

ORDINANCE NO. 744

AN ORDINANCE ANNEXING PROPERTY TO THE CITY OF SCAPPOOSE

WHEREAS, an application was filed by James M. and Kandis K. Liday, Vivian Urie, Gary and Linda Smith 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 properties located on S.E. Elm and include Tax Map No. 3107-033 Lots 01100, 01200, 01300, 01400 and 3212-041 Lot 05100.

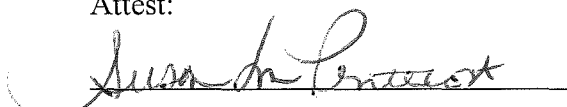
Passed and adopted by the City Council this 19th day of April, 2004 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

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

Attest:


SUSAN M PENTECOST

LIDAY.

ANNEXATION BOUNDARY DESCRIPTION FOR TAX MAP 3107-033, TAX LOTS 1100, 1200, AND 1300.

The above referenced Parcels are described by deed in Book 246, Page 929; Book 208, Page 206; and Book 189, Page 727 Columbia County, Oregon records. A composite description follows:

Commencing at a point S 10° 25' E, 1213.00 feet from the West ¼ Corner of Section 7, Township 3 North, Range 1 West, of the Willamette Meridian, Columbia County, Oregon to the Point of Beginning, said point being the NW corner of that tract described in Book 246 at Page 929 of said county records; thence N 86° 25' 30" E along the north line of said tract, 400 feet to the NE corner thereof; thence S 20° 06' W along the east line thereof, 767.56 feet to the SE corner thereof; thence N 64° 13' 30" W along the southerly line thereof, 104.20 feet to the SE corner of that tract of land described in Book 184 at Page 222 of said County Records; thence N 3° 34' 30" W along the east line of said tract 190.74 feet to the NE Corner of said tract; thence S 86° 25' 30" W along the north line of said tract, 60 feet to the NW corner of said tract; thence S 3° 34' 30" E along the west line of said tract, 157.0 feet to the SW corner of said tract; thence N 64° 13' 30" W along the South line of that tract described in Book 189 at Page 727 of said County Records, 131.2 feet to the SW corner of that tract described in Book 208 at Page 206; thence N 3° 34' 30" W along the west line of said tract, 553.3 feet to the NW corner thereof; thence N 86° 25' 30" E along the north line thereof, 174.4 feet to the Point of Beginning.

Said Annexation Description contains 6.07 Acres more or less.

Caswell (Vivian Urie)

EXHIBIT A

BOOK 262 PAGE 598

3212-041-05100

A PARCEL OF REAL ESTATE SITUATE, LYING AND BEING IN THE COUNTY OF COLUMBIA, STATE OF OREGON, IN SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST AND SECTION 7, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, COLUMBIA COUNTY, OREGON, DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT A POINT 1668.5 FEET SOUTH AND 101.7 FEET WEST FROM THE QUARTER SECTION CORNER ON THE EAST SIDE OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN AND RUNNING THENCE SOUTH $64^{\circ}13'1/2''$ EAST ALONG THE NORTHERLY BOUNDARY OF A PUBLIC ROADWAY 200 FEET TO A POST; THENCE NORTH $3^{\circ}34'1/2''$ WEST A DISTANCE OF 553.3 FEET TO A POST; AND THENCE SOUTH $86^{\circ}25'1/2''$ WEST 174.3 FEET TO AN IRON PIPE; AND THENCE SOUTH $3^{\circ}34'1/2''$ EAST A DISTANCE OF 455.2 FEET TO PLACE OF BEGINNING; EXCEPTING THEREFROM THAT TRACT DESCRIBED IN DEED FROM SUSIE J. SHERROD, SINGLE, TO CLYDE A PEEGH ET UX, RECORDED OCTOBER 19, 1946 IN BOOK 89, PAGE 356, DEED RECORDS OF COLUMBIA COUNTY, OREGON.-----

2679

STATE OF OREGON
COLUMBIA COUNTY
RECORDED

1986 JUN 13 PM 2:10

BOOK 262 PAGE 598

RETA C. WERRY, CO. CLK

BY *Etalma J. J. J.* DEP.

TAX 2T 1400

Gary & Linda Smith
34041 ELM ST. LEGAL DESCRIPTION
SCAPPOOSE OR 97056

A tract in the Southwest Quarter of Section 7, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, described as follows:

Beginning at a point that is 1755.4 feet South and 78.4 feet East of the Quarter corner on the East side of Section 12, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; said point being on the Northerly side of a road; thence South $64^{\circ} 13 \frac{1}{2}'$ East 200 feet to the Southeast corner of that property of Merl Liday and Elsie Liday, husband and wife, as recorded in Book 122, page 225, Deed Records of Columbia County, Oregon, and the true point of beginning of the following described tract; thence North $3^{\circ} 34 \frac{1}{2}'$ West a distance of 190.74 feet; thence South $86^{\circ} 25 \frac{1}{2}'$ West a distance of 60.0 feet; thence South $3^{\circ} 34 \frac{1}{2}'$ East 157.0 feet to the said Northerly side of a road; thence South $64^{\circ} 13 \frac{1}{2}'$ East a distance of 68.80 feet to the true point of beginning.

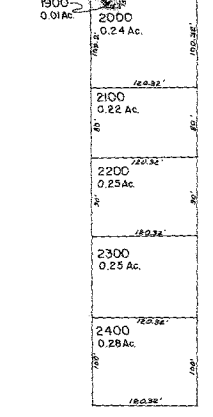
NE1/4 SE1/4 SEC. 12 T.3N. R.2W. W.M.
COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 100' Current Revision Date: 2/27/04

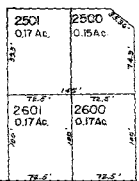
3 2 12 4 1
SCAPOOSE

SEE MAP 3 2 12 1 4

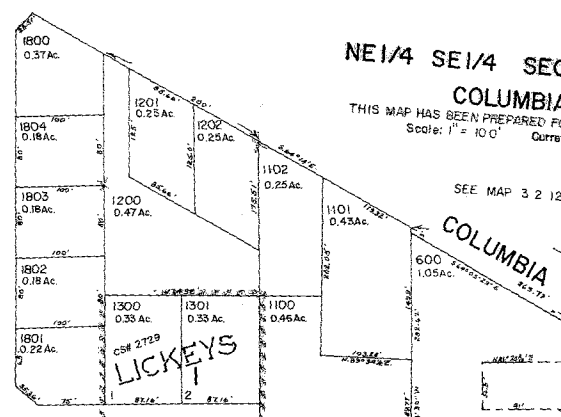
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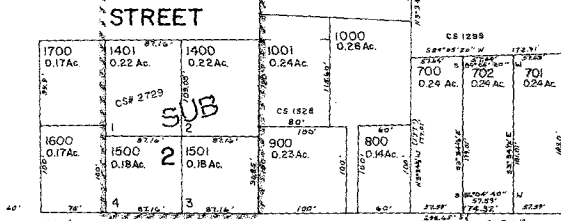
MYRTLE STREET



OAK STREET

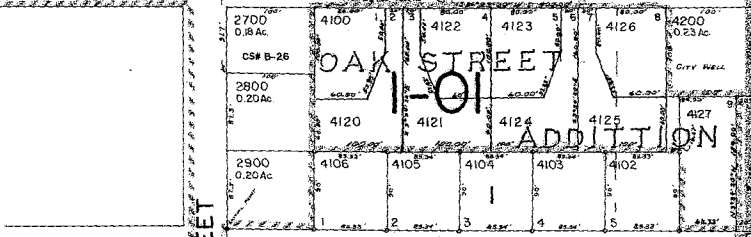


LICKEYS



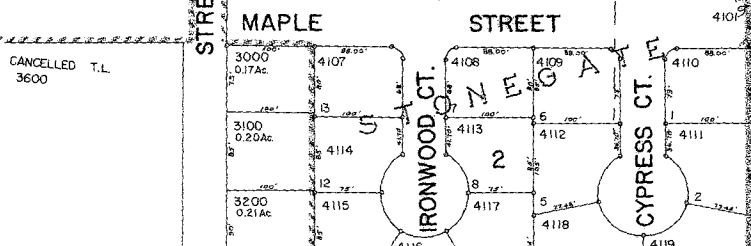
OAK STREET

SEE MAP 3 2 12 4 2

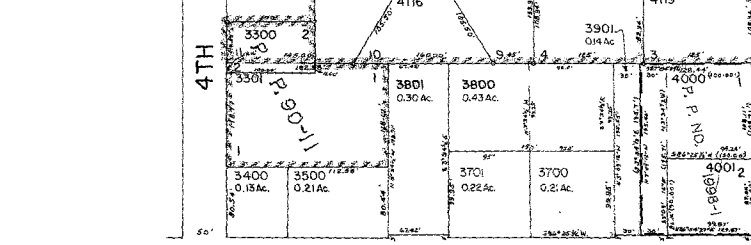


OAK STREET
1-01
ADDITION

CANCELLED T.L. 3600



MAPLE STREET
IRONWOOD CT.
CYPRESS CT.
4TH STREET



ELM STREET
6TH STREET

SEE MAP 3 2 12 4 4

SEE MAP 3 1 7

3 2 12 4 1

SW COR. D.L.C. NO. 49

1200
1.97 Ac.

1100
3.90 Ac.

SOUTH
NORTH

LINE
LINE

WM.

B. M. WATTS

1000
3.00 Ac.

1/16 COR.

P.L.S. 1478.374' E. 785.5' FROM W 1/4 COR. SEC. 7

90
1.00

1300
1400

(WATTS RD.)

1500
1.17 Ac.

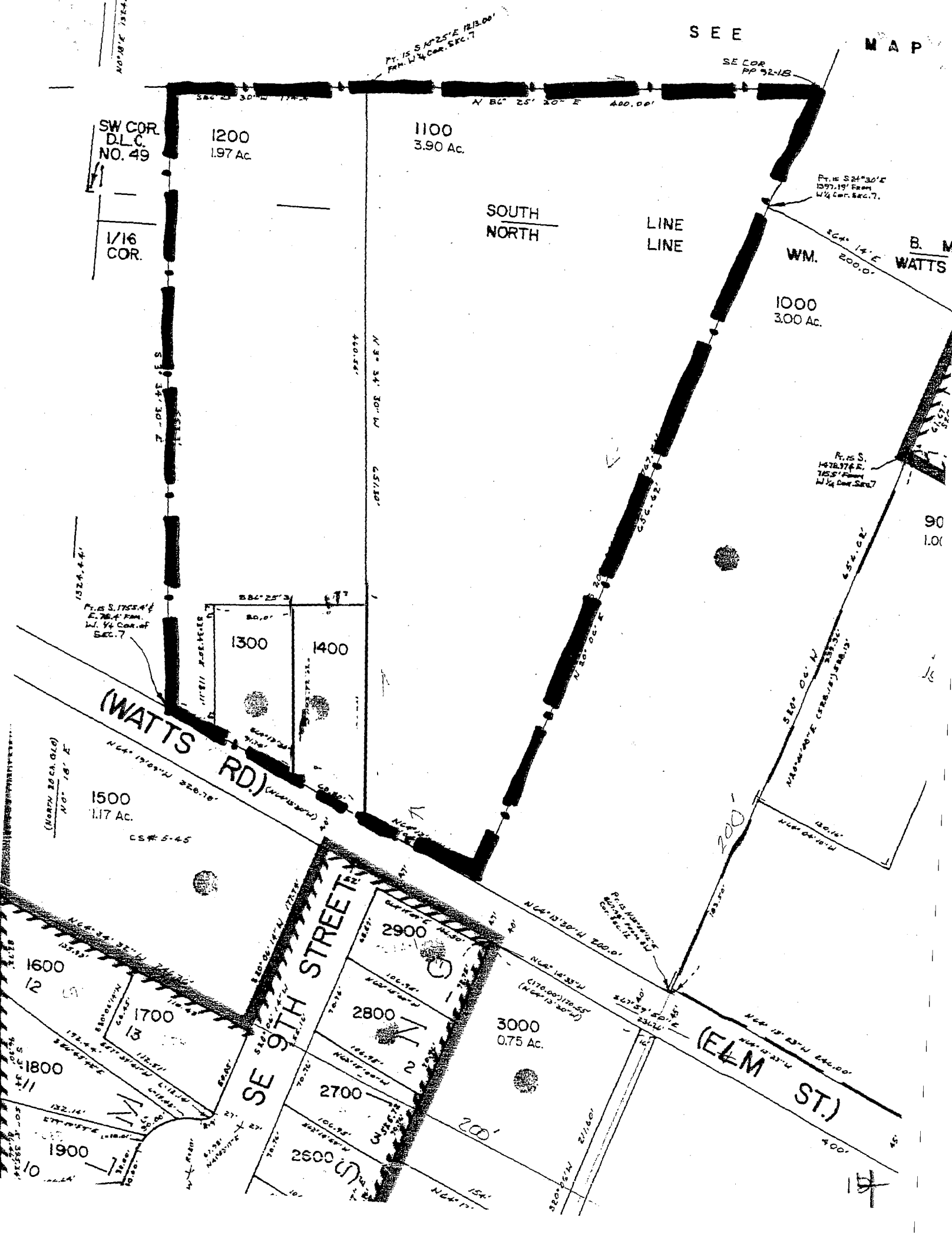
SE 9TH STREET

2900
2800
2700
2600

3000
0.75 Ac.

(ELM ST.)

1600
1700
1800
1900



CITY OF SCAPPOOSE STAFF REPORT - AMENDED

Request: Approval of an application for annexation and a corresponding zone change to Moderate Density Residential (R-4) for approximately a 7+ 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. 3107-033-01100, 01200, 01300 and 01400 and Map No. 3212-041 5100.

Applicant: James M. and Kandis K. Liday

Property Owners: James M. and Kandis K. Liday, Gary Smith and Vivian Urie

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 on the south by Elm Road and single family residences on a range of lot sizes, to the east by single family residences on small acreages, to the north and to the west by single family residences on a range of lot sizes. The lot immediately adjacent on the west contains a residence and two large garage/storage type buildings, as well. 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). All of the zoning on the adjacent properties is County Rural-Residential, 10 acre minimum lot size (R-10) except that to the west of the parcel the land is within the City and zoned Moderate Density Residential R-4.

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.
- According to the City engineer, the water and sewer lines are available and will need to be extended in to the property. 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 to the parcel.

PROPOSED RESIDENTIAL USE

The submitted Conceptual Development Plan (Exhibit 3A) illustrates the proposed single family subdivision. The preliminary subdivision plan proposes 25 single family lots with a 6000 square foot minimum lot size. The existing single family residence, and two garage/vehicle storage type buildings are intended to remain on Tax Lot 1300 and a new lot in the subdivision.

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 1/1" discharge ports and one 4 1/2" steamer port with a 5" storz adapter and locking end cap.

2. 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.
3. Street names need to be approved by the Fire Chief so that duplication of street names is eliminated.
4. With this subdivision serving less than 26 residential structures, 6.0120 of the Scappoose Oregon Public Works Design Standards does not pertain.
5. Dead-end streets longer than 150 feet in length must be provided with emergency apparatus turnarounds.

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 2-03/ZC 2-03 be forwarded to the City Council.

EXHIBIT "A" AMENDED
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR APPROVAL
ANX 2-03/ZC 2-03 (Liday Annexation and Zone Change)

1. The applicant is requesting approval of an application for annexation and a corresponding zone change for approximately a 7+ 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. 3107-033-01100, 01200, 01300, and 1400 and Map No. 3212-0412 5100.
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.