

ORDINANCE NO. 743

AN ORDINANCE ANNEXING PROPERTY TO THE CITY OF SCAPPOOSE

WHEREAS, an application was filed by Charles and Clara Icenogle to annex property described in Exhibit A attached hereto and incorporated herein to the City of Scappoose; and

WHEREAS, a notice of hearing on the application was given as provided by law and a hearing was held on the application on March 15, 2004, and

WHEREAS, following the hearing, the City Council approved the annexation, and

WHEREAS, pursuant to Section 17 of the Scappoose Municipal Code, the matter must be referred to the voters of the City for approval, now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:


Section 1. The application to annex the property described in Exhibit A is hereby approved, subject to approval by the voters of the City. Pursuant to ORS 222.160, the Exhibit A property will be declared annexed to the City of Scappoose if the Columbia County Elections Officer certifies that the majority of voters in the City approve the measure.

Section 2. Pursuant to Scappoose Municipal Code Chapter 136, annexation of the Exhibit A property will be submitted to Columbia County to be placed on the May 18, 2004 ballot.


Section 3. In support of the above annexation, the City Council held a public hearing on March 15, 2004 and heard testimony from the public and hereby adopts the findings, conclusions and recommendations of the Staff Report dated March 15, 2004, regarding annexation of property located at 34140 SE Elm (Tax Map No. 3118-000-00600).

Passed and adopted by the City Council this 19th day of April, 2004 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: April 5, 2004
Second Reading: April 19, 2004

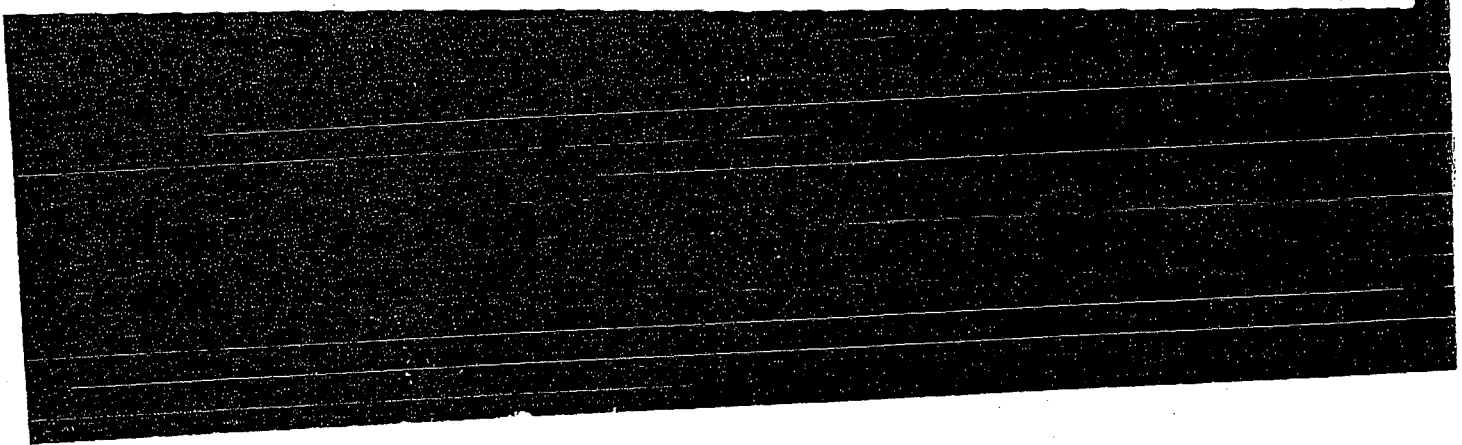
Attest:

Susan Pentecost, City Recorder

Beginning at a point which is North 211.12 feet and East 206.73 feet and South 64 degrees 13½ min. East 170 feet from the Southwest corner of Section 7, Township 3 North, Range 1 West of the Willamette Meridian, Columbia County, Oregon, thence from point of beginning North 20 degrees 06 minutes East 525.60 feet to southerly line of a 40 foot road; thence South 64 degrees 13½ min. East along said southerly right of way line of road 400 feet to the northwesterly corner of that tract of land conveyed by The Watts Estate to C. C. Chambers et ux in deed recorded January 27, 1945 in book 76, page 283, deed records; thence South 18 degrees 05 minutes West 634 feet; thence South 23 degrees 30 minutes West 465.78 feet; thence North 66 degrees 44½ West to point of intersection with a line drawn South 20 degrees 06 minutes West from true point of beginning; thence North 20 degrees 06 minutes East to point of beginning, being a part of The Williams Watts Donation Land Claim, Columbia County, Oregon,

containing ten acres, more or less.

The above described premises are within the boundaries of the Scappoose Drainage District and subject to the levies and assessments thereof; also, subject to roads and right-of-ways and conditions as contained in a deed from the State of Oregon to the Scappoose Drainage District, recorded February 10, 1933 in Book 55 on page 188 of deed records of Columbia County, Oregon, as follows: "Subject, however, to the right of way for ditches, canals and reservoir sites for irrigation purposes, constructed, or which may be constructed, by authority of the United States or otherwise" and subject to the outstanding drainage district bonds;

PAGE 1 - WARRANTY DEED



CITY OF SCAPPOOSE STAFF REPORT

Request: Approval of an application for annexation and a corresponding zone change to Moderate Density Residential (R-4) for a 10.28 acre parcel of land planned for a single family residential subdivision.

Location: The subject property is located on the east end of Elm Road, and is further described as Columbia County Assessor Map No. 3118-000-00600.

Applicant: William A. Kessi

Property Owner: Charles and Clara Icenogle

EXHIBITS

1. Staff Report and Findings of Fact
2. Application
3. Plans submitted by the applicant including:
 - A. Conceptual Site Development Plan
 - B. Site Location Map
4. Public Notice and Vicinity Map

SUBJECT SITE

The site is bordered to the north by Elm Road, and beyond that, by residences on small acreages; to the east by a driveway and an open field, to the south an open field and to the west by two residences on large lots. The subject site is designated as Suburban Residential (SR) on the Comprehensive Plan map, and is currently zoned County Single-Family Residential, 10-acre minimum lot size (R-10). The adjacent zoning includes County Rural-Residential, five acre minimum lot size (RR-5) and County R-10 to the north; County Rural-Residential, 10-acre minimum lot size (RR-5) to the west; and County R-10 to the south and County Primary Agriculture, PA-38 to the east.

OBSERVATIONS

BACKGROUND

- The property is within the Scappoose Urban Growth Boundary and designated Suburban Residential on the Comprehensive Plan.
- The site is in the Scappoose Drainage District, and within the boundaries of the Scappoose Rural Fire Protection District and the Scappoose Public School District.

- The site is currently under the police protection of the Columbia County Sheriff's Department.
- The site is one parcel removed (170 feet) from the existing City limits. In order for the property to be annexed by the City, 570 lineal feet of the Elm Street Columbia County right of way will also need to be included in the annexation proposal.
- According to the City engineer, the water and sewer lines will need to be extended 560 feet and 510 feet, respectively. Water service is subject to an advanced financed reimbursement prior to the provision of service. No storm sewer system is presently available in this part of the urban growth area. Natural gas, electricity and cable television are available within 200 feet of the parcel.

PROPOSED RESIDENTIAL USE

The submitted Conceptual Development Plan (Exhibit 3A) illustrates the proposed single family subdivision. The preliminary subdivision plan proposes 47 single family lots with a 6000 square foot minimum lot size. The existing single family residence, carport and out-buildings are intended to remain on approximately a one acre parcel (Lot 48).

STREET SYSTEM AND ACCESS

- Access to the site is via Elm Street. The first cross street providing access to the south is at 6th Street which intersects with High School Way and the first cross street providing access to the north is 4th Street which intersects with E. Columbia Avenue. At the subject site, the street is improved only with a paved section. At the time of construction of the proposed subdivision, half-street improvements to Elm Street will be required. Staff notes that development of the subject site will require subsequent Planning Commission review (Site Development Review) at which time detailed street improvement plans will be submitted for review.

PUBLIC AND PRIVATE AGENCIES

- The City of Scappoose Public Works, Engineering, Building, and Police Departments; Scappoose Rural Fire Protection District, Columbia County Road Department; Century Tel; AT& T Broadband; Columbia River PUD; and, Northwest Natural Gas have been provided an opportunity to review the proposal. As of the date of this report, no comments in opposition to the request had been received. The following comments were received from the Rural Fire Protection District and will be retained on file for consideration when a Site Development Review application is received.

1. Fire hydrants will be located with an average spacing of 500 feet, with locations approved by the Fire Chief. Fire hydrants shall have two 2 1/2" discharge ports and one 4 1/2" steamer port with a 5" storz adapter and locking end cap.
2. Fire hydrants will need to be located along Elm Street where needed and approved by Fire Chief and Water Department.
3. Fire hydrant system will need to be designed for fire flow of 1000 gallons per minute for structures less than 3500 sq. feet and 1500 gallons per minute for structures greater than 3500 square feet.
4. Street names need to be approved by the Fire Chief so that duplication of street names is eliminated.
5. With this subdivision serving more than 26 residential structures, 6.0120 of the Scappoose Oregon Public Works Design Standards does pertain. The Fire District can meet with the City and developer to discuss this issue.
6. Dead-end streets longer than 150 feet in length must be provided with emergency apparatus turnarounds. The road ending at lot 30 will need an emergency apparatus turnaround; as in; hammer head or others, but this will mean the loss of a lot.

Notice of this request was mailed to property owners located within 200 feet of the subject site. As of the date this report was written, no comments in opposition to the applicant's request have been received by the Contract Planner.

The findings of fact and conclusionary findings are attached as Exhibit "A" to this report and are by this reference herein incorporated.

RECOMMENDATION

The single family residential use proposed for this site is consistent with the City of Scappoose Comprehensive Plan and the parcel is within the city's Urban Growth Boundary. The site is also within the boundaries of the special districts and departments providing public services to the areas within the City.

Therefore, staff recommends that based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, that a recommendation of approval of ANX 1-03/ZC 1-03 be forwarded to the City Council.

EXHIBIT "A"
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR APPROVAL
ANX 1-03/ZC 1-03 (Kessi Annexation and Zone Change)

1. The applicant is requesting approval of an application for annexation and a corresponding zone change for a 10.28-acre parcel of land planned for a single family residential subdivision. The subject property is located at the east end of Elm Road, and is further described as a portion of Columbia County Assessor Map No. 3118-000-00600.
2. The subject site is designated as Suburban Residential (SR) on the Comprehensive Plan map, and is currently zoned County R-10.
3. The City of Scappoose Public Works, Engineering, Building, and Police Departments; Scappoose Rural Fire Protection District, Scappoose School District; Columbia County Road Department; Century Tel; TCI Cable Scappoose; Columbia River PUD; and, Northwest Natural Gas have been provided an opportunity to review the proposal. As of the date of this report, no comments in opposition to the request had been received.
4. The following Goals and Policies from the Scappoose Comprehensive Plan are applicable to this request:

GOAL FOR HOUSING

- 1) *Increase the quantity and quality of housing for all citizens*
- 2) *Locate housing so that it is fully integrated with land use, transportation and public facilities*
- 4) *Protect residential areas from conflicting land uses, unnecessary through traffic, or other undesirable influences.*

POLICIES FOR HOUSING

- 1) *Maintain adequate zoning, subdivision and building codes to help achieve the City's housing goals.*
- 7) *Ensure that subdivisions provide a full array of public services at the expense of the developer.*

- 10) *Ensure that the urban growth boundary is not so small as to put an artificial limit on housing opportunities and thus drive up the cost of housing.*

Finding:

The proposed annexation and zoning of the site for residential uses is consistent with Goals 1,2, and 4 of the Comprehensive Plan because the subdivision will increase the quantity of housing, the residential use is adjacent to existing single family residential uses and the site is on a minor collector street and public facilities can be extended to the site. In addition, the proposed use does not conflict with existing land uses, generate unnecessary traffic or generate undesirable influences.

The zoning of the site for residential uses is consistent with the policies of the Comprehensive Plan because the site will assist in maintaining adequate zoning to meet the City's housing needs and the subdivision improvements will be made at the expense of the developer. In addition, the site is within the City's Urban Growth Boundary and the annexation of land within the boundary is consistent with Policy 10 that assures opportunities will be provided for new housing to assist in preventing housing costs from increasing at an artificial rate.

5. The following sections of Title 17 of the Scappoose Municipal Code (Scappoose Development Code) are applicable to this request:

"Chapter 17.44 R-4 MODERATE DENSITY RESIDENTIAL

17.50.030 Permitted uses. *In the R-4 zone, only the following uses and their accessory uses are permitted outright: [...]*

I. Single-family detached residential dwelling units.

Finding:

Section 17.50.030(I) is satisfied by the request in that the proposed subdivision is for single family detached residential dwelling units.

"Chapter 17.136 ANNEXATIONS

17.136.020 Policy.

Annexations shall be considered on a case-by-case basis, taking into account the goals and policies in the Scappoose Comprehensive Plan, long range costs and benefits of

annexation, statewide planning goals, this title and other ordinances of the City and the policies and regulations of affected agencies' jurisdictions and special districts.

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

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

Finding:

Section 17.136.020(A) is satisfied by the request in that the proposed annexation complies with the goals and policies of the Comprehensive Plan (see Finding of Fact above).

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.*

Finding:

Section 17.136.020(B) is satisfied by the request in that the proposed annexation site can be served by urban services within a reasonable time and does not decrease the ability of the City to provide services. The request does not cause an unreasonable disruption of the current City boundary, and is consistent with the provisions of the Scappoose Comprehensive Plan.

17.136.040 Approval standards.

A. *The decision to approve, approve with modifications 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.”*

Finding:

Section 17.136.060(A) is satisfied by the request in that annexation of the subject site will assist in satisfying the need for housing. The City of Scappoose and the service districts will provide public services that are a prerequisite to urbanization, including the provision of water and sewer, fire protection and schools. Employment opportunities will be provided through the construction of the subdivision and the subsequent homes. Further, development of the site will provide for the extension of services to the site, and the eventual improvement of a section of Elm Road.

Annexation
 3/080 #1074

Type of Application	✓	Type of Application	✓
Amend Development Code Text		Development in Fish and Wildlife Overlay	
Amend Comprehensive Plan Text		Partition	
Amend Zoning Map	✓	Site Development Review	
Amend Comprehensive Plan Map		Conditional Use	
Annexation	✓	Expansion of Non-Conforming Use	
Determination of Similar Use		Variance	
Historic Site Alteration		Public Land Tree Removal	
Sensitive Lands Development: Flooding		Home Occupation Type II	
Sensitive Lands Development: Wetlands		Subdivision Tentative Plan	
Sensitive Lands Development: Steep Slope		Modification to Previous Approval	
Property Line Adjustment			

Requirements for each specific type of application will be attached to this form and constitute part of the application packet.

Applicant: William A. Kessi

Owner: Charles & Clara Icenogle

Mailing Address: P.O. Box 452

Mailing Address: 34140 S.E. Elm

Scappoose Or 97056

Scappoose Or 97056

City State Zip

City State Zip

Phone: 503-543-2914 Fax: 503-543-3449

Phone: 503-543-6470 Fax: _____

Property Address or Location: 34140 S.E. Elm

Tax Account Number: 3118-000-00600

A Legal Description of the Property must be attached.

Is a pre-application conference required: _____ If required, pre-application conference date: _____

if pre-application conference is waived, the applicant must sign here: _____

I certify that this application and its related documents are accurate to the best of my knowledge. I understand that the signature on this application authorizes the City and its agents to enter upon the subject property to gather information pertinent to this request.

William A. Kessi

Charles Icenogle Clara Icenogle

Signature of Applicant

Signature of Owner

To be completed by City Staff:

Date application was submitted: _____ Amount of Fee paid: _____ Receipt Number: _____

Before this application will be processed, the Planner must certify that all applicable items are included and the application is complete. Date application accepted as complete: _____

Please attach this form to the application cover form and return with the following items:

(For Office Use Only)
Complete

Assessors

1. Map and Tax Lot number, name of owner and mailing address as shown in the Columbia County Tax Rolls for all property within 200' of the outside perimeter of the tax lot(s) for which the annexation is proposed.

have

2. A copy of the applicable Columbia County Assessor map.

Have

3. A metes and bounds legal description of the annexation area.

have

4. A vicinity map showing the existing comprehensive plan designation and zoning for the site and surrounding properties and the proposed zoning.

Policies

5. A narrative discussing all applicable comprehensive plan policies and all supporting documentation related to statements included in narrative. The narrative must include a discussion of the availability, capacity, and status of existing water, sewer, drainage, transportation, park, police and fire service, and school facilities and the increased demand for such facilities to be generated by any proposed development within the annexation area.

have

6. A conceptual development plan drawn to engineering scale. Include 3 copies of all drawings larger than 11 X 17. One copy must be 11 X 17. If an item is not applicable to your site, please indicate by initialing beside that item. The conceptual development plan shall include the following.

The site size in square feet and the outside dimensions; and

The location, dimensions, setback distances and use of all existing structures and improvements located within 25 feet of the site; and

None The location, dimensions, setback distances and for all proposed structures and improvements on the site; and

The location, dimensions and names of all existing and platted streets and other public ways and easements on the site and on all adjacent properties and all proposed streets or other public ways and easements on the site; and

The location of all utilities which are located within 25 feet of the site and all proposed utilities for the development; and

The location of drainage patterns and drainage courses; and

The location of any flood plain areas (Scappoose Drainage District, 100 year flood plain and floodway as indicated on FIRM Maps) and the FIRM Map Number; and

HAK None The location of any slopes in excess of 15 percent; and

HAK None The location of any unstable ground (areas subject to slumping, earth slides or

movement); and

HAK News The location of any areas having a high seasonal water table within 24 inches of the surface for three or more weeks per year; and

HAK News The location of any wetlands; and

HAK News The location of any areas having severe soil erosion potential as defined by the Soil Conservation Service; and

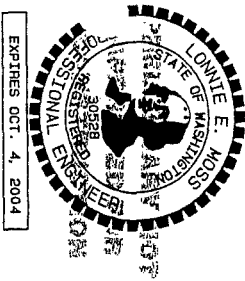
HAK News The location of any areas having severe weak foundation soils; and

HAK News The location of any rock outcroppings; and

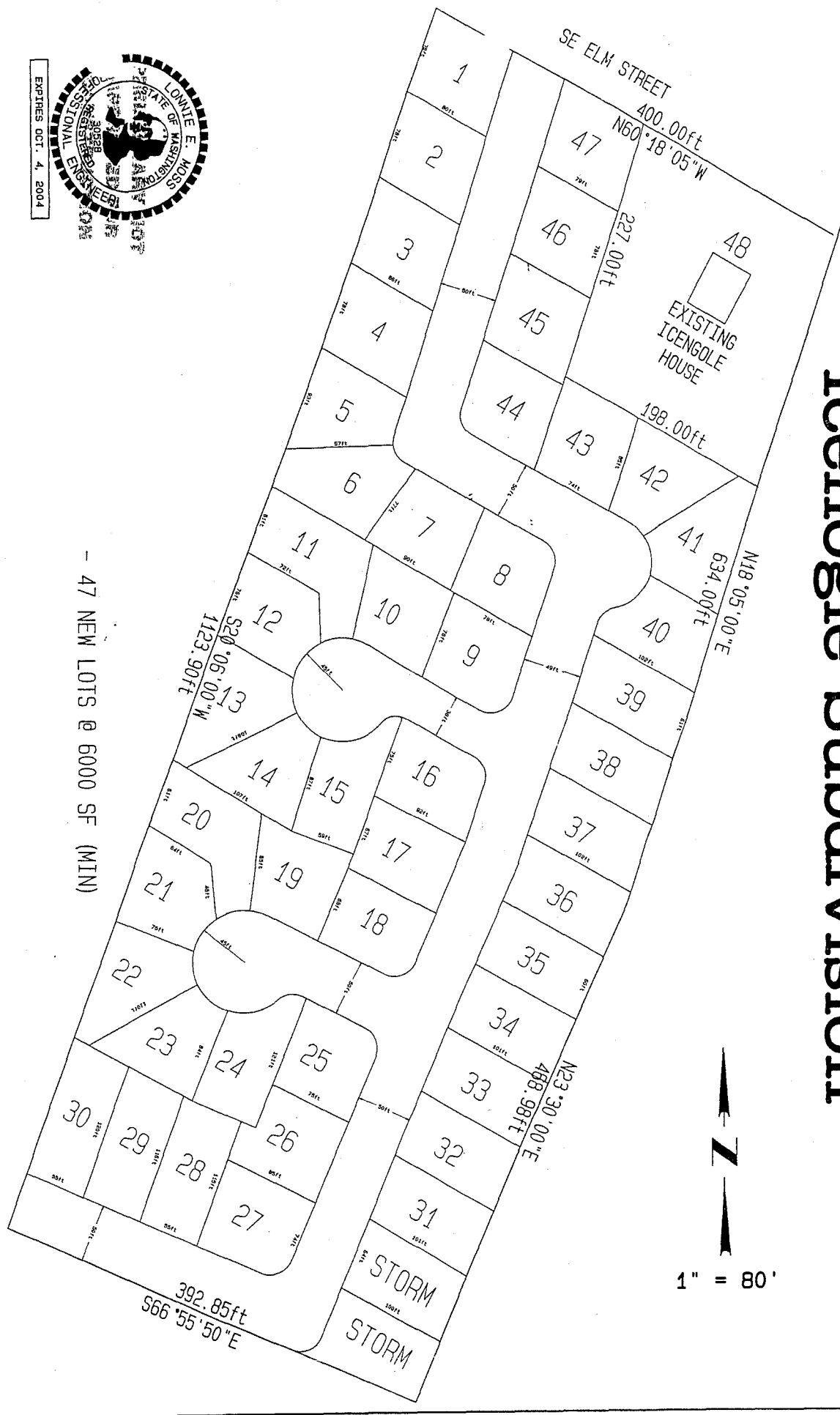
HAK News The location of any wildlife habitats; and

HAK News The location of any trees measuring six inches in caliper or greater measured four feet from ground level

RH 7. No request for annexation shall be received by the City without simultaneous filing of a zone change request. For property not yet annexed to the City, an application for a zone change shall not be considered complete until the annexation approval is final.



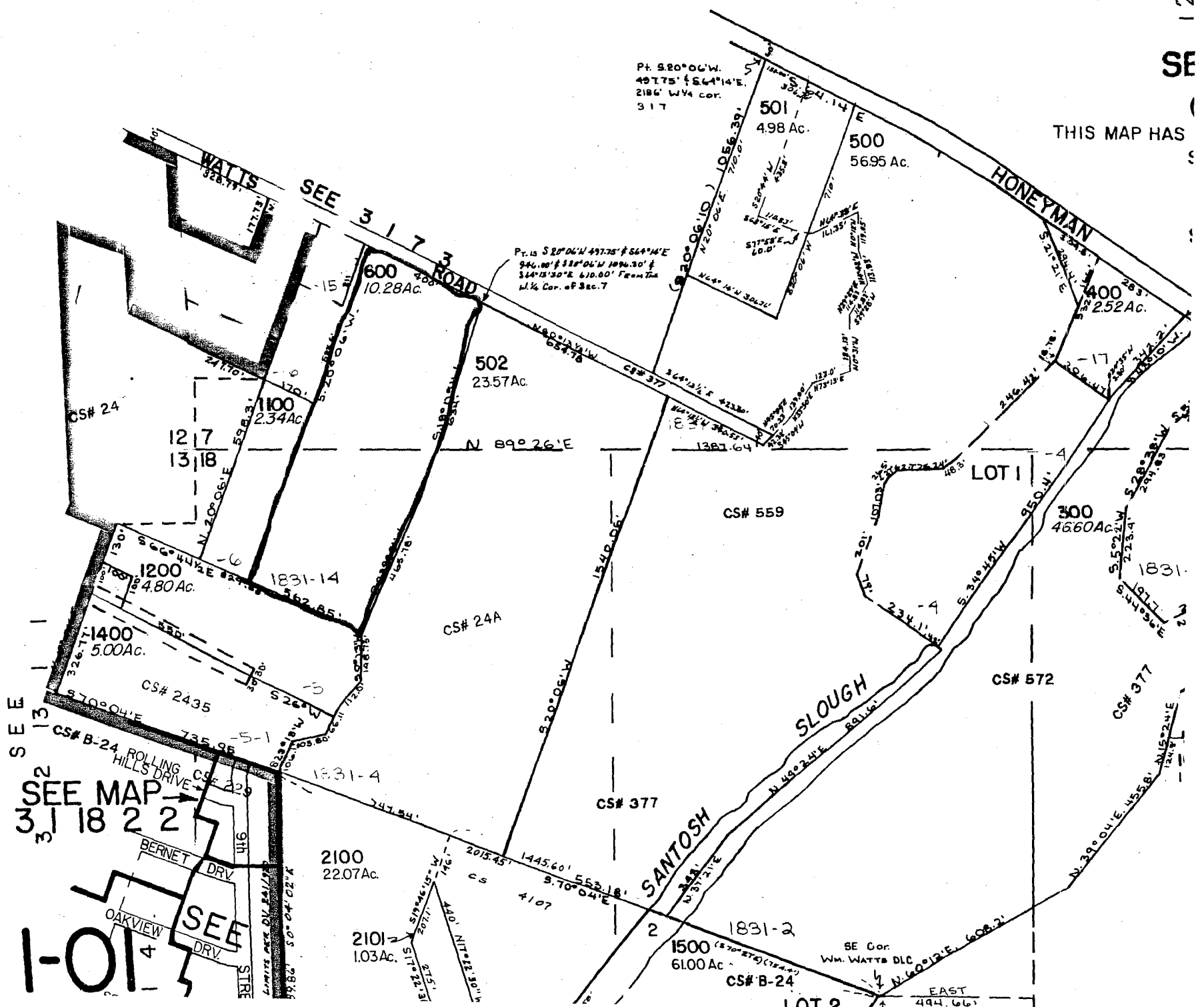
Icenogle Subdivision



- 47 NEW LOTS @ 6000 SF (MIN)

<p>MOSS & ASSOCIATES, INC. 717 NE 61ST STREET, SUITE 202 VANCOUVER, WA 98682 (360) 260-9400 FAX (360) 260-3509</p>	<p>PROJECT MANAGER: James Kessi ENGR. of RECORD: Lonnie E. Moss REG. NO: 30528 SAVYR of RECORD: - REG. NO: -</p>	<p>DATE: 21 Oct 2003 CONTACT PERSON: James Kessi DRAWN BY: AB CHECKED BY: James Kessi & Lonnie E. Moss</p>
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THIS MAP HAS



Pt. S 82° 06' W.
497.75' ± S 64° 14' E.
2186' W ¼ Cor.
9 1 7

Pr. 15 S 80° 06' W 497.75' ± S 64° 14' E
946.00' ± S 82° 06' W 1096.30' ±
324° 15' 30" E 610.00' From The
1/4 Cor. of Sec. 7

SE Cor.
Wm. Watts DLC
N. 66° 12' E. 608.2'
EAST
494.66'

SEE MAP
3 1 8 2 2

1-01

CITY OF SCAPPOOSE

33568 E. COLUMBIA AVE.
P.O. DRAWER "P"
SCAPPOOSE, OREGON 97056
(503) 543-7146
FAX: (503) 543-2955

NOTICE

NOTICE IS HEREBY GIVEN that the Scappoose Planning Commission will hold a public meeting on the 26th day of February, 2004 at the hour of 7:00 p.m. in the Scappoose City Hall Council Chambers, 33568 E. Columbia Avenue, in the City of Scappoose, Oregon, in regard to the following matter:

DOCKET
NUMBER: ANX 1-03/ZC 1-03

Mr. William A. Kessi is requesting approval of an application for annexation and a corresponding zone change for a 10.28-acre parcel of land planned for a single family residential subdivision. The preliminary subdivision plan proposes 47 single family lots with a 6000 square foot minimum lot size. The existing single family residence is intended to remain on approximately a one acre parcel (Lot 48). The parcel is located within the Scappoose Urban Growth Boundary, but outside of the current city limits. The property is one parcel removed (170 feet) from the existing City limits. In order for the property to be annexed by the City, 570 lineal feet of the Elm Street right of way will also need to be included in the annexation. If the annexation request is approved, the corresponding re-zone would change the zone of the property from County Single-Family Residential (R-10) to City Moderate Density Residential (R-4).

The Planning Commission may make a recommendation to the City Council to approve, approve with conditions or deny an annexation application in accordance with the criteria of the Scappoose Comprehensive Plan, and Chapter 17.136.040 (Approval Standards), and Chapter 17.162 (Quasi-Judicial Decision Making) of the Scappoose Development Code. If subsequently approved by the City Council, this request will go before the electorate in May, 2004. All written comments must be received by the City of Scappoose, Planning Services Manager, PO Box "P," Scappoose, Oregon 97056 by 5:00 p.m., Monday, February 16, 2004.

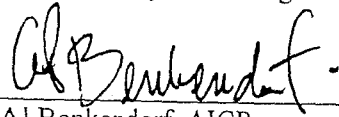
Testimony should pertain to the applicable criteria. The decision will be made in accordance with the procedures of Chapter 17.162 of the Scappoose Development Code and may be appealed, as provided for in Chapter 17.162. Failure to raise an issue in writing prior on or before the close of the written comment period or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based upon that issue. The applicant and any person who submits written comments during the comment period shall receive notice of the decision.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

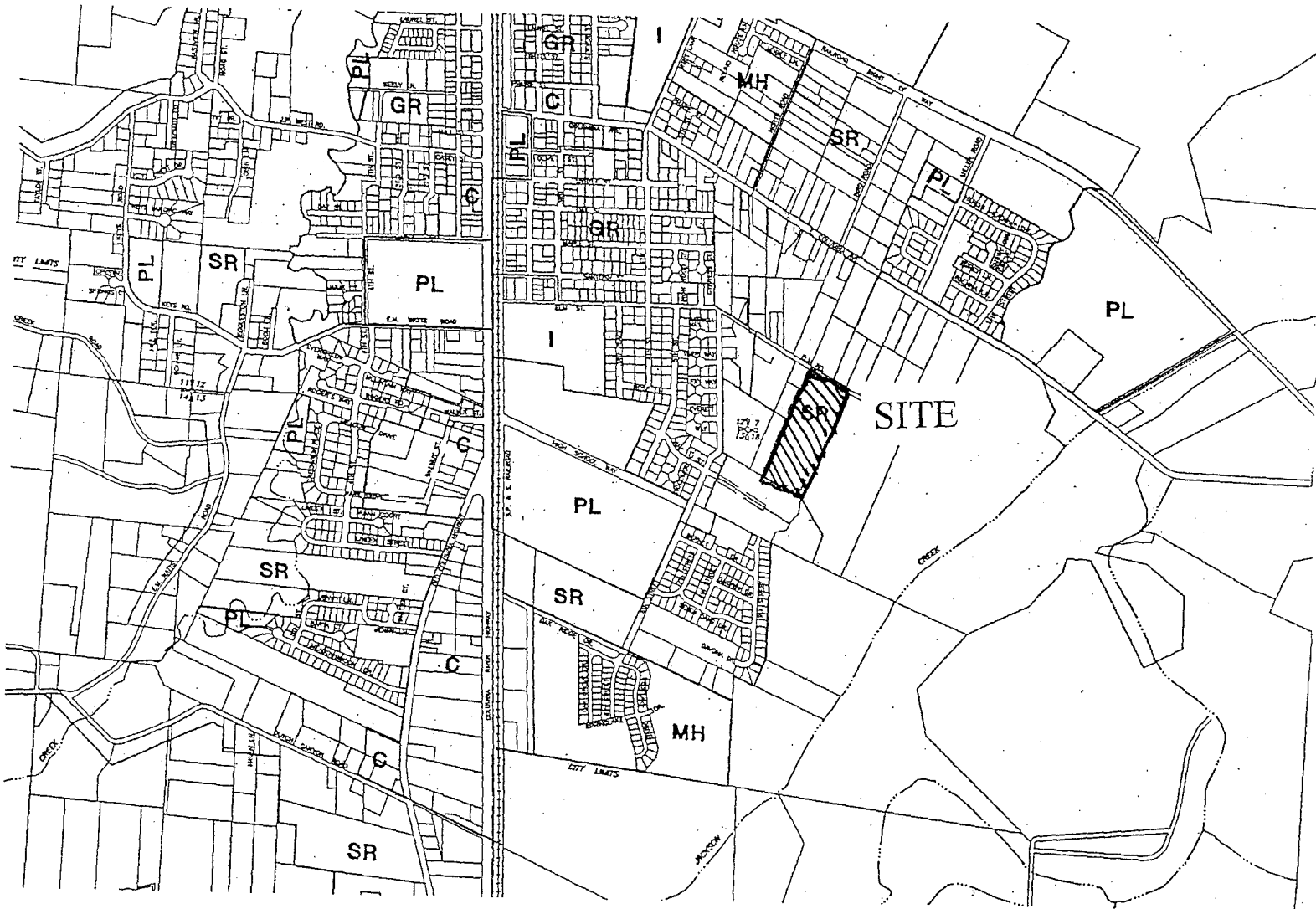
The decision-making criteria, application, and records concerning this matter are available in the Scappoose Community Development Center office at 34485 E. Columbia Avenue, Scappoose, Oregon during working hours. For additional information, contact Al Benkendorf, AICP, at the above address or phone 503-226-0068.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Recorder (503) 543-7146.

(Map below))



Al Benkendorf, AICP
The Benkendorf Associates Corp.
Contract Planner



NOTICE

NOTICE IS HEREBY GIVEN that the **Scappoose City Council** will hold a public meeting on the **15th day of March, 2004** at 7:00 p.m. in the Scappoose City Hall Council Chambers, 33568 E. Columbia Avenue, in the City of Scappoose, Oregon, in regard to the following matter:

DOCKET

NUMBER: **ANX 1-03/ZC 1-03**

Mr. William A. Kessi is requesting approval of an application for annexation and a corresponding zone change for a 10.28-acre parcel of land planned for a single family residential subdivision. The preliminary subdivision plan proposes 47 single family lots with a 6000 square foot minimum lot size. The existing single family residence is intended to remain on approximately a one acre parcel (Lot 48). The parcel is located within the Scappoose Urban Growth Boundary, but outside the current city limits. In order for the property to be annexed by the City, 570 lineal feet of the Elm Street right a way will also need to be included in the annexation. If the annexation request is approved, the corresponding re-zone would change the zone of the property from County Single-Family Residential (R-10) to City Moderate Density Residential (R-4).

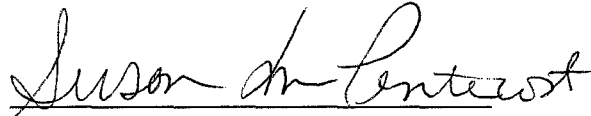
The Planning Commission may make a recommendation to the City Council to approve, approve with conditions or deny an annexation application in accordance with the criteria of the Scappoose Comprehensive Plan, and Chapter 17.136.040 (Approval Standards), and Chapter 17.162 (Quasi-Judicial Decision Making) of the Scappoose Development Code. If subsequently approved by the City Council, this request will go before the electorate in May 2004. All written comments must be received by the City of Scappoose, Planning Services Manager, PO Box "P", Scappoose, Oregon by 4:00 p.m., Thursday, March 11, 2004.

Testimony should pertain to the applicable criteria. The decision will be made in accordance with the procedures of Chapter 17.162 of the Scappoose Development Code and may be appealed, as provide for in Chapter 17.162. Failure to raise an issue in writing prior on or before the close of the written comment period or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based upon that issue. The applicant and any person who submits written comments during the comment period shall receive notice of the decision.

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Susan M Pentecost, City Recorder

Posted in the lobby at City Hall on February 27, 2004

Please publish under Public Notices on March 3 and March 10, 2004. Thanks