

ORDINANCE NO. 755

**AN ORDINANCE RELATING TO LAND USE AND AMENDING THE SCAPPOOSE
COMPREHENSIVE PLAN MAP AND ZONING MAP**

WHEREAS, an application was filed by Rose Dale Development to amend the Comprehensive Plan Map and Zoning Map, and

WHEREAS, on August 12, 2004, the Planning Commission held a hearing on the application and voted to forward a recommendation for approval to the City Council, now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:


Section 1. The property described in Exhibit A, which is attached hereto and incorporated herein by reference, is hereby re-designated on the Comprehensive Plan from Industrial (I) to General Residential (GR) and re-zoned from Light Industrial (LI) to Moderate Density Residential (R-4).

Section 2. The City Manager is directed to conform the City Comprehensive Plan Map and City Zoning Map to the provisions of this ordinance.

Section 3. In support of the proposed Comprehensive Plan Map Amendment and Zone Change, the City Council hereby adopts the recommendations of the Scappoose Planning Commission and the findings included in the staff report dated September 1, 2004, regarding the property.

PASSED AND ADOPTED by the City Council this 20th day of September, 2004 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: September 7, 2004
Second Reading: September 20, 2004

Attest:



Susan Pentecost, City Recorder

Exhibit A

That portion of Tax Lot 3212-014-06500 described as:

A tract of land in the northeast one-quarter of Section 12, Township 3 North, Range 2 West, Willamette Meridian, City of Scappoose, Columbia County, Oregon, being a portion of Parcel 1, Book 239, Page 668, Columbia County Deed Records and described as follows:

Beginning at the northeast corner of said Parcel 1, said point being the intersection of the centerline of the Old Portland - St. Helens County Road with the north line of the B.M. Watts Donation Land Claim; thence N.70°00'00"W. along said north line, 655.00 feet to the northwest corner of said Parcel 1; thence S.03°00'00"W. along the westerly line of said Parcel 1, a distance of 1353.12 feet; thence leaving said westerly line S.89°30'00"E., 264.01 feet to the centerline of the Old Portland - St. Helens County Road; thence N.20°30'00"E. along said centerline, 1205.91 feet to the Point of Beginning.

Excepting the public roads.

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CITY OF SCAPPOOSE

Request for Council Action

Date Submitted: September 1, 2004
Agenda Date Requested: September 7, 2004
To: Scappoose City Council
Through: Planning Commission
From: The Benkendorf Assoc. Corp., Contract Planner
Subject: Request to Amend the Comprehensive Plan Map and Zoning Map for Property on West Lane (CPA 2-04/ZC 3-04)

TYPE OF ACTION REQUESTED:

- Resolution Ordinance
 Formal Action/Motion Contract Review Board
 None - Report Only

ISSUE:

On August 12, 2004 the Planning Commission held a quasi-judicial public hearing to consider an application from Rose Dale Development for a Comprehensive Plan Map Amendment (CPA 2-04) and Zone Change (ZC 3-04) for 12.72 acres of a 13.45 acre site, which is described as Columbia County Assessor Map No. 3212-014-06500. Applicant requests a change from the Comprehensive Plan designation of Industrial (I) to General Residential (GR) and a change from the Light Industrial (LI) zoning designation to the Moderate Density Residential (R-4) zoning designation.

The Commission voted to forward a recommendation of approval to the City Council for both the Comprehensive Plan Map Amendment and the Zone Change.

The materials submitted by the applicant (Exhibits 3A & 3B) include considerable information on the scope of the proposed subdivision. However, the City Council is

being asked to decide only the Comprehensive Plan Map Amendment and Zone Change.

The Scappoose Planning Commission approved the Tentative Subdivision Plan with conditions on August 12, 2004. One of the Conditions of Approval was that "the approval of subdivision SB 1-04 shall not take effect until and unless the companion Comprehensive Plan Map Amendment CPA 2-04 and Zone Change ZC 3-04 requests are approved by the City Council."

OPTIONS:

1. Adopt the proposed ordinance, thereby accepting the findings in CPA 2-04/ZC 3-04 dated September 1, 2004 and amending the Comprehensive Plan Map and Zoning Map.
2. Find that the application does not comply with Scappoose Municipal Code Chapter 17.22 and deny the application.

RECOMMENDATION: It is staff's recommendation that the City Council select Option 1.

SUGGESTED MOTION: I move that the City Council adopt the proposed Ordinance as presented.

REVISED
9-3-04

DRAFT

ORDINANCE NO. ____

**AN ORDINANCE RELATING TO LAND USE AND AMENDING THE SCAPPOOSE
COMPREHENSIVE PLAN MAP AND ZONING MAP**

WHEREAS, an application was filed by Rose Dale Development to amend the Comprehensive Plan Map and Zoning Map, and

WHEREAS, on August 12, 2004, the Planning Commission held a hearing on the application and voted to forward a recommendation for approval to the City Council, now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. The property described in Exhibit A, which is attached hereto and incorporated herein by reference, is hereby re-designated on the Comprehensive Plan from Industrial (I) to General Residential (GR) and re-zoned from Light Industrial (LI) to Moderate Density Residential (R-4).

Section 2. The City Manager is directed to conform the City Comprehensive Plan Map and City Zoning Map to the provisions of this ordinance.

Section 3. In support of the proposed Comprehensive Plan Map Amendment and Zone Change, the City Council hereby adopts the recommendations of the Scappoose Planning Commission and the findings included in the staff report dated September 1, 2004, regarding the property.

PASSED AND ADOPTED by the City Council this ____ day of September, 2004 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Glenn E. Dorschler, Mayor

First Reading:
Second Reading:

Attest:

Susan Pentecost, City Recorder

Exhibit A

That portion of Tax Lot 3212-014-06500 described as:

Insert legal description/diagram...

FORTHCOMING

**ZONE CHANGE PARCEL
SCHARF PROPERTY
DESCRIPTION
September 3, 2004**

A tract of land in the northeast one-quarter of Section 12, Township 3 North, Range 2 West, Willamette Meridian, City of Scappoose, Columbia County, Oregon, being a portion of Parcel 1, Book 239, Page 668, Columbia County Deed Records and described as follows:

Beginning at the northeast corner of said Parcel 1, said point being the intersection of the centerline of the Old Portland - St. Helens County Road with the north line of the B.M. Watts Donation Land Claim; thence N.70°00'00"W. along said north line, 655.00 feet to the northwest corner of said Parcel 1; thence S.03°00'00"W. along the westerly line of said Parcel 1, a distance of 1353.12 feet; thence leaving said westerly line S.89°30'00"E., 264.01 feet to the centerline of the Old Portland - St. Helens County Road; thence N.20°30'00"E. along said centerline, 1205.91 feet to the Point of Beginning.

Excepting the public roads.

CITY OF SCAPPOOSE STAFF REPORT

Request: Approval of an application for a Comprehensive Plan Map Amendment (CPA 2-04) and Zone Change (ZC 3-04) for a 12.72-acre portion of a 13.45-acre site. Applicant requests a change from the Comprehensive Plan designation of Industrial (I) to General Residential (GR) and a change from the Light Industrial (LI) zoning designation to the Moderate Density Residential (R-4) zoning designation.

Location: The subject site is located on the southwest corner of Crown Zellerbach Road and West Lane and further described as Columbia County Assessor Map No. 3212-014-06500. See attached vicinity map (Exhibit 2).

Applicant: Rose Dale Development

Owner(s): Albert Havlik

EXHIBITS

1. Staff Report and Findings of Fact
2. Vicinity Map
3. Materials Submitted by the Applicant
 - A. Application report revised July 15, 2004
 - B. Additional Narrative dated July 15, 2004
4. Letter from DLCD staff dated June 18, 2004
5. Public Notice
6. Letter from Scott Parker, dated August 12, 2004

SUBJECT SITE

- The applicant is requesting a Comprehensive Plan Map Amendment and Zone Change in order to subdivide the land for residential development (SB 1-04). The materials submitted by the applicant (Exhibits 3A & 3B) include considerable information on the scope of the proposed subdivision. However, the City Council is being asked to decide only the Comprehensive Plan Map Amendment and Zone Change.
- The Scappoose Planning Commission approved the Tentative Subdivision Plan with conditions on August 12, 2004. One of the Conditions of Approval was that “the approval of subdivision SB 1-04 shall not take effect until and unless the companion Comprehensive Plan Map Amendment CPA 2-04 and Zone Change ZC 3-04 requests are approved by the City Council.”
- A conceptual design showing townhouse lots is shown in the application for the remaining 0.70 acre Expanded Commercial lot at the southern end of the site, but no development plans

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change

for this land were included as a part of the subdivision application. Staff notes that future development of this Expanded Commercial lot will require Planning Commission consideration as part of Site Development Review, and that the parcel is subject to the regulations of the Downtown Overlay.

- The subject site is currently vacant, supporting trees on the perimeter and small trees, grasses, and scrub brush on the interior. The site slopes gradually to the south, with slopes generally ranging from 0 percent to 5 percent. Two borrow excavations have been identified along the eastern portion of the site that will require fills of up to 25 feet.
- The site is bordered to the north by the Crown Zellerbach Road; to the east by West Lane and residences on West Lane, Erin Drive, Blossom Lane, and Prairie Street; to the south by East Columbia Avenue and residences on East Columbia Avenue and SE 4th Street; and to the west by the OHSU Health Center, along with single-family and multi-family residences on Royal Drive, Williams Avenue, Karen's Place, and Sawyer Street. See Vicinity Map (Exhibit 2).
- The site currently has two zoning designations. The majority (12.72 acres) is zoned Light Industrial, and applicant requests changing the designation to Moderate Density Residential to allow a residential subdivision. The southern 0.70 acres of the site are zoned Expanded Commercial and applicant proposes to maintain this zoning designation.
- Adjacent zoning includes Columbia County Heavy Industrial (M-1) to the north; High Density Residential (A-1) and MH to the west; General Commercial (C) to the south; and Columbia County Mobile Home Residential (MHR), Manufactured Housing (MH), and a small amount of Low Density Residential (R-1) and to the east.

OBSERVATIONS

CONCURRENT COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE APPLICATIONS

Applicant proposes a Comprehensive Plan Map Amendment and Zone Change to allow for the construction of a residential subdivision.

The Scappoose Development Code indicates that quasi-judicial amendments to the comprehensive plan and map should be based on the following four considerations:

- A. The applicable comprehensive plan policies and map designation;
- B. The change will not adversely affect the health, safety and welfare of the community;
- C. The applicable standards of this title or other applicable implementing ordinances; and
- D. Evidence of change in the neighborhood or community or a mistake or inconsistency with the comprehensive plan or zoning map as it relates to the subject property.

While these items will be discussed in more detail in the *Findings of Fact*, several pertinent issues are called out in these observations.

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change

Consideration #1: The applicable comprehensive plan policies and map designation

- The subject site is designated as Industrial (I) and Commercial (C) on the comprehensive plan map, and is zoned Light Industrial (LI) and Expanded Commercial (EC). Applicant requests a new Comprehensive Plan Map designation of General Residential (GR) and a new zoning designation of Moderate Density Residential (R-4) for the northern 12.72 acres. Applicant does not propose to change the EC zoning designation of the southern 0.70 acres.

Consideration #2: The change will not adversely affect the health, safety and welfare of the community**INDUSTRIAL AND RESIDENTIAL LAND ISSUES**

- *Suitability of site*

For a number of reasons, the subject site is not ideal for industrial uses. The proximity to residential areas could lead to incompatible impacts were the site to continue in the LI district, stemming not only from industrial uses on the site but also from the resulting truck traffic. Truck traffic along East Columbia Avenue could disrupt the commercial district currently under development and guided by the Downtown Overlay (although the completion of Crown Zellerbach Road will provide an alternate route). Trucks using West Lane would pose a hazard for residential properties directly accessing the street. The lack of market interest for this site as an industrial use also suggests that another use might be more appropriate.

As a residential use, the subject site has several positive features. The site is adjacent to residential uses on the east and west sides, so conversion to residential use would create a continuous band of residential use just north of East Columbia Avenue. Placing additional residences close to downtown services creates a walkable environment that benefits the residents by providing nearby retail and professional opportunities, benefits business owners by expanding the nearby market area, and reduces the need for automobile use. Also, changing the industrial zone to a residential zone diminishes the likelihood of conflicts between future industrial uses and the existing residential properties.

- *Industrial needs issues*

The 2003 Land Use Needs analysis performed by the Benkendorf Associates Corp. indicated that Scappoose had a need for an additional 8.4 acres of industrial land, plus a need for large sites totaling approximately 200 acres to accommodate large industrial users. Recently the Planning Commission recommended approval of the conversion of another 9.14 acres from LI to R-4 (Docket No. CPA1-04/ZC2-04), which will further reduce the amount of industrial land, if approved by the City Council.

To compensate for the increase in the industrial land deficit, staff offer the following observations:

1. The 2003 Buildable Land Inventory indicated that land totaling 224.8 acres has industrial comprehensive plan designations within the City's Urban Growth Boundary but outside the City limits.
2. The City intends to focus future industrial development near the airport. Roadway and utility improvements are planned and underway on Route

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change

- 30, the Crown Zellerbach Road, and West Lane to make these areas more suitable for project-ready development.
3. The City Manager has been in regular contact with the owners of a 36-acre site located on West Lane to discuss their intentions to apply for annexation. The latest indication is that the owners intend to apply for the annexation in the Fall 2004, with the issue to be placed before the voters on the Spring 2005 ballot. Simultaneously, city staff can encourage other landowners with property planned for industrial uses to apply for annexation.
 4. The uses permitted in the Light Industrial district currently include some non-industrial uses (e.g., large-scale retail uses, vehicle/fuel convenience sales, etc.). Staff proposes that non-industrial uses should be eliminated from the list of permitted uses for this zoning designation to preserve industrially zoned land for industrial uses.

TRAFFIC IMPACT ANALYSIS

- The current LI zoning designation is likely to generate a higher number of daily, AM peak hour, and PM peak hour trips than would be anticipated from a residential zoning designation. For instance, for Docket No. CPA1-04/ZC2-04, the applicants supplied data indicating that a 9.14 acre site would generate 23% fewer total PM peak hour trips (assuming 40% lot coverage for industrial use). In the AM peak hour, 60% fewer trips would be generated for residential use than for industrial use. On a daily count, 56% fewer trips would be generated by the residential use. In each case, re-designating the land to residential use would result in lower traffic impacts on the surrounding roadways. Although the site used for this example is not directly comparable to the subject site, the automobile trip ratio is analogous.
- At the request of the City, applicants propose dedicating right-of-way to the Columbia County Road Department to realign the intersection of West Lane, East Columbia Avenue, and SE 4th Street to improve traffic and pedestrian safety.

Consideration #3: The applicable standards of this title or other applicable implementing ordinances

- See the *Findings of Fact*

Consideration #4: Evidence of change in the neighborhood or community or a mistake or inconsistency with the comprehensive plan or zoning map as it relates to the subject property

- See the *Findings of Fact*

PUBLIC AND PRIVATE AGENCIES

- The City of Scappoose Public Works, Engineering, Building, and Police Departments; Scappoose Rural Fire Protection District; Columbia County Road and Planning Departments; Century Tel; Comcast; Columbia River PUD; the Scappoose School District; Columbia County Board of Commissioners; Columbia County Soil Conservation District; the Oregon

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change

Department of Land Conservation and Development; Port of St. Helens; 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.

Comments received from public agencies included the following:

Oregon Department of Land Conservation and Development-

- DLCD staff sent a letter dated June 18, 2004 with comments on a prior application, Docket No. CPA1-04/ZC2-04 (See Exhibit 4). The staff indicated that they would have the same comments for this application.
- During a subsequent meeting with the City Manager and the Contract Planner, DLCD staff expressed that they were encouraged by the availability of industrially designated land within the urban growth boundary and urged the City to develop a schedule indicating the planned annexation dates for these lands.
- Notice of this request was mailed to property owners located within 200 feet of the subject site on July 26, 2004. As of the date of this report, one letter in opposition to the request had been received (see Exhibit 6). In this letter, Scott Parker, the President of Scappoose Sand & Gravel Co., expressed his apprehension over allowing the conversion of the subject site to residential use, due to concerns about potential noise complaints related to his business operations. However, since submitting the letter, Mr. Parker retracted his opposition to the Comprehensive Plan Map Amendment and Zone Change, because the Planning Commission imposed a Condition of Approval on the subdivision that requires the developer to enter into a recorded agreement of non-remonstrance toward the Scappoose Sand & Gravel Co. regarding the industrial operations immediately to the north of the site.

APPLICABILITY OF STATEWIDE PLANNING GOALS

A number of Oregon's 19 Statewide Planning Goals and Guidelines apply to the subject application. Discussion of these Goals can be found in the *Findings of Fact*.

The Findings of Fact and Conclusionary Findings are attached as Exhibit "A" to this report and are, by this reference, herein incorporated.

RECOMMENDATION

Based on the findings of fact, the conclusionary findings for approval, and the materials submitted by the applicant, staff and the Planning Commission recommend that the City Council **approve CPA 2-04 and ZC 3-04**, subject to the following:

1. That the Zone Change ZC 3-04 shall not take effect until and unless CPA 2-04 is approved by the City Council.

EXHIBIT "A"

FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR APPROVAL

CPA 2-04/ZC 3-04

Sharf Property Comprehensive Plan Map Amendment & Zone Change

1. The applicant is requesting approval of an application for a Comprehensive Plan Map Amendment (CPA 2-04) and Zone Change (ZC 3-04) for a 12.72-acre portion of a 13.45-acre site. Applicant requests a change from the Comprehensive Plan designation of Industrial (I) to General Residential (GR) and a change from the Light Industrial (LI) zoning designation to the Moderate Density Residential (R-4) zoning designation. The subject site is located on the southwest corner of Crown Zellerbach Road and West Lane and further described as Columbia County Assessor Map No. 3212-014-06500.
2. The subject site is designated as both Industrial and Commercial on the Comprehensive Plan Map, and is zoned both Light Industrial and Expanded Commercial (EC).
3. The following Goals and Policies from the Scappoose Comprehensive Plan are applicable to this request:

GOAL FOR PUBLIC FACILITIES AND SERVICES

- 1) *Provide the public facilities and services which are necessary for the well being of the community and which help guide development into conformance with the Comprehensive Plan.*
- 2) *Direct public facilities and services, particularly water and sewer systems, into the urban growth area.*
- 3) *Ensure that the capacities and patterns of utilities and other facilities are adequate to support the residential densities and intensive land use patterns of the Comprehensive Plan.*

POLICIES FOR PUBLIC FACILITIES AND SERVICES

- 1) *Design urban facilities and services, particularly water and sewer systems, to eventually serve the designated urban growth area; also, ensure that services are provided to sufficient vacant property to meet anticipated growth needs; also, develop a design review process to insure that public services and facilities do not unreasonably degrade significant fish and wildlife habitats.*
- 4) *Require in new residential developments that water, sewer, street and other improvements be installed as part of initial construction.*
- 5) *Ensure that capacities and patterns of utilities and other facilities are adequate to support the residential densities and land use patterns of the Comprehensive Plan."*

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change
Exhibit "A"

Finding: The public facility requirements of residential uses are more predictable than the requirements of undetermined industrial uses. The applicant has submitted a subdivision application for land within the urban area that can provide for the extension of sanitary and storm sewers, water lines, and streets in a manner designed to serve the designated urban growth area. The City's plans to install a new water source and treatment facility are expected to be complete prior to development of this site, ensuring adequate capacity. All plans and improvements are subject to review by the City Engineer and must conform to the requirements of the Scappoose Municipal Code and the Public Works Design Standards and Standard Specifications.

The applicant will provide all onsite facilities necessary to serve the proposed development. Adequate levels of public services will be provided by water lines, sanitary sewer, storm sewer, and streets to be installed by the applicant.

The proposed Tentative Subdivision Plan conforms with these policies because the development will receive public water supply and wastewater treatment from the City of Scappoose. City water and sewer master plans indicate that adequate water and sewer services can be provided to the site, and applicant must demonstrate sufficient wastewater transmission capacity in the existing sewerage system prior to connecting the new development. The site is already within the city limits.

Therefore, the applicable goals and policies of the GOAL FOR PUBLIC FACILITIES AND SERVICES, and the POLICIES FOR PUBLIC FACILITIES AND SERVICES, are satisfied.

GOAL FOR TRANSPORTATION

[...]

8) *To assure that roads have the capacity for expansion and extension to meet future demands.*

POLICIES FOR TRANSPORTATION

1) *Require all newly established streets and highways to be of proper width, alignment, design and construction, and to ensure that they are in conformance with the City's Subdivision Ordinance.*

2) *Review diligently all subdivision plats and road dedications to insure the establishment of a safe and efficient road system."*

Finding:

The current LI zoning designation is likely to generate a higher number of daily, AM peak hour, and PM peak hour trips than would be anticipated from a residential zoning designation. For instance, for Docket No. CPA1-04/ZC2-04, the applicants supplied data indicating that a 9.14 acre site would generate 23% fewer total PM peak hour trips (assuming 40% lot coverage for industrial use). In the AM peak hour, 60% fewer trips would be generated for residential use than for industrial use. On a daily count, 56% fewer trips would be generated by residential use would generate. In each case, redesignating the land to residential use would result in smaller traffic impacts on the surrounding roadways. Although the site used for this example is not directly comparable to the subject site, the automobile trip ratio is analogous.

The applicable goals and policies of the GOAL FOR TRANSPORTATION, and the POLICIES FOR TRANSPORTATION are satisfied.

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.*

Finding: The applicant proposes a residential use located within the urban area, and is proposed to be constructed in such a manner as to be fully integrated with land use, transportation, and public facilities. The proposal includes the provision of additional single-family residential housing stock and provides an improved street system and all required public facilities. The subject property is bordered to the west and east by established single- and multi-family neighborhoods. The proposed residential neighborhood will increase the quantity of housing within the City of Scappoose by adding single-family homes.

The proposed residential area would be integrated with adjacent land uses, since 75 percent of the surrounding property is residential. The proposal substantially conforms to the public facility plans adopted by the City of Scappoose with regard to facilities necessary to serve the proposed residential development; adequate levels of public services will be provided by water lines, sanitary sewer, storm sewer, and streets to be installed by the applicant. Therefore, the proposed Comprehensive Plan and Zoning Map Amendment is supportive of this Goal.

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change
Exhibit "A"

The Light Industrial (LI) zone dimensional standards and landscaping requirements are meant to minimize nuisance characteristics, but industrial development will still result in adverse conditions for the residential homes surrounding the subject site. These requirements restrict the location of buildings in regard to residential zones but do not address exterior activity around the buildings. These impacts can include noise and dust associated with the movement of people, vehicles, and machinery, the idling of vehicles and machinery, and the loading and unloading of supplies and products. In addition, industrial businesses often operate swing and graveyard shifts, which are in conflict with the typical activities in a residential neighborhood. Screening and landscaping will minimize views of industrial activities from the surrounding residential neighborhood, but will not eliminate the sound created on an industrial site from reaching and impacting the residents.

If the subject site is developed under the Light Industrial (LI) zoning designation, the surrounding residential neighborhood would be impacted as trucks from the subject site may interact with residential traffic and pedestrians on West Lane. Residents of homes fronting on West Lane frequently back out from their driveways into the road, a hazard when industrial trucks are traveling the same road. Therefore, development of the subject site as an industrial use would be in conflict with this Goal.

Therefore, the applicable goals of the GOAL FOR HOUSING are satisfied.

GENERAL RESIDENTIAL GOALS

- 1) *Create conditions suitable for higher concentrations of people in proximity to public services, shopping, transportation and other conveniences.*
- 2) *To provide places suitable for multi-family dwellings and single family dwellings.*

The configuration of the subject site, its location, and surrounding conditions create the conditions suitable for multi-family and single-family dwellings. The subject site is surrounded by residences to the west, east, and south. To the north is Crown Zellerbach Road, a major collector street under construction at the time of this application, which connects to Highway 30. Developing the subject site under the current zoning of Light Industrial (LI) would cause noise and traffic impacts on the neighboring properties. The development of the subject site as an industrial use would be in conflict with this Goal.

The comprehensive plan and zoning map amendment would redesignate one area from Light Industrial (LI) to Moderate Density Residential (R-4), realigning the land use designation consistent with the surrounding uses and densities. The new designation will

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change
Exhibit "A"

match the existing and in progress development surrounding the subject site. Therefore, the proposed comprehensive plan and zoning map amendment is supportive of this Goal.

GOAL FOR THE INDUSTRIAL LAND USE DESIGNATION

It is the goal of the City of Scappoose to:

- 1) *Provide a place for industrial activities where their requirements can be met, and where their environmental effects will have a minimal impact upon the community.*

POLICIES FOR THE INDUSTRIAL LAND USE DESIGNATION

It is the policy of the City of Scappoose to:

- 1) *Provide suitable areas for industrial expansion, utilizing for such purposes relatively large, flat areas that are separated by buffers from the City's residential districts.*
- 2) *Prevent industrial development from disrupting homogeneous residential neighborhoods.*
- 3) *Locate industrial areas so they have a convenient relationship to the community's transportation system, without generating heavy traffic through residential districts; additionally, the clustering of industrial activities will allow carpooling by employee.*
- 4) *Screen, setback or buffer the boundaries of industry, particularly unsightly areas which can be viewed from arterials or from residential areas.*

Finding: The subject site is not suitable for industrial uses since its proximity to residential areas could lead to incompatible impacts and the requirement for sufficient screening, setbacks, or buffering against neighboring residential areas, which would decrease the usable area for industry. Access to the property from Route 30 via East Columbia Avenue could route truck traffic through the downtown, and truck traffic on the adjacent portion of West Lane would create conflicts.

The 2003 Land Use Needs analysis indicated that Scappoose had a need for an additional 8.4 acres of industrial land, plus a need for large sites totaling roughly 200 acres to accommodate large industrial users. To compensate for this intensification of the industrial land deficit, staff offer the following observations:

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change
Exhibit "A"

- The 2003 Buildable Land Inventory indicated that land totaling 224.8 acres within the City's Urban Growth Boundary has industrial comprehensive plan designations.
- The City intends to focus future industrial development near the airport. Roadway and utility improvements are planned and underway on Route 30, the Crown Zellerbach Road, and West Lane to make these areas more suitable for project-ready development.
- The City Manager has been in regular contact with the owners of a 36-acre site located on West Lane Road to discuss their intentions to apply for annexation. The latest indication is that the owners intend to apply for the annexation in Fall 2004, with the issue placed before the voters on the Spring 2005 ballot. Simultaneously, city staff can encourage other landowners with property planned for industrial uses to apply for annexation.
- The uses permitted in the Light Industrial district currently include some non-industrial uses (e.g., large-scale retail uses, vehicle/fuel convenience sales, etc.). Staff propose that non-industrial uses should be eliminated from the list of permitted uses for this zoning designation.

The subject site is surrounded by single-family residential homes to the west, east, and south. To the north is Crown Zellerbach Road, a major collector under construction at the time of this application. Developing the subject site under the current zoning of Light Industrial (LI) would be in direct conflict with the use of 75 percent of the surrounding property, which is residential. Adjacent zoning includes Columbia County Heavy Industrial (M-1) to the north; High Density Residential (A-1) and MH to the west; General Commercial (C) to the south; and Columbia County Mobile Home Residential (MHR), Manufactured Housing (MH), and a small amount of Low Density Residential (R-1) and to the east.

The surrounding residential neighborhood would be impacted as trucks from the subject site interact with residential traffic and pedestrians on West Lane. Residents of homes fronting on West Lane frequently back out from their driveways into the road, a hazard when industrial trucks are traveling the same road.

The applicable goals and policies of the GOAL FOR THE INDUSTRIAL LAND USE DESIGNATION, and the POLICIES FOR THE INDUSTRIAL LAND USE DESIGNATION, are satisfied.

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change
Exhibit "A"

GOAL OF THE URBAN GROWTH BOUNDARY

It is the goal of the City of Scappoose to:

- 1) *Create within the City and its growth area, optimal conditions of livability.*

Finding: The Comprehensive Plan Map Amendment and Zone Change includes R-4 Moderate Density Residential for the northern 12.72 acres. The proposed changes will optimize livability by reducing the total acreage reserved for LI Light Industrial uses and providing for a residential character in the area north of Columbia Avenue. The proposal will maintain the southern portion of the EC Expanded Commercial zone designation (0.70 acres), which could serve as the terminus of the area within the Downtown Overlay. The focus of the Comprehensive Plan Map Amendment and Zone Change for the northern 12.72 acres is to provide a consistent neighborhood environment surrounded by existing homes. The proposed zone boundary will allow the construction of single family residences and maintain the commercial zone.

POLICIES FOR THE URBAN GROWTH BOUNDARY

It is the policy of the City of Scappoose to:

- 2) *Review the supply of buildable lands within the Urban Growth Boundaries, in cooperation with Columbia County during each major review of the City's plan. The process of expanding the urban growth areas may begin when there is less than a five year supply of residential land or when 75 percent of the industrial or commercial lands are built on.*

Finding: The City has reviewed its supply of buildable lands and estimated the demand for land to the year 2025, using stratified residential, commercial and industrial categories. The Land Use Needs Analysis found that the City should add more than 200 acres of industrial land to the UGB to meet calculated long-term needs. The immediate deficit is 10.5 gross acres not including a provision for large sites. By changing the plan designation of this site, the immediate deficit is increased to 23.22 acres, and the pending approval of Docket Number CPA1-04/ZC2-04 would increase that total to 32.36 acres. However there are 224.8 acres within the City's Urban Growth Boundary which can be annexed in to the City.

GOAL FOR ECONOMICS

It is the goal of the City of Scappoose to:

- 1) *Maintain conditions favorable for a growing, healthy, stable, and diversified business and industrial climate.*
- 2) *Establish greater local control over the density of local economic development.*

Scharf/Havlik Property Comprehensive Plan Map Amendment & Zone Change
Exhibit "A"

POLICIES FOR ECONOMICS

It is the policy of the City of Scappoose to:

- 1) *Make sufficient land available for the anticipated expansion of commercial and industrial activities.*

Finding: Although the northern portion of the subject property was originally designated I Industrial and zoned LI Light Industrial, there has been little interest in industrial development of the site. While having land zoned for industrial use would appear to be consistent with the policy, the evidence suggests that this particular location is not an effective one for achieving the desired economic goals. The property has been unable to produce an addition to "a growing, healthy, stable, and diversified business and industrial climate."

The 2003 Land Use Needs Analysis for the City of Scappoose concluded that "...there is a substantial amount of vacant land adjacent to the airport that would be suitable for industrial uses. This land is adequately buffered from residential uses." The vacant land adjacent to the airport meets Goal 1 of the Policies for Economics by providing sufficient land for industrial uses.

- 2) *Encourage the preservation, improvement and renewal of the existing business district of the City so that it will be allowed to play a role as a center of economic and civic activity for the entire community.*

Finding: Housing in the downtown core helps to create an active customer base which will support an active economic center. Furthermore, maintaining the southern portion as EC will allow commercial development or high-density housing per the standards of the A-1 zoning designation, provided that the proposal meets the requirements of the Downtown Overlay.

- 11) *Identify special locations for industrial activities that will assist in energy conservation; specifically, industries should be clustered:*
 - a. *Close to existing rail lines.*
 - b. *To allow for employees to use carpools.*

Finding: At 12.72 acres, employment density does not reach a "critical mass" of participants sufficient to contribute to significant carpooling or other transportation demand management practices. Rail lines are located a moderate distance from the site but not close enough for direct access.

- 13) *Coordinate its plans for public facilities to accommodate expected industrial and residential growth.*

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Exhibit "A"

Finding: The City's system plans for water and sanitary sewer service are capable of accommodating either industrial or residential use of the subject property. Some uses permitted in the LI zone could use large amounts of process water, which can place high demands on water and sewer facilities. Residential uses utilize public facilities much more predictably.

GENERAL GOALS FOR LAND USES

- 1) *The growth of the City should be orderly and in accordance with the public health, safety and welfare, while preserving individual choice and recognizing existing patterns of development.*

Finding: A current assessment of the area indicates that a residential use is more compatible with the surrounding uses. The proposed residential site has single-family residential on the east and west. Therefore a residential use is better suited to the existing patterns of development.

The proposed development of single-family residential homes is intended to continue the pattern of existing streets and lots. Housing will be similar to homes recently built in the area. The commercial zoned area at the southern edge of the property is proposed for attached townhouses with alley (rear) access garages. The use of the commercial area, if not the attached townhouses, will be determined at a later date.

The proposed residential use will enhance the quality of the public's health, safety, and welfare, by:

- The development will add to the City's mixture of housing by providing modestly priced single-family detached homes and attached townhouses.
- Connecting walking destinations in the neighborhood and improving safety by providing sidewalks.
- Providing half-street improvements along West Lane and Columbia Avenue and increasing the right-of-way, resulting in safer driving conditions for the neighborhood.
- Realigning West Lane with 4th Avenue to eliminate an existing hazardous traffic condition and create a safer intersection.
- Ensuring adequate levels of public services by water lines, sanitary sewer, storm sewer, and streets installed by the applicant to serve the needs of the proposed residential development.

The proposed amendment is supportive of this Goal.

- 3) *A suitable balance between competing land use should be established so that, insofar as possible, the complete range of social, economic, cultural, and aesthetic needs of the community are met.*

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Exhibit "A"

- 4) *Where certain types of uses have been found to be incompatible with other types of land use, there should be a buffer area to lessen the degree of incompatibility.*

Finding: A more suitable land use balance is for new residential development to be located directly adjacent to the existing residential areas to the east and west. The proposed boundary of the comprehensive plan map amendment and zone change is based on maintaining the EC zone, which will be required to go through Site Development Review and comply with appropriate buffering requirements if not proposed to be developed for residential use.

The Scappoose Development Code requires fifty-foot setbacks and limits the height of buildings to thirty-five feet when a Light Industrial (LI) site is within 100 feet of or abutting a residential zone. These requirements restrict the location of buildings in regard to residential zones but do not address exterior activity around the buildings. These impacts can include noise and dust associated with the movement of people, vehicles, and machinery; the idling of vehicles and machinery; and the loading and unloading of supplies and products. In addition, industrial businesses often operate swing and graveyard shifts, which are in conflict with the typical activities in a residential neighborhood. Screening and landscaping will visually separate the site from its surroundings, but not eliminate the sound created on an industrial site from reaching and impacting the surrounding residential neighborhood. Therefore, development of the subject site as an industrial use is in conflict with this Goal.

- 6) *Residential living areas should be safe, attractive, and convenient, and should make a positive contribution to the quality of life and personal satisfaction of the residents; additionally, there should be sufficient areas for a wide range of housing choices.*

Finding: Development of the subject 12.72-acre area is required to provide all the features associated with new residential development, including public streets with curbs, sidewalks, and pedestrian paths. Pedestrian amenities will reduce vehicle-pedestrian conflicts along West Lane and East Columbia Avenue by providing an alternative pedestrian route with sidewalks.

The proposed residential use will continue the existing pattern of streets and lots. The proposed housing will be similar to homes recently built or currently under construction in the area. Modestly priced single-family detached homes and attached townhouses will offer a range of housing choices. The safety of the neighborhood will be improved through the placement of sidewalks within the development and half-street improvements, including a sidewalk and planter strip. The half-street improvements will result in safer driving and walking conditions for the neighborhood. The realignment of West Lane with 4th Avenue will eliminate an existing hazardous traffic condition and create a safer intersection. The proposed comprehensive plan and zoning map amendment is supportive of this Goal.

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- 8) *Industrial areas should be suitable for their purpose, properly located, and adequate for future needs.*

Finding: The subject property is not suitably located to accommodate contemporary industrial needs. The city has identified large tracts of land immediately south of the Urban Growth Area and in the north, close to the airport, more suitable for industrial use. These areas are not in conflict with residential uses and would benefit from the synergy of surrounding industrial development and are therefore more suitably located. As a separate action, the City intends to enlarge its long-term supply of industrial land by encouraging annexation and providing public services to the lands designated industrial within the City's UGB.

The applicant believes the subject site is not conducive to industrial use. The subject site is surrounded on three sides by residential neighborhoods and has restricted access to a major collector via a local street. The requirements of the Scappoose Development Code Section 17.70.050 are meant to minimize the impacts created by an industrial site on residential areas, but do not fully address all potential impacts. Noise created outside the building will travel over screening and buffers, impacting the surrounding residential neighborhood. Therefore, development of the subject site as an industrial use would be in conflict with this Goal.

- 13) *A safe and convenient transportation system should be developed to meet future needs.*

The improvements proposed in the Tentative Subdivision Plan will assure that the roads have the capacity to meet future demands. In addition, these improvements will create a safe and efficient road system serving the surrounding neighborhoods and providing a connection between Columbia Avenue and Crown Zellerbach Road.

The proposed amendment is supportive of this Goal.

- 15) *Housing that meets the local residents' basic needs should be promoted.*

Finding: The subject property is a desirable location for residential development because its central location is close to the City's business district. This makes it possible and convenient to meet basic daily needs close to a place of residence. It also contributes to the vitality of the central business district. The City will require the construction of sidewalks and streets that will provide better connectivity not only for future residents but for neighboring properties to the north of the subject property. This will allow for a more safe and alternative means of improved transit for children and adults commuting to and from downtown.

The proposed comprehensive plan and zoning map amendment will provide a variety of housing to meet the local residents' basic needs. Modestly priced single-family detached homes and

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attached townhouses are the proposed types of housing. Therefore, the proposed amendment is supportive of this Goal.

4. The following Statewide Planning Goals are applicable to this request:

STATEWIDE PLANNING GOALS

The Comprehensive Plan Amendment and Zone Change are evaluated by the statewide planning goals in the following section.

A. Citizen Involvement (Goal 1)

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

Finding: The City's acknowledged Comprehensive Plan includes citizen involvement procedures with which the review of this application will comply. This process allows for citizens to communicate their input into the comprehensive plan map and zoning map amendment review conducted by the City. In addition, the City of Scappoose Planning Commission will also have an opportunity to review and comment on the proposed comprehensive plan and zoning map amendment. Additionally, a neighborhood meeting was held on April 20, 2004 to discuss the proposal with adjacent property owners. Within the Comprehensive Plan Map Amendment and Zone Change process, the Applicant is required to post site notices, the City notifies by mail adjacent property owners of the proposed change and public hearings will be held; this process complies with the Goal. (See Applicant's **Appendix A – Neighborhood Meeting Documentation**)

B. Land Use Planning (Goal 2)

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The proposal is to change the planning and zoning designations of urban land within the Urban Growth Boundary, in compliance with Goal 2. Notice of the proposed Comprehensive Plan and Zoning Map Amendment has been provided by the City of Scappoose to the Oregon Department of Land Conservation and Development (DLCD) as required. DLCD and other state agencies will have the opportunity to review and comment on the proposal.

C. Agricultural Lands (Goal 3)

Objective: To preserve and maintain agricultural lands.

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Exhibit "A"

Finding: This Goal is not applicable because the site is within the City of Scappoose Urban Growth Boundary. The subject site is not appropriate for agricultural uses due to its urban classification.

D. Forest Lands (Goal 4)

Objective: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: This Goal is not applicable because the site is within the City of Scappoose Urban Growth Boundary.

E. Open Spaces, Scenic and Historic Areas and Natural Resources (Goal 5)

Objective: To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: There are no identified Goal 5 resources on or near the site. The subject site is not designated as open space, a scenic or historic area, or a natural resource area by the City of Scappoose and does not contain any known significant open space, scenic, historic, or natural resources. The proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

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

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

Finding: The site is currently designated for Light Industrial use, and is also subject to City regulations that do not allow off-site impacts from noise, vibration, odors, glare, or other "nuisance" effects. For this reason, the potential harmful effects on air, water and land resource quality is already limited. Generally, single-family residential development is considered to produce lesser impacts on environmental quality factors than industrial use. The proposal will therefore have no significant impact with respect to this Goal.

The proposed comprehensive plan and zoning map amendment change will not contribute materially towards pollution of the air, water, or land resources. Future moderate density residential use of the property, under the R-4 zoning designation, will likely have no more significant effects upon air, water, and land resources than would light industrial development under the existing Light Industrial (LI) zoning designation. Any future development proposals for

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the subject site will be reviewed by the City of Scappoose with respect to the adequacy of sanitary sewer, storm sewer, and public water supply to serve the proposed development. This will occur with any future development, whether or not the comprehensive plan and zoning map designations are changed. Therefore, the proposed amendment is not in conflict with this Goal.

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

Objective: To protect people and property from natural hazards.

Finding: The subject property is not located within a floodplain, nor does it have areas with steep slopes or highly erosive soils. The subject site is not located within a mapped flood plain, potential flood hazard, potential landslide hazard, or earthquake hazard area. The proposal to designate the subject property for residential development is consistent with avoidance of natural disasters and hazards under Goal 7.

H. Recreational Needs (Goal 8)

Objective: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The entire subject site is presently designated for light industrial development and has not been planned for recreational opportunities. The requested redesignation of the subject site to Moderate Density Residential (R-4) will therefore not result in a reduction in land planned or reserved for recreational use. The proposed Comprehensive Plan Map Amendment and Zone Change will have no significant impact on the City's planning for recreational needs.

I. Economic Development (Goal 9)

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

Finding: The City prepared a Buildable Lands Inventory and Land Use Needs Analysis in 2003. The Land Use Needs Analysis recommends the addition to the City of over 200 acres of land for industrial development in locations that are buffered from residential uses and have good access to transportation, including the nearby general aviation airport. The subject property's neighbors to the west and east are existing, established single- and multi-family residential neighborhoods. Its central location in the City isolates it from other existing industrial use areas, and access to Highway 30 would necessarily cause conflicts between neighborhood motorists and industrial vehicles, such as shipping and delivery trucks. Therefore, the proposed Comprehensive Plan Map Amendment and Zone Change will contribute to an improved overall approach to managing land use needs, while reducing the potential for adjacency conflicts in the central part of the City.

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Land areas in other parts of the City, which have already been identified for annexation to the City, are much more suitable for industrial use as a key component of the City's economic development.

The proposed Comprehensive Plan and Zoning Map Amendment should result in development that contributes to the state and local economy by providing housing opportunities for possible employees of nearby commercial and industrial uses. Therefore, the proposed amendment is supportive of this Goal.

J. Housing (Goal 10)

Objective: To provide for the housing needs of citizens of the state.

Finding: The proposed Comprehensive Plan and Zoning Map Amendment will assist the City of Scappoose in maintaining its regional housing density standard and will also provide a variety of housing to meet the housing needs of local citizens. Modestly priced single-family detached homes are the proposed types of housing. The proposed amendment is supportive of this Goal. See the Finding for the City of Scappoose Housing Goal.

J. Public Facilities and Services (Goal 11)

Objective: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The intent of this Goal is to provide for the necessary public facilities and services for accommodating urban development. The necessary public facilities and services are currently available or will be provided by the applicant; these include sanitary sewer, water service, storm drainage, and streets. In preliminary discussions regarding future development of the subject site, there have been no concerns raised regarding the ability of the City to provide the needed public facilities to the subject site. The subject property lies within the Urban Growth Boundary (UGB) and is therefore considered to be urban property, which requires the extension of public facilities and services as follows:

Water – The City is scheduled to complete the water system improvements in June of 2005, thereby providing adequate source capacity and treatment facilities to accommodate either industrial or residential use. Although the City is currently drilling new wells and installing new treatment facilities to accommodate future growth in the area, some industrial uses can be unpredictable in their use patterns and can place high demands on public facilities. Typically, residential properties utilize public utilities substantially less and are much more predictable in their use patterns. The installation of the new water treatment facility can accommodate the proposed 12.72-acre residential property at full density. Therefore, residential use is more supportive of this Goal.

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Sewer – The applicant must demonstrate that existing sewer lines will have sufficient capacity to transmit wastewater generated by the development to the wastewater treatment plant.

K. Transportation (Goal 12)

Objective: To provide and encourage a safe, convenient and economic transportation system.

Finding: This Goal requires the City to prepare and implement a Transportation System Plan. According to the City of Scappoose Transportation System Plan and the more recent Rail Corridor Study, West Lane, Columbia Avenue, and the Crown Zellerbach Road have been designated as collector streets. The proposed realignment of West Lane creates a safer intersection and a more functional transportation system.

With regard to the trip generation calculation, Light Industrial use would generate a greater number of daily, AM peak hour, and PM peak hour trips than would use of the site for residential purposes. This in turn will reduce travel demand, so the proposed Comprehensive Plan Map Amendment is expected to have a positive, beneficial impact on the functioning of the circulation system, including Highway 30 and its intersections.

L. Energy Conservation (Goal 13)

Objective: To conserve energy.

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

- a. Lot size, dimension, and siting controls;*
- b. Building height, bulk and surface area;*
- c. Density of uses, particularly those which relate to housing densities;*
- d. Availability of light, wind and air;*
- e. Compatibility of and competition between competing land use activities; and*
- f. Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.*

Finding: The subject site is surrounded by single-family residential homes to the west, east, and south. The proposed Comprehensive Plan and Zoning Map Amendment will create a compatible land use. Any future development will conform to the Scappoose Land Use and Development Code Sections relating to lot size, dimension, and siting controls; building height, bulk and surface area; and density of uses. The subject property is at a desirable location for residential development because its central location is close to the City's core business district. This makes it possible and convenient to meet basic daily needs close to home. This reduces the need for automobile travel and supports alternative transportation modes (walking, cycling) that are more

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energy efficient. Additionally, the subject property is not in close proximity to other industrial sites, which when clustered can facilitate carpooling by employees, thereby reducing the number of vehicles on the road and increasing energy efficiency.

Furthermore, clustering industrial activities in outlying industrial zones allows for more direct access to principal roadways. The subject property is surrounded by existing development and is constrained by the limitations of existing streets, which leads to congestion and higher energy use. Therefore, the proposal will contribute to a more energy-efficient land use pattern within the City's Urban Growth Boundary.

M. Urbanization (Goal 14)

Objective: To provide for an orderly and efficient transition from rural to urban land use.

Finding: The subject property is at a central location within the Urban Growth Boundary and no expansion of the Urban Growth Boundary is proposed. The proposed Comprehensive Plan Map Amendment and Zone Change will not affect the City's Goal 14 compliance.

Goals 15 through 19 are not applicable to this application.

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

Chapter 17.22 Amendments to the Title, Comprehensive Plan, and Maps

Section 17.22.010 Purpose

The purpose of this chapter is to set forth the standards and purposes governing legislative and quasi-judicial amendments to this title, the acknowledged comprehensive plan, and the related maps.

[...]

Section 17.22.030 Quasi-judicial amendments.

Quasi-judicial amendments shall be in accordance with the procedures set forth in Chapter 17.162 and the following:

A. The commission shall make a recommendation to the Council to approve, approve with conditions or deny an application for a quasi-judicial comprehensive plan map amendment or zone changes based on the following:

- 1) The applicable comprehensive plan policies and map designation;*
- 2) The change will not adversely affect the health, safety and welfare of the community;*
- 3) The applicable standards of this title or other applicable implementing ordinances; and*

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- 4) *Evidence of change in the neighborhood or community or a mistake or inconsistency with the comprehensive plan or zoning map as it relates to the subject property.*

1. *THE APPLICABLE COMPREHENSIVE PLAN POLICIES AND MAP DESIGNATION*

Finding: The proposed Comprehensive Plan Map and Zoning Map change is from Light Industrial (LI) to Moderate Density Residential (R-4). The property is currently split-zoned, Light Industrial and Expanded Commercial (EC). The purpose of the proposed change is to realign the zone boundaries to allow the proposed residential use while retaining the commercial use zoning on the southern portion of the site. The request is consistent with applicable Comprehensive Plan policies and zoning map designations because it will set the stage for compatible residential development alongside adjacent existing residential land uses and zoning. The existing land uses of surrounding property include Columbia County Heavy Industrial (M-1) to the north; High Density Residential (A-1) and MH to the west; General Commercial (C) to the south; and Columbia County Mobile Home Residential (MHR), Manufactured Housing (MH), and a small amount of Low Density Residential (R-1) and to the east.

The applicable comprehensive plan policies are outlined above.

2. *THE CHANGE WILL NOT ADVERSELY AFFECT THE HEALTH, SAFETY AND WELFARE OF THE COMMUNITY;*

Finding: The proposal will not adversely affect health, safety, and welfare for several reasons. First, it will eliminate the potential for a large industrial use to locate immediately adjacent to established single- and multi-family homes. Second, residential development will provide improved circulation, in particular new streets with sidewalks and curbs, providing improved pedestrian safety and convenience. Third, the proposed change will foster new development that is consistent with the existing residential character, which will reinforce and enhance a centrally located residential neighborhood.

In the 2003 Land Use Needs Analysis, it was concluded that the City of Scappoose has an 8.4-acre deficit of light industrial land. It was also concluded that there is a 16-unit surplus of single-family residential land. Developing the subject site under the current industrial comprehensive plan designation and zoning would result in adverse conditions for the community. The subject site is surrounded by single-family residential homes to the west, east, and south. Developing the subject property as an industrial site would be in direct conflict with the use of 75 percent of the surrounding property, which is residential.

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Exhibit "A"

Industrial trucks from the subject site would impact the surrounding residential neighborhood as they interact with residential traffic and pedestrians on West Lane. Residents of homes fronting on West Lane frequently back out from their driveways into the road, a hazard when industrial trucks are traveling the same road. Maintenance of West Lane would be a challenge for the County as local streets are not designed to handle industrial traffic.

The Scappoose Development Code requires fifty-foot setbacks and limits the height of buildings to thirty-five feet when a Light Industrial site is within 100 feet of or abutting a residential zone. These requirements restrict the location of buildings in regard to residential zones but do not address exterior activity around the buildings. These impacts can include noise and dust associated with the movement of people, vehicles, and machinery; the idling of vehicles and machinery; and the loading and unloading of supplies and products. In addition, industrial businesses often operate swing and graveyard shifts, which are in conflict with the typical activities in a residential neighborhood. Screening and landscaping will separate site from sound, but not eliminate the sound created on an industrial site from reaching and impacting the surrounding residential neighborhood. See *General Goals for Land Uses* (Goal 1) for additional facts.

In summary, this specific site is not conducive to industrial use. The subject site is surrounded on three sides by residential neighborhoods and has restricted access to a major collector via a local street. The requirements of the Scappoose Development Code Section 17.70.050 are meant to minimize the impacts created by an industrial site on residential areas, but do not fully address all potential impacts. Noise created outside the building will travel over screening and buffers, impacting the surrounding residential neighborhood.

3. THE APPLICABLE STANDARDS OF THIS TITLE OR OTHER APPLICABLE IMPLEMENTING ORDINANCES; [AND]

Finding: The proposed map amendment and zone change are policy decisions subject to guidance by the full policy framework established by the Oregon Statewide Land Use Planning Goals and associated Oregon Administrative Rules (OAR), and by the Scappoose Comprehensive Plan and Development Code.

4. EVIDENCE OF CHANGE IN THE NEIGHBORHOOD OR COMMUNITY OR A MISTAKE OR INCONSISTENCY WITH THE COMPREHENSIVE PLAN OR ZONING MAP AS IT RELATES TO THE SUBJECT PROPERTY.

Finding: Although the subject site is designated in the City of Scappoose Comprehensive Plan Map as Industrial, it is located in the middle of an existing residential area to the north of Columbia Avenue. Since the adoption of the Comprehensive Plan, the land

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Exhibit "A"

around the airport has become slated for industrial development, which will be clustered in a more efficient pattern than can be attained on the subject site.

The site was zoned LI Light Industrial to accommodate future industrial uses, but although the property has been on the market there has been little to no interest in the site for industrial use. These facts are evidence of a change in the community that has made the subject property unattractive for light industrial use.

Chapter 17.162 PROCEDURES FOR DECISION MAKING—QUASI-JUDICIAL

17.162.090 Approval authority responsibilities. [...]

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

[...]

2. A quasi-judicial comprehensive plan map amendment except the planning commission's function shall be limited to a recommendation to the council. The commission may transmit their recommendation in any form and a final order need not be formally adopted;

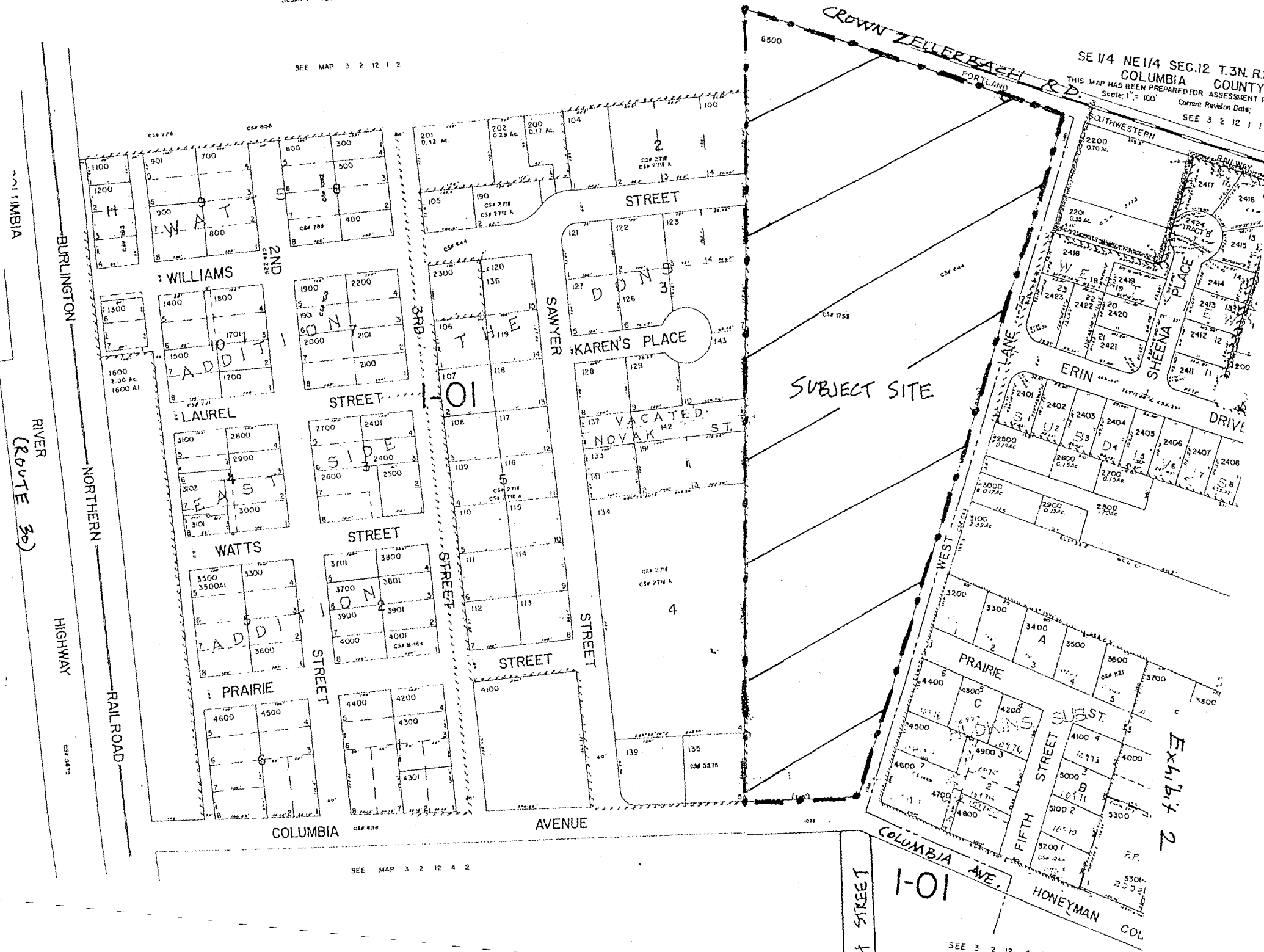
3. A quasi-judicial zoning map amendment shall be decided in the same manner as a quasi-judicial plan amendment; [...]

Finding:

Sections 17.162.090(C, 2-3) are satisfied by the request in that the applicant has submitted Comprehensive Plan Map Amendment and Zone Change applications on forms provided by the City of Scappoose, has paid the applicable land use fees, and the Planning Commission and City Council follow the correct procedures.

SEE MAP 3 2 12 1 2

SE 1/4 NE 1/4 SEG. 12 T. 3N. R. 2
COLUMBIA COUNTY
THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 100' Current Revision Date: 12/15/02
SEE 3 2 12 1 1



SEE MAP 3 2 12 4 2

SEE 3 2 12 4 1

Exhibit 2

Scharf Property
Scappoose, Oregon

Additional Narrative for
Comprehensive Plan Map Amendment,
Zoning Map Amendment, and
Subdivision Tentative Plan Approval

Prepared for
Rose Dale Development

Prepared by



July 15, 2004

APPLICATION SUMMARY

APPLICANT:

Dave Scharf
Rose Dale Development
51506 Columbia River Highway
Scappoose, OR 97056
(503) 543-4741

PROPERTY OWNER:

Albert Havlik
52406 Mt. View Road
Scappoose, OR 97056
(503) 543-2343

PLANNERS/ENGINEERS:

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17355 SW Boones Ferry Road
Lake Oswego, OR 97035

Planner: Heather Van Dyke (503) 699-2444
heather.vandyke@otak.com

Engineer: Mike Peebles, PE (503) 699-4526
mike.peebles@otak.com

SUBJECT PROPERTY:

The subject property includes 13.45 acres located on the north side of Columbia Avenue and the west side of West Lane. Columbia County Assessors Map 3-2-12-1-4, Tax Lot 6500.

REQUESTED APPROVALS:

The proposed development is a 57 lot single-family residential subdivision and one 0.70 acre parcel designated for commercial use and/or attached townhomes. The requested approvals include:

- Comprehensive Plan Amendment
- Zoning Map Amendment from Light Industrial (LI) to Moderate Density Residential (R-4)
- Subdivision Tentative Plan Approval

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I. Compliance with Statewide Planning Goals

Goal 1 - Citizen Involvement

The City of Scappoose has established a public hearing process which specifies notice requirements for advertising a land use change in a general circulation newspaper and mailing notices to adjacent property owners within 200 feet of the subject property. These notices will be provided by the City prior to the City Council hearing on this application, thereby providing an opportunity for citizens of the surrounding and general area to comment on the proposal either in writing in advance of the hearing or orally at the public hearing. This process allows for citizens to communicate their input into the comprehensive plan map and zoning map amendment review conducted by the City. In addition, the City of Scappoose Planning Commission will also have an opportunity to review and comment on the proposed comprehensive plan and zoning map amendment. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 2 - Land Use Planning

Notice of the proposed comprehensive plan and zoning map amendment will be provided by the City of Scappoose to the Oregon Department of Land Conservation and Development (DLCD) as required. DLCD and other state agencies will have the opportunity to review and comment on the proposal. Therefore, the proposed amendment is not in conflict with this Goal.

Goal 3 - Agricultural Land

The subject site is not appropriate for agricultural uses due to its urban classification by the City of Scappoose Comprehensive Plan and its location within the Urban Growth Boundary. The subject site does not contain prime agricultural soils. The subject site is no currently in agricultural use. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 4 - Forest Lands

The subject site is not acknowledged as forest land within the Oregon Department of Land Conservation and Development definition or guidelines. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources

The subject site is not designated as open space, a scenic or historic area, or a natural resource area by the City of Scappoose and does not contain

any known significant open space, scenic, historic, or natural resources. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 6 - Air, Water, and Land Resources Quality

The proposed comprehensive plan and zoning map amendment change will not contribute materially towards pollution of the air, water, or land resources. Future moderate density residential use of the property, under the R-4 zoning designation, will likely have no more significant effects upon air, water, and land resources than would light industrial development under the existing Light Industrial (LI) zoning designation. Any future development proposals for the subject site will be reviewed by the City of Scappoose with respect to the adequacy of sanitary sewer, storm sewer, and public water supply to serve the proposed development. This will occur with any future development, whether the comprehensive plan and zoning map designations are changed or not. Therefore, the proposed amendment is not in conflict with this Goal.

Goal 7 - Areas Subject to Natural Disasters and Hazards

The subject site is not located within a mapped flood plain, potential flood hazard, potential landslide hazard, or earthquake hazard area. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 8 - Recreational Needs

The entire subject site is presently designated for light industrial development and has not been planned for recreational opportunities. The requested redesignation of the subject site to Moderate Density Residential (R-4) will therefore not result in a reduction in land planned or reserved for recreational use. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 9 - Economic Development

The proposed comprehensive plan and zoning map amendment should result in development that contributes to the state and local economy by providing housing opportunities for possible employees of nearby commercial and industrial uses. Therefore, the proposed amendment is supportive of this Goal.

Goal 10 - Housing

The proposed comprehensive plan and zoning map amendment will assist the City of Scappoose in maintaining its regional housing density standard and will also provide a variety of housing to meet the housing needs of local citizens. Modestly priced single-family detached homes and attached townhomes are the proposed types of housing. Therefore, the proposed amendment is supportive of this Goal.

Goal 11 - Public Facilities and Services

The intent of this Goal is to provide for the necessary public facilities and services for accommodating urban development. The necessary public facilities and services are currently available or will be provided by the applicant; these include sanitary sewer, water service, storm drainage, and streets. In preliminary discussions regarding future development of the subject site, there have been no concerns raised regarding the ability of the City to provide the needed public facilities to the subject site. Therefore, the proposed comprehensive plan and zoning map amendment is consistent with this Goal.

Goal 12 - Transportation

The intent of Goal 12 is "To provide and encourage a safe, convenient, and economic transportation system." Per City of Scappoose request, West Lane at Columbia Avenue will be realigned with 4th Avenue. A 30-foot-long perpendicular queue for traffic turning from West Lane onto Columbia Avenue will be provided. A 23-foot dedication along West Lane and a 3-foot dedication along Columbia Avenue are proposed to increase the existing right-of-way to the City standard of 66 feet. Half-street improvements (curbs, sidewalks, storm sewer, and planter strip) will be provided along West Lane and Columbia Avenue. These improvements will create a safe and efficient road system serving the surrounding neighborhoods and providing a connection between Columbia Avenue and Crown Zellerbach Road.

Williams Street and Erin Drive will be extended to meet an internal road (Street A), which is proposed to run north/south through the development and terminate in a cul-de-sac at each end. One additional access point (Street B) will be created along West Lane, located between Erin Drive and Columbia Avenue. All proposed internal public streets will be 36-foot-wide local streets in 54-foot rights-of-way, as required by City street standards. These improvements will further assure that the roads have the capacity to meet future demands.

Continued

A traffic study will be performed by a licensed engineer after planning approval has been received for the proposed comprehensive plan map amendment, zoning map amendment, and subdivision tentative plan. It is expected that the traffic study will demonstrate that the proposed amendments would not result in land uses on the site which would result in levels of travel or access which are inconsistent with the functional classifications of these and other nearby affected roadways or other transportation facilities or reduce the levels of service on these roadways. Therefore, the proposed amendment is not in conflict with this Goal.

Per the City of Scappoose, direct access from the subject site to Crown Zellerbach Road will not be allowed. Development of the subject site under the current Light Industrial (LI) zoning designation will impact the surrounding residential neighborhood as trucks from the subject site would be forced to interact with residential traffic and pedestrians on West Lane, a local street not designed for industrial traffic, to reach a major collector. Residents of homes fronting on West Lane frequently back out from their driveways into the road, a hazard when industrial trucks are traveling the same road.

Goal 13 - Energy Conservation

The subject site is surrounded by single-family residential homes to the west, east, and south. The proposed comprehensive plan and zoning map amendment will create a compatible land use. Any future development will conform to the Scappoose Land Use and Development Code Sections relating to lot size, dimension, and sitting controls; building height, bulk and surface area; density of uses. Therefore, the proposed amendment is supportive of this Goal.

Goal 14 - Urbanization

The proposed development will occur within the urban growth boundary and complies with the objective of encouraging growth within established communities where public services are available. Therefore, the proposed comprehensive plan and zoning map amendment is supportive of this Goal.

Goal 15 - Willamette River Greenway

The subject site is not located along the Willamette River. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 16 - Estuarine Resources

The subject site is not acknowledged as an estuarine resource within the Oregon Department of Land Conservation and Development definition or guidelines. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 17 - Coastal Shorelands

The subject site is not acknowledged as coastal shoreland within the Oregon Department of Land Conservation and Development definition or guidelines. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 18 - Beaches and Dunes

The subject site is not acknowledged as beaches and dunes within the Oregon Department of Land Conservation and Development definition or guidelines. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

Goal 19 - Ocean Resources

The subject site is not acknowledged as an ocean resource within the Oregon Department of Land Conservation and Development definition or guidelines. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

II. Compliance with Applicable Sections of the City of Scappoose Comprehensive Plan

Economic Goals

- 1) *Maintain conditions favorable for a growing, healthy, stable, and diversified business and industrial climate.*
- 2) *Establish greater local control over the density of local economic development.*
- 3) *Allow the free market economy to operate with an absolute minimum of restrictions.*

The proposed comprehensive plan and zoning map amendment is supportive of the Economic Goals by supporting the Policies for Economics. The applicant is aware that Benkendorf Associates has

prepared a Land Use Needs Analysis for the City of Scappoose, dated June 30, 2003. In the Land Use Needs Analysis, it was concluded that “. . . there is a substantial amount of vacant land adjacent to the airport that would be suitable for industrial uses. This land is adequately buffered from residential uses.” Under the Economic Goals and Policies of the City of Scappoose Comprehensive Plan, Policies for Economics Goal 1 states “Make sufficient land available for the anticipated expansion of commercial and industrial activities.” The vacant land adjacent to the airport meets Goal 1 of the Policies for Economics by providing sufficient land for industrial uses.

Under the Economic Goals and Policies of the City of Scappoose Comprehensive Plan, Policies for Economics Goal 11 states “Identify special locations for industrial activities that will assist in energy conservation; specifically, industries should be clustered: a) close to existing rail lines. b) to allow for employees to use carpools.” The subject site is located a moderate distance from the existing rail line and is bordered on the north by Crown Zellerbach Road, a major collector. However, per the City of Scappoose, direct access from the subject site to Crown Zellerbach Road will not be allowed. The surrounding residential neighborhood would be impacted as trucks from the subject site would be forced to interact with residential traffic and pedestrians on West Lane, a local street not designed for industrial traffic, to reach a major collector. Residents of homes fronting on West Lane frequently back out from their driveways into the road, a hazard when industrial trucks are traveling the same road. Maintenance of West Lane would be a challenge for the City as local streets are not designed to handle industrial traffic. Development of the subject site under the current zoning designation of Light Industrial (LI), would be in conflict with Policies for Economics Goal 11. Therefore, development of the subject site as an industrial use is in conflict with this Goal.

Housing

- 1) *Increase the quantity and quality of housing for all citizens.*

The proposed subdivision will increase the quantity of housing within the City of Scappoose by adding single-family homes and attached townhomes. Therefore, the proposed comprehensive plan and zoning map amendment is supportive of this Goal.

- 2) *Locate housing so that it is fully integrated with land use, transportation and public facilities.*

The proposed subdivision is located where it is integrated with adjacent land uses; 75 percent of the surrounding property is residential. The proposed subdivision substantially conforms to the public facility plans adopted by the City of Scappoose with regard to facilities necessary to serve the proposed residential development; adequate levels of public services will be provided by water lines, sanitary sewer, storm sewer, and streets to be installed by the applicant. Therefore, the proposed comprehensive plan and zoning map amendment is supportive of this Goal.

- 3) *Concentrate high-density multi-family dwellings in a few areas of the City and distribute low density multi-family dwellings throughout the City.*

The proposed subdivision lots are intended to be limited to the uses allowed by the R-4 (Moderate Density Residential) and EC (Expanded Commercial) zoning districts with the primary intent of development being single-family detached residential dwellings and attached townhomes. It is proposed that the attached townhomes (multi-family dwellings) be located in a concentrated group located at the south end of the property. Therefore, the proposed amendment is supportive of this Goal.

- 4) *Protect residential areas from conflicting land uses, unnecessary through traffic, or other undesirable influences.*

The subject site is surrounded by existing residential neighborhoods to the west, east, and south. Developing the subject site as an industrial use would be in direct conflict with 75 percent of the surrounding land use, which is residential.

The Light Industrial (LI) zone is intended to create locations for industrial use while minimizing nuisance characteristics, including noise, glare, and smoke. Section 17.70.050, Light Industrial (LI) Dimensional Requirements, of the Scappoose Development Code states that *No additional side or rear yard setback shall be required except fifty feet shall be required where abutting a residential zoning district and the planning commission may reduce this required yard setback by fifty percent pursuant to Chapter 17.100, Landscaping, Screening and Fencing.* The Code further states that *Within one hundred feet of a residential zone, no building shall exceed thirty-five feet in height.* These standards will apply to the subject site as it is

not only located within 100 feet of a residential zone, but abuts residential property. The applicant recognizes that these requirements are meant to minimize nuisance characteristics, but feels that industrial development will still result in adverse conditions for the residential homes surrounding the subject site. These requirements restrict the location of buildings in regard to residential zones but do not address exterior activity around the buildings. These impacts can include noise and dust associated with the movement of people, vehicles, and machinery, the idling of vehicles and machinery, and the loading and unloading of supplies and products. In addition, industrial businesses often operate swing and graveyard shifts, which are in conflict with the typical activities in a residential neighborhood. Screening and landscaping will minimize views of industrial activities from the surrounding residential neighborhood, but will not eliminate the sound created on an industrial site from reaching and impacting the residents.

Per the City of Scappoose, direct access from the subject site to Crown Zellerbach Road will not be allowed. If the subject site is developed under the Light Industrial (LI) zoning designation, the surrounding residential neighborhood would be impacted as trucks from the subject site would be forced to interact with residential traffic and pedestrians on West Lane, a local street not designed for industrial traffic, to reach a major collector. Residents of homes fronting on West Lane frequently back out from their driveways into the road, a hazard when industrial trucks are traveling the same road. Therefore, development of the subject site as an industrial use would be in conflict with this Goal. The proposed comprehensive plan and zoning map amendment is supportive of this Goal.

General Goals of the City of Scappoose for Land Use

- 1) *The growth of the City should be orderly and in accordance with the public health, safety, and welfare, while preserving individual choice and recognizing existing patterns of development.*

The proposed development is a subdivision comprised of single-family residential homes intended to continue the pattern of existing streets and lots. Housing will be similar to homes recently built in the area. The commercial zoned area at the southern edge of the property is proposed for attached townhomes with alley (rear) access garages. The use of the commercial area, if not the attached townhomes, will be determined at a later date.

The applicant feels the proposed subdivision will enhance the quality of the public's health, safety, and welfare, as is intended by the following:

- The development will add to the City's mixture of housing by providing modestly priced single-family detached homes and attached townhomes.
- Sidewalks within the development and half-street improvements, including a sidewalk and planter strip, will further connect walking destinations in the neighborhood and improve safety.
- The half-street improvements along West Lane require a 23-foot dedication and the half-street improvements along Columbia Avenue three-foot dedication by the applicant. This will increase the right-of-way along West Lane to the City standard of 66 feet, resulting in safer driving conditions for the neighborhood.
- The realignment of West Lane with 4th Avenue will eliminate an existing hazardous traffic condition and create a safer intersection.
- Adequate levels of public services will be provided by water lines, sanitary sewer, storm sewer, and streets to be installed by the applicant to serve the needs of the proposed residential development.

Therefore, the proposed amendment is supportive of this Goal.

Development of the subject site as an industrial use will result in adverse conditions for the public. The applicant is supportive of the need for additional light industrial land in Scappoose, as stated by Benkendorf Associates in a Land Use Needs Analysis for the City of Scappoose dated June 30, 2003, but believes this specific site is not conducive to industrial use. The subject site is surrounded on three sides by residential neighborhoods and has restricted access to a major collector via a local street. The requirements of the Scappoose Development Code Section 17.70.050 are meant to minimize the impacts created by an industrial site on residential areas, but do not fully address all potential impacts. Noise created outside the building will travel over screening and buffers, impacting the surrounding residential neighborhood. Therefore, development of the subject site as an industrial use would be in conflict with this Goal.

- 2) *Physical characteristics of the area, such as its geographic assets and limitations, its topographic and geologic features, etc., should be*

recognized where they may represent important land use determinations.

Physical characteristics of the area limit the development of the subject site for industrial uses. Per the City of Scappoose, direct access from the subject site to Crown Zellerbach Road will not be allowed. The surrounding residential neighborhood would be impacted as trucks from the subject site would be forced to interact with residential traffic and pedestrians on West Lane, a local street not designed for industrial traffic, to reach a major collector. Residents of homes fronting on West Lane frequently back out from their driveways into the road, a hazard when industrial trucks are traveling the same road. Therefore, development of the subject site as an industrial use would be in conflict with this Goal. The proposed comprehensive plan and zoning map amendment is supportive of this Goal.

- 3) *A suitable balance between competing land use should be established so that, insofar as possible, the complete range of social, economic, cultural, and aesthetic needs of the community are met.*
- 4) *Where certain types of uses have been found to be incompatible with other types of land use, there should be a buffer area to lessen the degree of incompatibility.*

The Light Industrial (LI) zoning designation is intended to create locations for industrial use while minimizing nuisance characteristics, including noise, glare, and smoke. Section 17.70.050, Light Industrial (LI) Dimensional Requirements, of the Scappoose Development Code states that *No additional side or rear yard setback shall be required except fifty feet shall be required where abutting a residential zoning district and the planning commission may reduce this required yard setback by fifty percent pursuant to Chapter 17.100, Landscaping, Screening and Fencing.* The Code further states that *Within one hundred feet of a residential zone, no building shall exceed thirty-five feet in height.* These standards will apply to the subject site as it is not only located within 100 feet of a residential zone, but abuts residential property. The applicant recognizes that these requirements are meant to minimize nuisance characteristics, but feels that industrial development will still result in adverse conditions for the residential homes surrounding the subject site.

The Scappoose Development Code requires fifty-foot setbacks and limits the height of buildings to thirty-five feet when a Light

Industrial (LI) site is within 100 feet of or abutting a residential zone. These requirements restrict the location of buildings in regard to residential zones but do not address exterior activity around the buildings. These impacts can include noise and dust associated with the movement of people, vehicles, and machinery; the idling of vehicles and machinery; and the loading and unloading of supplies and products. In addition, industrial businesses often operate swing and graveyard shifts, which are in conflict with the typical activities in a residential neighborhood. Screening and landscaping will separate site from sound, but not eliminate the sound created on an industrial site from reaching and impacting the surrounding residential neighborhood. Therefore, development of the subject site as an industrial use is in conflict with this Goal.

- 5) *Sufficient area for the expansion of all major land uses for the next twenty years should be provided.*

The applicant is aware that Benkendorf Associates has prepared a Land Use Needs Analysis for the City of Scappoose, dated June 30, 2003. In the Land Use Needs Analysis it was concluded that there is an 8.4 acre deficit of light industrial land needed to meet the projected demand for the next twenty years. It was further concluded that “. . . there is a substantial amount of vacant land adjacent to the airport that would be suitable for industrial uses. This land is adequately buffered from residential uses.” It was also concluded that there is a 16-acre surplus of single-family residential land to meet the projected demand for the next twenty years. The applicant is supportive of the need for additional light industrial land, but feels the subject site is not conducive to industrial use. The proposed development will not subtract from available residential land. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

- 6) *Residential living area should be safe, attractive, and convenient, and should make a positive contribution to the quality of life and personal satisfaction of residents; additionally, there should be sufficient areas for a wide range of housing choices.*

The proposed development is a subdivision intended to continue the existing pattern of streets and lots. The proposed housing will be similar to homes recently built or currently under construction in the area. Modestly priced single-family detached homes and attached townhomes will offer a range of housing choices. The safety of the neighborhood will be improved through the placement of sidewalks within the development and half-street improvements,

including a sidewalk and planter strip. The half-street improvements along West Lane require a 23-foot dedication and the half-street improvements along Columbia Avenue require a three-foot dedication by the applicant. This will increase the right-of-way along West Lane to the City standard of 66 feet, resulting in safer driving and walking conditions for the neighborhood. The realignment of West Lane with 4th Avenue will eliminate an existing hazardous traffic condition and create a safer intersection. Therefore, the proposed comprehensive plan and zoning map amendment is supportive of this Goal.

- 7) *Commercial areas should provide maximum service to the public and should be safely integrated into the physical pattern of the community.*

No commercial use is proposed for the subject site. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

- 8) *Industrial areas should be suitable for their purpose, properly located, and adequate for future needs.*

The applicant feels the subject site is not conducive to industrial use. The subject site is surrounded on three sides by residential neighborhoods and has restricted access to a major collector via a local street. The requirements of the Scappoose Development Code Section 17.70.050 are meant to minimize the impacts created by an industrial site on residential areas, but do not fully address all potential impacts. Noise created outside the building will travel over screening and buffers, impacting the surrounding residential neighborhood. Therefore, development of the subject site as an industrial use would be in conflict with this Goal.

- 9) *Open spaces should be protected for future generations.*

The subject site is not designated as open space. Therefore, the proposed comprehensive plan and zoning map amendment is not in conflict with this Goal.

- 10) *Public and semi-public developments should be located to encourage a pattern of land development that benefits the whole community.*

The proposed development is a subdivision comprised of single-family residential homes intended to continue the pattern of existing streets and lots. Housing will be similar to homes recently

built in the area. The commercial zoned area at the southern edge of the property is proposed for attached townhomes with alley (rear) access garages. The use of the commercial area, if not the attached townhomes, will be determined at a later date. The development will add to the City's mixture of housing by providing modestly priced single-family detached homes and attached townhomes

Significant public improvements will be made by the applicant as part of the land development process. Per City of Scappoose request, West Lane at Columbia Avenue will be realigned with 4th Avenue. New right-of-way for West Lane will be dedicated to the City. The previous right-of-way for West Lane will remain City property. A 30-foot-long perpendicular queue for traffic turning from West Lane onto Columbia Avenue will be provided. A driveway for the house located at 52536 West Lane (Columbia County Assessors Map 3-2-12-14, Tax Lot 4500), and currently taking access from West Lane, will be extended to the new alignment of West Lane so the homeowner can continue to take access from West Lane. It is proposed that the house located on the corner of West Lane and Columbia Avenue (Columbia County Assessors Map 3-2-12-14, Tax Lot 4600) take access from Columbia Avenue. The realignment of West Lane with 4th Avenue will eliminate an existing hazardous traffic condition and create a safer intersection.

A 23-foot dedication along West Lane and a 3-foot dedication along Columbia Avenue are proposed to increase the existing right-of-way to the City standard of 66 feet, resulting in safer driving conditions. Half-street improvements (curbs, sidewalks, storm sewer, and planter strip) will be provided along West Lane and Columbia Avenue. Sidewalks within the development and half-street improvements, including a sidewalk and planter strip, will further connect walking destinations in the neighborhood and improve safety.

Therefore, the proposed amendments are not in conflict with this Goal.

11) Life and property should be protected from natural disasters and hazards.

The subject site is not located within a mapped flood plain, potential flood hazard, potential landslide hazard or earthquake area. Therefore the proposed comprehensive plan and zoning map amendment are supportive of this Goal.

- 12) *Adequate public services and facilities should be provided to encourage an orderly and efficient growth pattern.*

The necessary public services and facilities to serve the proposed development, including sanitary sewer, water service, and storm drainage will be provided by the applicant. In addition, the applicant will be providing half-street improvements along West Lane and Columbia Avenue and realigning West Lane with 4th Avenue near Columbia Avenue. The right-of-way along West Lane and Columbia Avenue will be increased to the City standard of 66 feet. Therefore, the proposed comprehensive plan and zoning map amendment is supportive of this Goal.

- 13) *A safe and convenient transportation system should be developed to meet future needs.*

It is proposed that Williams Street and Erin Drive will be extended to meet an internal road (Street A), which is proposed to run north/south through the development and terminate in a cul-de-sac at each end. One additional access point (Street B) will be created along West Lane, located between Erin Drive and Columbia Avenue. The existing streets serving the proposed development have adequate capacity to accommodate the proposed uses of the subject site. All proposed internal public streets will be 36-foot-wide local streets in 54-foot rights-of-way, as required by City street standards. West Lane and Columbia Avenue are both designated major collectors. Both will be improved as 44-foot-wide streets in 66-foot rights-of-way, as required by City street standards. The required right-of-way is achieved by a 23-foot dedication (along West Lane) and a 3-foot dedication (along Columbia Avenue) by the applicant. The development will further be in conformance by realigning West Lane with 4th Avenue. These improvements will assure that the roads have the capacity to meet future demands. In addition, these improvements will create a safe and efficient road system serving the surrounding neighborhoods and providing a connection between Columbia Avenue and Crown Zellerbach Road.

A traffic study will be performed by a licensed engineer after planning approval has been received for the proposed comprehensive plan map amendment, zoning map amendment, and subdivision tentative plan. It is expected that the traffic study will demonstrate that the proposed amendments would not result in land uses on the site which would result in levels of travel or access which are inconsistent with the functional classifications of these

and other nearby affected roadways or other transportation facilities or reduce the levels of service on these roadways.

The future streets plan proposes the extension of Erin Drive and Street "B" to North Road. This will provide two additional connections between West Lane and North Road.

Therefore, the proposed amendment is supportive of this Goal.

14) *The local economy should be strengthened and diversified.*

The proposed comprehensive plan and zoning map amendment should result in development that contributes to the local economy by providing housing opportunities for possible employees of nearby commercial and industrial uses. Therefore, the proposed amendment is supportive of this Goal.

15) *Housing that meets the local residents' basic needs should be promoted.*

The proposed comprehensive plan and zoning map amendment will provide a variety of housing to meet the local residents' basic needs. Modestly priced single-family detached homes and attached townhomes are the proposed types of housing. Therefore, the proposed amendment is supportive of this Goal.

16) *The natural and man-made resources of the community should be effectively utilized.*

The subject site is not designated as a natural resource nor are any man-made resources located on the property. Therefore, the proposed amendments are not in conflict with this Goal.

17) *Land uses should be arranged to maximize the conservation of energy.*

The subject site is surrounded by single-family residential homes to the west, east, and south. The proposed comprehensive plan and zoning map amendment will allow a 12.72 acre area to be redesignated from Light Industrial (LI) to Moderate Density Residential (R-4) and a 0.70 acre area to remain Expanded Commercial (EC), creating compatible land uses. Any future development will conform to the Scappoose Land Use and Development Code Sections relating to lot size, dimension, and sitting controls; building height, bulk and surface area; and density

of uses. Therefore, the proposed amendment is not in conflict with this Goal.

- 18) *A quality of life reflecting the wants of the citizenry should be articulated and strived for.*
- 19) *Citizen participation will continue to be an important element of the City's land use planning process. Besides public hearings held by the Planning commission and City Council, the City shall utilize the local newspaper and radio station to keep populace informed of land use issues. The City shall also publish quarterly a summary of past and future activities.*

The City of Scappoose has established a public hearing process which specifies specific notice requirements for advertising a land use change in a general circulation newspaper and mailing notices to adjacent property owners within 200 feet of the subject property. These notices will be provided prior to the City Council hearing on this application, thereby providing an opportunity for citizens of the surrounding and general area to comment on the proposal either in writing in advance of the hearing or orally at the public hearing. This process allows for citizens to communicate their input into the comprehensive plan and zoning map amendment review conducted by the City. This public input will reflect the wants of the citizenry. In addition, the City of Scappoose Planning Commission will also have an opportunity to review and comment on the proposed comprehensive plan and zoning map amendment. Therefore the proposed comprehensive plan and zoning map amendment is not in conflict with these Goals.

Industrial Land Goals and Policies

- 1) *Provide a place for industrial activities where their requirements can be met, and where their environmental effects will have a minimal impact upon the community.*

The applicant feels developing the subject site under the current light industrial comprehensive plan designation and zoning is in conflict with Policy 2 and Policy 3 of the City of Scappoose Policies for the Industrial Land Use Designation.

Policy 2 states "Prevent industrial development from disrupting homogeneous residential neighborhoods." The subject site is surrounded by single-family residential homes to the west, east, and south. To the north is Crown Zellerbach Road, a major collector

under construction at the time of this application. Developing the subject site under the current zoning of Light Industrial (LI) would be in direct conflict with the use of 75 percent of the surrounding property, which is residential. Areas surrounding the subject site are zoned High Density Residential (A-1), Manufactured Home – Residential (MH), Moderate Density Residential (R-4), and Commercial (C).

Policy 3 states “Locate industrial areas so they have a convenient relationship to the community’s transportation system, without generating heavy traffic through residential districts; . . . ” Per the City of Scappoose, direct access from the subject site to Crown Zellerbach Road will not be allowed. The surrounding residential neighborhood would be impacted as trucks from the subject site would be forced to interact with residential traffic and pedestrians on West Lane, a local street not designed for industrial traffic, to reach a major collector. Residents of homes fronting on West Lane frequently back out from their driveways into the road, a hazard when industrial trucks are traveling the same road.

General Residential Goals

- 1) *Create conditions suitable for higher concentrations of people in proximity to public services, shopping, transportation and other conveniences.*
- 2) *To provide places suitable for multi-family dwellings and single family dwellings.*

The configuration of the subject site, its location, and surrounding conditions create the conditions suitable for multi-family and single-family dwellings. The subject site is surrounded by single-family residential homes to the west, east, and south. To the north is Crown Zellerbach Road, a major collector street under construction at the time of this application, which connects to Highway 30. Developing the subject site under the current zoning of Light Industrial (LI) would be in direct conflict with the use of 75 percent of the surrounding property, which is residential. Noise created outside future industrial buildings will travel over screening and buffers, impacting the surrounding residential neighborhood. Per the City of Scappoose, direct access from the subject site to Crown Zellerbach Road will not be allowed. The surrounding residential neighborhood would be impacted as trucks from the subject site would be forced to interact with residential traffic and pedestrians on West Lane, a local street not designed for industrial traffic, to reach a major collector. These impacts are in conflict with Policy 1 of the City of

Continued

Scappoose Policies for the General Residential Land Use Designation. Policy 1 states “Protect General Residential areas from conflicting land uses, unnecessary through traffic, and other undesirable influences.” Therefore the development of the subject site as an industrial use is in conflict with this Goal.

The comprehensive plan and zoning map amendment will redesignate one area from Light Industrial (LI) to Moderate Density Residential (R-4), realigning the land use designation consistent with the surrounding uses. Areas surrounding the subject site are zoned High Density Residential (A-1), Manufactured Home – Residential (MH), Moderate Density Residential (R-4), and Commercial (C). The new designation will match the existing and in progress development surrounding the subject site. Therefore, the proposed comprehensive plan and zoning map amendment is supportive of this Goal.

III. Conclusion

This application narrative demonstrates that all Statewide Planning Goals and applicable sections of the City of Scappoose Comprehensive Plan for approval of a comprehensive plan and zoning map amendment are satisfied by the proposed plans for the Scharf Property project. The applicant therefore respectfully requests approval of this application.



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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June 18, 2004

Brian Varricchione
The Benkendorf Associates Corp.
522 SW Fifth Avenue, Suite 703
Portland, OR 97204



Re: Scappoose Local File No. CPA 1-04/ZC 2-04, DLCD File No. 001-04

Dear Brian:

The Department of Land Conservation and Development appreciates the opportunity to comment on this proposed comprehensive plan amendment and zone change. This proposal changes the comprehensive plan and zone map from I-Industrial to GR, General Residential; and from LI, Light Industrial to R-4, Moderate Density Residential for 9.14 acres of a 15.14 acre site. The remaining 6.00 acres will remain industrially zoned.

We hope you will find the following comments helpful:

Governor's Executive Order 03-02 directs state agencies to take steps to create a ready supply of land for a variety of industrial uses. In addition, the Legislative Assembly through House Bill 2011 (Ch. 800 OR Laws 2003) has declared there is a need for a statewide inventory of sites that are planned and zoned for industrial or traded sector uses and are ready for development. Furthermore, HB 2011 has directed the Land Conservation and Development Commission to study the conversion of industrial land to non-industrial uses. A statewide inventory of serviced industrial land for traded-sector industries is critical for job growth and economic recovery. Therefore, the department has a particular interest in maintaining Oregon's industrial land base with regard to these policies and directives and any diminution of the industrial land supply shall be evaluated accordingly.

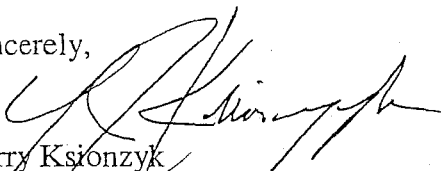
After speaking with you, we understand why the property owner and the city feel this proposed zone change would be beneficial. The Department almost always supports actions that result in additional densities in downtowns, and we do here, but unfortunately the city has so far failed to adequately justify the zone change as required by Goal 9 because the City has determined it has a deficit of industrial lands (a recent Buildable Lands Inventory and Lands Needs Analysis showed a deficit of over 200 acres for industrial use in the urban growth boundary).

In response to this proposal and any others pending, the department would like to meet with the City to explore ways to resolve its industrial land needs while increasing density in its downtown. At the same time we would like to explore options allowing neighborhood residents to travel between City Hall and the High School without using Highway 30. In the meantime,

the Department believes it would be beneficial for the City to delay or table the current proposal until all parties have a chance to explore workable options and plan for the future.

Please place these comments in the record for this matter. Should you have any questions regarding these comments do not hesitate to contact me at 503-373-0050 x 258 or larry.ksionzyk@state.or.us.

Sincerely,



Larry Ksionzyk
Community Development Specialist

cc: Gary Fish, DLCD
Denny Houle, OECDD
Sonya Kazen, ODOT
Robin Roberts, ERT
DLCD File No. 001-04

CITY OF SCAPPOOSE

P.O. DRAWER "P"
SCAPPOOSE, OREGON 97056
(503) 543-7184
FAX: (503) 543-5679

NOTICE

NOTICE IS HEREBY GIVEN that the Scappoose Planning Commission will hold a public meeting on Thursday, August 12, 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 CPA2-04/ZC3-04/SB1-04

Rose Dale Development is requesting approval of an application for a Comprehensive Plan Map Amendment (CPA2-04) and Zone Change (ZC 3-04) for a 12.72-acre portion of a 13.45-acre parcel of land located on the northeast corner of East Columbia Avenue and West Lane and further described as Columbia County Assessor Map No. 3212-014-06500. The current Comprehensive Plan Map designation for this site is Industrial, and applicant requests a new designation of General Residential. Current zoning for the parcel is Light Industrial (LI), and applicant requests a new zoning designation of Moderate Density Residential (R-4). The Planning Commission may make a recommendation to the City Council regarding the proposed Comprehensive Plan Map Amendment and Zone Change.

Concurrently, the Scappoose Planning Commission will make a Limited Land Use Decision regarding Subdivision Tentative Plan Approval (SB1-04) for the entire 13.45-acre site. Applicant proposes a 57-lot single-family residential subdivision with the R-4 zoning designation and one 0.70 parcel with the Expanded Commercial (EC) zoning designation (this portion of the site is already zoned EC).

The Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Comments submitted in regard to the application should be directed toward those criteria that are generally as follows:

1. Applicable goals and policies of the Scappoose Comprehensive Plan.
2. Applicable sections of Title 17 (Land Use and Development) of the Scappoose Municipal Code, with particular emphasis on Chapters 17.22 (Amendments to the Title, Comprehensive Plan, and Maps), 17.50 (R-4, Moderate Density Residential); 17.70 (Light Industrial); 17.150 (Land Division--Subdivision); 17.154 (Street and Utility Improvement Standards); 17.162 (Procedures for Decision Making--Quasi-Judicial); and, 17.164 (Procedures for Decision Making--Limited Land Use Decisions).

The Planning Commission may make a recommendation to the City Council to approve, approve with conditions, or deny an application for a Comprehensive Plan Map Amendment and Zone Change in accordance with the criteria of the Scappoose Comprehensive Plan, and Sections 17.22.030 (Quasi-judicial amendments) and 17.162 (Procedures for Decision Making--Quasi-Judicial) of the Scappoose Development Code. *Both written and oral testimony will be taken.* The Planning Commission may approve, approve with conditions, or deny an application for a subdivision in accordance with the criteria in Chapter 17.150.060 (Approval Standards) of the Scappoose Development Code. If this request is approved, it will allow the applicant to construct the proposed subdivision subject to issuance of all other required permits. *The Limited Land Use Decision process does not require an interpretation or the exercise of policy or legal judgment or a public hearing.* Interested parties may submit written testimony during the written comment period.


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., *Wednesday, August 11, 2004.*

Comments should pertain to the applicable criteria. The decision will be made in accordance with the procedures of Chapter 17.162 and Chapter 17.164 of the Scappoose Development Code and may be appealed, as provided for in the respective chapters. Failure to raise an issue in the hearing or in writing prior 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 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.

The decision-making criteria, application, and records concerning this matter are available by contacting the Contract Planner, The Benkendorf Associates Corp., at 503-226-0068.

Subsequent hearings by the City Council on CPA2-04 & ZC3-04 are scheduled for September 7 & 20, 2004 at 7:00 PM in the Council Chambers.


Brian Varricchio
The Benkendorf Associates Corp.
Contract Planner

(Map of area on back)



Scappoose Sand & Gravel Co.

33605 E. Crown Zellerbach Road • P.O. Box AF • Scappoose, Oregon 97056
Phone (503) 543-8821 • Fax (503) 543-7997

August 12, 2004

City of Scappoose
Planning Commission
P.O. Box P
Scappoose, Oregon 97056

Dear Commissioners:

I own approximately 94 acres directly north of the subject property being considered under Docket Number CPA2-04/ZC3-04/SBI. The newly improved Crown Zellerbach Road is the dividing line between my property and the property being considered for a zone change from Light Industrial to R-4 Residential. My property is zoned Heavy Industrial and I am operating an active mining reclamation site under Columbia County's Surface Mining Regulations. My permit number is 05-0015 and is a Limited Exempt Site.

I have grave concerns over allowing 57 more single family homes to be constructed next to an active mining site and what very soon will be a major truck route for Glacier Northwest, as well as future industrial development next to the Scappoose Airport.

It is my understanding that good planning methods dictate that land uses be phased together rather than checker boarded. Scappoose is already hurting for industrial and light industrial property. As my property is reclaimed and brought into the city, there will be land available for industrial use, however, that is quite a few years in the future.

With 57 new houses constructed next door, I immediately have 57 more voices objecting to the heavy industrial uses, as well as the surface mining use I am presently operating under and have been since 1940.

As an example, the quarry I used to operate in St. Helens on Hankey Road, known as Columbia Road and Driveway, had been operating for years. A nearby property owner proposed a 270 lot subdivision between my pit and Pittsburg Road. After much consideration, the County granted the zone change for the subdivision, but required a covenant be placed on each lot, I believe it was called a Non-Remonstrance Clause, providing that each homeowner recognize they were buying property next to a rock quarry. There were other conditions placed on the developer, but the fact that they identified and protected the surface mining use, allowed me to continue operations.

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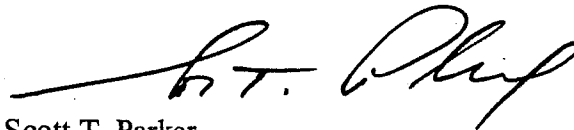
If this commission decides to allow the zone change from Light Industrial to R-4 Residential, I feel you are setting me up for continuous conflict with my neighbors. If you at least require either a sound wall on their northern boundary and or a Non-Remonstrance Clause on their deed's you are at least preserving this future industrial property for its highest and best use.

I also would not allow any access onto Crown Zellerbach Road as it would directly conflict with the trucks on the truck route.

Thank you for considering my requests.

Sincerely,

SCAPPOOSE SAND AND GRAVEL

A handwritten signature in black ink, appearing to read "S.T. Parker", written over a horizontal line.

Scott T. Parker
President

STP/SRM