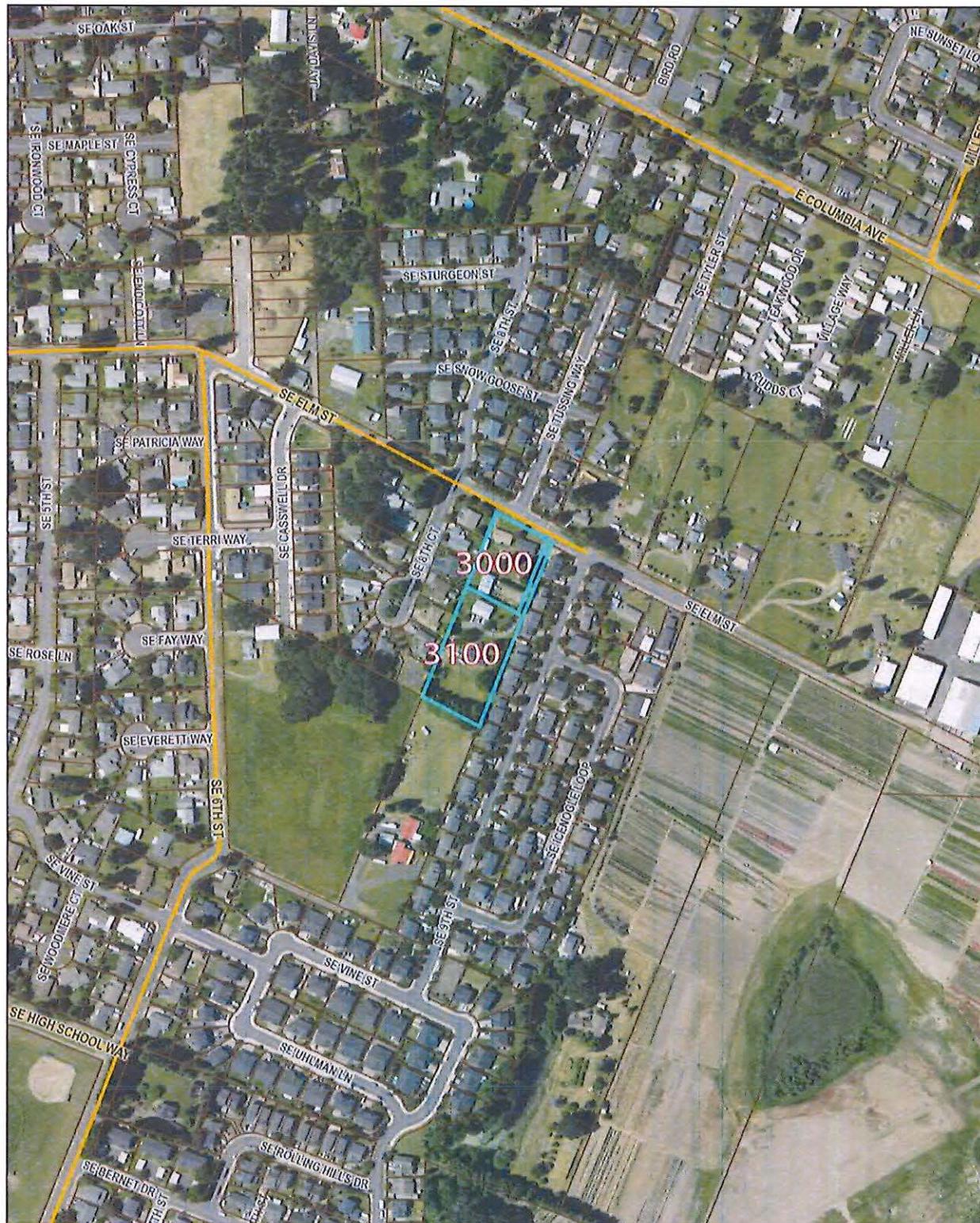
As mentioned above, the applicant also seeks approval of a minor partition to divide tax lot 3000 into two smaller lots. Annexation and partition will allow the part of the property with the second manufactured home to be split off from the parent lot and sold. Both lots would then be legally conforming under the proposed R-1 zoning.

As required by partition criteria, Lot 3000 will dedicate a 10-foot-wide strip along its entire frontage to the adjacent SE Elm Street public right-of-way. With this, the applicant will also improve the southern half of the right-of-way to meet the City's Neighborhood Route standard.

Consolidated Application

The two lots have different owners who have opted to consolidate their land use applications for the sake of efficiency and to coordinate utility and frontage improvements. No Comprehensive Plan amendment is needed as the properties are already designated Suburban Residential under the current Comp Plan and the existing development on the lots meets the criteria for that designation.

Vicinity Map



Compliance with Scappoose Municipal and Development Codes

This section of the narrative demonstrates the project's compliance with all applicable provisions of Chapters 12 and 17 of the Scappoose Development Code. All text in *italics* are direct quotes from the code, which are followed by applicant responses in **blue**.

12.10 Visual Clearance Areas

12.10.020 Visual clearance – Required.

A. *A visual clearance area shall be maintained on the corners of all property adjacent to an unregulated intersection of two streets, a street and a railroad, or a driveway providing access to a public or private street.*

Response: Please see Sheet C-3 – Frontage Improvement Plan for proposed visual clearance areas at the intersections of SE Elm Street and the residential driveways.

12.10.030 Visual clearance area dimensions.

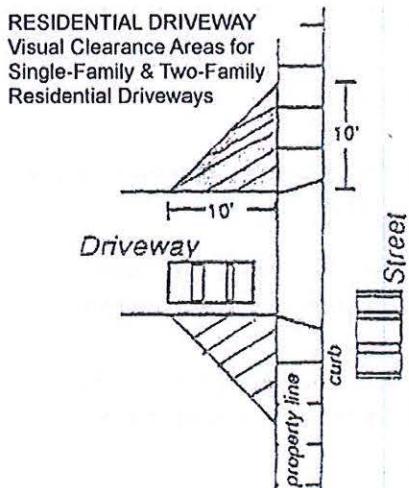
[...]

B. *Driveway Intersections (see also Figure 12.10.2):*

[...]

2. *Single-Family and Two-Family Developments. Driveways to public or private streets shall have a minimum visual clearance area formed by the intersection of the edges of the driveway, the street right-of-way line, and a straight line joining said lines through points ten feet from their intersection. No off-street parking area shall be located in a driveway visual clearance area. (Ord. 820 § 2, 2012)*

Figure 12.10.2. Visual Clearance Areas for Driveways



Visual Clearance Area for Commercial, Industrial, Institutional, and Multi-Family Driveways



Visual Clearance Area for Single-Family & Two-Family Residential Driveways



Response: Please see **Sheet C-3 – Frontage Improvement Plan** for visual clearance areas at the intersections of SE Elm Street and the residential driveways. The dimensions of each visual clearance area will conform to the requirements for residential driveways, covering a triangular area extending 10 feet perpendicular and parallel to the property line from the intersection of the street-fronting property line with the public right-of-way. There will be no off-street parking in the driveway visual clearance areas. The visual clearance areas will be free of all structures, vehicles, plantings, etc. that could impede visibility. These criteria are met.

17.01 Introduction.

17.01.060 Right-of-way dedications and improvements.

Upon approval of any development permit or any land use approval of any property which abuts or is served by an existing substandard street or roadway, the applicant shall make the necessary right-of-way dedications for the entire frontage of the property to provide for minimum right-of-way widths according to the city's public works design standards and shall improve the abutting portion of the street or roadway providing access to the property in accordance with the standards in Chapter [17.154](#). (Ord. 634 § 1 Exh. A, 1995)

Response: See **Sheet C-3 – Frontage Improvement Plan**. The existing SE Elm Street right-of-way is 50 feet wide in the portion adjacent to the subject properties. Neighborhood Routes, as designated by the City's TSP, are required to be 60 feet wide. As the property across the street has already provided a dedication to establish centerline, the City is requiring a 10-foot-wide dedication from the proposed Lots 1 and 2 along their frontage to bring this portion of SE Elm Street to standard. The frontage will be improved to the Neighborhood Route standard with half-street improvements, including up to 18 feet of paving from the centerline as needed (depending on condition of existing paving), new curb and gutter, new 6-foot-wide attached sidewalks, new street trees and one new streetlight. This criterion is met.

17.22 Amendment to the Title, Comprehensive Plan, and Maps

17.22.040 Approval criteria.

Planning commission review and recommendation, and Council approval, of an ordinance amending the comprehensive plan, the zoning map, or this title shall be based on the following criteria:

A. If the proposal involves an amendment to the comprehensive plan, the amendment is consistent with the Statewide Planning Goals and relevant Oregon Revised Statutes and Administrative Rules;

Response: No amendment to the Comprehensive Plan is proposed. The proposal is consistent with applicable Oregon Revised Statutes and Administrative Rules (namely, the Transportation Planning Rule). This criterion is met.

B. The proposal is consistent with the comprehensive plan (although the comprehensive plan may be amended concurrently with proposed changes in zoning or this title), the standards of this title, or other applicable implementing ordinances;

Response: The subject properties are designated as "Suburban Residential" in the Comprehensive Plan Map. The proposed zone change to R-1 (Low-Density Residential) aligns with that designation. Therefore, the proposal is consistent with the Comprehensive Plan.

Comprehensive Plan – Policies for the Urban Growth Boundary – Policy 6 (pg. 152)

6) Approve annexations of residential lands, except in the cases of health hazards, when:

A) There is sufficient capacity in the sewer, water, street, school, police and fire systems to service the potential additional populace.

Response: It has been determined that there is sufficient capacity in sewer, water, street, school, police and fire systems to service the potential additional populace. The subject properties are already served by the Scappoose Rural Fire Protection District and Scappoose School District. There is public water, sewer and storm available for connection, per the description below, in SE Elm Street, adjacent to the subject properties. The adjacent right-of-way will be improved to City's Neighborhood Route standard. The properties are already served by the local street system. The proposed annexation and zone change would not increase the density of existing development on the subject properties.

Storm: There is an existing 24" storm system along the SE Elm Street frontage and two catch basins on the southside of SE Elm Street. As the subject properties are already developed there will be no additional contributions to the stormwater systems apart from what is redirected from the public right-of-way after construction of the new curb and sidewalk. As part of the frontage improvements the applicant will relocate and build a new catch basin to current PWDS.

Sewer: There is an existing 15" PVC sewer line along the frontage that conveys flows to the west and then north on Tussing Way toward E Columbia Ave. According to input from the City Engineer, this line has enough depth for all lots to be able to convey their flow in accordance with PWDS and Oregon Plumbing Specialty Code (OPSC).

Water: There is an existing 8" cast iron waterline along frontage the south side of the street and is available for all three lots to connect to.

This criterion is met.

B) Sufficient in-filling of vacant land has occurred to warrant an expansion.

Response: Scappoose's 2022 Housing Capacity Analysis identifies a projected deficit of land inside the UGB zoned for medium- and high-density housing over the next 20 years (Housing Capacity Analysis pg. 32). This indicates there has been sufficient in-filling of vacant land to warrant annexation of additional residential land. Although already developed, annexation would provide the potential for the subject sites to be up-zoned and infilled or redeveloped at a higher density in the future (with the appropriate approval processes). This criterion is met.

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

Response: The proposed annexation and zone change does not change the existing uses or intensity of uses of the subject properties. Annexation allows for the properties to connect to sewer, which will decrease the hazard posed by the failing septic system on lot 3100. In addition, annexation will lead to public improvements that will benefit the surrounding community, such as a new sidewalk, street trees, curb, gutter and streetlight. This criterion is met.

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: The proposal responds to changes in the community such as the need to connect to City sewer due to a failing septic system and the desire to partition due to increased property values. Annexation would also increase the level of consistency with the Comprehensive Plan given that the properties abut City limits on all four sides. This criterion is met.

E. The amendment conforms to Section 17.22.050. (Ord. 828, 2013)

Response: Consistency with Section 17.22.050 (compliance with the Transportation Planning Rule) is demonstrated below. This criterion is met.

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. (Ord. 828, 2013)



OAR 660-012-0060 Transportation Planning Rule

(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);

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

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

Response: 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 be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

[...]

Response: The proposed annexation will not result in any of the effects listed in paragraphs (A) through (C). The functional classification of SE Elm Street in the City's TSP assumed a Suburban Residential-level of development as designated by the Comprehensive Plan. Upon annexation the existing development on the subject properties will comply with R-1 (Suburban Residential) zoning and will not increase traffic levels beyond the capacity of the existing transportation facility or impact its meeting of performance standards identified in the TSP. Thus, no measure to reduce projected traffic generation is needed. This criterion is met.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020 (Adoption or Amendment of a UGB)(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

Response: The proposed zoning is consistent with the existing Comprehensive Plan designation of Suburban Residential and the functional classification of SE Elm Street as a Neighborhood Route in the City's TSP, which assumes Suburban Residential development of the subject properties. The area subject to the zoning map amendment was not exempted from this rule at the time of the related urban growth boundary amendment. Therefore, this amendment would not significantly affect an existing/planned transportation facility (as defined by the Transportation Planning Rule). This criterion is met.

17.44 R-1 Low Density Residential

17.44.030

Use	
Single-family detached residential dwelling	Permitted outright ¹
[...]	

1 These uses and their accessory uses are permitted outright outside of the Scappoose Creek Flood Plain. In the R-1 zone within the Scappoose Creek Flood Plain, only uses listed in Section 17.84.040 shall be permitted. Additional requirements shall include any applicable section of this title

2 These uses and their accessory uses may be permitted in the R-1 zone when authorized by the planning commission in accordance with the requirements of Chapter 17.130, other relevant sections of this title and any conditions imposed by the Planning Commission when such uses are located outside of Scappoose Creek Flood Plain.

(Ord. 740 §§ 2, 3, 2004; Ord. 705 § 1, 2001; Ord. 634 § 1 Exh. A, 1995)

Response: The existing use of the two subject properties as detached single-family residences is allowed outright in the R-1 zone. Although lot 3000 currently has two principal buildings (both detached, single-family dwellings), allowed under a hardship permit granted by the County, upon partition each resulting lot will have only one principal building and will thus be in conformance with R-1 zoning requirements. The subject properties are not within the floodplain (FIRM panel 41009C0463D, effective 11/26/2010). This criterion is met.

17.44.050 Dimensional requirement.

Dimensional Requirements	Requirement ¹
Minimum lot area	
Single-family detached	Six thousand (6,000) square feet outside the Scappoose Creek Flood Plain
Response: See Sheet C-2 – Proposed Conditions Plan.	The subject properties are located outside the floodplain. Not including the flag portion, Lot 3100 is 53,267 square feet. The two lots proposed to be created out of parent lot 3000 will be 24,503 square feet (Lot 1) and 6,500 square feet (Lot 2). These dimensions do not include the approximately 1,5450-square-foot area to be dedicated to the SE Elm Street right-of-way. These three lot sizes all exceed the 6,000 square foot minimum lot area. This criterion is met.
[...]	
Minimum lot width	Not be less than fifty feet, except the minimum lot width at front property line on the arc of an approved full cul-de-sac shall not be less than thirty feet
Response: See Sheet C-2 – Proposed Conditions Plan.	Lot 3100 is 170.6 feet wide (except at the flag portion, which is 15.9 feet wide). Proposed Lot 1 will be 80.4 feet wide and proposed Lot 2 will be 74.1 feet wide. These exceed the 50-foot minimum. This criterion is met.
	Flag lots shall provide a minimum of twenty-five feet of frontage along a public right-of-way



Response: See Sheet C-2 – Proposed Conditions Plan. Lot 3100, a flag lot, has 15.9 feet of frontage along SE Elm Street. Although this is less than the stated minimum of 25 feet, this proposal will not worsen the existing degree of noncompliance.

Minimum setback	
Front Yard	Twenty feet

Response: See Sheet C-2 – Proposed Conditions Plan. Upon partition, proposed Lot 1 will have a front setback of 23.1 feet, exceeding the 20-foot minimum.

Proposed Lot 2 will have a front setback of 16.8 feet after the required dedication of 10 feet of frontage to the SE Elm Street public right-of-way. This substandard setback is deemed acceptable as it allows for the development of a full 60-foot-wide street section per the City's TSP and public works design standards.

Lot 3100 has a front setback of 324 feet for the principal building and 221.9 feet for the accessory building, as measured from its frontage on SE Elm Street. This criterion is met.

Front of garages or carports	Twenty feet from the property line where access occurs
------------------------------	--

Response: See Sheet C-2 – Proposed Conditions Plan. Upon partition, the front setback of the detached garage setback on proposed Lot 1 will be 142 feet. Proposed Lot 2 will not have a garage. On lot 3100, the front setback for the attached garage is 342 feet. This criterion is met.

Side yard	Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side for corner lots
-----------	--

Response: See Sheet C-2 – Proposed Conditions Plan. Proposed Lot 1 will have side setbacks of 19.5 feet (west side) and 8.3 feet (east side). Proposed Lot 2 will have side setbacks of 10.4 feet (west side) and 15.4 feet (east side). On lot 3100 the side setbacks are 58.8 feet (west side) and 52.7 feet (east side) for the principal building. There are no corner lots. This criterion is met.

Rear yard	Twenty feet
-----------	-------------

Response: See Sheet C-2 – Proposed Conditions Plan. The rear setback (principal building) for proposed Lot 1 is 147.0 feet. The rear setback for proposed Lot 2 is 39.2 feet. On lot 3100, the rear setback (principal building) is 146.1 feet. These all exceed the 20-foot minimum. This criterion is met.

Setbacks for accessory building behind a residence	
Side	Five feet each

Response: See Sheet C-2 – Proposed Conditions Plan. On proposed Lot 1 the detached garage will have side setbacks of 36.5 feet (west) and 88.0 feet. Proposed lot 2 will have no accessory buildings. On lot 3100, the accessory building has side setbacks of 37.1 feet (west) and 80.8 feet (east side). These all exceed the five-foot minimum. This criterion is met.

Rear	Five feet
------	-----------

Response: See Sheet C-2 – Proposed Conditions Plan. Proposed Lot 1 will have a rear setback of 7 feet for the detached garage. Proposed Lot 2 will have no accessory buildings. Lot 3100 has an accessory building with a rear setback of 265.4 feet. This criterion is met.

Maximum height	Thirty-five feet
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Response: The dwellings on the subject properties are all single-story and approximately 10 feet tall, less than the 35-foot maximum. This criterion is met.

Accessory Building	Twenty-two feet
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Response: All accessory structures are under 22 feet tall. This criterion is met.

Principal building per lot	One
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Response: See Sheet C-2 – Proposed Conditions Plan. Lot 3000 currently has two principal buildings, allowed under a hardship permit issued by Columbia County. Upon partition, each new lot will have only one principal building. Lot 3100 has only one principal building. This criterion is met.

Maximum building coverage	Thirty-five percent of the lot area
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Response: Upon partition, proposed Lot 1 will have a total building footprint of 2,792 square feet*, covering 11.4% of the 24,503-square foot lot. Proposed Lot 2 will have a total building footprint of 1,344 square feet*, covering 20.7% of the 6,500-square foot lot.

Lot 3100 buildings have a total footprint of 3,512 square feet* (including the residential structure with attached garage and one accessory building), covering 6.2% of the 1.3-acre (approximately 56,628 square feet) lot. All lots have building coverage under the 35% maximum. This criterion is met.

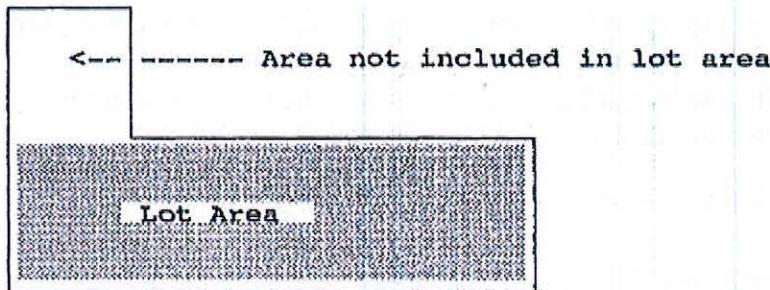
*Note: All building sizes are based on data from Columbia County Assessor website retrieved 6/18/2025.

17.96 Lots – Exceptions and Additional Setbacks.

[...]

17.96.090 Lot area for flag lots.

- A. *The lot area for a flag lot shall comply with the lot area requirements of the applicable zoning district.*
- B. *The lot area shall be provided entirely within the building site area exclusive of any accessway (see figure following).*



(Ord. 634 § 1 Exh. A, 1995)

Response: The area of flag lot 3100, exclusive of the accessway, is 53,267 square feet, exceeding the 6,000-square-foot minimum in the R-1 zone. These criteria are met.

17.104 Street Trees

17.104.040 Standards for street trees.

- A. *Street trees shall be selected from the approved street tree list on file with the Planning Department.*

Response: Please see Sheet C-3 – Frontage Improvement Plan. There will be four (4) new 'Autumn Brilliance' Serviceberry street trees planted at 20 feet on-center within the new landscape strip. This cultivar grows to 25 feet tall and 20 feet wide (according to the City of Scappoose approved street tree list) and is thus appropriate for the required 5.5-foot-wide planting strip. The applicant's contractor may need to choose a different species based on availability, but will only do so with prior approval from the City of Scappoose.

B. At the time of planting, street trees shall not be less than ten feet high for deciduous trees and five feet high for evergreen trees.

Response: The proposed street trees will be no less than 10 feet tall upon planting.

C. Spacing and minimum planting areas for street trees shall be as follows:

- 1. Street trees under twenty-five feet tall and less than sixteen feet wide at maturity shall be spaced no further than fifteen feet apart in planting areas containing no less than sixteen square feet of porous surface and not less than four feet wide;*
- 2. Street trees under twenty-five feet tall and greater than sixteen feet wide at maturity shall be spaced no further than twenty feet apart in planting areas containing no less than sixteen square feet of porous surface and not less than four feet wide;*
- 3. Street trees between twenty-five feet to forty feet tall and less than twenty-five feet wide at maturity shall be spaced no greater than twenty-five feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;*
- 4. Street trees between twenty-five feet to forty feet tall and greater than twenty-five feet wide at maturity shall be spaced no greater than thirty feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;*
- 5. Street trees greater than forty feet tall at maturity shall be spaced no greater than forty feet apart in planting areas containing not less than thirty-six square feet of porous surface and not less than eight feet wide.*

Response: See **Sheet C-3 – Frontage Improvement Plan**. The 'Autumn Brilliance' Serviceberry cultivar grows to 25 feet tall and 20 feet wide at maturity, according to the City of Scappoose approved street tree list. Therefore, they will be spaced 20 feet apart within a planting area that is at least 6 feet in width and 24 square feet in porous planting area per tree (in accordance with items (2) and (3) above). Although the proposed planting strip within the public right of way will be only 5.5 feet wide, it will be contiguous with the front yards of the subject properties and will thus have an effective planting area of at least 6 feet wide. These criteria are met.

D. Street trees located under or within ten feet of overhead utility lines shall be less than twenty-five feet tall at maturity.

Response: There are no overhead utility lines within 10 feet of the area where street trees are proposed to be planted. This criterion is not applicable.

E. Street trees shall be planted in accordance with the requirements of Scappoose Municipal Code Section 13.28.020(C). (Ord. 875, 2018; Ord. 659 § 3, 1997)

Response: Street trees will be planted in accordance with Scappoose Municipal Code Section 13.28.020(C).

17.104.060 Maintenance of street trees.

A. The adjacent owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all street trees which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and tree wells shall be kept free from refuse and debris.

Response: The applicant understands that the adjacent owner shall be responsible for maintenance of all street trees in good condition.

B. All street trees shall be controlled by pruning to National Arborist Association Pruning Standards for Shade Trees included as Appendix B of the Scappoose Comprehensive Urban Forestry Plan.



Response: The applicant will control street trees through pruning to meet the National Arborist Association standards.

C. Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet above street surface or eight feet above the sidewalk surface. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic-control device or sign or sight triangle at intersections as defined in Scappoose Municipal Code 12.10, Visual Clearance Areas. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements.

Response: The applicant will prune street trees such that the branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection, leaving a clear space of 13 feet above the street surface or 8 feet above the sidewalk surface. They will remove any dead or damaged trees or limbs that constitute a menace to the safety of the public. There are no high voltage electrical conductors overhead in the vicinity.

D. The city shall have the right to plant, prune, and otherwise maintain trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

Response: The applicant understands the city has the right to maintain trees, plants and shrubs within streets, alleys, avenues and lanes to ensure public safety and preserve or enhance the symmetry and beauty of such public grounds.

E. It is unlawful as a normal practice for any person, firm or city department to top any street tree. Topping is defined as the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the city manager after consultation with a registered arborist or certified forester. (Ord. 820 § 7, 2012; Ord. 659 § 3, 1997)

Response: The applicant understands that topping of street trees is not allowed unless through determination of the city manager.

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;

Response: The proposed annexation complies with the goals and policies of the Comprehensive Plan, as previously discussed in response to section 17.22.

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;

Response: The subject properties are adjacent to the City limits to the north, south, east and west. Their annexation would therefore provide a logical service area and eliminate islands of unincorporated property.

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 services to the area;*

Response: It is a reasonable assumption that revenues from annexation would cover the cost of providing services to the area.

4. *The annexation would be clearly to the city's advantage in controlling the growth and development plans for the area.*

Response: Annexation will allow the City to manage growth and development plans for the area.

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. (Ord. 691 § 1, 1999; Ord. 634 § 1 Exh. A, 1995)*

Response: The proposal is consistent with the provisions of the Scappoose Comprehensive Plan, as previously discussed. The annexation does not decrease the ability of the City to provide services and does not cause an unreasonable disruption of the current City boundary. Therefore, city policy supports annexation of the subject properties.

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: The subject properties are already served by the Scappoose Fire District, School District, and Police. Public water, sewer and storm is available with sufficient capacity adjacent to the site in the SE Elm Street right-of-way. The subject properties already have electric and internet service. This criterion is met.

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: As discussed previously, the proposed annexation will have a minimal impact on the capacity of public service providers as the site is already being served by several of these providers as well as the local road system. No additional development is proposed at this time that would generate additional demand for services. This criterion is met.

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

Response: Based on the City's 2022 Housing Capacity Analysis, there is a need for additional housing in the area. Although additional housing on the subject properties is not proposed at this time, annexation into the City would allow for further partition and/or addition of new dwelling units under R-1 zoning, and potentially more in the future were the appropriate infrastructure developed to support a zone change to a denser residential land use designation. Additionally, annexation will alleviate the health hazard posed by the failing septic system on Lot 3100, and avoid the potential future failure of the septic system on Lot 3000 by allowing connection to City's sewer system. This criterion is met.

4. *The location of the site in relation to efficient provision of public facilities, services, transportation, energy conservation, urbanization and social impacts. (Ord. 691 § 1, 1999; Ord. 634 § 1 Exh. A, 1995)*

Response: This site is contiguous to the existing City limits along its northern, southern, western and eastern boundaries. The Scappoose Fire District, Police and School District are already serving the subject properties. The site is also already being served by the local road system. Therefore, the location of the site is conducive to efficient provision of services upon annexation. This criterion is met.

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.

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

(Ord. 816 § 12, 2011; Ord. 691 § 1, 1999)

Response: Both subject properties have a Comprehensive Plan designation of SR, Suburban Residential. Upon annexation, the sites would automatically be zoned R-1. This criterion is met.

17.152 Land Division – Major and Minor Land Partitions and Property Line Adjustment

17.152.030 General Provisions.

Note: Only proposed Lots 1 and 2 are addressed in this section. There is no partition proposed for Lot 3100.

A. An application for a major or minor partition shall be processed through a two-step process: (1) the tentative plan, and (2) the final plat:

- 1. The tentative plan for a major partition shall be approved by the planning commission before the final plat can be submitted for approval consideration; the tentative plan for a minor partition shall be approved by the planner before the final plat can be submitted for approval consideration; and*
- 2. The final plat shall reflect all conditions of approval of the tentative plan.*

Response: The proposed minor partition will follow the two-step process described above through submittal of a preliminary plat for consideration by planning commission and then a final plat reflecting all conditions of approval for the tentative plan.

B. All partition and property line adjustment proposals shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.



Response: The proposed partition conforms with all regulations set forth in ORS Chapter 92, Subdivisions and Partitions. This criterion is met.

C. When partitioning tracts into large lots, the approval authority shall require that the lots be of such size and shape as to facilitate future redivision in accordance with the requirements of the zoning district and this title.

Response: The size and shape of the partitioned lots are such that Lot 1 could be further partitioned under current zoning, assuming creation of a new flag lot or access via flag lot 3100 were to be allowed.

D. Where landfill and/or development is allowed within the floodway fringe, the city may require the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain.

Response: The subject properties are not within the floodway fringe. This criterion is not applicable.

E. All partition proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

Response: The subject properties are not within the floodplain or floodway fringe. All new utilities and frontage improvements will be constructed per Scappoose's PWDS and thus will minimize flood damage. This criterion is met.

F. All partition proposals shall have adequate drainage provided to reduce exposure to flood damage.

Response: There are no known drainage issues on the subject property, and no grading or additional development is proposed that would increase risk of flood damage. Frontage improvements will be constructed per PWDS standards to direct runoff from impervious surfaces (sidewalk and travel lanes) into the proposed relocated stormwater catch basin on the south side of SE Elm Street (see Sheet C-3 – Frontage Improvement Plan).

G. All land partition proposals shall include neighborhood circulation plans that conceptualize future street plans and lot patterns to parcels within five hundred feet of the subject site. Circulation plans address future vehicular/bicycle/pedestrian transportation systems including bike lanes, sidewalks, bicycle/pedestrian paths and destination points. A circulation plan is conceptual in that its adoption does not establish a precise alignment. An applicant for a partition is required to submit a circulation plan unless the applicant demonstrates to the planner one of the following:

- 1. An existing street or proposed new street need not continue beyond the land to be divided in order to complete or extend an appropriate street system or to provide access to adjacent parcels within five hundred feet of the proposed development; or*
- 2. The proposed street layout is consistent with a street pattern adopted as part of the city's transportation system plan, or a previously adopted circulation plan. (Ord. 828, 2013; Ord. 711 § 1 Exh. A, 2001; Ord. 634 § 1 Exh. A, 1995)*

Response: The subject property proposed for partition is adequately served by SE Elm Street and would not require new streets for future development.

17.152.070 Partition approval criteria.

Note: Only proposed Lots 1 and 2 are addressed in this section. There is no partition proposed for Lot 3100.

A request to partition land shall meet all of the following criteria:

- The proposed partition complies with all statutory and ordinance requirements and regulations;*

Response: The proposed partition complies with all statutory and ordinance requirements and regulations, including Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR).

B. Adequate public facilities are available to serve the proposal;

Response: As described in response to Section 17.22, there are adequate public facilities to serve the proposed partition.

It has been determined that there is sufficient capacity in sewer, water, street, school, police and fire systems to service the potential additional populace. The subject properties are already served by the Scappoose Rural Fire Protection District and Scappoose School District. There is public water, sewer and storm available for connection, per the description below, in SE Elm Street, adjacent to the subject properties. The adjacent right-of-way will be improved to City's Neighborhood Route standard. The properties are already served by the local street system. The proposed annexation and zone change would not increase the density of existing development on the subject properties.

Storm: There is an existing 24" storm system along the SE Elm Street frontage and two catch basins on the southside of SE Elm Street. As the subject properties are already developed there will be no additional contributions to the stormwater systems apart from what is redirected from the public right-of-way after construction of the new curb and sidewalk. As part of the frontage improvements the applicant will relocate and build a new catch basin to current PWDS.

Sewer: There is an existing 15" PVC sewer line along the frontage that conveys flows to the west and then north on Tussing Way toward E Columbia Ave. According to input from the City Engineer, this line has enough depth for all lots to be able to convey their flow in accordance with PWDS and Oregon Plumbing Specialty Code (OPSC).

Water: There is an existing 8" cast iron waterline along frontage the south side of the street and is available for all three lots to connect to.

This criterion is met.

C. All proposed lots conform to the size and dimensional requirements of this title; and

Response: Proposed lots 1 and 2 conform to the size and dimensional requirement of this title, as described in response to section 17.44 Low Density Residential (R-1). This criterion is met.

D. All proposed improvements meet city and applicable agency standards.

Response: All proposed improvement shave been designed to meet Title 17 criteria as well as Public Works Design Standards. This criterion is met.

E. Streets or roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects, including conformance with submitted neighborhood circulation plans, unless the city determines it is in the public interest to modify the street or road pattern. (Ord. 711 § 1 Exh. A, 2001; Ord. 634 § 1 Exh. A, 1995)

Response: The subject property proposed for partition is adequately served by SE Elm Street and would not require new streets for future development.

17.152.080 Special provisions for lots created through partition process.

Note: Only proposed Lots 1 and 2 are addressed in this section. There is no partition proposed for Lot 3100.

A. The minimum width of the building envelope area shall meet the lot requirement of the applicable zoning district.

Response: See Sheet C-2 – Proposed Conditions Plan. Proposed lots 1 and 2 are 80.4 and 74.1 feet wide, respectively, exceeding the minimum of 50 feet in the R-1 zone. This criterion is met.



B. The lot area shall be as required by the applicable zoning district. In the case of a flag lot, the accessway may not be included in the lot area calculation.

Response: See Sheet C-2 – Proposed Conditions Plan. Proposed new lots 1 and 2 will be 24,503 and 6,500 square feet, respectively. Therefore, they both meet the minimum lot size of 6,000 square feet in the proposed R-1 zone. This criterion is met.

C. Each lot created through the partition process shall front a public right-of-way as specified by the zoning designation. All flag lots shall be considered to be major variances and shall be subject to planning commission review and approval.

Response: The proposed new lots 1 and 2 both have frontage on the SE Elm Street right-of-way. This criterion is met.

D. Setbacks shall be as required by the applicable zoning district.

Response: See Sheet C-2 – Proposed Conditions Plan.

Proposed Lot 1 will have a front setback of 23.1 feet (exceeding the 20-foot minimum), side setbacks of 19.5 and 8.3 feet (totaling 27.8 feet, more than the 15-foot minimum, with one exceeding 10 feet), and a rear setback of 147 feet (exceeding the 20-foot minimum). The detached garage has side setbacks of 36.5 and 88.0 feet (exceeding the 5-foot minimum for accessory structures) and a rear setback of 7 feet (exceeding the 5-foot minimum for accessory structures).

Proposed Lot 2 will have a front setback of 16.8 feet after the required dedication of 10 feet of frontage to SE Elm Street public right-of-way. This substandard setback is deemed acceptable as it allows for the development of a full 60-foot-wide street section per the City's TSP and public works design standards. Proposed Lot 2 will have side setbacks of 10.4 and 15.4 feet, and a rear setback of 39.2 feet. These also exceed the minimum requirements in the R-1 zone. This criterion is met.

E. When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that no side yard is less than ten feet. Structures shall generally be located so as to maximize separation from existing structures.

Response: There are no flag lots proposed to be partitioned or proposed to be created by a partition. This criterion is not applicable.

F. Screening to the standards included in Section 17.100.090, may be required along the property line of a lot of record where the paved drive of an accessway is located within ten feet of an abutting lot. Screening to the standards included in Section 17.100.090 may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.

Response: The existing driveway on the proposed Lot 1 is setback 5 feet from the western property line. There is a fence on the adjacent lot to the west that screens the driveway from view. This criterion is met.

G. The Scappoose fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on firefighting capabilities and may require provision of an emergency vehicle turnaround.

Response: The proposed partition will not increase the length of existing accessways and will not have a detrimental effect on firefighting capabilities, as the subject properties are already served by the Scappoose Fire District.

H. No greater than three single-family detached dwelling units may be served by a common drive. Use of a common drive for access to more than three dwelling units other than single-family detached may be required and shall be subject to the approval of the planner, public works director and the planning commission. Where a common drive is to be provided, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.

Response: See Sheet C-2 – Proposed Conditions Plan and Exhibit A – Preliminary Plat. It is proposed that there be a shared driveway between lot 3100 and the new (eastern) lot created by the partition. An access easement will also be

provided for lot 3000 to continue use of the flag lot driveway to access the existing detached garage to the rear of the main house if one does not already exist. This criterion is met.

I. Any access way shall be paved and shall comply with the standards set forth in public works design standards.

Response: The access ways for proposed Lots 1 and 2 will be paved and will comply with the PWDS standards.

J. Where landfill and/or development is allowed within the floodway fringe, the city may require the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain. (Ord. 634 § 1 Exh. A, 1995)

Response: The subject site is not within the floodway fringe. This criterion is not applicable.

17.154 Street and Utility Improvement Standards

17.154.030 Streets.

A. No development shall occur unless the development has frontage or approved access to a public street:

1. Streets within a development and streets adjacent to a development shall be improved in accordance with this title and the public works design standards and specifications.

Response: See Sheet C-3 – Frontage Improvement Plan. The site's frontage on SE Elm Street will be improved in accordance with PWDS for the Neighborhood Route classification. This criterion is met.

2. Any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this title and the public works design standards and specifications.

Response: See Sheet C-2 – Proposed Conditions Plan. Proposed lots 1 and 2 will dedicate 10 feet of frontage to the SE Elm Street public right-of-way to bring its width up to the standard specified by the City's TSP and PWDS.

[...]

B. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the council for the purpose of general traffic circulation:

[...]

Response: No new right-of-way is proposed. These criteria are not applicable.

[...]

E. The street right-of-way and roadway widths shall not be less than the minimum widths described in the city's public works design standards.

Response: See Sheet C-3 – Frontage Improvement Plan. After dedication of 10 feet of frontage from proposed Lots 1 and 2, the adjacent section of SE Elm Street public right of way will be 60 feet wide and the travel lanes will be 18 feet wide, in accordance with the minimum widths described in the City's PWDS. This criterion is met.

[...]

H. *Concrete vertical curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter and the city's public works design standards. Concrete curbs and driveway approaches are required and shall be built to the city's configuration standards.*

Response: See **Sheet C-3 – Frontage Improvement Plan**. Concrete vertical curbs, curb cuts and driveway approaches will be constructed in accordance with the standards specified in this chapter and the city's PWDS.

[...]

P. *Joint mailbox facilities shall be provided in all residential developments, with each joint mailbox serving at least two dwelling units.*

1. *Joint mailbox structures shall be placed adjacent to roadway curbs and shall comply with provisions of the Americans with Disabilities Act and implementing federal and state regulations;*
2. *Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan, and shall be approved by the U.S. Post Office prior to plan approval; and*
3. *Plans for the joint mailbox structures to be used shall be submitted for approval by the planner prior to final approval.*

Response: See **Sheet C-3 – Frontage Improvement Plan**. A joint mailbox structure will be placed within the right-of-way, with the exact location to be determined pending approval by USPS. This criterion is met.

[...]

R. *Street lights shall be installed in accordance with the city's public works design standards.*

Response: See **Sheet C-3 – Frontage Improvement Plan**. One new streetlight will be installed in the new planting strip just west of the access drive for proposed Lot 2, in accordance with the City's PWDS. This criterion is met.

S. *A Transportation Impact Study (TIS) must be submitted with a land use application if the conditions in (1) or (2) apply in order to determine whether conditions are needed to protect and minimize impacts to transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.*

1. *Applicability - TIS letter.* A TIS letter shall be required to be submitted with a land use application to document the expected vehicle trip generation of the proposal. The expected number of trips shall be documented in both total peak hour trips and total daily trips. Trip generation shall be estimated for the proposed project using the latest edition of the Institute of Engineers Trip Generation Manual or, when verified with the City prior to use, trip generation surveys conducted at similar facilities.
2. *Applicability - TIS report.* A TIS report shall be required to be submitted with a land use application if the proposal is expected to involve one or more of the following:
 - a. *The proposed development would generate more than 10 peak hour trips or more than 100 daily trips.*
 - b. *The proposal is immediately adjacent to an intersection that is functioning at a poor level of service, as determined by the city engineer.*
 - c. *A new direct approach to US 30 is proposed.*
 - d. *A proposed development or land use action that the road authority states may contribute to operational or safety concerns on its facility(ies).*
 - e. *An amendment to the Scappoose Comprehensive Plan or Zoning Map is proposed.*

3. *Consistent with the city's Traffic Impact Study (TIS) Guidelines, the city engineer will determine the project study area, intersections for analysis, scenarios to be evaluated and any other pertinent information concerning the study and what must be addressed in either a TIS letter or a TIS report.*
4. *Approval Criteria. When a TIS Letter or Report is required, a proposal is subject to the following criteria:*
 - a. The TIS addresses the applicable elements identified by the city engineer, consistent with the Traffic Impact Study Guidelines;*
 - b. The TIS demonstrates that adequate transportation facilities exist to serve the proposed development or, in the case of a TIS report, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the city engineer and, when state highway facilities are affected, to ODOT;*
 - c. For affected non-highway facilities, the TIS report establishes that mobility standards adopted by the city have been met; and*
 - d. Proposed public improvements are designed and will be constructed consistent with Public Works Design Standards and access standards in the Transportation System Plan.*

Response: The proposed annexation, zone change and partition are not expected to generate any new trips as the properties are already developed. Although an amendment to the Scappoose Zoning Map is proposed, it does not change the level of traffic anticipated by the Comprehensive Plan designation and Transportation System Plan functional classification of SE Elm Street. Therefore, a TIS report should not be required.

[...]

17.154.050 Easements.

A. *Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.*

Response: See Sheet C-2 – Proposed Conditions Plan (keynote 16). An 8-foot-wide PUD easement along the SE Elm Street frontage of the subject properties will be dedicated/provided for in the deed restriction. This criterion is met.

B. *A property owner proposing a development shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. (Ord. 634 § 1 Exh. A, 1995)*

Response: The property owners will make arrangements for utility franchises and dedication of utility easements. This criterion is met.

17.154.070 Sidewalks.

A. *Sidewalks are required and shall be constructed, replaced or repaired in accordance with the city's public works design standards.*

Response: See Sheet C-3 – Frontage Improvement Plan. New 6-foot-wide sidewalks will be constructed in accordance with PWDS specifications for a Neighborhood Collector.

B. *Maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.*

Response: It is understood that maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.



[...]

17.154.090 Sanitary sewers.

- A. *Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth by the city's public works design standards and the adopted policies of the comprehensive plan.*
- B. *The public works director shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.*
- C. *Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan and the wastewater treatment facility plan and potential flow upstream in the sewer sub-basin.*
- D. *Applications shall be denied by the approval authority where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system. (Ord. 634 § 1 Exh. A, 1995)*

Response: See Sheet C-3 – Frontage Improvement Plan. New sewer laterals will be installed for each lot and connected to the existing sanitary sewer main in SE Elm Street in accordance with the city's PWDS and comprehensive plan. This criterion is met.

17.154.100 Storm drainage.

- A. *The planner and public works director shall issue permits only where adequate provisions for stormwater and floodwater runoff have been made, and:*
 - 1. *The stormwater drainage system shall be separate and independent of any sanitary sewerage system.*
 - 2. *Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street.*
 - 3. *Surface water drainage patterns shall be shown on every development proposal plan.*
 - 4. *All stormwater analysis and calculations shall be submitted with proposed plans for public works directors review and approval.*
 - 5. *All stormwater construction materials shall be subject to approval of the public works director.*
- B. *Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.*
- C. *A culvert or other drainage facility shall, and in each case be, large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The public works director shall determine the necessary size of the facility.*
- D. *Where it is anticipated by the public works director that the additional runoff resulting from the development will overload an existing drainage facility, the planner and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development. (Ord. 634 § 1 Exh. A, 1995)*

Response: See Sheet C-3 – Frontage Improvement Plan. The subject properties are not traversed by a watercourse, drainageway, channel or stream. As the subject properties are already developed, there will not be a significant addition

of stormwater to the public storm system. Runoff from newly paved areas will be directed toward a relocated catch basin on the south side of SE Elm Street, just north of the access drive for proposed Lot 2.

17.154.105 Water system.

The planner and public works director shall issue permits only where provisions for municipal water system extensions have been made, and:

- A. Any water system extension shall be designed in compliance with the comprehensive plan existing water system plans.*
- B. Extensions shall be made in such a manner as to provide for adequate flow and gridding of the system.*
- C. The public works director shall approve all water system construction materials. (Ord. 634 § 1 Exh. A, 1995)*

Response: See Sheet C-3 – Frontage Improvement Plan. It is proposed that water service be extended to the two new parcels (lot 1 and lot 2) by connecting to the existing public water main in SE Elm Street via new 1" laterals with $\frac{3}{4}$ " water meters. Lot 3100 will continue to use its existing well as a water source.

[...]

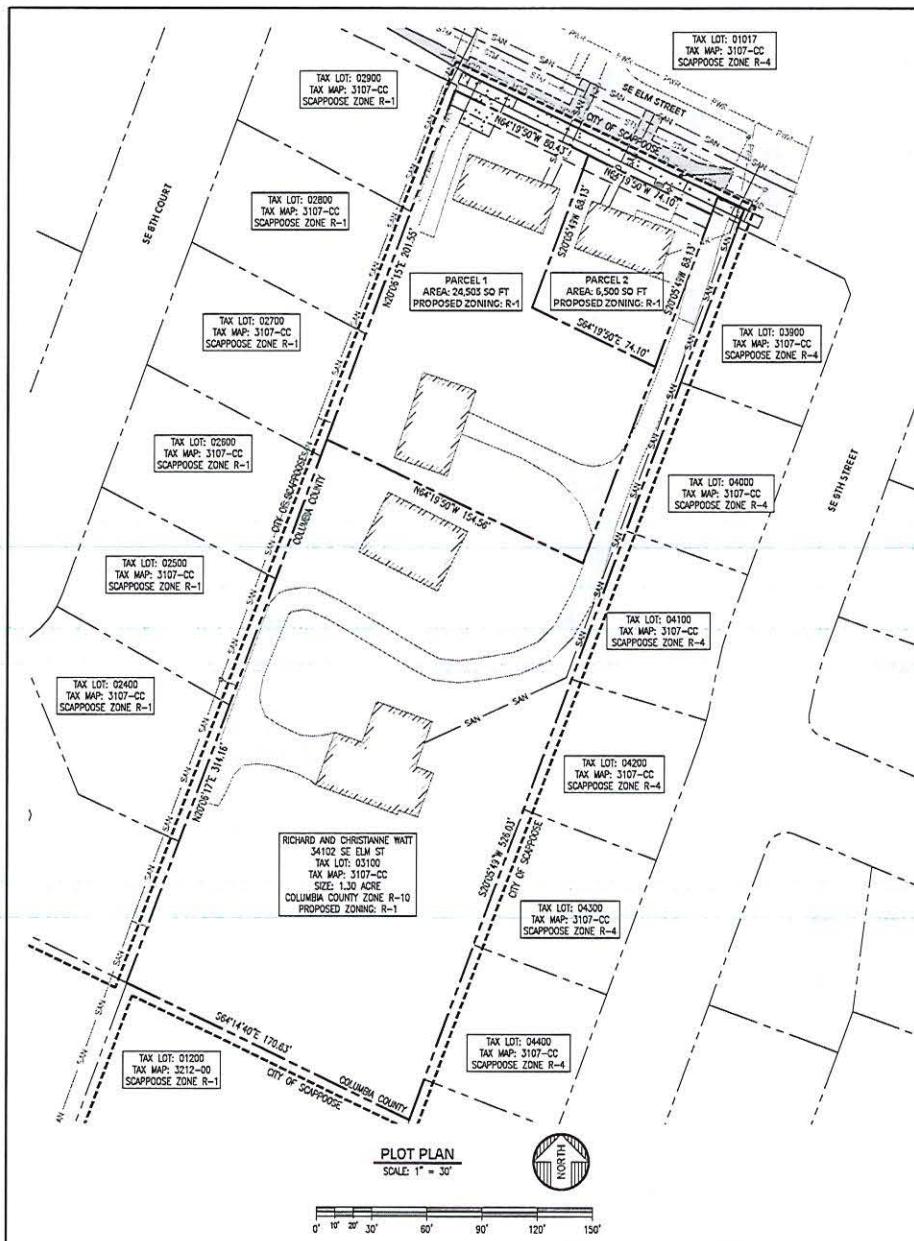
17.154.120 Utilities.

A. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at fifty thousand volts or above, and:

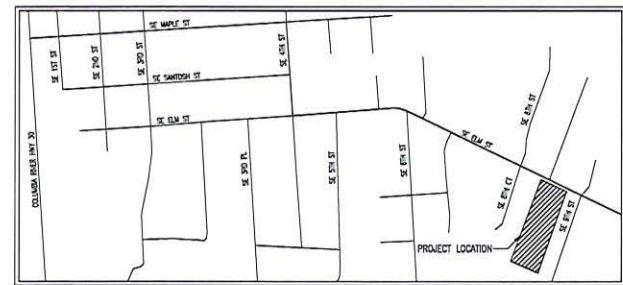
- 1. The applicant shall make all necessary arrangements with the serving utility to provide the underground services;*
- 2. The city reserves the right to approve location of all surface mounted facilities;*
- 3. All underground utilities, including sanitary sewers, water lines, and storm drains installed in streets by the applicant, shall be constructed prior to the surfacing of the streets; and*
- 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*

Response: Both subject properties already have internet and electric service. New underground utility service connections to water and sewer will be made as part of this proposal, but no stubs are required.

[...]



ELM STREET
PARTITION AND ANNEXATION
34094 & 34102 SE ELM ST
SCAPPOOSE, OR 97056
BRAD HENDRICKSON



VICINITY MAP

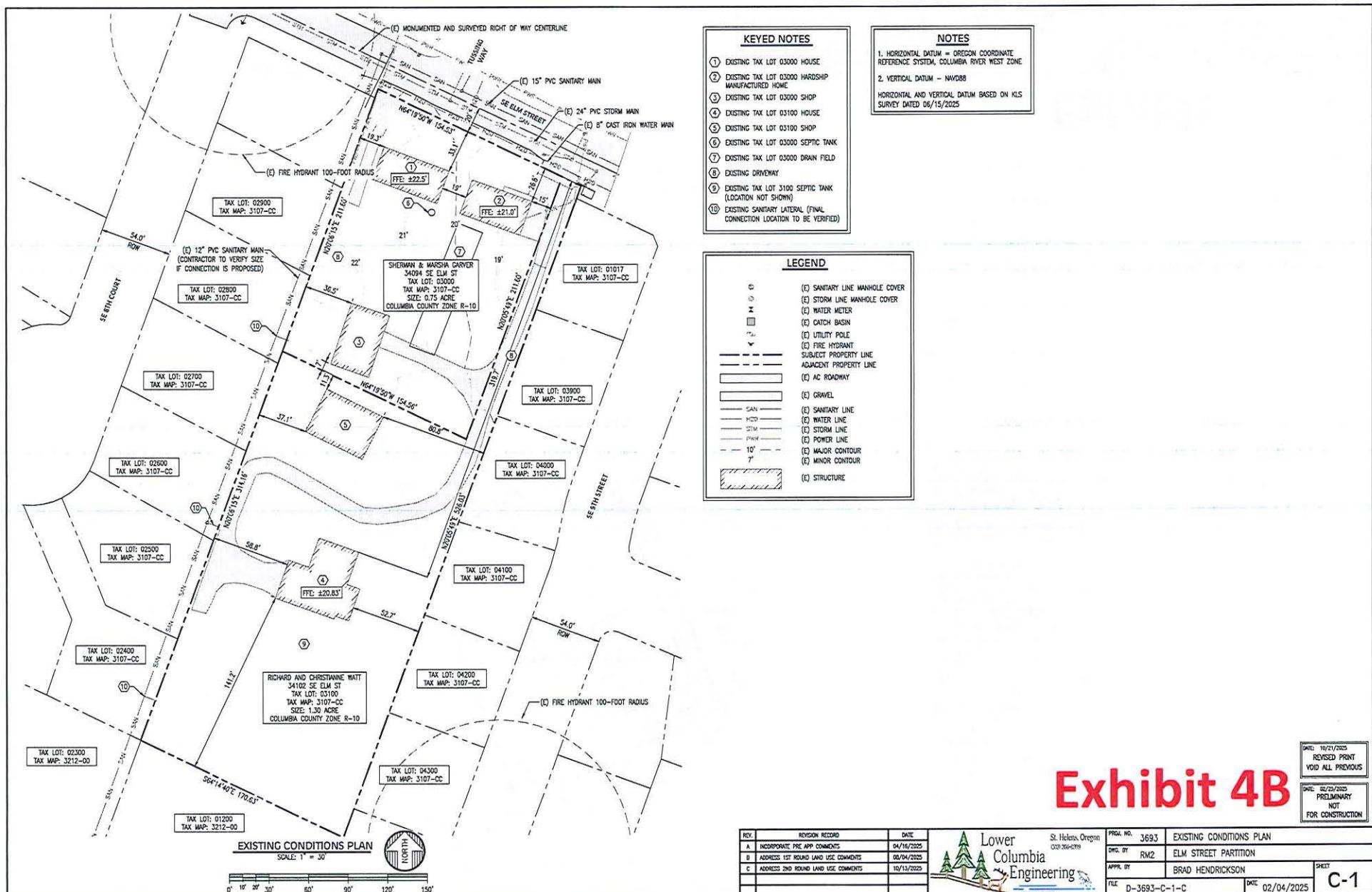
MASTER LEGEND

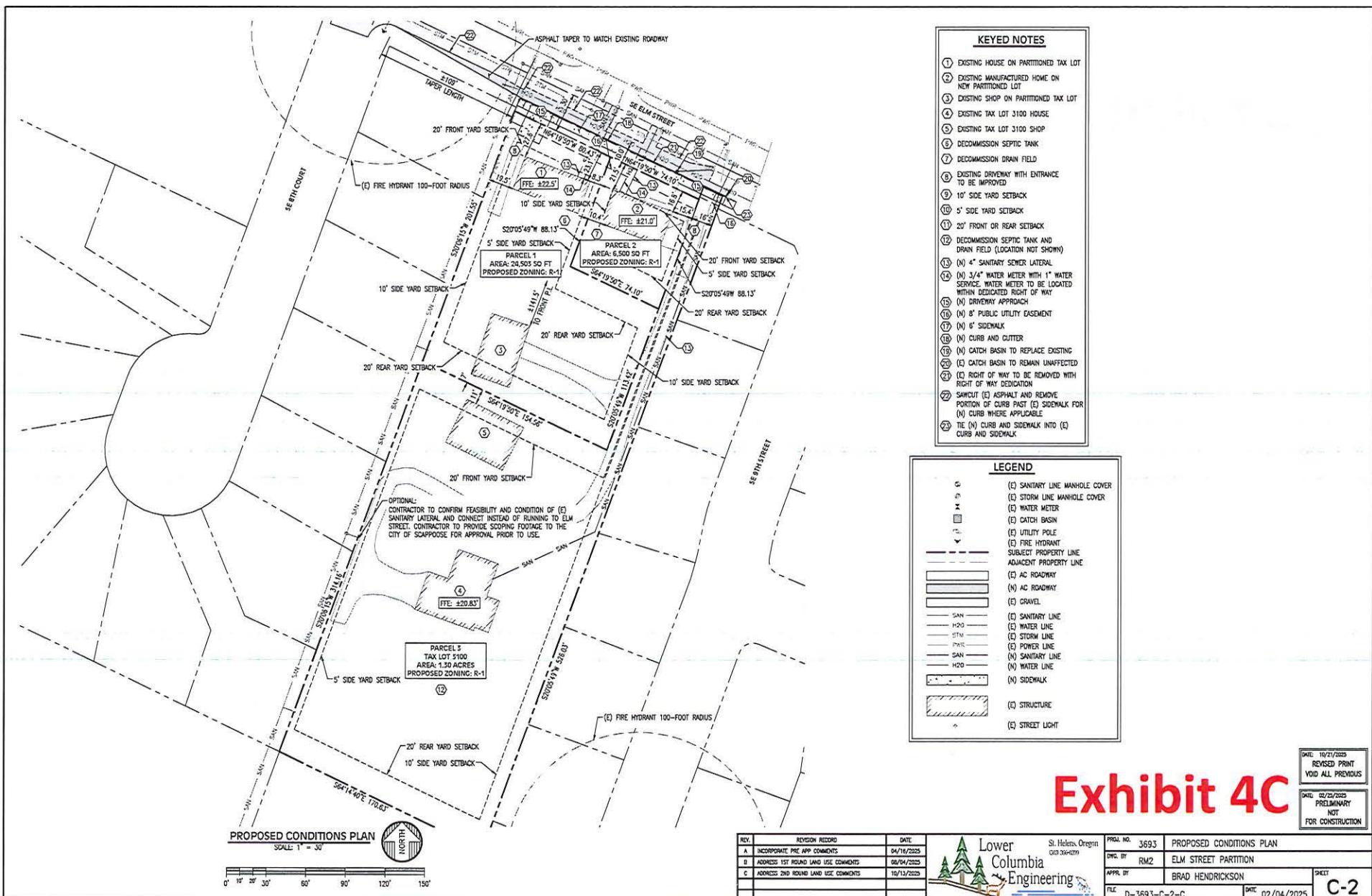
— — — — —	SUBJECT PROPERTY LINE
— - - - -	ADJACENT PROPERTY LINE
— — — — —	CITY LIMITS (OFFSET FOR CLARITY)
— — — — —	(E) AC ROADWAY
— — — — —	(E) GRAVEL
— — — — —	(N) AC ROADWAY
— — — — —	(N) CONCRETE
— — — — —	(N) SANITARY LINE
— — — — —	(N) WATER LINE
— — — — —	(E) SANITARY LINE
— — — — —	(E) WATER LINE
— — — — —	(E) STORM LINE
— — — — —	(E) POWER LINE
— — — — —	(N) PUBLIC UTILITY EASEMENT
— — — — —	(E) MAJOR CONTOUR
— — — — —	(E) MINOR CONTOUR
— — — — —	(E) STRUCTURE
— — — — —	ZONING SETBACK LINE

DRAWING INDEX	
SHEET	DESCRIPTION
GENERAL	
C-1	COVER SHEET
CIVIL	
C-1	EXISTING CONDITIONS PLAN
C-2	PROPOSED CONDITIONS PLAN
C-3	FRONTCAGE IMPROVEMENT PLAN
DETAILS	
D-1	STANDARD DETAILS

Exhibit 4A

REV.	REVISION RECORD	DATE	St. Helens, Oregon Q30-306-0709	PROJ. NO.	3693	COVER SHEET
A	INCORPORATE PRE APP COMMENTS	04/16/2025	 Lower Columbia Engineering	DWG. BY	RM2	ELM STREET PARTITION
B	ADDRESS 1ST ROUND LAND USE COMMENTS	08/04/2025		APPRV. BY	BRAD HENDRICKSON	
C	ADDRESS 2ND ROUND LAND USE COMMENTS	10/13/2025		FILE	D-3693-6-1-C	





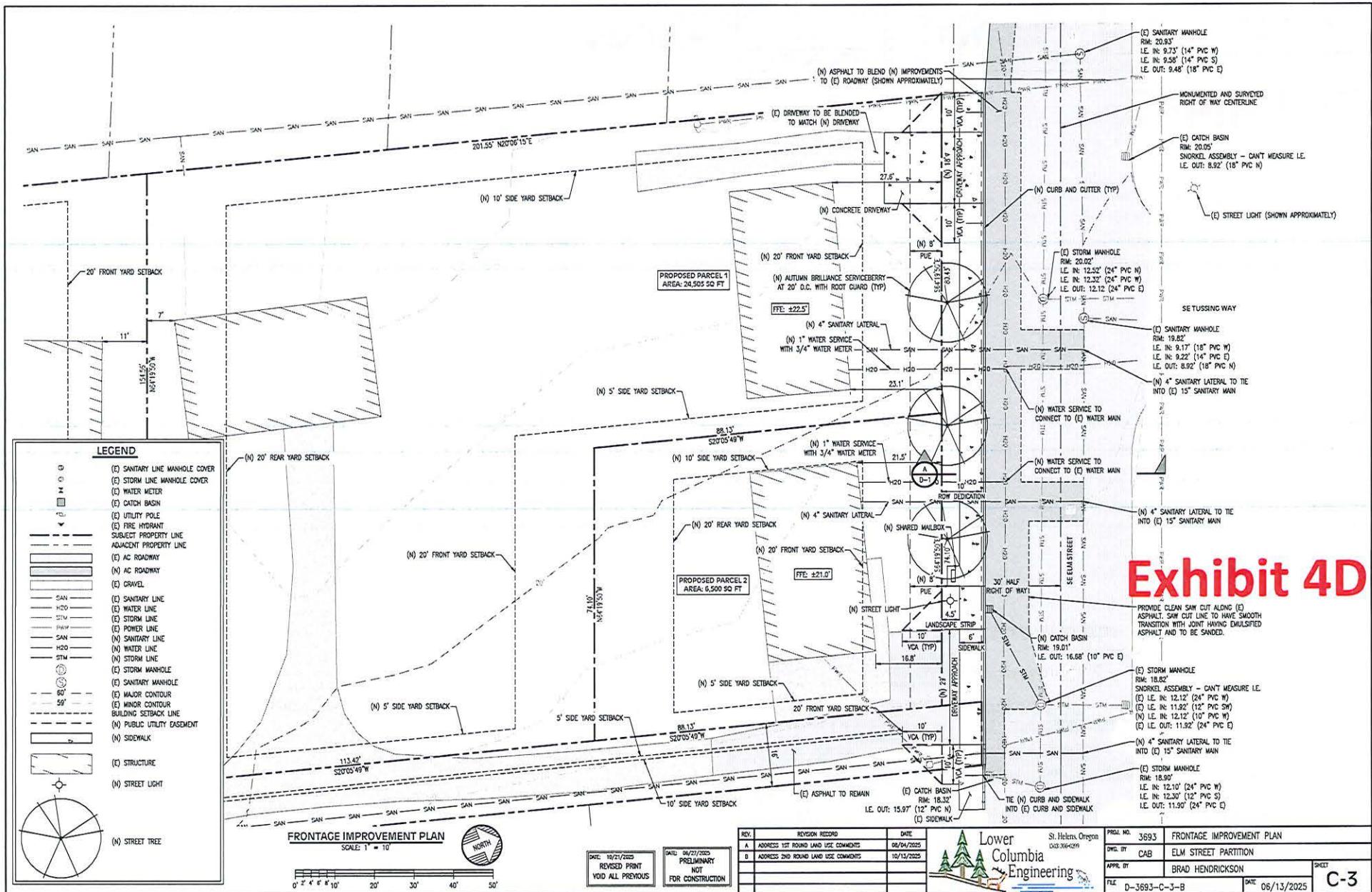


Exhibit 4D

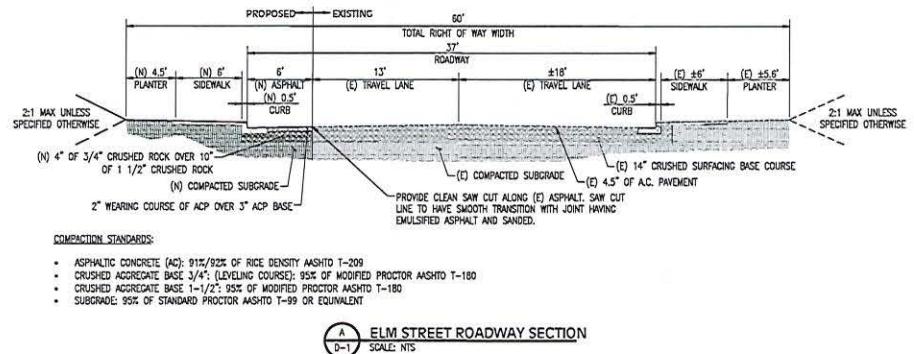


Exhibit 4E

DATE: 10/21/2020
REVISED PRINT
VOID ALL PREVIOUS

100



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St. Helens, Or.

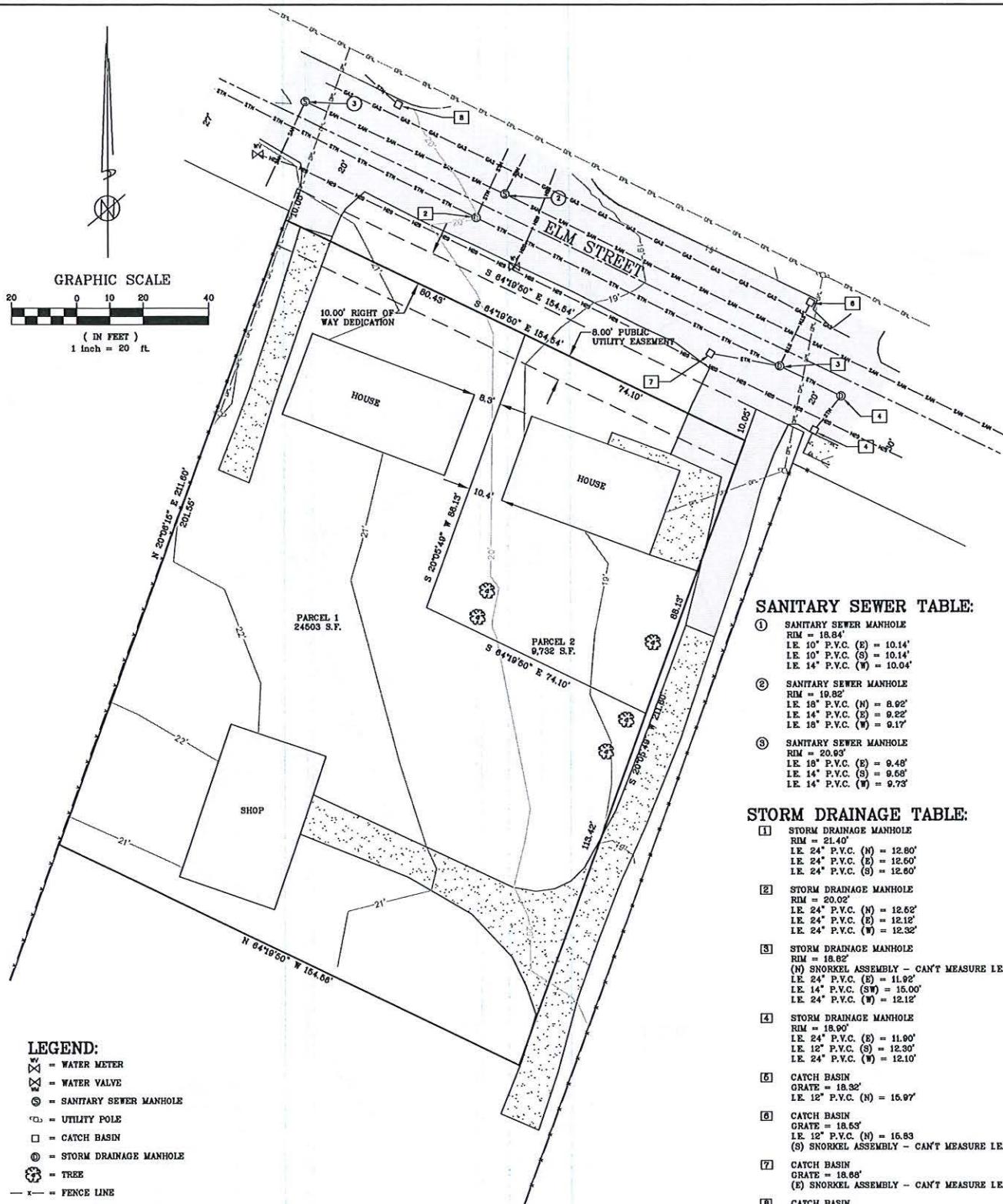


Exhibit 4F

REGISTERED PROFESSIONAL LAND SURVEYOR	TOPOGRAPHIC SURVEY FOR	
BRAD HENDRICKSON		
IN THE SW 1/4 OF SECTION 7, T3N, R1W, W.M.		
K.L.S. SURVEYING INC.	COLUMBIA COUNTY, OREGON	
1224 ELM STREET VENNDALE, OREGON 97064 (503) 429-6115	SCALE 1" = 20' JUNE 7, 2025	
DRAWN BY BHM	FIELD BY BMR/DDR	EQUIPMENT: FOCUS350
		JOB No. 25-155
		PROJECT No. 25-155
		REVISED: 6/15/2025

PARTITION PLAT NO. _____
 INSTRUMENT NO. _____
 IN THE SW 1/4 OF SECTION 7,
 T3N, R1W, W.M.,
 COLUMBIA COUNTY, OREGON
 JUNE 11, 2025



NARRATIVE:

-THIS SURVEY WAS COMPLETED AT THE REQUEST OF BRAD HENDRICKSON TO MONUMENT A PARTITION OF THAT TRACT OF LAND DESCRIBED IN CLERKS INSTRUMENT NO. 1993-5273 COLUMBIA COUNTY DEED RECORDS.

-THE BASIS OF BEARINGS IS OREGON COORDINATE REFERENCE SYSTEM COLUMBIA RIVER WEST ZONE, NAD83 (2011) EPOCH 2010.00.

-FOR CONTROL I HELD THE MONUMENTS AS NOTED IN THE MONUMENT NOTES.

SE ELM STREET:
-I HELD MONUMENTS 3105, 1820, & 1821 FOR THE CENTERLINE. RIGHT OF WAY WIDTH VARIES.

INSTRUMENT NO. 1993-5273:
-I HELD MONUMENTS 1810 & 1998 FOR THE NE AND SE CORNERS. I HELD MONUMENTS 1998 & 1815 FOR THE SOUTH LINE. I HELD MONUMENTS 1815 & 1818 FOR THE WEST LINE. I HELD MONUMENTS 1818 & 1810 FOR THE NORTH LINE.

INSTRUMENT NO. 2025-00897:
-I ESTABLISHED THE MOST NORTHERLY NORTHWEST CORNER AT THE DEEDED DISTANCE [16.00'] NORTHWESTERLY FROM MONUMENT NO. 1810. I ESTABLISHED THE MOST SOUTHERLY NORTHWEST CORNER PARALLEL WITH THE SOUTHEAST LINE OF THE WATT TRACT AT THE DEEDED DISTANCE OF [21.60']. I ESTABLISHED THE MOST WESTERLY NORTHWEST CORNER PARALLEL WITH THE CENTERLINE OF SE ELM STREET AT THE DEEDED DISTANCE [154.00'] WHICH I EXTENDED TO BE ON THE EAST LINE OF ELM CROSSING.

MONUMENT NOTES:

[1809] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "RAJ LS 2725" PER CASCADE MEADOW, (HELD)

[1810] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "RAJ LS 2725" PER CS NO. 5175, (HELD)

[1811] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "RAJ LS 2725" PER CASCADE MEADOW, (HELD)

[1812] FOUND A 5/8" IRON ROD WITH AN ILLEGIBLE Y.P.C., UP 0.20' PER CASCADE MEADOW, (HELD)

[1813] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "RAJ LS 2725" PER CASCADE MEADOW, (HELD)

[1815] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "BRADY 1869" PER A 1997 UNRECORDED SURVEY AS NOTED ON ELM CROSSING, (HELD)

[1818] FOUND A 1/2" IRON PIPE PER CS NO. 377, (HELD)

[1819] FOUND A 5/8" IRON ROD WITH AN ILLEGIBLE Y.P.C. IN CONCRETE AT A FENCE CORNER PER ELM CROSSING, (HELD)

[1820] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "RAJ LS 2725" INSIDE A MONUMENT BOX PER TUSSING, (HELD)

[1821] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "RAJ LS 2725" INSIDE A MONUMENT BOX PER CASCADE MEADOW, (HELD)

[1972] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "RAJ LS 2725" PER CASCADE MEADOW, (HELD)

[1998] FOUND A 1/2" IRON PIPE PER CS NO. 377, (HELD)

[1999] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "RAJ LS 2725" PER CASCADE MEADOW, (HELD)

[2670] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "KEENON LAND SERVICES INC." PER ELM CROSSING, (HELD)

[2671] FOUND A 5/8" IRON ROD WITH A Y.P.C. MARKED "KEENON LAND SERVICES INC." PER ELM CROSSING, (HELD)

[3105] FOUND A 5/8" IRON ROD WITH A 2" ALUMINUM CAP MARKED "OTAK INC" PER CHINOOK CROSSING WEST, (HELD)

SURVEYOR'S CERTIFICATE:

1, DONALD D. WALLACE, JR., DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, IN ACCORDANCE WITH ORS CHAPTER 92 PARCELS 1 & 2, IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON, THE BOUNDARY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT BEING A 1/2" IRON PIPE AT THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO SHERMAN R. & MARSHA J. GARVER IN DEED RECORDED AS INSTRUMENT NO. 1993-5273, COLUMBIA COUNTY DEED RECORDS; THENCE SOUTH 20°06'15" WEST ALONG THE WEST LINE OF SAID GARVER TRACT 211.60 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 64°19'50" EAST ALONG THE SOUTH LINE OF SAID GARVER TRACT 154.56 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 20°05'49" EAST ALONG THE EAST LINE OF SAID GARVER TRACT 211.60 FEET TO THE SOUTH RIGHT OF WAY LINE OF SE ELM STREET; THENCE NORTH 64°19'50" WEST ALONG SAID SOUTH LINE 154.54 FEET TO THE INITIAL POINT.

PARTITION PLAT NO. _____

INSTRUMENT NO. _____

IN THE SW 1/4 OF SECTION 7,

T3N, R1W, W.M.,

COLUMBIA COUNTY, OREGON

JUNE 11, 2025

COLUMBIA COUNTY APPROVALS:

APPROVED THIS ____ DAY OF _____, 20_____
COLUMBIA COUNTY PLANNING DEPARTMENT

BY _____

APPROVED THIS ____ DAY OF _____, 20_____
COLUMBIA COUNTY SURVEYOR

BY _____

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY
ORS 92.095 HAVE BEEN PAID AS OF THIS ____ DAY OF _____

COLUMBIA COUNTY TAX COLLECTOR

BY _____

STATE OF OREGON)
COUNTY OF COLUMBIA) SS

I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED
FOR RECORD ON THIS ____ DAY OF _____, 20_____, AT
____ O'CLOCK _____ AND RECORDED AS INSTRUMENT NO. _____
AND AS PARTITION PLAT NUMBER _____ COLUMBIA COUNTY RECORDS

BY _____
COLUMBIA COUNTY CLERK

ACKNOWLEDGEMENT:

STATE OF OREGON)
COUNTY OF COLUMBIA) SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
____, 20____ BY SHERMAN R. GARVER & MARSHA J. GARVER

NOTARY SIGNATURE _____

NOTARY PUBLIC - OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES _____

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 19, 1993
DONALD D. WALLACE, JR.
2601
RENEWED 6/30/26



SHEET 2 OF 2

JOB NO. SCAPPoose

DRAWING NAME: 25-151 PP S2

DRAWN BY: OKM

FIELD: SWMJK/DDR

EQUIPMENT: NOMAD/NIKON

REVISED: 6-16-2025

THIS IS A TRUE AND EXACT
DUPLICATE OF THE ORIGINAL
PARTITION PLAT.

Exhibit 5



KLS Surveying Inc.

1224 Alder Street
Vernonia, OR 97064

Phone: (503) 429-6115
Fax: (866) 297-1402
Email: don@klssurveying.com

Exhibit A Annexation description

A tract of land lying in the Southwest quarter of Section 7, Township 3 North, Range 1 West of the Willamette Meridian, Washington County, Oregon being more particularly described as follows:

- Beginning at a point North 211.12 feet and East 206.73 feet from the Southwest corner of said Section 7;
- thence South 64°14'40" East 170.63 feet to the West line of Cascade Meadow, Columbia County Survey Records;
- thence North 20°05'49" East along said West line 526.03 feet to the South line of SE Elm Street;
- thence North 64°19'50" West along said South line 170.54 feet;
- thence South 20°06'15" West 525.76 feet to the point of beginning.

Containing 2.05 acres more or less.

The basis of bearings for this description is Oregon Coordinate Reference System Columbia River West Zone, NAD83 (2011) EPOCH 2010.00.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

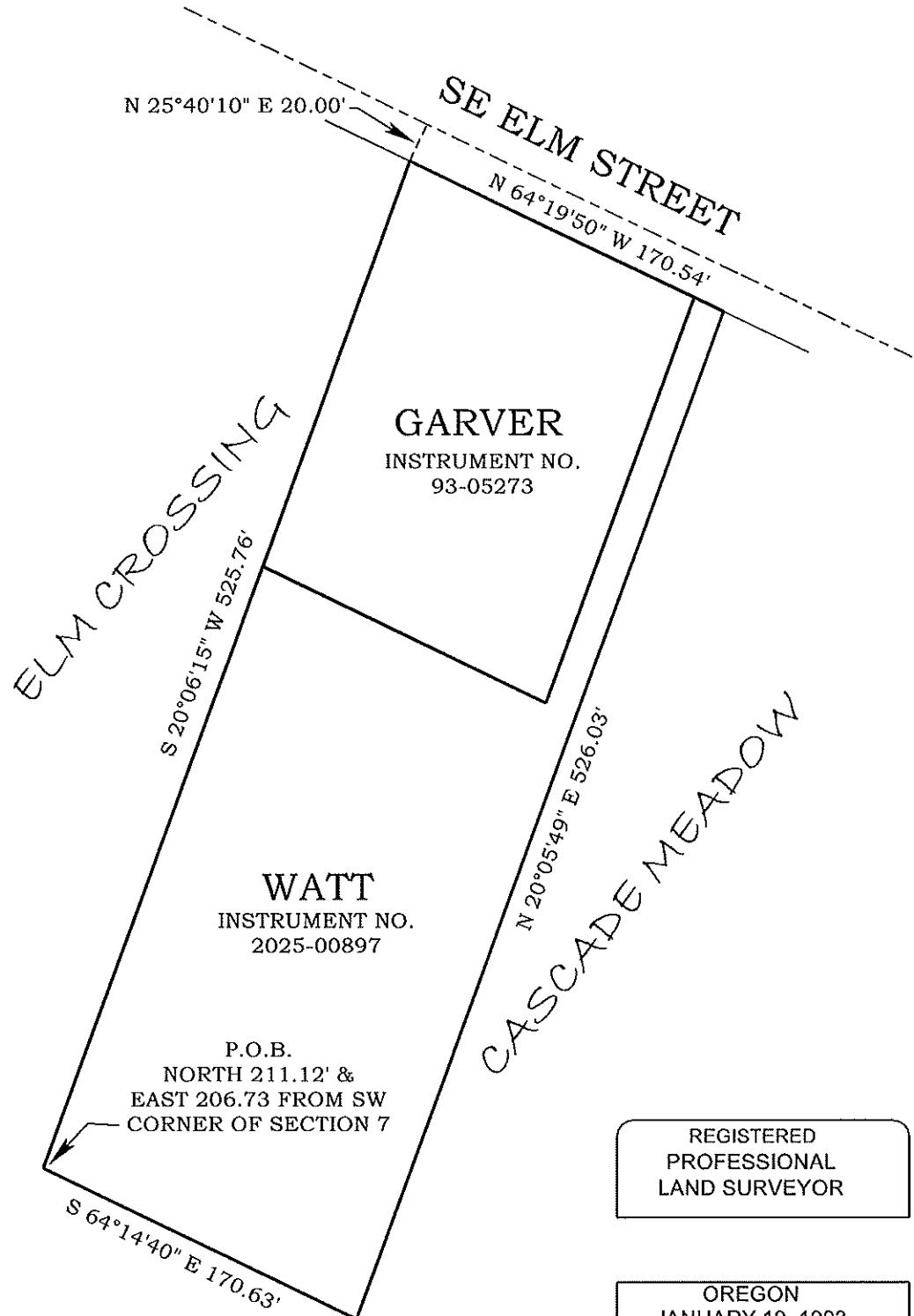
OREGON
JANUARY 19, 1993
DONALD D. WALLACE, JR
2601

RENEWS 6/30/26

EXHIBIT B
ANNEXATION AREA
IN THE SW 1/4 OF SECTION 7,
T3N, R1W, W.M.,
COLUMBIA COUNTY, OREGON

0 80'
80 Ft/In

DWG NO. 25-151 EXHIBIT
JOB NO. SCAPPOOSE
10-15-2025



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 19, 1993
DONALD D WALLACE, JR
2601
RENEWS 6/30/26

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

Exhibit 6

25000187
TICOR TITLE™ 3604

Grantor

Shirley M Beisley Revocable

Living Trust dated April 11, 2012

Grantee

Sherman R. Garver

Marsha J. Garver

After recording Return to

34094 SE Elm St

Scappoose, OR 97056

COLUMBIA COUNTY, OREGON 2025-00892
DEED-AGN
Cntr=1 Pgs=2 GOLSONK 02/21/2025 02:47:01 PM
\$10.00 \$11.00 \$10.00 \$60.00 \$5.00 \$96.00

I, Debbie Klug, County Clerk for Columbia County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Debbie Klug - County Clerk

SHARED DRIVEWAY AGREEMENT

Kathleen Blackburn, Trustee of the Shirley M Beisley Revocable Living Trust dated April 11, 2012, Grantor and existing owner of 34102 SE Elm, Scappoose, OR, further described as:

Beginning at a point North 211.12 feet and East 206.73 feet from the Southwest corner of Section 7, Township 3 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon; and thence South 64°13 1/2' East 170.00 feet to an iron pipe; thence North 20°06' East 525.60 feet to an iron pipe; thence North 64°13 1/2' West 16.0 feet to a point; thence South 20°06' West a distance of 211.60 feet to a point; thence North 64°13 1/2' West a distance of 154 feet to a point; thence South 20°06' West a distance of 314 feet to the point of beginning.

Grants SHERMAN R GARVER and MARSHA J GARVER Grantee and existing owner of 34094 SE Elm St, Scappoose, OR and further described as:

Beginning at a point North 211.12 feet and East 206.73 feet from the Southwest corner of Section 7, Township 3 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon; thence south 64 degrees 13 1/2' East 170.00 feet to an iron pipe; thence North 20 degrees 06' East 525.60 feet to an iron pipe; thence North 64 degrees 13 1/2' West 170 feet to an iron pipe; thence South 20 degrees 06' West 525.60 feet to point of beginning; being a part of William Watts Donation Land Claim.

The right to use existing driveway for ingress and egress access to the shop. In the event 34094 SE Elm St., Scappoose, OR changes ownership, the agreement will terminate.

Grantor

Shirley M Beisley Revocable Living Trust

Dated April 11, 2012

By Kathleen Blackburn Trustee

Kathleen Blackburn, Trustee

Grantee

Sherman R. Garver

Sherman R. Garver

Marsha J. Garver

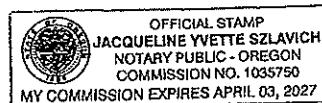
Marsha J. Garver

State of OREGON County of Columbia

This instrument was acknowledged before me on 2-21-25 by Kathleen Blackburn,
Trustee of the Shirley M Beisley Revocable Living Trust dated April 11, 2012.



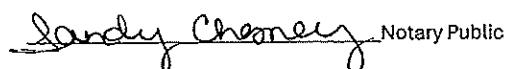
Notary Public



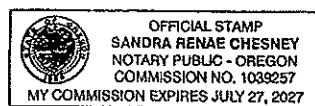
State of Oregon My Commission Expires: 4-3-27

State of OREGON County of Columbia

This instrument was acknowledged before me on 2-20-25 by Sherman R. Garver and
Marsha J. Garver.


Notary Public

State of Oregon My Commission Expires: 7-27-27



**LAND USE ACTION REFERRAL (ANX 1-25, ZC 2-25, MiP 1-25)****November 4, 2025**

RETURN TO: N.J. Johnson by November 18, 2025 via email at njohnson@scappoose.gov. If you have any questions, please call N.J. Johnson at (503) 543-7184, ext. 403.

REGARDING: Sherman & Marsha Garver and Richard & Christianne Watt have requested approval of a consolidated application for Annexation, Zone Change, and Minor Partition to allow for the annexation of the subject site to connect to municipal utilities and a 2-lot partition of Tax Lot 3000. The site is located across two tax lots addressed 34094 and 34102 SE Elm Street, south of the SE Elm Street and SE Tussing Way intersection, on properties described as Columbia County Assessor Map #3107-CC-03000 and #3107-CC-03100.

1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see either our comments (below) or attached letter.
3. We are considering the proposal further and will have comments to you by _____.
4. Our board must meet to consider this; we will return their comments to you by _____.
5. Please contact our office so we may discuss this.
6. We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: _____

Name: DAVE SULKAN

Title: Public Works Director

Signed:

Date: 11/6/2025



SCAPPOOSE
Oregon

11/6/2025

To: N.J. Johnson, Assistant to the City Manager/City Planner
From: Dave Sukau, Public Works Director
Re: ANX 1-25, ZC 2-25, MiP 1-25

Dear N.J.,

I have reviewed the Land Use Action Referral packet and plans for the Annexation, Zone Change and Minor Partition.

The City of Scappoose Public Works has no objection to its approval, provided it meets all criteria set forth in the Scappoose Municipal Codes, Zoning Criteria and the SPWDS.

Sincerely,

Dave Sukau

City of Scappoose, Public Works Dept.



SCAPPOOSE
Oregon

LAND USE ACTION REFERRAL (ANX 1-25, ZC 2-25, MiP 1-25)

November 4, 2025

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2. Please see either our comments (below) or attached letter.
3. We are considering the proposal further and will have comments to you by _____.
4. Our board must meet to consider this; we will return their comments to you by _____.
5. Please contact our office so we may discuss this.
6. We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: _____

Name: Don Vandemeter

Title: Building Official

Signed: Don Vandemeter

Date: 11-10-25



LAND USE ACTION REFERRAL (ANX 1-25, ZC 2-25, MiP 1-25)

November 4, 2025

RETURN TO: N.J. Johnson by November 18, 2025 via email at njohnson@scappoose.gov. If you have any questions, please call N.J. Johnson at (503) 543-7184, ext. 403.

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3. We are considering the proposal further and will have comments to you by _____.
4. Our board must meet to consider this; we will return their comments to you by _____.
5. Please contact our office so we may discuss this.
6. We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: _____

Name: Brandon Stachels

Title: Engineering manager

Signed: Brandon Stachels

Date: 11/10/25



LAND USE ACTION REFERRAL (ANX 1-25, ZC 2-25, MiP 1-25)

November 4, 2025

RETURN TO: N.J. Johnson by November 18, 2025 via email at njohnson@scappoose.gov. If you have any questions, please call N.J. Johnson at (503) 543-7184, ext. 403.

REGARDING: Sherman & Marsha Garver and Richard & Christianne Watt have requested approval of a consolidated application for Annexation, Zone Change, and Minor Partition to allow for the annexation of the subject site to connect to municipal utilities and a 2-lot partition of Tax Lot 3000. The site is located across two tax lots addressed 34094 and 34102 SE Elm Street, south of the SE Elm Street and SE Tussing Way intersection, on properties described as Columbia County Assessor Map #3107-CC-03000 and #3107-CC-03100.

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2. Please see either our comments (below) or attached letter.
3. We are considering the proposal further and will have comments to you by _____.
4. Our board must meet to consider this; we will return their comments to you by _____.
5. Please contact our office so we may discuss this.
6. We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: Columbia County Planning has no comment or concern regarding the proposal to annex.

Name: Kate J. McGuire

Title: Columbia County Planning Director

Signed: K. McGuire

Date: 11/19/2025

RE: Referral Request: Garver & Watt Annexation & Partition

From Grant DeJongh <Grant.DeJongh@columbiacountyor.gov>

Date Tue 12/2/2025 3:27 PM

To N.J. Johnson <njohnson@scappoose.gov>

Cc Chris Negelspanch <cnegelspanch@scappoose.gov>; Laurie Oliver Joseph <loliver@scappoose.gov>; Ryan Wallis <Ryan.Wallis@columbiacountyor.gov>

Good afternoon, N.J.,

Sorry for the delay – today is my first day back in the office, and I am playing catch-up.

Please see the comments for this referral, below:

1. The applicant will need to acquire an access permit for each parcel created through this planning action at the time of construction, per Columbia County Ordinance 2006-4. As all proposed parcels are within the City of Scappoose city limits or urban growth boundary, City of Scappoose approach standards will apply.
2. The applicant will need to improve the frontage along SE Elm Street to City of Scappoose standards, as the frontage is within City of Scappoose city limits or the urban growth boundary. Any work within the right-of-way of SE Elm Street will require a construction permit issued by Columbia County, per Columbia County Ordinance 91-6.

These comments are applicable if the portion of SE Elm Street fronting the subject site is currently a county road and would remain a county road following the annexation of the property. If this is not or would not be a county road following annexation of the property, the City of Scappoose will oversee all street improvements associated with the project and ongoing maintenance of the road. This could change the permitting agency for parcel access and frontage improvements from Columbia County to the City of Scappoose.

Please let me know if you have any questions. Thank you.

-Grant



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