

ORDINANCE NO. 691

AN ORDINANCE AMENDING SCAPPOOSE MUNICIPAL CODE 17.136 REGARDING ANNEXATION IN THE City OF SCAPPOOSE.

THE City OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Scappoose Municipal Code Chapter 17.136, is hereby amended to read:

ANNEXATIONS

17.136.010 Purpose.

The purpose of this chapter is to enact policies relating to annexation and petitions for annexation of property to the City, to determine the process and criteria by which annexations will be reviewed and approved, to provide for City review of all annexation requests for a determination of the availability of facilities and services as related to the proposal, and maximize citizen involvement in the annexation review process.

17.136.020 Policy.

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

A. It is the City's policy to encourage and support annexation where:

1. The annexation complies with the provisions of the Scappoose Comprehensive Plan.
2. The annexation would provide a logical service area, straighten boundaries, eliminate or preclude islands of unincorporated property, and contribute to a clear identification of the City.
3. The annexation would benefit the City by addition to its revenues of an amount that would be at least equal to the cost of providing 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.

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.

17.136.030 Administration and Approval process.

A. The approval process for annexations to the City shall be as

provided in ORS 222.

B. Notwithstanding the statutory provisions regarding whether an election is held as provided by ORS 222.111, 222.120 and 222.170, following approval by the City Council, the City shall submit to the electors of the City any proposal for annexation. This paragraph shall not affect statutory provisions regarding submission of annexation proposals to the electors of the territory to be annexed, or the provisions for health hazard annexations pursuant to ORS 222.840 to 222.915.

C. The application for an annexation required by this chapter shall be filed with the City, including required fees, on forms provided by the City. Upon receipt of a completed request for annexation, the planner shall prepare a staff report and recommendation describing compliance with the policies and criteria required by this and other relevant ordinances, and upon a recommendation to the City Council pertaining to the annexation request The Planning Commission shall hold a public hearing in accordance with the provisions of Chapter 17.162 and shall make a recommendation to the City Council. The City Council shall hold a public hearing in accordance with the provisions of Chapter 17.162. Following the public hearing, the Council shall make a final decision on the annexation request. The final action on a proposed annexation may be approval, approval with modification or denial. If the Council approves an annexation, required by code section 17.136.030 (B), the annexation shall be submitted to the electorate.

D. The City Council's decision is the last discretionary decision in the process. If an election is required, certifying the election after votes are counted is not a discretionary decision. The annexation ordinance shall be effective on the date the election is certified.

E. When an election is required by Section 17.136.030 (B), annexations approved by the Council shall be placed on the ballot at the next available primary or general election, whichever occurs first, unless the applicant has submitted a written request for a special election. Special elections shall occur not less than 90 days from the time of Council approval.

F. At the time of request, applicants submitting a written request for a special election shall be required to pay a deposit equivalent to the cost of the election as estimated by the County Election Clerk. Deposit amounts in excess of actual election costs will be refunded, and deficiencies in deposits must be paid by the applicant within 30 days of the election and prior to issuance of any further permits or approvals.

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; and
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;

3. The need for housing, employment opportunities and livability in the City and surrounding areas;
4. The location of the site in relation to efficient provision of public facilities, services, transportation, energy conservation, urbanization and social impacts.

17.136.050 Application submission requirements.

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

1. Copies of the annexation area, conceptual development plan(s) and necessary data or narrative (number to be determined at the pre application conference), which explains how the annexation conforms to the standards:
 - a. Sheet size for an annexation area, conceptual development plan and required drawings shall not exceed eighteen inches by twenty-four inches, and
 - b. The scale of the required drawings shall be an engineering scale.
2. A list of the names and addresses of all who are property owners of record and whose property is within two hundred feet of the site.

B. The required information may be combined and does not have to be placed on separate maps.

C. The annexation area plan, data and narrative shall include the following:

1. A map to a engineering scale of the area to be annexed which includes the surrounding area;
2. A map of the area to be annexed including adjacent City territory as shown on the Columbia County assessor map;
3. A legal description of the annexation area including a map;
4. A statement of the availability, capaCity and status of existing water, sewer, drainage, transportation, park, police and fire service, and school facilities;
5. A statement of the increased demand for such facilities to be generated by any proposed development within the annexation area; and
6. A conceptual development plan which includes:
 - a. The type of intensities (density) of the proposed land use,
 - b. Transportation corridors,
 - c. Significant natural features, and
 - d. Adjoining land uses.

17.136.060 Annexation initiated by City.

The City Council may initiate an annexation on its own motion. In that event, the standards and procedures of this chapter, including zone change procedures, shall apply as if the annexation was initiated by a property owner, except that no filing fee shall be required.

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	Zoning Classification
SR	R-1, Low Density Residential
GR	R-4, Moderate Density Residential
MH	MH, Manufactured Home Residential
C	Expanded Commercial
I	Light Industrial

17.136.080 Annexation of Non-conforming Uses.

When a non-conforming use (including a billboard) is annexed into the City, the applicant shall provide a schedule for the removal of the non conforming use for the Planning Commission and City Council. At the time of approval of the annexation, the City Council may add conditions to ensure the removal of the non conforming use during a reasonable time period. The time period may vary from one (1) year to ten (10) years at the discretion of the City Council.

Section 2. In support of the above, the City Council hereby adopts the findings, conclusions and recommendations included in the related staff report dated August 26, 1999.

PASSED AND ADOPTED by the City Council this 4th day of October, 1999, and signed by me in authentication of its passage.

City OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: September 20, 1999

Second Reading: October 4, 1999

Attest: 
Donna Gedlich,
City Recorder

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