

ORDINANCE NO. 776

AN ORDINANCE RELATING TO LAND USE, AMENDING THE SCAPPOOSE COMPREHENSIVE PLAN MAP AND ZONING MAP, AND APPROVING THE "STEINFELD WEST" PLANNED DEVELOPMENT AND SUBDIVISION

WHEREAS, an application was filed by J.P. Steinfeld Investment Company to amend the Comprehensive Plan Map and Zoning Map, to apply a Planned Development overlay designation, and to request Subdivision Tentative Plan Approval, and

WHEREAS, on March 9, 2006, the Planning Commission held a hearing on the application and voted to forward a recommendation for approval of the above application to the City Council, now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. The property described in Exhibit A and illustrated on Exhibit B, attached hereto and incorporated herein, is hereby re-designated on the Comprehensive Plan from Industrial (I) to General Residential (GR) and re-zoned from Light Industrial (LI) to High Density Residential, to include a Planned Development overlay designation (A-1PD).


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, Zone Change, Planned Development designation, and Subdivision, the City Council hereby adopts the recommendations of the Scappoose Planning Commission and the findings outlined in the staff report attached as Exhibit C attached hereto and incorporated herein.

Section 4. The Planned Development tentative plan and the Subdivision tentative plan are hereby approved, subject to the conditions of approval outlined in the staff report attached as Exhibit C attached hereto and incorporated herein.

PASSED AND ADOPTED by the City Council this 15th day of May, 2006 and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: May 1, 2006
Second Reading: May 15, 2006

Attest:


Susan Pentecost, City Recorder



Exhibit A

Legal Description

*Parcel 1 of Partition Plat # 2005-14, recorded as Fee No. 2005-6838, Plat Book
2005-14 A-844, as recorded with the County Clerk in Columbia County, Oregon.*

SW 1/4 SE 1/4 SECTION 12 T.3N. R.2W. WM. COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 100'
Current Revision Date: 10/28/08

3 2 12 4 3
SCAPPOOSE

CS# 277
CS# 288
CS# 288-2

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E.M. Watts Road

HIGHWAY 30
RIVER
COLUMBIA

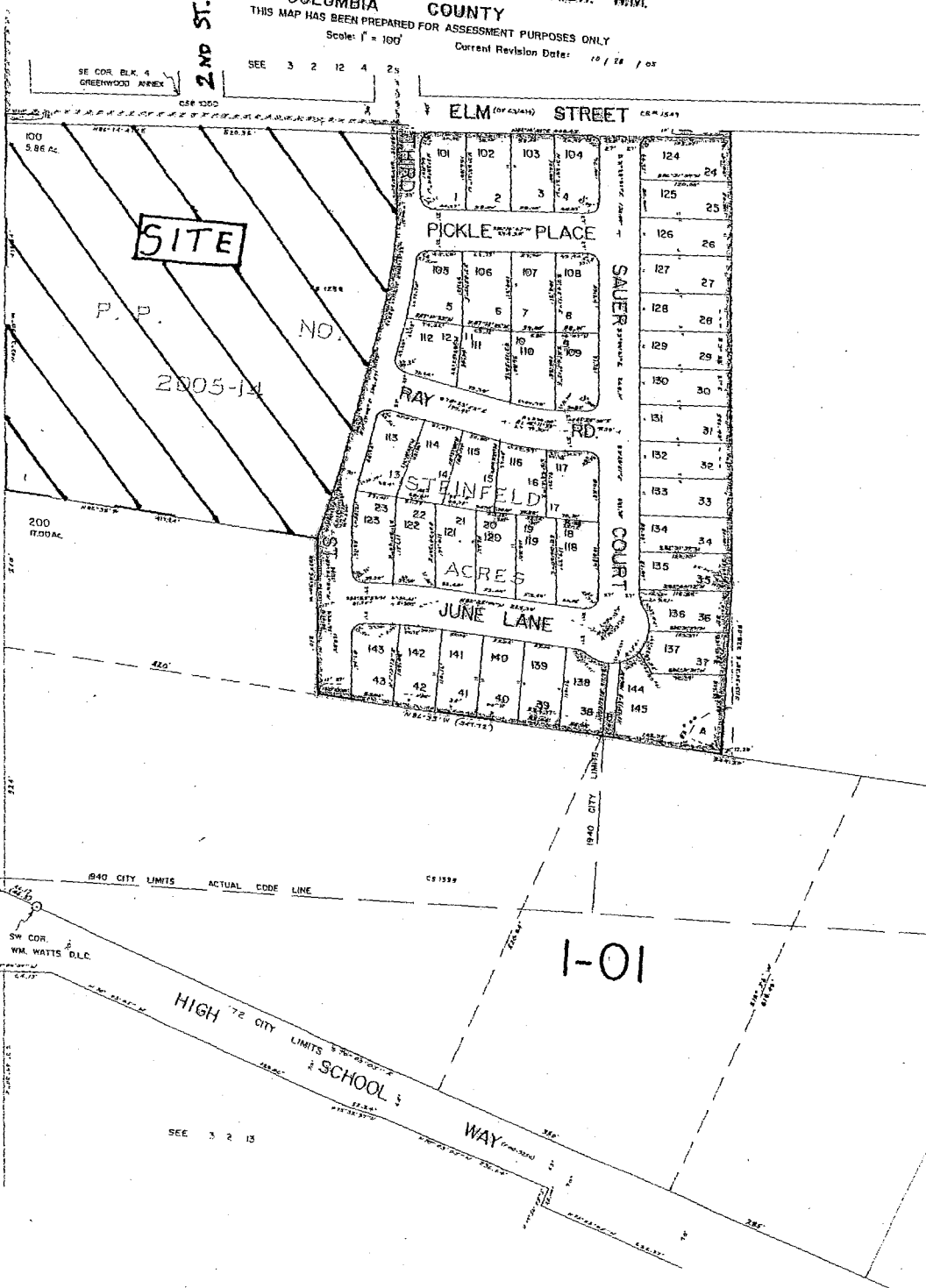


Exhibit B

3 2 12 4 3

EXHIBIT C

CITY OF SCAPPOOSE

33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056
(503) 543-7146
FAX: (503) 543-7182

CPA1-05/ZC2-05/SB7-05

May 10, 2006

"Steinfeld West" Comprehensive Plan Map Amendment, Zone Change, Planned Development, and Subdivision

CITY OF SCAPPOOSE STAFF REPORT

Request: Approval of an application for a Comprehensive Plan Map Amendment (CPA 1-05), a Zone Change with a Planned Development Overlay (ZC2-05), and Subdivision Tentative Plan Approval (SB7-05). The applicant requests a change from the Comprehensive Plan designation of Industrial (I) to General Residential (GR) and a change from Light Industrial (LI) zoning to High Density Residential (A-1) zoning with a Planned Development Overlay (A-1PD). The applicant also requests approval to subdivide the 5.86-acre parcel into 59 lots for a mix of attached and detached single-family dwellings.

Location: The subject site is located on the southwest corner of SE Elm Street and SE 3rd Street, and is further described as Parcel 1 of Partition Plat # 2005-14, or Columbia County Assessor Map No. 3212-043-00100. See attached Vicinity Map (**Exhibit 1**).

Applicant: J.P. Steinfeld Investment Company

Owner(s): J.P. Steinfeld Investment Company

EXHIBITS

1. Vicinity Map
2. Report Submitted by the Applicant
3. Memorandum concerning E.M. Watts alignment
4. Public Notice
5. E-mail correspondence from ODOT Rail Division
6. Comments from ODOT Region 1
7. Letter from Paul Gunderson, President of O.S. Systems, Inc., dated March 8, 2006
8. Preliminary Parking Design for lots adjacent to Elm Street
9. Letter from Scappoose School District, dated April 21, 2006
10. Letter from Jim Steinfeld, dated May 1, 2006
11. Letter from Paul Gunderson, President of O.S. Systems, Inc., dated May 1, 2006
12. Revised Lot Layout Illustrating Open Space Tracts, received May 10, 2006

“Steinfeld West” Comprehensive Plan Map Amendment, Zone Change, Planned Development, and Subdivision

SUBJECT SITE

- The subject site consists of a 5.86-acre parcel containing the former Steinfeld’s Sauerkraut Factory and associated parking and accessory structures. Approval of the applicant’s development proposal would necessitate the demolition of the existing structures. The parking lot on site is currently used by the Scappoose Fitness Center, located across Elm Street. The southern portion of the site contains stockpiled soil removed as part of the construction of the “Steinfeld Acres” subdivision, which is adjacent to the site on the east (see **Sheet P102** in the Applicant’s Report). The site is relatively level with gentle slopes to the east (see **Sheet P300**).
- The site is Parcel 1 of Partition Plat # 2005-14, which divided an approximately 15-acre parcel into two lots following City approval of Minor Partition MiP2-04. The prior partition facilitated further division of Parcel 2 into the 43 lots comprising the Steinfeld Acres subdivision (SB2-04).
- A separate application (Docket No. MiP4-05) was recently approved by staff to partition the 5.86-acre property into three parcels with sizes of 3.15 acres, 0.63 acres, and 2.10 acres (See **Exhibit “O”** in the applicant’s report).
- The site is bordered to the north by Elm Street and beyond that by Clark Signs, the Scappoose Fitness Center, and single-family residences; to the east by single-family residences within the Steinfeld Acres subdivision and beyond that by residences on 3rd Place (Rose Valley Subdivision); to the south by school grounds and beyond that by High School Way; and to the west by the Portland & Western railroad right-of-way and Highway 30. See **Exhibit 1**.
- Adjacent Comprehensive Plan Map designations include Industrial (I) to the north; General Residential (GR) to the east; Public Lands (PL) to the south; and Public Lands and Commercial (C) to the west (on the opposite side of Highway 30).
- Adjacent zoning includes Light Industrial (LI) to the north; Moderate Density Residential (R-4) to the east; Expanded Commercial (EC) to the south, and EC and Commercial (C) to the west (on the west side of Highway 30).

OBSERVATIONS

CONCURRENT COMPREHENSIVE PLAN MAP AMENDMENT, ZONE CHANGE, PLANNED DEVELOPMENT OVERLAY, AND SUBDIVISION APPLICATIONS

- The applicant has requested a Comprehensive Plan Map Amendment and Zone Change with a Planned Development Overlay to allow for the construction of a residential subdivision. The comprehensive plan map amendment, zone change, and planned development request are all Quasi-Judicial Decisions requiring the exercise of policy judgment with verbal and written testimony accepted from the public. The subdivision is a Limited Land Use Decision, which need not require judgment, and which must be approved if the proposal is found consistent

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with the applicable provisions of the Development Code and the Planned Development overlay. Only written testimony is accepted with regard to limited land use decisions.

- All four requests would need to be approved for the applicant to be permitted to construct the proposed residential subdivision. The Planning Commission has recommended that the City Council approval all four applications.
- The Scappoose Development Code (Chapter 17.22) indicates that quasi-judicial amendments to the comprehensive plan and maps 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.
- As illustrated within the Comprehensive Plan Map (Exhibit C of the applicant’s report) and Zoning Map (Exhibit D of the applicant’s report), the subject site is designated as Industrial (I) on the comprehensive plan map, and is zoned Light Industrial (LI). The applicant requests a new Comprehensive Plan Map designation of General Residential (GR) and a new zoning designation of High Density Residential (A-1) with a Planned Development Overlay (A-1PD).
- The main policy decision facing the City is whether to permit the conversion of nearly six acres of industrial land to residential uses. The loss of industrial land immediately adjacent to railroad is a binding decision that could not easily be changed later. However, rail proximity does not seem to have been an attractive market feature, as the applicant has unsuccessfully attempted to sell or lease the land to industrial users for over three years. The conversion of this parcel would diminish the size of the Light Industrial district in the center of town. However, one has to question whether downtown Scappoose is the ideal location for industrial users due to the proximity of the schoolground, residences, and commercial users.

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. Access to the property from Highway 30 is circuitous, so trucks would have to drive through residential areas; furthermore, trucks may have a difficult time utilizing the existing railroad crossing due to grade differences between the elevation of the tracks and Highway 30 at Santosh Street and Highway 30 at Maple Street. The proximity to schools and athletic fields could create a perceived conflict between adjoining recreational and

industrial uses. Finally, the lack of market interest for this site as an industrial use 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; the properties to the east are currently zoned R-4 and the properties to the north are zoned LI and R-4. Placing additional residences close to downtown services creates a walkable environment that benefits the residents by providing nearby retail and professional opportunities, and benefits business owners by expanding the nearby market area. The site is within walking distance of public schools. To the extent that people can walk downtown or to school, automobile traffic is reduced. 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 applicant’s proposal to convert 5.86 acres from LI to A-1PD requires sufficient justification to merit granting the request. The 2003 Land Use Needs Analysis performed by the Benkendorf Associates Corp. indicated that Scappoose had a need for an additional 10.5 acres of industrial land, plus a need for large sites totaling approximately 200 acres to accommodate large industrial users.¹ In 2004 the City approved two applications for Comprehensive Plan Map Amendments and Zone Changes that converted an additional 21.86 acres from industrial to residential use, leading to a deficit of 32.36 acres. A 36.24-acre site located on West Lane was annexed to the City in 2005 and re-zoned to Public Use Airport (an industrial zone). Although the City currently has an overall surplus of 3.88 acres of industrial land within City Limits, with the scheduled approval of a request by another landowner to withdraw (or “de-annex”) 6.12 acres with Light Industrial zoning, the City will have a deficit of 2.24 acres effective April 3, 2006.

Approval of the applicant’s request would lead to a deficit of 8.1 acres of industrial land (accounting for the de-annexation approval). However, there are an additional 194.68 acres with industrial comprehensive plan designations within the City’s Urban Growth Boundary but outside City Limits. The majority of this land abuts West Lane Road and a good portion is near the airport. The City intends to focus future industrial development near the airport. Roadway and utility improvements have been completed on Highway 30 and Crown Zellerbach Road and are planned for West Lane to make these areas more suitable for project-ready development.

On March 3, 2006, the City received applications to annex 120 acres of land with Industrial Comprehensive Plan between West Lane and the airport. Staff concludes that approval of the applicant’s requested comprehensive plan map amendment and zone change would have a negligible effect on the supply of industrial land within City Limits.

¹ The footnotes on pages 13-14 of the applicant’s report correctly observe that the Land Use Needs Analysis slightly overestimated the 2003 deficit of industrial land; the figure should have been 10.5 acres rather than 12.3 acres.

TRANSPORTATION PLANNING RULE

- According to calculations provided by the applicants (**Exhibit F** of the application), the current LI zoning designation would generate up to 100 total PM peak hour trips, assuming 40% lot coverage. In contrast, if the site were developed with attached and detached single-family homes as proposed by the applicant, up to 50 total PM peak hour trips would be generated. In the AM peak hour, 95 trips would be generated for industrial use and 50 trips would be generated for residential use. On a daily count, light industrial use would generate up to 710 daily trips and residential use would generate up to 620 daily trips. In each case, re-designating the land to residential use would result in smaller traffic impacts on the surrounding roadways. The analysis indicates that approving the Comprehensive Plan Map Amendment, Zone Change, and Planned Development would be consistent with the state Transportation Planning Rule because the change would result in a net reduction in traffic generated from the site.

PLANNED DEVELOPMENT & PROPOSED HOUSING TYPE

- Planned developments are meant to offer a balance of flexibility and predictability regarding the City’s development standards. Any latitude granted by the City is offset by the fact that development must conform to the unique set of standards applicable to the site. The City is assured that the construction would be consistent with the vision endorsed in the approval of the Planned Development.
- In this instance, the applicant has proposed a high-density residential development in the City’s center. As illustrated in **Exhibit L** of the applicant’s report, the housing type proposed by the developer includes both attached row houses/townhouses and detached homes, with each unit having its own driveway and garage. The small lot sizes proposed by the developer have a number of advantages, including reduced land costs for home purchasers, efficient use of land, and increased housing choice within the City. The proposal would help maintain housing affordability by permitting residents to purchase smaller lots than can be found in many other parts of the City. Furthermore, since a greater number of residences can be placed closer together compared to typical residential neighborhoods, increased density reduces the infrastructure costs for the developer and reduces the maintenance costs for the City due to shorter street and pipe requirements.
- As proposed by the applicant, the site would have an overall residential density of 16.7 dwelling units per net acre (exclusive of streets dedicated by the applicant). By comparison, if the zoning were changed to A-1 High Density Residential without the associated Planned Development, staff has computed that the site would be permitted a density on the order of 20.5 units per acre. Furthermore, a Moderate Density Residential zone (R-4) would permit densities ranging from 7.3 units per acre for single-family housing up to 14.5 units per acre for four-plexes.
- Staff supports the proposed setback standards included on page 40 of the applicant’s report. However, the Building Official has observed that the building code’s requirements for fire-resistant construction are closely linked to the distance between the structure and the property

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line. Furthermore, it is imperative that the structures’ foundations and/or common walls be located precisely in relation to the property line separating adjoining lots. The proposed Conditions of Approval require that the foundation forms be surveyed prior to placement of concrete for house construction. Additionally, the applicant should be aware that overhanging eaves would need to comply with the applicable provisions of the building code for fire-rated construction.

- To preclude potential conflicts between neighbors utilizing shared driveways, staff proposes a Condition of Approval that the applicant install a minimum one-foot landscaped strip along the common property line for any shared driveways.
- The applicant has requested that the open space requirements for the planned development be satisfied by the use of Tract A for recreation and landscape purposes until E.M. Watts is constructed. Staff agrees that this tract may function as open space in the interim; however, the open space would be temporary in nature. The proximity to the school grounds south of the site seems a more convincing argument as to why the City Council might permit deviations from the open space requirement. The Planning Commission required the dedication of a “pocket park” along a portion of the southern boundary of the site to satisfy the open space obligation for the planned development (shown as Tract C in **Exhibit 12**). The City Council required that Lots 33-35 be re-oriented from an east-west orientation to a north-south orientation, and that the applicant dedicate Tracts D and E to create open space adjacent to SE 3rd Street (see **Exhibit 12**).

PROPOSED SUBDIVISION, STREET SYSTEM, AND RIGHT-OF-WAY DEVELOPMENT

- The proposed “Steinfeld West” subdivision would create 59 single-family residential lots ranging in size from 1,980 square feet to 3,831 square feet. The applicant has proposed lot sizes considerably smaller than the zoning would permit as an outright use; however, the Planned Development Overlay provisions of the Development Code were crafted to permit such development proposals.
- Lots 43-58, along the western side of the site, are proposed with widths to accommodate attached single-family dwellings (townhouses), while the remaining lots would permit detached single-family units.
- The lots would have frontage on a network of public streets and alleys as illustrated on **Sheet P200** of the applicant’s report. A circulation plan illustrating the street connections between the site and its surroundings is included on **Sheet P201**.
- The applicant has also proposed creating Tract A (approximately 25,899 square feet) to provide for the future eastward extension of E.M. Watts Road and the associated railroad crossing included in the City’s adopted Rail Corridor Study. Staff proposes that the applicant sign an agreement to participate in the funding of future construction costs for E.M. Watts Road (excluding the rail crossing) and to sign a waiver of remonstrance regarding the future

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formation of a local improvement district to construct the rail crossing, as no funding source has been identified for construction.

- All new local residential streets within the subdivision would be improved to meet the City’s local street standards, including a 32-foot paved width with curb and gutter, 5-foot sidewalks, and street trees. The applicant has requested to place the sidewalks curb-tight on Elm Street and 3rd Street (consistent with the Steinfeld Acres development), while using a planter strip on 2nd Place and Relish Street to eliminate the frequent grade changes that would be required to accommodate multiple driveway cuts on a curb-tight sidewalk. Staff has proposed a Condition of Approval consistent with this request.
- Tract A would permit a 60-foot-wide right-of-way for the extension of E.M. Watts (which would be a minor collector street for the portion east of Highway 30), a 54-foot-wide right-of-way with a pavement width of 32 feet for local residential streets (2nd Place and Relish Street), and a 30-foot-wide right-of-way for public alleys with 28-foot paved for internal circulation. The alleys terminating on E.M. Watts and 3rd Street would permit passage of pedestrians and emergency vehicles only. The Fire District has requested that a stable driving surface be provided to connect alleys 3-N and 3-S to allow passage of emergency vehicles.
- Currently, SE 3rd Street terminates at the northern boundary of the Scappoose School District property, allowing for future extension to the south. The portion of 3rd Street south of Elm Street was constructed by the applicant as part of the Steinfeld Acres subdivision. The applicant would be required to widen the paved section and right-of-way along the eastern edge of the site in accordance with City standards.

SUBDIVISION TRAFFIC IMPACT ANALYSIS

- The site would be accessed by SE 3rd Street and SE Elm Street. Traffic to Highway 30 would primarily utilize 2nd Street, 3rd Street, Santosh Street, and Maple Street. The traffic impact study submitted by the applicant (**Exhibit P** in the application) evaluated the combined impact of this proposal and other developments approved by the Planning Commission but not yet finalized. The proposed subdivision would generate approximately 506 Average Daily Trips, 51 PM Peak Hour trips, and 39 AM Peak Hour trips, using standard trip generation ratios. The additional trips are not anticipated to have a major impact on the existing street network: the intersections and street segments would not be in a state of failure due to the proposed subdivision. Regional staff from the Oregon Department of Transportation (ODOT) submitted comments indicating that the state saw no need for traffic mitigation as a result of the development (**Exhibit 6**).

RAILROAD CONSIDERATIONS

- Staff from the ODOT Rail Division sent an e-mail contending that permitting residential uses adjacent to a rail line was not advisable, and forwarded commentary regarding another proposed project in Linnton (**Exhibit 5**). By contrast, ODOT Region 1 staff’s comments

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(**Exhibit 6**) merely advised that the builders use appropriate materials to compensate for noise impacts. The Portland & Western Railroad did not respond to the application.

- Concerns related to living near rail lines include noise, pollution and the potential for accidental derailments. Anecdotal evidence suggests that houses along SE 2nd Street (approximately 150 feet from the rails) experience noise limited to a rumble and the sound of crossing whistles, while houses on SE 1st Street experience more noise and vibration. Creating residential lots with rear yards abutting the rail right-of-way would expose potential residents to impacts from the rail line.
- The applicant’s proposal would place houses closer to the rail line than others existing within the City. Staff would observe that people concerned about the noise, vibration, or distance from the railroad may choose to live in different neighborhoods. Additionally, conversations with staff from ODOT Rail and the Portland & Western Railroad have indicated that the railroad currently operates trains through Scappoose at a maximum of 25 miles per hour, which reduces the potential for a derailed train to strike the residences within the proposed development.

PUBLIC UTILITY IMPROVEMENTS

- A composite utility plan for the proposed subdivision is included as **Sheet P400** in the applicant’s report. Water and Sewer public utility systems are available to serve the subject property, with extensions as needed to be constructed by the developer. The nearest water and sewer facilities are immediately adjacent to the site in Elm and 3rd Streets.
- The proposed water system improvements consist of an eight-inch pipe system with lines in the proposed public streets, connections to the nearest water mains, and hydrants meeting the standards of the Scappoose Rural Fire Protection District and Public Works Design Standards.
- The applicant has proposed 8” gravity sewer lines for the entire site.
- The development proposal includes a stormwater collection system with disposal via an infiltration pond located in Tract B at the southern end of the site. Staff proposes that the area be fenced and that the developer sign an agreement binding the Homeowners Association to maintain the stormwater facility.
- Electrical power and telephone service are provided by Columbia River PUD and CenturyTel, and cable television is provided by Comcast. All services can be extended to the site.

STREET TREES & LANDSCAPING

- The Scappoose Development Code requires street trees along all street frontages. The proposed street tree plan is illustrated on **Sheet P202**. The proposed species (Golden Desert

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Ash) is included in the Approved Street Tree List in the Scappoose Comprehensive Urban Forestry Plan. A street tree easement is required along all street frontages.

- The Scappoose Development Code specifies that a landscape buffer is required between adjoining uses of differing types, which would require a 10-foot buffer on the northern and western boundaries of the site (since uses on those sides are commercial and industrial). The applicant has requested that this requirement be waived as part of the Planned Development approval, and comments that the potential residents may elect not to reside in the development if they are concerned about nearby nonresidential uses. Staff proposes that the applicant install a solid privacy fence and landscaping along the western boundary of the site but not require additional landscape buffering. The Planning Commission imposed a condition of approval that a Homeowners Association maintains the fence and landscaping between the residences and the railroad right-of-way. The Planning Commission did not require buffering along the northern edge of the site.

PUBLIC & PRIVATE AGENCIES AND PUBLIC NOTICE

- The City of Scappoose City Manager, Engineering, Building, and Police Departments; Scappoose Rural Fire Protection District; Century Tel; Comcast; Columbia River PUD; the Scappoose School District; the Oregon Department of Transportation (Region 1 and Rail Division); Oregon Department of Land Conservation and Development; Portland & Western Railroad; and Northwest Natural Gas have been provided an opportunity to review the proposal. Comments from these organizations have been incorporated into this staff report. ODOT Rail Division and ODOT Region 1 submitted comments, which are attached as **Exhibits 5 and 6**, respectively. The majority of the comments from ODOT Rail Division concern a separate project in Linnton, but ODOT staff thought they would be applicable to Scappoose as well. A letter from the school district requesting fencing between the site and the school grounds is attached as **Exhibit 9**. The Conditions of Approval require maintenance of the existing fence adjacent to school property.
- Notice of this request was mailed to property owners located within 200 feet of the subject site on February 23, 2006 (**Exhibit 4**). Notice was also posted on the property on February 17 and published in the local newspaper on February 22, March 1, March 8, March 22, and March 29. The City has received two written comments from Paul Gunderson from O.S. Systems. The first letter expressed concerns about traffic between the site and Highway 30 (see **Exhibit 7**). The Planning Commission required a condition of approval that the north end of Alley 3-N not permit through traffic, in order to minimize the potential for cars from the development driving through property owned by O.S. Systems and Clark Signs. The second letter from Paul Gunderson (**Exhibit 11**) stated that all his objections had been resolved following the Planning Commission hearing.

APPLICABILITY OF STATEWIDE PLANNING GOALS

A number of Oregon's 19 Statewide Planning Goals and Guidelines apply to this application, as discussed in the *Findings of Fact*.

FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR APPROVAL

1. **The following Statewide Planning Goals have been considered by the City of Scappoose as they pertain to this request:**

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 & Development Code includes citizen involvement procedures with which the review of this application complies. This process allows for citizens to communicate their input into the comprehensive plan map and zoning map amendment review conducted by the City at public hearings or by submitting written comments. The City of Scappoose Planning Commission reviewed the proposed comprehensive plan and zoning map amendment to make a recommendation to the City Council. Within the Comprehensive Plan Map Amendment and Zone Change process, the Applicant is required to post site notices, the City mails notices to nearby property owners, notice is published in the newspaper, and public hearings are held. For this application, the Planning Commission held a hearing on March 9, 2006 and the City Council held hearings on April 3, May 1, and May 15, 2006. This process complies with the Goal.

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 and to permit a residential subdivision using the Planned Development procedure, 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 staff has not commented on the proposal. ODOT staff has submitted comments (attached as **Exhibits 5 and 6**).

C. *Agricultural Lands (Goal 3)*

Objective: *To preserve and maintain agricultural lands.*

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 and City Limits.

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 amendment, zone change, planned development overlay, and subdivision 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 would therefore have no significant impact with respect to this Goal.

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

Objective: *To protect people and property from natural hazards.*

Finding:

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 subject site is adjacent to a public school with large ball fields. The subject site is not identified in local plans for devotion to recreational needs, although adjacent land previously owned by the applicant was used for little league in recent years.

Since the property is not identified for recreational use, the proposed Comprehensive Plan Map Amendment and Zone Change would have no significant impact on the City's planning for recreational needs.

Residential development of the subject property is projected to yield up to 59 single-family dwelling units. This would produce a corresponding increase in demand for parks and recreation facilities in the City; however, it would also generate Parks Systems Development Charge fee revenues of up to \$90,152 (at the present rate of \$1,528 per dwelling) for park acquisitions and improvements.

The requested redesignation of the subject site to High Density Residential – Planned Development (A-1PD) would therefore not result in a reduction in land planned or reserved for recreational use. The proposed Comprehensive Plan Map Amendment and Zone Change would 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 Scappoose Industrial Airpark. The subject property, by contrast, is not so located. Its neighbors to the northeast and east are existing, established single-family residential neighborhoods, and to the south, public schools. Its central location in the City isolates it from other 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, Zone Change, Planned Development, and Subdivision would 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. Land near the airport is more suitable for industrial use as a key aspect of economic development. On March 3, 2006, the City received applications requesting annexation of 120 acres of industrial land between West Lane and the Scappoose Industrial Airpark.

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 map amendment, zone change, planned development, and subdivision would assist the City of Scappoose in maintaining a supply of a variety of housing types to meet the housing needs of local citizens. Modestly priced single-family attached and detached homes are the proposed types of housing. The proposed amendment is supportive of this Goal.

K. 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 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 at the developer's expense.

Water - The City’s recent construction of the Miller Road water treatment plant and Keys Road reservoir provides adequate source capacity and treatment facilities to accommodate either industrial or residential use. Some industrial uses can be unpredictable in their use patterns and can place high demands on public facilities. Typically, residential properties utilize public facilities substantially less and are more predictable in their use patterns. Therefore, residential use is more supportive of this Goal.

Sewer - In the early 1990’s, the previous owner of the “Steinfeld’s Sauerkraut Factory” participated in a project with the City to improve capacity for the public sewer system and to mitigate the impact of the food processing by-products. The company helped pay for installation of sewer system upgrades, making the system capable of handling the process waste discharged from the sauerkraut plant. When the plant connected to the public sewer system, on-site discharge of process water ceased. Since that time, monitoring wells have been capped, and the Oregon Department of Environmental Quality (DEQ) has issued a “No further action” letter for the property sometime before the sale of the property in 1999. Although the plant is not currently utilized, the existing City sewer system is in place and is sized to handle a similar scale of discharge including expanded residential uses.

L. 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, E.M. Watts has been designated as a minor collector street (for the proposed portion east of Highway 30). The proposed planned development and subdivision allows for the eastern extension of E.M. Watts (across the rail line) to connect with the southern extension of 3rd Street, thereby creating a more functional transportation system.

With regard to the trip generation calculations, Light Industrial would result in 100 total PM peak hour trips (assuming 40% lot coverage) while 59 single-family residences would result in approximately 65 total PM peak hour trips. Average daily trips would fall from 710 to 620 trips (see **Exhibit F** in the applicant’s report) with the conversion from industrial to residential use. Therefore, average trip generations demonstrate that the proposed comprehensive plan map amendment and zone change would reduce average daily trip generation. This in turn would reduce travel demand. 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.

A detailed impact analysis is included as **Exhibit P** in the applicant’s report. This analysis demonstrates that residential development would not cause local street failure.

M. 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 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 energy efficient. Additionally, the subject property is not in close proximity to many 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 near the airport allows for more direct access to principal roadways designated for truck traffic. 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 would contribute to a more energy-efficient land use pattern within the City’s Urban Growth Boundary.

N. 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 would not affect the City’s Goal 14 compliance.

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O. Other Goals

Finding:

The following goals are not applicable to this application:

- Willamette River Greenway (Goal 15)
- Estuarine Resources (Goal 16)
- Coastal Shorelands (Goal 17)
- Beaches and Dunes (Goal 18)
- Ocean Resources (Goal 19)

2. The following Administrative Rule has been considered by the City of Scappoose as they pertain to this request:

TRANSPORTATION PLANNING RULE

OAR 660 Division 12 – Transportation Planning:

660-012-0060 Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

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

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding:

The traffic analysis for the proposed Comprehensive Plan Map Amendment, Zone Change, and Planned Development (**Exhibit F** in the applicant’s report) demonstrates a reduction in daily, weekday AM peak hour, and weekday PM peak hour trips if the site is used for the proposed residential use rather than a light industrial use. As defined above, this net reduction in trips would not significantly affect any existing streets. Furthermore, the creation of Tract A permits the future construction of E.M. Watts Road and railroad crossing, which are elements of the City’s adopted Transportation System Plan and Rail Corridor Study.

3. The following Goals and Policies from the Scappoose Comprehensive Plan are applicable to this request:

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 would result in zoning of A-1PD High Density Residential (Planned Development) for a 5.86-acre site. The proposed changes would optimize livability by providing for a residential character in the area west of 3rd Street and reducing potential for conflicts between residential and large-scale industrial uses. The proposed subdivision has been arranged to allow for the eastward extension of E.M. Watts Road.

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:

In 2003 the City 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 City Limits to meet calculated long-term needs. Based on staff calculations that account for the 2003 deficit, subsequent rezoning actions, and annexation and de-annexation on West Lane, the City currently has a small deficit of industrial land (2.24 gross acres), not including a provision for large sites. By changing the plan designation of this 5.86-acre site, the City would then have a deficit of 8.1 acres.

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However, there are still another 194.68 industrial acres within the City’s Urban Growth Boundary which can be annexed to the City. On March 3, 2006, the City received applications to annex approximately 120 acres with Industrial Comprehensive Plan designations, which indicates market interest in the area near the Scappoose Industrial Airpark.

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.*

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:

The subject property was originally designated I Industrial and zoned LI Light Industrial to conform to the existing use of the structure at that time. The factory has been vacant since it was closed in 2002, and the property has been offered on the market since that time with no bona fide offers. There has been little to no interest in industrial redevelopment 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.” It is not well situated with respect to efficient industrial transportation, avoidance of conflicts, and other important industrial location factors. Retaining its industrial designation would therefore be counterproductive.

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 Policy 1 of the Policies for Economics by providing sufficient land for industrial uses. Thirty-six industrial acres were annexed in 2005 and are planned for airport-related industrial development. On March 3, 2006, applications were submitted to annex an additional 120 acres for industrial development near the airport, which could potentially provide a land base suitably large to permit efficient industrial development in that area.

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1) 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:

One effective mechanism to encourage the preservation, improvement and renewal of the existing business district is to provide nearby housing. Housing in the downtown core helps to create an active customer base which would support an active economic center.

- 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:

The subject property was originally designated I Industrial and zoned LI Light Industrial to accommodate the existing “Steinfeld’s Sauerkraut Factory.” The site has previously utilized the adjacent rail line. Approval of this application causes the loss of an opportunity to use the rail line at this site.

At 5.86 acres, employment density does not reach a “critical mass” of participants sufficient to contribute to significant carpooling or other transportation demand management practices. Larger-scale industrial areas close to the airport identified in the Comprehensive Plan Map offer more potential for carpooling.

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

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 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 residential development is compatible with the surrounding uses. The proposed residential site has single-family residential on the

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east and a school on the south. The site also has industrial users to the north and a railroad to the west, so industrial use may be appropriate along those boundaries, provided that appropriate buffers are installed.

The proposed development is a subdivision comprised of single-family attached and detached residential homes intended to continue the pattern of existing streets and lots. The proposed subdivision would enhance the quality of the public’s health, safety, and welfare by:

- Adding to the City’s mixture of housing by providing modestly priced single-family detached homes and attached townhouses.
- Providing half-street improvements along 3rd Street and Elm Street, resulting in safer driving conditions.
- 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.*

Finding:

The lack of market interest in the site for industrial uses implies that a 5.86-acre industrial site in downtown Scappoose is not striking the appropriate balance between competing land uses. A more suitable land use balance is for new residential development to be located directly adjacent to the existing residential area to the east rather than for new industrial facilities on site. In its current form, if industrial redevelopment occurred, the industrial site would directly abut the residential subdivision to the east.

- 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:

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 would visually separate the site from its surroundings, but not eliminate the sound created on an industrial site from reaching and

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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 site is required to provide all the infrastructure associated with new residential development, including public streets with curbs and sidewalks. Modestly priced single-family detached homes and attached townhouses would offer a range of housing choices for City residences. A prominent feature of the development would be the construction of residences along low-volume public alleys. The proposed comprehensive plan and zoning map amendment, along with the associated planned development and subdivision, is supportive of this Goal.

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

Finding:

This goal speaks to the quality of industrial sites. The subject property is not suitably located to accommodate contemporary industrial needs. The City’s Comprehensive Plan identifies large tracts of land in the northern portion of the Urban Growth Area for industrial use. These areas are not in conflict with residential uses and would benefit from the proximity of surrounding industrial development and are therefore more suitably located.

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

The circulation plan (**Sheet P201**) illustrates the proposed street connections between the site and the surroundings. The applicant has proposed designating Tract A (see **Sheet P200**) for the future eastward extension of E.M. Watts Road across the rail line to accommodate the project identified in the City’s Rail Corridor Study. The applicant has also proposed internal streets and alleys to serve the needs of residents of the development. The applicant would be required to widen 3rd Street and Elm Street along the site’s frontage and to add curb and sidewalk.

The proposed amendment, planned development, and subdivision are supportive of this Goal.

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

Finding:

It is important for the City to offer a range of housing options for its residents. The proposed Planned Development offers a combination of high density housing with the opportunity for individual lot ownership. 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 proposed comprehensive plan and zoning map amendment would provide a variety of housing to meet the local residents’ basic needs. Modestly priced single-family detached homes and attached townhouses are the proposed types of housing. Therefore, the proposed 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 2003 Land Use Needs analysis indicated that Scappoose had a need for an additional 10.5 acres of industrial land, plus a need for large sites totaling roughly 200 acres to accommodate large industrial users. Since that time, one annexation, one de-annexation, and two zone changes from Light Industrial to Moderate Density Residential have led to a

deficit of 2.24 acres. Approving the applicant’s request would lead to a deficit of 8.1 acres of industrial land within City Limits. Industrial designated land areas within the Urban Growth Boundary at the north boundary of the City offers more suitable sites that also offer potential for adjacent expansion to meet long-term needs.

The subject site is poorly suited for industrial uses since its proximity to residential areas and school property could lead to incompatible impacts. Access to the property from Highway 30 is circuitous, so trucks would have to drive through and adjacent to residential properties; furthermore, trucks may have a difficult time utilizing the existing railroad crossing due to grade differences between the level of the tracks and Highway 30 at Santosh Street.

The proximity to schools and athletic fields could pose a problem for schoolchildren walking to and from school and could create a perceived conflict between adjoining recreational and industrial uses. The requirement for sufficient screening, setbacks, or buffering against neighboring residential areas would decrease the usable area for industry. Furthermore, the site does not constitute a relatively large area separated by buffers from a residential district since the Steinfeld Acres subdivision lies directly across SE 3rd Street from the site.

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.

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:

According to calculations provided by the applicant (**Exhibit F** of the application), the current LI zoning designation would generate up to 100 total PM peak hour trips, assuming 40% lot coverage. In contrast, if the site were developed with 59 detached and attached single-family homes as proposed by the applicant, up to 65 total PM peak hour trips would be generated. In the AM peak hour, 95 trips would be generated for industrial

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use and 50 trips would be generated for residential use. On a daily count, light industrial use would generate up to 710 daily trips and residential use would generate up to 620 daily trips. In each case, re-designating the land to residential use would result in smaller traffic impacts on the surrounding roadways.

Exhibit P in the application is a more detailed traffic impact study, which concludes that local streets have adequate capacity to absorb the traffic generated by the site, and that the intersections of Highway 30 at Santosh Street and Highway 30 at Maple Street would continue to operate acceptably. ODOT staff concurred with these conclusions and did not propose traffic mitigation strategies.

The applicant has submitted a subdivision application with a street system that includes the widening of two existing streets (Elm Street and 3rd Street) and the construction of 2 new local streets and 4 public alleys. All streets shall be the proper width, alignment, and structural design to meet the City’s Development Code and Public Works Design Standards.

The applicant’s proposal would also reserve Tract A to future extension of E.M. Watts Road across the railroad.

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.*

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- 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."*

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 (assuming the conditions of approval are met), provide for the extension of sanitary and storm sewers, water lines, and streets in a manner designed to serve the designated urban growth area. 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. Provided that the City approves the applicant's request for a Comprehensive Plan Map Amendment, the development of this site, and its associated public improvements, would be consistent with the development in the Comprehensive Plan.

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

The proposed subdivision tentative plan conforms to these policies because the development would 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.

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 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 59-lot single-family planned development and residential subdivision that is 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 subdivision proposal includes the provision of additional single-family residential

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housing stock and provides an improved street system and all required public facilities. The subject property is bordered to the east by established single-family neighborhoods. The proposed subdivision would increase the quantity of housing within the City of Scappoose by adding single-family homes.

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 would 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.

The Light Industrial (LI) zone dimensional standards and landscaping requirements are meant to minimize nuisance characteristics, but industrial development would still result in adverse conditions for the residential homes adjacent to 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 could minimize views of industrial activities from the surrounding residential neighborhood, but would not eliminate the sound created on an industrial site from reaching and impacting the residents.

The proposal would result in the addition of a unique new housing stock at a central location in Scappoose, consistent with this goal. The central location of the property makes it nearly ideal with respect to community design (land use patterns), transportation, and public facilities, which are present to serve residential development. By contrast, if the subject site is not rezoned, new housing may locate in perimeter areas, where it would be more poorly integrated with the City’s plan for a strong central core.

The proposed changes reduce the potential scale and proximity of industrial development in relation to the existing neighborhood areas adjacent to the subject property. The proposal would result in reduced traffic and lower potential for adjacency conflicts or other incompatibility issues, as compared to industrial development and use. The proposed change therefore contributes to the protections of residential areas from “conflicting land uses, unnecessary through traffic, or other undesirable influences.”

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.*

POLICIES FOR THE GENERAL RESIDENTIAL LAND USE DESIGNATION

- 1) *Protect General Residential areas from conflicting land uses, unnecessary through traffic, and other undesirable influences.*
- 2) *Encourage greater densities in the older portions of town, which are convenient to shopping and other conveniences, and more suitable for development at greater densities than outlying areas.*

Finding:

The site's proximity to the center of the City provides an ideal location for placement of high-density housing. The proposed A-1 zone designation and PD overlay would concentrate more households in the downtown area. Housing in the downtown core helps to create an active customer base to help support trade in the downtown, thereby maintaining an active economic core.

The proposed comprehensive plan map amendment and zone change is for A-1 High Density Residential zone with a Planned Development (PD) overlay that allows for detached- and attached single-family residences, consistent with adjacent single family detached dwellings to the east. The proposed amendment/zone change would provide for residential rather than industrial use of the subject property, eliminating potential conflicts with the school property to the south.

With respect to traffic in residential areas, the subject property is located east of the existing eastern terminus of E.M. Watts Road, at the Highway 30 intersection. The city's Transportation System Plan, including the Rail Corridor Study, calls for extension of E.M. Watts Road to the east, forming a new four-way signalized intersection at the Highway with a new eastward minor collector street link. The subject property would necessarily be divided into a northern and a southern part when this extension occurs. The proposed change to General Residential designation and A-1 zoning is consistent with this policy because the northern and southern sub-areas' sizes allows each of them to be designed for vehicular access by way of local streets and alleys, with no driveways on the collector street extension. This would allow unbroken sidewalks along the collector, eliminating turning movement conflicts and providing safe pedestrian passage.

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4. 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

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.

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
- 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.*

B. The council shall decide the applications on the record.

C. A quasi-judicial application may be approved, approved with conditions or denied.

Finding:

1. THE APPLICABLE COMPREHENSIVE PLAN POLICIES AND MAP DESIGNATION

The proposed Comprehensive Plan Map Amendment and Zone Change would replace the Light Industrial (LI) zoning with High Density Residential with a Planned Development Overlay (A-1PD). The proposed change would allow a residential use to redevelop the site. The request is consistent with applicable Comprehensive Plan policies and zoning map designations as previously discussed. The change would permit compatible residential development alongside adjacent existing residential uses. The existing land uses of surrounding property include Light Industrial (LI) to the north; Moderate Density Residential (R-4) to the east; Expanded Commercial (EC) to the south; and General Commercial (C) and EC to the west, across Highway 30.

The applicable comprehensive plan policies are outlined above.

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

The proposal would not adversely affect health, safety, and welfare. It would eliminate the potential for a large industrial use to locate immediately adjacent to established single-family homes, a school, and athletic fields. The proposed change would foster new development that is consistent with the existing residential character, which would reinforce and enhance a centrally located residential neighborhood.

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 or noise which could affect existing residences.

In summary, this specific site is not conducive to industrial use. 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 would travel over screening and buffers, impacting the surrounding residential neighborhood. While it is true that the railroad itself would generate noise and dust, potential residents have the opportunity to decide whether they wish to purchase homes at this site or look for houses farther from the tracks. Residents of existing homes near the site would not have that choice if a new industrial user were to begin manufacturing operations.

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

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. Full discussion of the applicable standards is found in this staff report. The analysis demonstrates consistency and compliance with all applicable approval standards.

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.

Although the subject site is designated in the City of Scappoose Comprehensive Plan Map as Industrial, it is located adjacent to a residential area east of 3rd Street (Steinfeld Acres) and a short distance from residences on Elm Street and streets to the north. Since the adoption of the Comprehensive Plan, the land around the airport has become slated for industrial development, which would be clustered in a more efficient pattern than can be attained on the subject site.

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The property located to the northeast of the subject property is zoned LI for the width of one lot and then is zoned R-4 Moderate Density Residential. It consists generally of single-family detached residences. To the east of the subject property is a residential subdivision zoned R-4 that consists of single-family detached residences as well. The abutting property to the south is zoned EC-Expanded Commercial, however, it is currently utilized by the Scappoose School District, more specifically baseball fields and Grant Watts Elementary School.

The site was zoned LI Light Industrial to accommodate future industrial uses. The plant closed in 2002, the property has been on the market, and 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. Additionally, as discussed, retaining Light Industrial zoning at the site is inconsistent with the city’s policy to cluster industrial uses at locations that maximize economies of scale, offer transportation demand reduction opportunities, and minimize potential for conflict with other uses.

Chapter 17.70 LI LIGHT INDUSTRIAL

17.70.030 Permitted uses. In the light industrial zone, activities are subject to site development review, Chapter 17.120, Site Development Review. Only the following uses and their accessory uses are permitted outright:

[...]

F. Building materials sales and service;

[...]

L. Retail facilities on sites greater than one hundred thousand square feet;

M. Manufacturing of finished products;

N. Manufacturing of components for use in finished products;

O. Packaging of previously processed materials;

P. Participation sports and recreation: indoor and outdoors;

Q. Processing and packing of food products;

[[[.]

Finding:

A variety of uses are permitted in the Light Industrial zoning district, including those uses listed above. The applicant has request that the zoning for the site be changed to A-1 High Density Residential.

Chapter 17.56 A-1 HIGH DENSITY RESIDENTIAL

17.56.030 Permitted uses. A. In the A-1 zone outside of the Scappoose Creek Flood Plain, only the following uses and their accessory uses are permitted outright:

[...]

2. Duplex;

[...]

5. Multifamily dwelling units limited to a maximum of eight attached units per building with a minimum fifteen foot separation between buildings containing dwelling units;

[...]

11. A single-family dwelling having a common wall with one other single-family dwelling(s), provided:

a. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot;

b. The two dwellings shall have a common wall at the "zero" lot line;

c. Each lot shall comprise not less than two thousand five hundred square feet each in area;

d. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot;

e. Each dwelling unit must have independent services that include but are not limited to sewer, water, and electricity;

f. The common wall shall be a rated firewall and shall be of a kind of construction that will insure fire protection as per the Oregon Structural Specialty Code;

g. Single-family residential common wall structures shall be required to provide a sound barrier at the common wall that has a sound transmission class rating of not less than fifty as per the Oregon Structural Specialty Code. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection by the Building Official if it meets the code requirements and is supported by proof of meeting sound emission controls as specified;

h. Existing duplexes will be allowed to be converted to single-family residential common wall if they can be altered to meet the provisions of this title.

[...]

17.56.050 Dimensional requirements. A. The minimum lot area shall be:

1. Five thousand square feet for the first two attached units and two thousand square feet for each additional unit when located outside of the Scappoose Creek Flood Plain;

2. The minimum lot area for all other uses shall be five thousand square feet when located outside of the Scappoose Creek Flood Plain;

3. Twenty thousand (20,000) square feet for a single-family detached dwelling unit when located inside of the Scappoose Creek Flood Plain. No other residential uses are permitted in the Scappoose Creek Floodway fringe.

B. The minimum lot width is fifty feet.

C. The minimum setback requirements are as follows:

1. The front yard setback shall be a minimum of fifteen feet;

2. The front of garages or carports shall be located a minimum of twenty feet from the property line where access occurs;

3. Side yard setbacks shall total a minimum of fifteen feet with any street side setback no less than ten feet and internal side setback no less than five feet;

4. The rear yard setback shall be a minimum of twenty feet, except the minimum rear yard setback for accessory buildings shall be five feet.

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D. No building in an A-1 zoning district shall exceed thirty-five feet in height. Maximum height for accessory buildings shall be twenty-two feet.

E. The maximum lot coverage shall be eighty percent including all buildings and impervious surfaces; and the minimum landscape requirement shall be twenty percent.

F. Additional requirements shall include any applicable section of this title.

Finding:

If the City approves the applicant’s request, the proposed subdivision would fall within the A-1 zoning district. The applicant proposes single-family detached and attached residences. Single-family attached residences, but not single-family detached residences, are permitted in the A-1 zone. However, the provisions of the Planned Development overlay would permit all types of single-family housing, including detached units or townhouses, on lot sizes that vary from the A-1 dimensional requirements. Lot sizes, lot width, and setbacks shall meet the minimum requirements of the Planned Development overlay at the time of development of each lot. Sections 17.56.030 and 17.56.050 are satisfied.

Chapter 17.81 PLANNED DEVELOPMENT OVERLAY (PD)

17.81.010 Purpose. The purpose of this district is to provide more flexibility in the development of land; encourage variety and creativity in the development pattern of the community; conserve natural land features; facilitate aesthetic and efficient use of open space; create public and private open space; encourage the application of new techniques and technology to community development which contribute to superior living or development patterns; use land efficiently in order to reduce the costs of housing, maintenance, street systems and utility networks; promote energy conservation and crime prevention; and relate development to the natural environment and its users.

A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone’s requirements, except as may be specifically allowed by the planning commission. For purposes of implementing these objectives, two means are available:

A. The property owner or his or her representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances that it will be carried out in accordance with the procedures set forth in Section 17.81.060; or

B. The property owner of a particular parcel, the planning commission, or the city council may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. A planned development overlay initiated by the commission or council shall address itself to the purposes set forth herein: a planned development overlay may be approved under these circumstances for a property that has unique characteristics (for example, having geological, ecological or archeological significance), and the development of which may have a significant

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impact upon the surrounding area or the city as a whole due to its scope, potential housing or employment density, and anticipated traffic generation. However, the commission and council shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted.

Finding:

The applicant has requested a Planned Development overlay to create a residential development utilizing a mixture of detached single-family residences and attached townhouses. Such a layout would use land efficiently to reduce the cost of housing and infrastructure, which has the secondary benefit of conserving energy. The applicant is the property owner, who has submitted a combined application for a Comprehensive Plan Map Amendment, Zone Change, Planned Development, and Subdivision.

In addition, the Applicant has requested approval of a temporary surface parking use on proposed Lots 1, 6, and 59, for use by the customers of the Scappoose Fitness Center, who currently park on the north side of the vacant Steinfeld’s factory building. These three lots would be furnished with utility stubs to allow them to be converted to residential use at a future date. Staff and the Planning Commission support this request.

Elm Street does not have through traffic west of 2nd Street because it terminates at the railroad. Due to this fact and the unique nature of the proposed Planned Development, the City may grant a revocable right-of-way encroachment permit to accommodate a parking layout for Lots 1 and 59 similar to that illustrated in **Exhibit 8**. Granting such a permit would not alter the City’s general policy of reserving right-of-way for public use.

17.81.020 Applicability. A. Commercial, Industrial, and Residential. The planned development process may be applied in any zone to all commercial and industrial uses, and excluding the R-1 zone, all residential uses for site-constructed housing, subject to requirements of the underlying district, the land division regulations, and sections 17.81.040 and 17.81.050 of this chapter.

Finding:

The applicant is requesting a zone change to A-1 High Density Residential, with an accompanying enactment of a Planned Development overlay.

17.81.030 Permitted uses. A. For residential districts:

- 1. Uses permitted in the underlying district;*
- 2. Housing concepts may include, but are not limited to, single-family residences, duplexes, row houses, townhouses, cluster units, multiple-family dwellings or manufactured homes;*
- 3. Related commercial uses as part of the development;*
- 4. Related public lands uses designed to serve the development;*
- 5. Accessory buildings and uses, not to exceed twenty-five percent of the lot area of the principal use.*

Finding:

The applicant has proposed a combination of single-family detached residences and row houses/townhouses. Three of the proposed residential lots (Lots 1, 6, and 59) would be used as commercial parking for the nearby Scappoose Fitness Center. Section 17.81.030 is satisfied.

17.81.040 Dimensional standards. A. Lot Width, Depth, Coverage, Setback and Frontage Requirements.

Minimum lot size, width, depth, coverage, setback and frontage requirements for lots in a planned development may be less than the minimums specified in the underlying district if in accordance with the approved general plan and the density standards of this section.

B. Minimum Site Size. A planned development shall be established on a parcel of land that is suitable for the proposed development, and shall not be established on less than four acres of contiguous land, unless the planning commission finds that property of less than four acres is suitable as a planned development by virtue of its unique character, topography or natural features, or by virtue of its qualifying as an isolated problem area as determined by the planning commission.

Finding:

The applicant has requested dimensional standards which are less stringent than the A-1 zone would typically allow. The applicant's request is outlined in the table below:

Requirement	Attached housing units	Detached housing units
Minimum Lot Area	1,980 square feet	2,380 square feet
Lot Width	22 feet minimum	28 feet minimum
Setbacks:		
Front/dwelling	12 feet minimum	12 feet minimum
Front/garage	20 feet minimum	20 feet minimum
Side/street	5 feet minimum	5 feet minimum
Side/internal	0 feet for attached center units 3 feet minimum for attached end units	3 feet minimum
Rear	10 feet minimum (accessory buildings 3 feet min.)	10 feet minimum (accessory buildings 3 feet min.)
Height	35 feet	35 feet
Lot Coverage	90% (buildings & impervious) 10% landscape	90% (buildings & impervious) 10% landscape

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Requirement	Attached housing units	Detached housing units
Additional Requirements	Based on all applicable sections of the Development Code	Based on all applicable sections of the Development Code

For this site, the A-1 zoning designation would permit a density of 20.5 units per acre (exclusive of streets dedicated by the applicant). The applicant’s proposal for a Planned Development would result in an overall residential density of 16.7 dwelling units per net acre (exclusive of streets dedicated by the applicant). The proposed standards do not exceed the density standards of the A-1 zone so the Planning Commission and City Council may permit deviations from typical dimensional standards. The site size is 5.86 acres, which surpasses the minimum requirement of 4 acres. Section 17.81.040 is satisfied.

17.81.050 General requirements. A. Compatibility with Neighborhoods.

- 1. The planned development shall present an organized arrangement of buildings, facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to ensure compatibility with the comprehensive plan and the area in which it is to be located.*
- 2. Peripheral yards of a planned development site shall be at least as deep as those required by the yard regulations of the adjoining district, unless the planning commission finds that equal protection will be accorded through specific features of the approved plan.*

Finding:

The applicant’s proposed layout appears to be well-organized for a high-density residential development, and properly reserves Tract A for the future E.M. Watts Road rail crossing (see **Sheet P200**). The houses north and south of E.M. Watts Road would generally be oriented toward new east-west streets and alleys. The planned development would provide a transition from the commercial and industrial development on Highway 30 and Elm Street to the single-family homes east of the site.

The applicant had not proposed recreational facilities or site landscaping. The Planning Commission has required a Homeowners Association to maintain a solid, sight-obscuring fence and landscaping adjacent to the railroad right-of-way. The Conditions of Approval require the Homeowners Association to maintain the existing chain link fence along the southern border.

The site abuts the Light Industrial, Expanded Commercial, and Moderate Density Residential zones, and is across Highway 30 from Expanded Commercial and General Commercial. The Applicant has requested that the City waive the requirements pertaining to peripheral yards. As proposed, Lots 7, 8, 9, 33, 34 and 35 front on Third Street and would have 12 foot front setbacks, which is greater than the 10 foot side setbacks for the houses across 3rd Street within the R-4 zone. Lots 10 and 32 are proposed to be

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constructed with the houses three feet off the western property line, so the side yard next to 3rd Street would be larger than the three foot side setback requested for other parcels, due to the shape of those two individual lots. The City Council required dedication of open space between Lot 32 and SE 3rd Street, and required that Lots 33-35 be rotated to a north-south orientation to permit the dedication of open space between Lot 33 and SE 3rd Street.

The site’s northern boundary (adjacent to Elm Street) would require a 20 foot front yard setback to match the setbacks of the LI zone; however, existing structures across Elm Street have little or no setback.

The site’s southern and western boundaries would require no rear setbacks to match the setbacks of the EC or C zones. The applicant has requested that the Planning Commission and City Council waive the requirement regarding peripheral yard requirements. Due to the proposed lot orientation and adjacent setbacks, staff does not see that the waiver would harm the public interest. Such a waiver lies within the power of the Council. Section 17.81.050(A) is satisfied.

B. Open Space.

1. Open space in a planned development means the land area to be used for scenic landscaping, or open recreational purposes within the development. It shall not include street right-of-ways, driveways or open parking areas.

2. Open space shall be provided for the recreational and leisure use of the individuals occupying the planned development, and designed to enhance the present and future value of the development.

3. To the maximum extent possible, natural features of the land shall be preserved and landscaping provided.

4. In order to assure that open space will be permanent, dedication of development rights to the city for other than open space use may be required.

5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the planning commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the city attorney.

6. The planning commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, the city may, at its option, cause such maintenance to be done and assess the costs to the affected property owners.

Finding:

The applicant has proposed that Tract A, which is identified as the future location for E.M. Watts Road, should be counted as meeting the open space requirement. Staff and the Planning Commission do not agree with this interpretation since the open space would in the future be a busy street. The Planning Commission has required the dedication of a “pocket park” as open space to be maintained by the applicant (illustrated

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as Tract C on **Exhibit 12**). The City Council required dedication of open space between Lot 32 and SE 3rd Street, shown as Tract D on **Exhibit 12**. The Council also required that Lots 33-35 be rotated to a north-south orientation to permit the dedication of required open space between Lot 33 and SE 3rd Street (shown as Tract E on **Exhibit 12**). Section 17.81.050(B) is satisfied.

C. Residential Density.

1. In a residential planned development, the density permitted is the same as that of the underlying district or districts. In a mixed-use planned development, the number of allowable units is based on net residential area. The net residential area for a planned development shall be calculated by taking the total area of the development less streets, commercial, industrial, public lands and other nonresidential uses. Recreational trails and areas, and open space, etc., shall be included in the net residential area. The number of dwelling units permitted in a planned development shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts. In a commercial or expanded commercial district, multifamily densities shall be permitted where limited residential use is determined to be appropriate by the planning commission.

2. Greenways, streams and steep topography areas will be counted as contributing to the density only to the extent that it can be shown, through a planning commission review, that a typical development could be accommodated on the site with realistic street configuration, grades and standard lot sizes. The number of dwellings yielded from such a tentative subdivision review process shall be used as a base in determining the overall density for the site.

3. An increase of up to twenty-five percent in the number of dwelling units may be permitted upon a finding by the planning commission that such increased density will contribute to:

- a. Satisfaction of the need for additional urban area housing of the type proposed;*
- b. The provision of housing which is convenient to commercial, employment, and community services and opportunities;*
- c. The creation of a land use pattern that is complementary to the community and its identity, and to the community design process;*
- d. The conservation of energy;*
- e. The efficient use of transportation facilities; and*
- f. The effective use of land and available utilities and facilities.*

Finding:

The density proposed by the applicant is 16.7 dwelling units per net acre (exclusive of streets dedicated by the applicant). If the zoning were instead changed to A-1 High Density Residential without the associated Planned Development, the permitted density would be 20.5 units per acre, with over 100 units total (assuming private streets and driveways). The site does not contain any natural greenways, steep slopes, or other physical constraints to development. The applicant has not requested a density bonus. Section 17.81.050(C) is satisfied.

*D. Employment Density.**[...]***Finding:**

This item is not applicable to this application because the applicant has not proposed a commercial or industrial use.

E. Staging.

- 1. The applicant may elect to develop the site in successive stages in a manner indicated in the general plan. Each such stage shall be substantially complete within itself.*
- 2. The planning commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.*

Finding:

The applicant’s narrative has suggested that portions of the site may be platted at different times. The Conditions of Approval require that all public improvements be installed as part of the initial phase. Section 17.81.050(E) is satisfied.

17.81.060 Procedure. An application for a planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.162 of Title 17 of the Scappoose Municipal Code. A planned development, quasi-judicial zone change, and as necessary, a quasi-judicial comprehensive plan map amendment, may be processed concurrently. The fee charged for initiating a planned development overlay shall be equal to that charged for zone changes.

Finding:

The applicant has requested the concurrent approval of a Comprehensive Plan Map Amendment, Zone Change, Planned Development, and Subdivision. The applicant has paid the applicable land use fees. Section 17.81.060 is satisfied.

17.81.070 Approval criteria. An application may be approved, approved with conditions, or denied based upon substantial conformance with the following criteria:

- A. The proposed development complies with the comprehensive land use plan and is compatible with the surrounding area or its proposed future use;*
- B. That exceptions from the standards of the underlying district are warranted by the design and amenities such as usable common open space, cluster development, etc.;*
- C. That the proposal include designs and construction standards in compliance with city code and that all completed infrastructure be approved by the city and ownership of all infrastructure and public utilities deeded to the city upon completion;*
- D. That the development can be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

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E. That streets are adequate to support anticipated traffic, and the development will not overload the streets outside the planned area (as supported, when necessary, by a formal traffic impact analysis);

F. That proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

G. That the proposed development can be substantially completed within a reasonable period of time.

Finding:

The Findings of Fact identify that the application is consistent with the Statewide Planning Goals, Comprehensive Plan, Transportation Planning Rule, and applicable sections of the Development Code. The proposed development would be compatible with the surrounding area and would transition from the commercial/industrial area directly to the north to the more moderate areas of residential density to the northeast and east. Section 17.81.070(A) is satisfied. The Planning Commission and City Council may grant exceptions from the A-1 dimensional standards based on the provision of a high-density housing option that supports individual ownership of lots and promotes housing affordability. Section 17.81.070(B) is satisfied. City staff will review and approve construction plans to ensure compliance with City standards. Section 17.81.070(C) is satisfied. The planned development proposal accommodates the future extension of E.M. Watts Road and will widen both Elm Street and 3rd Street. Section 17.81.070(D) is satisfied. The traffic impact analysis submitted by the applicant demonstrates that the existing and proposed street network would continue to operate acceptably with the addition of the houses constructed from the development. Section 17.81.070(E) is satisfied. The Composite Utility Plan (**Sheet P400**) and associated storm and sanitary sewer profiles and details (**Sheets P501, P503, P504, P601, P602, and P603**) demonstrate the adequacy of the utility and drainage facilities for the proposed planned development. Initial computations submitted by the applicant indicate that the proposed stormwater facility is adequate for the impervious area associated with the site. Section 17.81.070(F) is satisfied. The Conditions of Approval require the public infrastructure to be constructed in a timely manner. Section 17.81.070(G) is satisfied.

17.81.080 Tentative plan.

[...]

B. Procedures.

[...]

4. Tentative Plan Expiration Date. Within one year following the effective date of approval of a tentative plan, the general plan and program shall be submitted, and shall incorporate any modification or condition required by approval of the tentative plan. The planning services manager may, upon written request by the applicant, grant an extension of the expiration date of up to six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan, and after finding that no other development approval would be affected.

Finding:

The applicant is required to submit the final plan for the Planned Development and Subdivision for review by City staff within one year from the effective date of the approval by City Council. Section 17.81.080(B,4) is satisfied.

E. Expiration. If substantial construction or development, as determined by the director, has not taken place within four years from the date of approval of the general plan, the planning commission shall review the planned development permit at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall remove the planned development designation on the subject.

Finding:

The Conditions of Approval impose a timeline for the construction of the planned development. Section 17.81.080(E) is satisfied.

17.81.110 Application of development standards-Conflict of planned development standards and zoning district standards. In cases of conflict between standards of the underlying district and the planned development, the standards of the planned development shall apply.

Finding:

If approved, the provisions of the Planned Development would take precedence over the standards of the A-1 zone. Section 17.81.110 is satisfied.

CHAPTER 17.150 - LAND DIVISION: SUBDIVISION

17.150.050 Phased development. A. The planning commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without submitting a final plat for each completed phase. In no case will the total time for construction of the development exceed seven years. The planning commission may require a new application for a tentative plan for subsequent phases following the final plat approval.

B. The criteria for approving a phased subdivision proposal are:

- 1. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;*
- 2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable city or district standard;*
- 3. Construction of all underground utilities for the development shall be included in the initial phase of the development;*
- 4. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as a part of the approval of the tentative plan.*

C. The application for phased development approval shall be heard concurrently with the tentative plan application and the decision may be appealed in the same manner as the tentative plan.

Finding:

The introductory comments in the applicant’s report state that “the Applicant and the other developer(s) will file separate, phased final subdivision plats corresponding to each [of the] partition parcels.” Subsequent comments by the applicant indicate that “the proposed development will be constructed at once; it will not be staged.” Staff has proposed a Condition of Approval that permits phased plats but requires all public works construction to be completed as one project. Section 17.150.050 is satisfied.

17.150.060 Approval standards--Tentative plan. A. The planning commission may approve, approve with conditions or deny a tentative plan based on the following approval criteria:

- 1. The proposed tentative plan complies with the city’s comprehensive plan, the applicable chapters of this title, the public works design standards, and other applicable ordinances and regulations;*
- 2. The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92[.090(1)];*
- 3. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects, including conformance with submitted neighborhood circulation plans, unless the city determines it is in the public interest to modify the street or road pattern; and*
- 4. An explanation has been provided for all public improvements.*

Finding:

The proposed Tentative Subdivision Plan complies with the City’s Comprehensive Plan and Development Code as detailed within the Findings of Fact. Review by the City Planner and City Engineer and all referral agencies ensures compliance with the City’s Public Works Design Standards and Standard Specifications and all other applicable regulations regarding street, sewer, water and all other public improvement configurations and construction materials, as well as private utilities. Appropriate Conditions of Approval detailing required improvements, and in particular development of a street system satisfying the policies outlined within the Comprehensive Plan, Development Code, and Public Works Design Standards and Specifications, are included. Section 17.150.060(A,1) is satisfied.

The applicant will confirm with the County Surveyor’s office that the subdivision name is not duplicative. Section 17.150.060(A,2) is satisfied.

Road layout takes into consideration potential future road improvements by reserving land for the extension of E.M. Watts Road. Section 17.150.060(A,3) is satisfied.

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The applicant’s narrative and preliminary plan sufficiently describe all required public improvements. Section 17.150.060(A,4) is satisfied.

Chapter 17.154 STREET AND UTILITY IMPROVEMENT STANDARDS

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

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

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

[...]

Finding:

The proposed public street system illustrated on the submitted drawings will be dedicated and improved in accordance with the Public Works Design Standards and Specifications. All of the proposed lots would have frontage onto a local public street or alley. Section 17.154.030(A) is satisfied.

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

[...]

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

1. Street grades shall be approved by the public works director in accordance with the city’s public works design standards; and

[...]

3. New streets shall be laid out to provide reasonably direct and convenient routes for walking and cycling within neighborhoods and accessing adjacent development.

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

F. Where necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed. A reserve strip across the end of a dedicated street shall be deeded to the city; and a barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the public works director, the cost of which shall be included in the street construction cost.

Finding:

The proposed public rights-of-way will be dedicated by the approval of the Final Subdivision Plat(s). The proposed streets and alleys will conform to all of the applicable City of Scappoose standards and specifications. Based upon a suggestion by City staff, the applicant has proposed to reserve the E.M. Watts right-of-way as a Tract to be deeded to the City for future construction of the rail crossing. Section 17.154.030(B) is satisfied.

The proposed public streets and alleys will be designed to provide adequate street widths and grades to comply with the City’s Public Works Design Standards. Section 17.154.030(D) is satisfied.

The City’s Public Works Design Standards requires public rights-of-way and paved roadways with curbs and sidewalks. The submitted drawings demonstrate 54-foot rights-of-way for local streets (Relish Street and 2nd Place), using the City’s standard 32-foot paved width. Tract A would accommodate a 60-foot right-of-way and 36 feet of pavement, which meets the minor collector standard. The proposed public alleys, with an overall width of 30 feet and 28 feet of pavement, surpass the City’s 20-foot standard for alleys. A public utility easement (PUE) will be required along all rights-of-way for public utilities. Section 17.154.030(E) is satisfied.

Barricades are required for the edge of pavement in Tract A. The City may require a barricade at the southern end of Alley 3-S. Emergency vehicle and pedestrian access is required at the east end of Alley 2, the south end of Alley 3-N, and the north end of Alley 3-S. Through traffic will not be permitted at the north end of Alley 3-N. Section 17.154.030(F) is satisfied.

G. No street name shall be used which will duplicate or be confused with the names of existing streets within the city’s urban growth boundary, except for extensions of existing streets. Street names and numbers are subject to review and approval the Scappoose rural fire district.

Finding:

The Conditions of Approval require that the applicant obtain City and Scappoose Rural Fire District approval of public street names. Section 17.154.030(G) is satisfied.

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

Finding:

The Conditions of Approval require all streets to be constructed to the standards detailed within the City’s Public Works Design Standards and Standard Specifications, with the

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exception of public alleys, which may be constructed wider than the standard as illustrated in the applicant’s proposal. Section 17.154.030(H) is satisfied.

I. Wherever the proposed development contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side on such right-of-way at a distance suitable for the appropriate use of the land, and the distance shall be determined with due consideration at cross streets or the minimum distance required for approach grades and to provide sufficient depth to allow screen planting along the railroad right-of-way in nonindustrial areas.

Finding:

The site is adjacent to the Portland & Western Railroad right-of-way, which runs north-south along the western boundary. Third Street runs approximately parallel to the railroad, and is located a sufficient distance from the tracks to permit any necessary grade changes and to eliminate turning conflicts that could potentially arise if north-south streets were allowed to intersect with E.M. Watts Road closer to the rail line. The north-south alleys that intersect Tract A permit only emergency vehicles and pedestrians to avoid congestion in the vicinity of the future signalized intersection. Staff has proposed a Condition of Approval that the applicant install a sight-obscuring fence and landscaping adjacent to the rail right-of-way. Section 17.154.030(I) is satisfied.

M. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the Public Works Director and approved by the Commission.

Finding:

The Portland & Western Railroad abuts the site on the west side. As indicated in the applicant’s Traffic Impact Analysis (**Exhibit P** in the applicant’s report), the development would not cause the existing intersections of Highway 30 at Santosh Street and Highway 30 at Maple Street to operate at unacceptable levels. Consequently, this development proposal would not cause the need to install a new rail crossing. However, the applicant has reserved Tract A for the future eastward extension of E.M. Watts Road, which would require a rail crossing as outlined in the City’s Rail Corridor Study. Section 17.154.030(M) is satisfied.

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

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

- 1. Joint mailbox structures shall be placed adjacent to roadway curbs;*
- 2. Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan, and shall be approved by the U.S. Post Office prior to plan approval; and*

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3. Plans for the joint mailbox structures to be used shall be submitted for approval by the planner prior to final approval.

[...]

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

S. Street names are subject to the approval of the Scappoose rural fire district and street name signs shall be required as specified in the city's public works design standards.

Finding:

The developer will incur the costs of all traffic control devices and street signs within the subdivision. Group mailbox facilities will be provided by the applicant in coordination with the Scappoose Post Office. Street lights will be installed in accordance with the City's Public Works Design Standards and in coordination with the Columbia River PUD. The proposed public street names will be submitted for review and approval to the Scappoose Rural Fire District. Street name signs shall meet the applicable Public Works Design Standards.

Section 17.154.030(O), (P, 1-3), and (R-S) are satisfied by the Conditions of Approval.

17.154.040 Blocks. A. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated, consideration of needs for safe and convenient pedestrian and vehicular access and circulation and recognition of limitations and opportunities of topography.

B. Except for arterial streets, no block face shall be more than six hundred feet in length between street corner lines and no block perimeter formed by the intersection of pedestrian accessways and local, collector and arterial streets shall be more than one thousand six hundred feet in length. The recommended minimum length of blocks along an arterial street is one thousand eight hundred feet. A block shall have sufficient width to provide for two tiers of building sites. Reverse frontage on arterial streets may be required by the planning commission.

Finding:

The proposed blocks will provide adequate building sites meeting the minimum dimensional requirements of the A-1 zone with the PD overlay and are less than 600 feet in length. There are no lots fronting an arterial. Sections 17.154.040(A-B) are satisfied.

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

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

[...]

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

[...]

Finding:

The applicant is required by the Conditions of Approval to illustrate all existing and proposed easements on the Final Plat and to provide a public utility and street tree easement adjacent to all rights-of-way. No existing watercourses or drainage ways traverse the proposed development.

Sidewalks and public utility easements are required within the development per the Conditions of Approval. Public utility easements are typically 8 feet wide; however, due to the proposed 3-foot side setbacks, the utility easement could pose a development challenge. The width of the utility and street tree easement can be determined at a later date by City staff. The public alleys within the subdivisions will have sidewalk improvements within a 5-foot sidewalk easement encumbering each lot fronting one of the public alleys. Sections 17.154.050 and 17.154.070 are satisfied.

17.154.080 Public use areas. A. Where a proposed park, playground or other public use shown in a development plan adopted by the city is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision.

B. Where considered desirable by the commission in accordance with adopted comprehensive plan policies, and where a development plan of the city does not indicate proposed public use areas, the commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks and other public use.

Finding:

The applicant has requested a waiver of the Planned Development requirement for open space. The Planning Commission has required dedicated open space west of Tract B. Section 17.154.080 is satisfied.

17.154.090 Sanitary sewers. A. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth by the city’s public works design standards and the adopted policies of the comprehensive plan.

B. The public works director shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

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C. Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan and the wastewater treatment facility plan and potential flow upstream in the sewer sub-basin.

D. Applications shall be denied by the approval authority where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

17.154.100 Storm drainage. A. The planner and public works director shall issue permits only where adequate provisions for stormwater and floodwater runoff have been made, and:

1. The stormwater drainage system shall be separate and independent of any sanitary sewerage system.

2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street.

3. Surface water drainage patterns shall be shown on every development proposal plan.

4. All stormwater analysis and calculations shall be submitted with proposed plans for public works directors review and approval.

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

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

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

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

Finding:

The applicant proposes to connect to the existing public sewers in SE 3rd Street and SE Elm Street to serve the development (**Sheet P400**). The new sewer lines would be installed at the developer's expense.

The storm drainage system is separate from the sanitary sewer system. Catch basins in the proposed subdivision would receive stormwater runoff, and the water would be conveyed to the proposed stormwater infiltration facility in Tract B.

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Inlets are required to be located to prevent storm runoff from being carried across the intersections. Stormwater from the site must be managed in compliance with the Public Works Design Standards and state and federal regulations. The applicant is required by the Conditions of Approval to provide evidence that the stormwater facility proposed to receive the stormwater runoff would have adequate capacity for the site’s stormwater. All drainage facilities must be designed in conformance with APWA standards and as reviewed and approved by the City Engineer. Sections 17.154.090 and 17.154.100 are satisfied.

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

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

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

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

Finding:

All proposed building lots within the subdivision would be served by water lines which must be designed in accordance with the Public Works Design Standards. The applicant proposes installing 8-inch water lines in the new streets. The Conditions of Approval require that the applicant demonstrate sufficient domestic and fire flow pressure for all lots. The Conditions of Approval require review by the City Engineer of all proposed plans. Section 17.154.105 is satisfied.

17.154.107 Erosion controls. A. Any time the natural soils are disturbed and the potential for erosion exists, measures shall be taken to prevent the movement of any soils off site. The public works director shall determine if the potential for erosion exists and appropriate control measures.

B. The city shall use the city’s public works design standards as the guidelines for erosion control.

Finding:

The applicant will conduct erosion control measures in accordance with the City’s Public Works Design Standards. Erosion control Best Management Practices, such as construction entrances, siltation fences, and other appropriate measures as determined by the City Engineer during final engineering will be implemented in accordance with City standards. The Conditions of Approval require review by the City Engineer of all proposed plans. Section 17.154.107 is satisfied.

17.154.120 Utilities. A. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary

utility service facilities during construction, high capacity electric lines operating at fifty thousand volts or above [...]

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

Finding:

All new utility lines shall be placed underground. All private utilities will be underground in a Public Utilities Easement (PUE) behind the right-of-way line, as required by the Conditions of Approval. Additional easements may be required for transformers upon coordination of final design with the Columbia River PUD.

The Conditions of Approval require review by the City Engineer of all proposed plans. Section 17.154.120 is satisfied.

Chapter 17.100 LANDSCAPING, SCREENING AND FENCING

[...]

17.100.090 Buffering and screening requirements. A. Buffering and screening are required to reduce the impacts on adjacent uses which are of a different type. The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses abut one another, buffering and screening are required. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required.

B. A buffer consists of an area within a required interior setback adjacent to a property line, having a width of ten feet, except where the planning commission requires additional width, and a length equal to the length of the property line of the abutting use or uses.

C. Occupancy of a buffer area shall be limited to utilities, screening, and landscaping. No buildings, accessways or parking areas shall be allowed in a buffer area.

D. The minimum improvements within a buffer area shall include:

1. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than ten feet high for deciduous trees and five feet high for evergreen trees measured from the ground to the top of the tree after planting. Spacing for trees shall be as follows:

a. Small or narrow stature trees, under twenty-five feet tall or less than sixteen feet wide at maturity shall be spaced no further than fifteen feet apart;

b. Medium sized trees between twenty-five feet to forty feet tall and with sixteen feet to thirty-five feet wide branching at maturity shall be spaced no greater than twenty-five feet apart;

c. Large trees, over forty feet tall and with more than thirty-five feet wide branching at maturity, shall be spaced no greater than thirty feet apart.

2. In addition, at least one five-gallon shrub shall be planted for each one hundred square feet of required buffer area.

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3. *The remaining area shall be planted in groundcover, or spread with bark mulch. [...]*

Finding:

The applicant has requested that the City waive the buffering that would otherwise be required along the northern and western boundaries of the site. Such a waiver falls under the discretion allowed for Planned Developments and is consistent with the stated purposes of the overlay to “provide more flexibility in the development of land” and to “use land efficiently in order to reduce the costs of housing....” The Planning Commission has required a sight-obscuring fence and landscaping along the western boundary adjacent to the rail right-of-way. The Conditions of Approval require maintenance of the existing fence along the southern boundary. The Council may also require fencing along the northernmost lots. Section 17.100.090 is satisfied.

Chapter 17.104 STREET TREES

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

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

[...]

17.104.040 Standards for street trees. A. Street trees shall be selected from the approved street tree list included as Appendix A of the Scappoose Comprehensive Urban Forestry Plan.

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

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

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

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

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

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

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

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

E. Street trees shall be planted in accordance with the requirements of Scappoose Municipal Code Section 13.28.010(C).

Finding:

The Conditions of Approval require the applicant to plant street trees. The applicant has proposed Golden Desert Ash street trees, which are listed on the Approved Street Tree List of the Scappoose Development Code and Scappoose Comprehensive Urban Forestry Plan (see **Sheet P202**). No trees have been proposed for the public alleys due to the narrow cross-section. Final tree species and placement will be determined when street permit plans are prepared and final design of street lights, driveways, and utility placement can be taken into consideration.

Sections 17.104.020 and 17.104.040 are satisfied by the Conditions of Approval.

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; [...]

Chapter 17.164 PROCEDURES FOR DECISION MAKING—LIMITED LAND USE DECISIONS

17.164.110 Approval authority responsibilities. [...]

B. The planning commission shall have the authority to approve, deny or approve with conditions the following applications:

1. Subdivisions pursuant to Chapter 17.150;

[...]

C. The decision shall be based on the approval criteria set forth in Section 17.164.150.

[...]

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17.164.150 Decision process. A. The decision shall be based on proof by the applicant that the application fully complies with:

- 1. The city comprehensive plan; and*
- 2. The relevant approval standards found in the applicable chapter(s) of this title and other applicable implementing ordinances*

Finding:

The applicant has requested the concurrent review of a Comprehensive Plan Map Amendment, Zone Change, Planned Development Overlay, and Tentative Subdivision. The Planning Commission recommends that the City Council approve the applicant’s request. Based on the submitted materials and the staff report, and as conditioned within this report, the applicant’s proposal complies with the City’s Comprehensive Plan, and with the requirements of Title 17 of the Scappoose Municipal Code. Sections 17.162.090(C), 17.164.110(B) and (C) and 17.164.150(1) and (2) are satisfied.

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** CPA1-05/ZC2-05/SB7-05, subject to the following:

PUBLIC UTILITIES/INFRASTRUCTURE

1. That all streets, utilities, and other public infrastructure improvements shall be in accordance with the City of Scappoose Public Works Design Standards.
2. That prior to approval of final subdivision construction plans, detailed storm drainage, sanitary sewage collection, and water distribution plans, which incorporate the requirements of the City of Scappoose Municipal Code and the Public Works Design Standards and Standard Specifications shall be submitted to, and approved by, the City Engineer. Following construction and paving, the existing sanitary sewer manholes and lines shall be vacuum tested in accordance with the Public Works Design Standards. Water lines shall be tested in accordance with the AWWA and the City of Scappoose Public Works Design Standards. In addition, the following shall occur:
 - a. Obtain NPDES permit from the Department of Environmental Quality prior to any earthwork. A copy of the approved NPDES permit shall be submitted to the City Engineer prior to approval of the subdivision design for construction.
 - b. Provide stormwater quality treatment meeting the requirements of the City of Scappoose Public Works Design Standards.
 - c. Provide storm drainage meeting the City of Scappoose Storm Water Master Plan and Public Works Design Standards. The storm retention system shall be privately owned and maintained. Provide calculations demonstrating that the capacity of the proposed storm system is adequate.
 - d. Obtain approval by the City Engineer for all stormwater treatment systems.
 - e. Provide erosion control measures meeting the requirements of the City of Scappoose Public Works Design Standards, Section 2.0051.
 - f. Construct 8-inch minimum water mains to serve the subdivision. Install a blow-off after 8” valves at the ends of the water lines in accordance with the Public Works Design Standards.
 - g. Provide computations to the City Engineer and Fire Chief demonstrating adequate domestic and fire flow for the subdivision.
 - h. Provide sanitary sewers meeting the requirements of the City of Scappoose Public Works Design Standards.
 - i. Meet City of Scappoose Public Works Standards for all construction in the public right-of-way.
3. That easements and maintenance agreements as may be required by the City Engineer for the provision, extension, and maintenance of utilities shall be submitted to the

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City Engineer for review and approval prior to filing of the Final Plat. All public utilities that run across private property shall be within an exclusive public easement, which shall be a minimum of 15 feet wide, but in all cases shall be wide enough to allow construction and/or maintenance work to proceed within the easement limits. Combined utility easements shall only be allowed with the consent of the City Engineer, and only when they are of sufficient width to allow work on any utility contained within the easement to be conducted within the easement limits. All required easements, including those for natural gas, cable, electric, and telephone shall be shown on the face of the Final Plat. All required public utilities shall be installed or a performance bond provided prior to the final approval of the plat for recording.

4. That all public utility services shall be extended to and through the property to points where a future extension may reasonably be expected prior to the issuance of building permits for individual residences (Public Works Design Standards Sections 3.0010 & 4.0010).
5. That Public Utility and Street Tree easements shall be located along the frontage of the existing and proposed rights-of-way, and be recorded as such on the Final Plat. The width of these easements shall be approved by the City Planner and City Engineer.
6. That Tract B shall be created by the Final Plat for the purposes of stormwater management. The Tract shall be a privately held. A Homeowners Association shall maintain the stormwater facility, and the applicant shall sign a maintenance agreement with the City. The applicant shall install a fence along the perimeter of the tract.

STREET SYSTEM

7. That the applicant shall dedicate right-of-way (ROW) along the southern portion of Elm Street and the western portion of 3rd Street in conformance with the applicable street standards found in the Scappoose Transportation System Plan and Public Works Design Standards.
8. That the applicant shall provide half street improvements for the south side of Elm Street along the entire north frontage the site, and for the west side of 3rd Street along the entire east frontage of the site, to include curb, gutter, sidewalk and paving to the centerline or 20 feet depending on which is greater. Improvements shall meet the applicable requirements of the City of Scappoose Public Works Design Standards, Transportation Master Plan, and Storm Drain System Master Plan.
9. That the paved width of on-site local streets shall be 32 feet in a 54-foot right-of-way. On-site public alleys shall have a paved width of 28 feet in a 30-foot right-of-way.

10. That the intersection of SE 3rd Street and Tract A shall be improved with a 36-foot paved section as illustrated on Sheet P200.
11. That the applicant shall provide curb & gutter and 5-foot sidewalk along all on-site streets. The sidewalk shall generally be located tight against the curb; however, the sidewalks on 2nd Place and Relish Street shall be located behind a planter strip. The curb returns installed at the intersection of Tract A and 3rd Street shall utilize a minimum 30-foot radius on the north side and a minimum 20-foot radius on the south side.
12. That all street improvements shall meet City of Scappoose Public Works Design Standards, Section 5.0000. The design life of all streets shall be 50 years (Section 5.0023).
13. That the applicant shall install stop signs and stop bars at intersections as directed by City staff during final engineering.
14. That the developer shall install barricades at the terminus of public rights-of-way as may be required by the City Engineer. Through traffic shall not be permitted between Alley 3-N and Elm Street.
15. That Tract A shall be created for the future extension of E.M. Watts Road and shall be transferred to the City. The tract shall accommodate a 60-foot right-of-way. The Tract shall be graded and seeded and maintained by the Homeowners Association.
16. That the applicant shall sign an agreement committing himself or future owners of the subject property to participate in an equitable method of local funding of street improvements on the future E.M. Watts Road between the railroad and SE 3rd Street (excluding the rail crossing itself). The applicant shall also sign a waiver of remonstrance against assessment for the future improvement of E.M. Watts Road. The agreement and waiver shall be prepared by the City and shall be binding on future owners.
17. That sidewalks shall be provided along all streets and alleys. Sidewalks shall have a width of 5 feet on local streets and alleys and a width of 6 feet on collector streets. The applicant shall dedicate sidewalk easements as appropriate adjoining the alleys. A sidewalk shall also be provided to connect Alley 3-S and Alley 3-N.

FIRE AND LIFE SAFETY

18. That prior to Final Plat approval, the developer shall propose street names for the review and approval of the Scappoose Rural Fire District Chief and City Engineer.

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19. That the applicant shall provide fire hydrants as required by the Scappoose Rural Fire Department:
 - Fire hydrants shall have two (2) 2½-inch discharges and one (1) 4½-inch steamer port with a 5” storz locking fitting and cap. The center of the steamer port shall be no lower than 18 inches from the finished surface and the steamer port shall face the nearest street.
 - The hydrant system shall be designed to meet the required fire flow for the structures permitted on the lots. All hydrant locations shall be approved by the Fire Department prior to installation, and shall have a maximum spacing of 400 feet.
20. That the applicant shall have the foundation forms surveyed prior to placement of concrete for house construction and shall provide documentation of the building locations to the Building Official. Final documentation of the location of the structure and all structural projections shall be provided to the Building Official in the form of an ALTA (American Land Title Association) survey.
21. That Alley 3-S and Alley 3-N shall be connected with a 20-foot wide surface for emergency vehicle access. Such surface shall consist of “Grassy Pavers” or an approved substitute. A rolled curb shall be installed at these locations. Bollards or approved barricades shall be installed to prevent through traffic while permitting emergency vehicle access.
22. That parking in public alleys shall be permitted only on one side of the roadway as indicated on the alley cross-section illustrated on Sheet P200. Parking shall be prohibited immediately adjacent to intersections, as specified in the Public Works Design Standards. Areas where parking is prohibited shall be marked with “No Parking” signs and painted curbs.
23. That the applicant shall demonstrate compliance with the International Fire Code, including Section 503.1.1 regarding fire access roads. If adequate fire access roads cannot be provided to Lots 43-51, the Fire Chief may grant an exception if the applicant installs an independent sprinkler system in each housing unit meeting the National Fire Protection Association standard NFPA 13R.

GEOTECHNICAL

24. That the applicant shall provide a Geotechnical report to the City Engineer in accordance with the Public Works Design Standards.
25. That the applicant shall submit a review by the Geotechnical Engineer of record to verify conformance of the final plan with the Geotechnical report.

26. That a Geotechnical Engineer registered to practice in the state of Oregon shall oversee earthwork portions of the development.

STREET TREES & LANDSCAPING

27. That street trees shall be provided along all street frontages in the subdivision, and shall be planted along the northern and southern boundaries of Tract A.
28. That prior to the issuance of final building permits (occupancy), the applicant shall be responsible for the installation of a street tree plan conforming to the requirements of Chapter 17.104 (Street Trees) of the Scappoose Development Code, or post security equal to 120 percent of the cost of installing the required street trees with the City. The amount and form of such security shall be as required by the City Planner. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In addition, street trees shall not be planted within 25 feet of street intersections or within 10 feet of hydrants. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). Street trees located under or within ten feet of overhead utility lines shall be less than twenty-five feet tall at maturity. The City Planner reserves the right to reject any plant material that does not meet this standard.
29. That the applicant shall install a minimum one-foot landscaped strip along the common property line in front of any attached dwellings which may utilize a shared driveway. The landscaping strip is not required for attached dwellings which do not share a driveway approach.
30. That the applicant shall install a solid sight-obscuring fence and a landscape screen along the western boundary of the site, to be maintained by the Homeowners Association. The landscape screen shall consist of one row of trees of the developer's choice that shall be a low-maintenance narrow-spread species that will not interfere with the rail right-of-way. Deciduous trees shall not be less than 10 feet high at planting and evergreen trees shall not be less than 5 feet in height at planting. Tree species and spacing shall be submitted to the City Planner for approval. The Homeowners Association shall also be responsible for maintaining the existing fence along the southern boundary adjacent to school grounds.

PLANNED DEVELOPMENT OVERLAY

31. That this approval shall permit the temporary use of Lots 1, 6, and 59 (on plans dated 1/18/06) for parking by the customers of the Scappoose Fitness Center (located on Lots 7 & 8, Block 1, of the Greenwood Annex subdivision). These three lots shall be furnished with utility stubs to allow future conversion to residential use at such time

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that they are no longer used for parking for the fitness center or subsequent business at the same location. The City Engineer may approve minor deviations from the City's parking lot standards upon demonstration that the parking lot will have adequate circulation and appropriately-sized parking spaces. The City may issue a revocable right-of-way encroachment permit to allow parked cars to overhang into the right-of-way on Lots 1 and 59 as illustrated in Exhibit 8 to the staff report.

32. That the applicant shall provide a minimum of two parking spaces on each lot. Garages may be utilized to satisfy this requirement.
33. That the following dimensional standards shall apply to the project:

Requirement	Attached housing units	Detached housing units
Minimum Lot Area	1,980 square feet	2,380 square feet
Lot Width	22 feet minimum	28 feet minimum
Setbacks:		
Front/dwelling	12 feet minimum	12 feet minimum
Front/garage	20 feet minimum	20 feet minimum
Side/street	5 feet minimum	5 feet minimum
Side/internal	0 feet for attached center units 3 feet minimum for attached end units	3 feet minimum
Rear	10 feet minimum (accessory buildings 3 feet min.)	10 feet minimum (accessory buildings 3 feet min.)
Height	35 feet	35 feet
Lot Coverage	90% (buildings & impervious) 10% landscape	90% (buildings & impervious) 10% landscape
Additional Requirements	Based on all applicable sections of the Development Code	Based on all applicable sections of the Development Code

34. That the houses constructed on Lots 10 and 32 shall be located as far to the west as possible while maintaining a three-foot setback on the west side. This technique will serve to increase the size of the side yard fronting on SE 3rd Street.
35. That chimneys and similar structural projections shall not intrude into the required 3-foot side setback. Cornices and eaves are permitted to extend into the 3-foot side setback provided that they meet the applicable building code regulations for fire-resistant construction.

36. That the applicant shall dedicate a "pocket park" (open space) west of Tract B, on the rear of Lots 40-42 to satisfy the open space requirement. The applicant shall also reduce the width of the side yard of Lot 32 and re-orient Lots 33-35 north-south and dedicate small open space tracts adjacent to 3rd Street. Such open space shall be provided as illustrated as Tracts C, D, and E on Exhibit 12 to the staff report. The open spaces shall be owned and maintained by the Homeowners Association.

MISCELLANEOUS

37. That all structures on site shall meet the requirements of all local ordinances, the applicable building code as determined by the Building Official, and the fire code as determined by the Fire Chief. Eaves and other structural projections may require fire-resistant construction as determined by the distance to the property line.
38. That the applicant shall submit a copy of the Codes, Covenants and Restrictions (CC&R's) for the subdivision for the review and approval of the City Planner. The CC&R's shall grant authority to the City to enforce the requirements for maintenance of the stormwater facility (Condition #6), open space (Conditions #15 and 36), and landscaping & fencing (Condition #30).
39. That the developer and engineer shall schedule a pre-design conference with the City Engineer and City Planner.
40. That subdivision plans shall be submitted to and approved by the City Engineer prior to the commencement of construction. An engineering design report shall be provided as required in City of Scappoose Public Works Design Standards, Section 1.2040. Final drawings shall meet the requirements of the City of Scappoose Public Works Design Standards, Sections 1.2020 and 1.2032.
41. That the applicant shall follow all requirements of the City of Scappoose Public Works Design Standards.
42. That the developer shall be responsible for the installation of all street lights, street name signs, stop signs, and any parking restriction signs or curb painting delineating parking restriction, per the requirements of the Scappoose Public Works Design Standards and Specifications.
43. That joint mailbox facilities shall be provided in all residential developments, with each joint mailbox serving at least two dwelling units, located adjacent to roadway curbs, and shall be approved by the U.S. Post Office and the City Planner prior to Final Plat approval.
44. That the developer shall obtain a fill and grading permit for lot fill and grading from the City Engineer, including the installation of any necessary erosion control

“Steinfeld West” Comprehensive Plan Map Amendment, Zone Change, Planned Development, and Subdivision

measures, per the standards set forth in the Scappoose Public Works Design Standards and Specifications. Erosion control measures shall be reviewed and approved by the City Engineer and the Oregon Department of Environmental Quality as part of an Erosion Control Plan. The applicant shall submit an acceptable Erosion Control Plan meeting DEQ requirements and City of Scappoose Public Works Design Standards (Section 2.0051). The City shall withhold the Notice to Proceed until the applicant provides an approved DEQ 1200C permit.

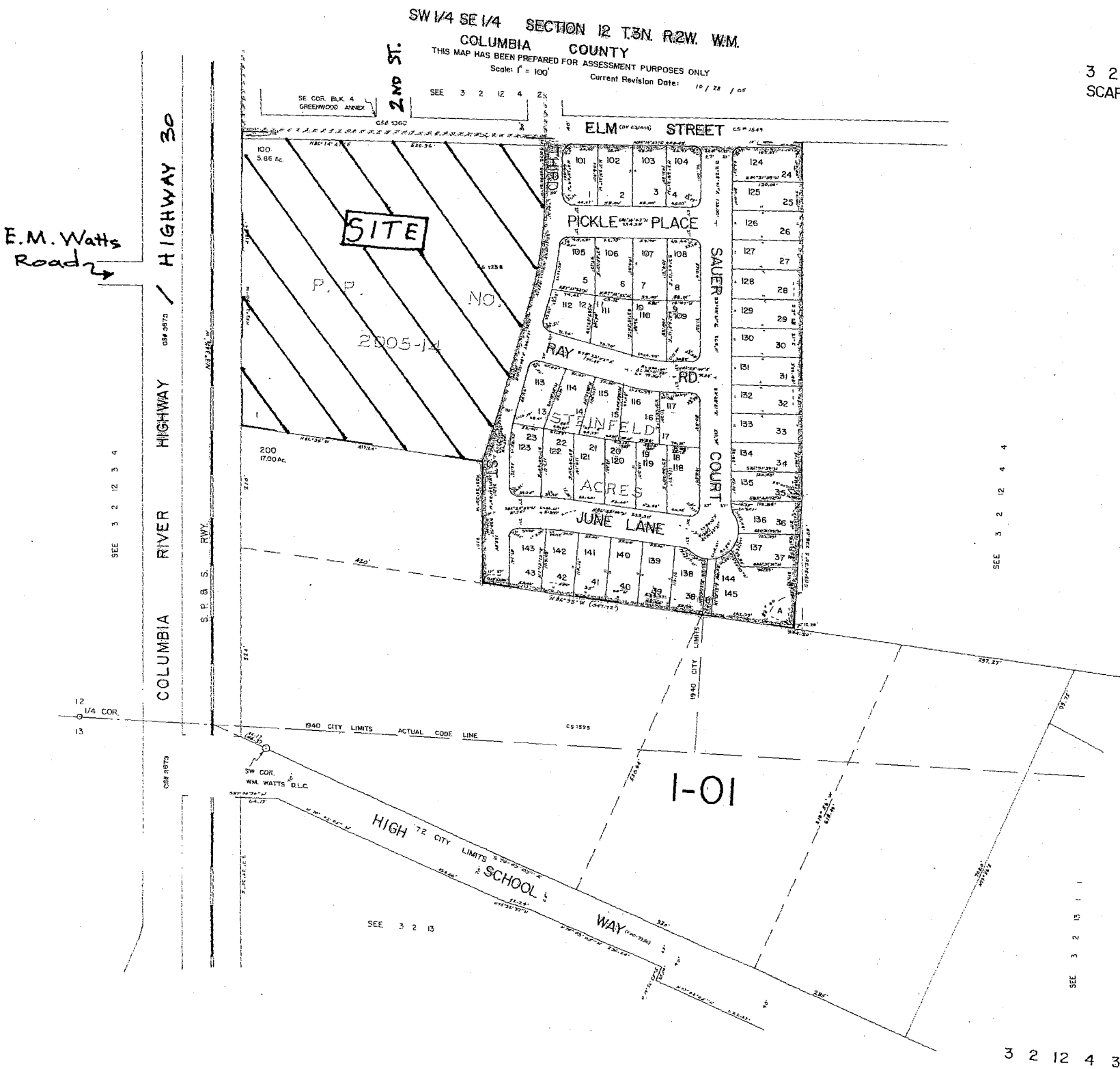
45. That the developer shall enter into a construction improvement agreement with the City of Scappoose for all public improvements. A performance bond of 110% of the Public Works Construction costs shall be provided prior to the commencement of work.
46. That all existing and proposed easements shall be illustrated on the Final Plat.
47. That the Final Plat shall conform to the requirements of ORS Chapter 92 (Subdivisions and Partitions).
48. That if the Final Plat is recorded prior to construction and acceptance of the subdivision, the developer shall provide a performance bond for 110% of the Public Works construction costs.
49. That approval of a Tentative Plat will expire twelve (12) months after the date of the formal notice of decision. If a Phasing Plan as delineated within an improvement agreement for the Final Plat has not been submitted prior to expiration of the Tentative Plat, the developer must resubmit a Tentative Plat for further consideration and comply with regulations and conditions applicable at that time. The applicant is required to install all underground utilities and street improvements for the entire subdivision prior to filing the Final Plat for the initial phase. All public works construction shall be completed within 18 months of the date of the formal notice of decision.
50. That the applicant shall furnish a full-size copy of the Final Subdivision Plat to the City of Scappoose after the Plat has been recorded with Columbia County.

SW 1/4 SE 1/4 SECTION 12 T.3N. R.2W. W.M.
COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 100'
Current Revision Date: 10/28/05

3 2 12 4 3
SCAPPOOSE

CS# 377
CS# 3816
CS# 3884-2



E.M. Watts
Road

HIGHWAY 30
COLUMBIA RIVER
S.P.B.S. R.V.Y.

SEE 3 2 12 3 4

SEE 3 2 12 4 4

SEE 3 2 13

SEE 3 2 15 1 1

3 2 12 4 3

Exhibit 1

January 19, 2006

Attn: Brian Varricchione, EIT
City of Scappoose
PO Box P
Scappoose, OR

Re: Steinfeld West CPA/Zone Change
Project No.: 1670-03

Dear Brian:

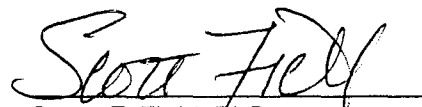
As you requested, Westlake has examined the alignment of the existing centerline for E. M. Watts Road west of U.S. Highway 30 and the proposed corridor for its future eastern extension in the Steinfeld West Subdivision proposal. Westlake surveyors established the centerline of E. M. Watts Road west of Highway 30 using found monumentation and records of survey on file with the Columbia County Surveyor's Office. A full description of the monuments held and surveys used for this resolution can be provided if you find it is essential.

We projected that centerline eastward across Highway 30 and the adjoining railroad right-of-way for comparison with the proposed future centerline of the eastern extension. The angular difference between the two centerlines is $00^{\circ}06'$. At the eastern edge of the railroad right-of-way, i.e., the western boundary of the subject property, the centerline of the proposed eastern extension corridor aligns 0.60 feet north of the projected centerline from the west.

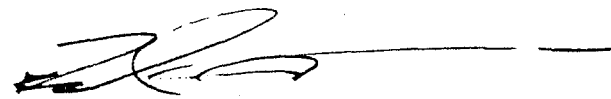
Therefore, we are confident that the proposed street alignment is within a 1-foot precision tolerance with respect to its ultimate position, which is satisfactory for purposes of approving the preliminary subdivision request. We also note that the lots south of the proposed E.M. Watts Road corridor are somewhat larger than those to the north, so we do not anticipate that shifting the corridor to the south to align precisely on the final plat will compromise the proposed lot layout.

Sincerely,

WESTLAKE CONSULTANTS



Scott F. Field, PLS
Project Surveyor



Lee D. Leighton, AICP
Director of Planning, Associate

SFF/jnw

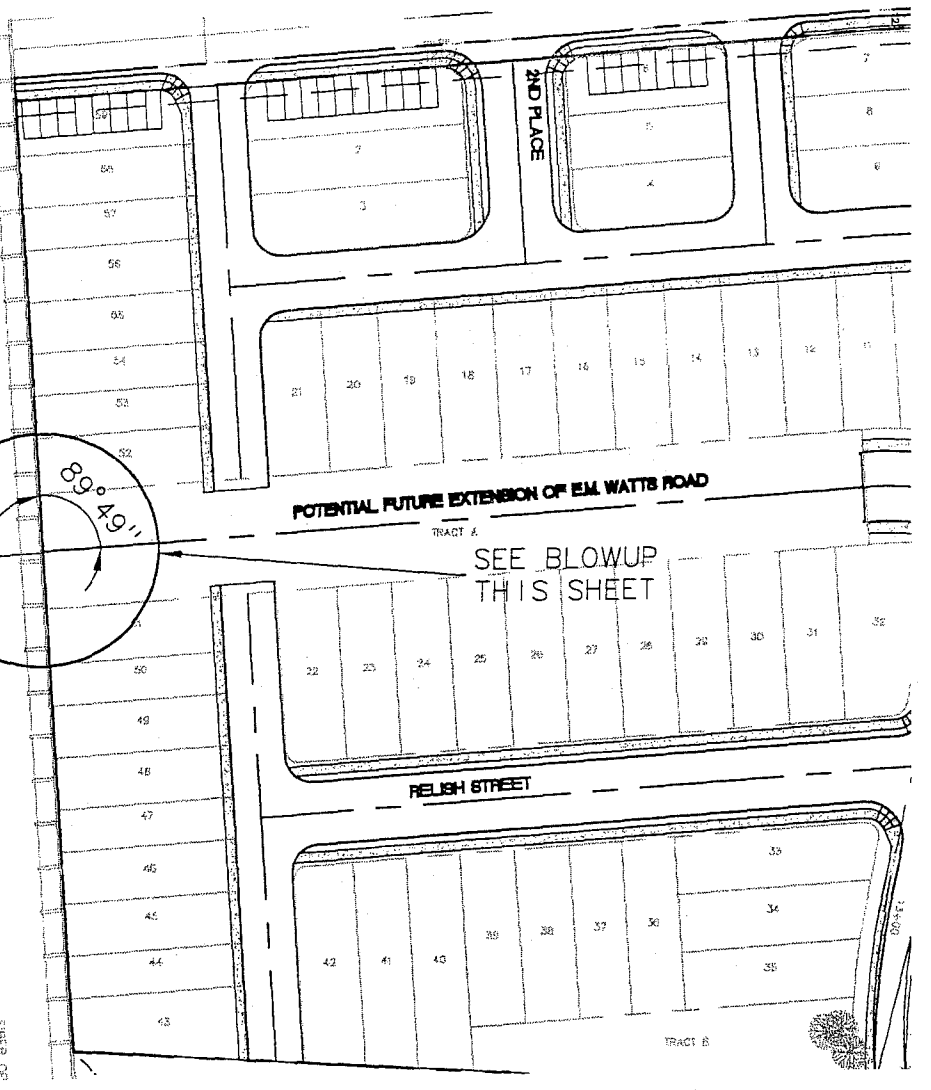
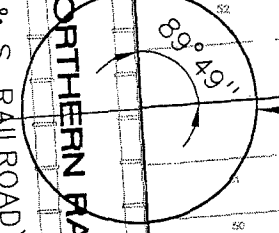
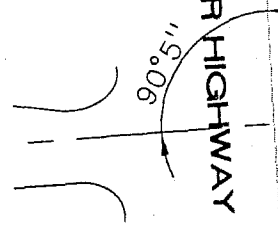
Enclosure

H:\ADMIN\167003.05\Steinfeld West CPA-ZC\Corresp\Ltr b varricchione re E.M. Watts alignment 01-19-06.doc

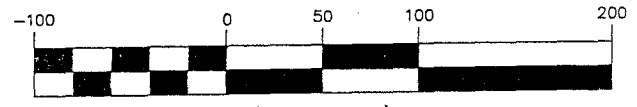


COLUMBIA RIVER HIGHWAY - U.S. HIGHWAY 30

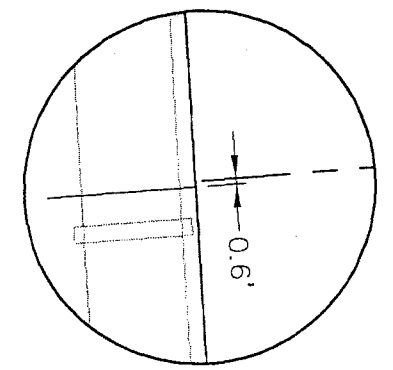
BURLINGTON NORTHERN RAILROAD
(S. P. & S. RAILROAD)



GRAPHIC SCALE



(IN FEET)
1 IN = 100FT



BLOWUP DETAIL
SCALE: 1"=20'

STIENFELD WEST
CITY OF SCAPPOOSE
EM Watts Alignment
EX.P.

DATE	1/16/06
DRAWN BY	CRS
CHECKED BY	MLJ
REVISIONS	
JOB NO.	1670-003

WESTLAKE
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0157

CITY OF SCAPPOOSE

33568 E. COLUMBIA AVE.
SCAPPOOSE, OREGON 97056
(503) 543-7184
FAX: 503 543-5679

NOTICE

NOTICE IS HEREBY GIVEN that the Scappoose Planning Commission will hold a public hearing on March 9, 2006 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 # CPA1-05/ZC2-05/SB7-05

J.P. Steinfeld Investment Co. has requested a Comprehensive Plan Map Amendment (CPA1-05), a Zone Change with a Planned Development Overlay (ZC2-05), and Subdivision Tentative Plan Approval (SB7-05). The site is a 5.86-acre parcel located on the southwest corner of SE Elm Street and SE 3rd Street, and is further described as Columbia County Assessor Map No. 3212-043-00100. Current zoning for the parcel is Light Industrial, and the applicant requests a new zoning designation of High Density Residential with a Planned Development Overlay (A-1-PD). The tentative subdivision plan proposes 58 single-family residences, which would be a mix of attached and detached dwellings.

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 Scappoose Development Code. Verbal and written testimony will be taken in regard to the request for the Comprehensive Plan Map Amendment, Zone Change, and Planned Development Overlay (Quasi-Judicial Hearing). Subdivision requests are Limited Land Use Decisions and do not require a public hearing (verbal testimony will not be considered).

A subsequent hearing by the City Council is scheduled for April 3, 2006 at 7:00 PM in the City Hall Council Chambers.

The Planning Commission's recommendation and City Council's decision on the above public hearing items 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), 17.56 (A-1, High Density Residential); 17.70 (Light Industrial); 17.81 (Planned Development Overlay); 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).

A diagram of the proposal and a vicinity map are attached. Interested parties may submit written comments to the City of Scappoose, City Planner, 33568 E. Columbia Avenue, Scappoose, Oregon, 97056 or fax comments to (503) 543-5679 by 5:00 p.m., *Wednesday, March 8, 2006*. Comments submitted by March 1 will be included in the materials sent to the Planning Commission in advance of the hearing.

Failure to raise an issue in person, by letter, or fax prior to the close of the public comment period, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the Planning Commission to respond to the issue precludes an action for damages in circuit court. The applicant and any person who submits written comments will receive notice of the decision.

The decision-making criteria, application, and records concerning this matter are available in the Scappoose Community Development Center office at 34485 E. Columbia Avenue, Scappoose, Oregon during working hours. Please schedule an appointment to discuss this application. For additional information, contact Brian Varricchione at the above address or phone (503) 543-7184.

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.

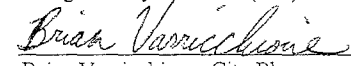

Brian Varricchione, City Planner
Mailed 2/23/06

Exhibit 5

Brian Varricchione

From: LANNING C David [David.LANNING@odot.state.or.us]
Sent: Friday, February 10, 2006 1:28 PM
To: brianvarricchione@ci.scappoose.or.us
Cc: MELBO Robert I; KETTENRING Charles S
Subject: Rail Division Comments to Land Use Action Referrals (SDR1-06 /MaV2-05) and CPA1-05 /ZC2-05 /SB7-05), Scappoose

Brian,

The email stream below contains the info I discussed with you today. Mr. Melbo, as the State Rail Planner for Oregon, has important insights that I want you to be aware of relative to the subject Land Use Action Referrals. Such proposals to develop residential homes and apartments near an active and growing rail line are highly questionable. The proposed easterly, at-grade extension of E.M. Watts Road across US 30 and the Astoria District rail line is will be opposed by ODOT Rail Division and the Portland & Western Railroad (PNWR).

The Astoria District of the PNWR is growing and anticipated to continue to attract new rail-served industries. 49 CFR Parts 222 and 229 (the federal train horn rule) require the sounding of locomotive horns at all public crossings. Trains are big, noisy and dirty. These are not conditions attractive to residential development.

We strongly discourage the City of Scappoose from approving such land use actions near the Astoria District rail line. It is disconcerting that Lancaster Engineering failed to mention the rail line in its TIS for Scappoose Apartments. Unfortunately, we have found that planners and consultants too often ignore railroad tracks.

We appreciate your thoughtful consideration of Rail Division's point-of-view concerning these matters.

*C. David Lanning, Sr. Specialist
ODOT Rail Division-Crossing Safety Section
555 13th Street NE Suite 3
Salem OR 97301-4179
503.986.4267 (ph)
503.986.3183 (fax)*

-----Original Message-----

From: MELBO Robert I
Sent: Wednesday, December 08, 2004 6:03 PM
To: KEVLIN Ross P
Cc: MACDONALD Dannel J * Rail; HUTCHISON Jonathan A
Subject: Linnton

Ross:

I understand there is a zoning change proposed in the Linnton area of the City of Portland involving property that is adjacent or close to the Astoria District of the Portland & Western Railroad. Property that is now zoned for industrial and/or commercial use would be rezoned for high density residential development.

In this response, I'll comment first on land use issues and then offer three scenarios on how the character of the railroad operation in Linnton may evolve in the future.

Land Use

A critical factor to include when making intelligent zoning and land use decisions for properties adjoining rail lines is recognizing that railroads are heavy industry. Moreover, railroads are a transportation tool for other types of heavy industry and business which, if they are to be served by a spur track, must locate close to a rail corridor. Throughout the state there is a shortage of suitable industrial and commercial zoned sites adjacent to rail lines for businesses desirous of rail service. This lack of sites hurts economic development because it limits the number of potential sites for new businesses that want to have rail service while, at the same time, handicapping the railroad's ability to perpetuate itself by recruiting new sources of traffic. In an ideal world railways would be recognized as rivers of commerce and lands along their banks would be set aside for use by business ventures wanting rail service. These buffer strips on both sides of the right-of-way for accommodating business and industry would serve also to insulate nearby residential areas from the negative aspects of railroad operation. Too often today, apartments and subdivisions are permitted to snuggle up against rail lines without any apparent regard to the incongruity of use caused. This results when planners fail to acknowledge denigrating characteristics intrinsic to railroads that will be incompatible with new development seeking license in the neighborhood. As a observation, a decline in railway transport over the last half of the 20th Century appears to have fostered a rather complacent attitude in the planning community about trains. A surprisingly large number of Oregon communities, especially those hosting secondary light-density rail lines, seemed to take a head-in-the-sand approach to railroads. Given the trend, it became popular to believe that it was merely a matter of time until the railroad would be abandoned and its tracks removed. Some local TSPs produced in the 1980s and 1990s actually ignored the presence of local railways. The railroad was not unlike an aging housecat, soon to be a memory, and zoning decisions seemed to apply colors with a broad brush. If a railroad bifurcated a residential zone, the typical zoning map colored the railroad corridor in the same hue as the residential district. Such depictions can lead later to conflict when legitimate railroad activities occurring on railroad property are challenged by assertions that neighborhood zoning prohibits them. In reality, state and local regulation of railroads, especially with respect to zoning, land use and operating facilities, is preempted under the federal regulatory scheme.

While policies can be adopted over time to correct past bad land use decisions, there ought to be moratorium on new requests to gentrify industrially zoned lands bordering railroad corridors. Meanwhile, existing incompatible uses in hundreds of communities constitute land mines waiting to detonate. Two catastrophes experienced in the Los Angeles area 14 months apart serve as illustrations. In August of 2003, a string of loaded freight cars got away from a rail yard near Pomona and rolled unattended downhill for 30 miles reaching 90 MPH in places before derailing and crashing into a trackside residential neighborhood in Commerce. This year, on October 16, a freight train carrying containers and trailers derailed on a curve at 57 MPH adjacent to a Whittier neighborhood of squat ranch houses hemmed in by the railroad, a freeway and the San Gabriel River. Debris from the pileup smashed house windows and pummeled one house so badly that the living room ceiling collapsed. In all, four houses were damaged. A flat car slid into one back yard and stopped next to a swimming pool. Wheels, axles and railroad ties were flung in all directions. The neighborhood was allowed to develop in an unincorporated part of the county in the 1950s. As a railroad spokesman quoted in the *Los Angeles Times* observed, "Obviously, you have to question the zoning laws that allow residential development next to heavy industrial uses such as railroads."

Character

The rail line through Linnton is one of the state's oldest, having been opened for traffic in 1883. Since 1909, when the line became a dead-end branch between Portland and Astoria, the activity level on the line has reflected the economic tempo of the times. Consequently, traffic volumes have grown and shrunk in concert with two World Wars and the Korean Conflict, the boom and demise of commercial fishing and the harvesting of timber in Clatsop and Columbia Counties. Major events mixed with ordinary ups and downs in the economy over decades, the demise of passenger trains and the proliferation of trucks all combine to produce a cyclical traffic history for the line. The low point in the current cycle was reached in the mid 1990s and traffic has been on the increase since.

Probable Future Freight Growth

When Burlington Northern & Santa Fe Railway sold the Astoria line to Portland & Western Railroad on July 12, 1997, the passing of stewardship marked a significant change with respect to marketing efforts. Major railroads

planning to dispose of low-density and questionably profitable branches, which accurately describes the last years of the Astoria line under BNSF ownership, do not market those lines with the fresh gusto that new owners inject into the property. Short lines, such as P&W, are notable for having lower operating costs and aggressive marketing techniques because short lines, more than anything else, depend upon same store growth to generate more profit. In 1998, P&W rebuilt a burned out bridge on Cornelius Pass to forge a direct link between the Astoria line and the rest of the western Oregon short line network controlled by P&W. This has led to a new line of business moving logs on hundreds of new yearly carloads from Rainier to southern Oregon. Also, since PNWR's takeover, U.S. Gypsum has opened a new state-of-the-art plaster board plant at Rainier. A new ethanol making plant proposed for Port Westward will more than double the amount of freight moving on this line. To handle approximately 93 110-car unit trains of corn annually to supply the plant plus 80 million gallons of ethanol and hundreds of tons of feed byproducts arising from ethanol production, P&W will replace approximately 37 miles of lighter weight rail between Scappoose and Port Westward with heavier continuously welded rail. The addition of the ethanol plant has the potential to more than double the annual volume of traffic now moving over this line. Once the line is upgraded there is the potential to move aggregates in mini unit train shipments from Morse Bros. new quarry operation at Waterview. Morse Bros. also plans to convert the former Georgia-Pacific export wood chip facility at Linnton to an aggregates terminal that will ship and receive aggregates variously by marine, rail and highway transport. Georgia-Pacific, which is expanding its Wauna paper mill, is expected to make more use of the rail line, which passes through the paper mill. Teevin Bros. Land & Timber, operator of the log loading yard at Rainier, has been approved for a \$320,000 ODOT-administered state Industrial Spur Track Program grant to build more trackage to facilitate transferring freight between marine and rail at Rainier. Teevin and P&W estimate that the new construction will generate an additional 3,600 carloads of logs annually plus 4,800 new carloads yearly of other freight making the transition between water and rail.

Regional Commuter Service

In the fall of 2007, 32 commuter trains daily are expected to begin operating over P&W between Beaverton and Wilsonville under sponsorship of TriMet and Washington County. Once this service is up and running a growing demand will develop to extend it south to Keizer and Salem. With further time and population growth the next logical extension of this service will be into Yamhill County, at least as far as McMinnville. Thereafter, economies of scale and the growth of Columbia County as a bedroom community for Portland logically will result in calls for commuter trains on the Astoria line between Portland Union Station and at least St. Helens if not Rainier. This operation would not network with the Beaverton-Salem and Yamhill County extended services, but it could exist as an appendage of an overall regional commuter operation and make use of the same maintenance facilities by connecting over freight-only trackage of P&W.

Inclusion of the Astoria Line into the I-5 Rail Corridor

The I-5 Rail Corridor is the rail system running north/south through California, Oregon and Washington from the Mexican border to the Vancouver, British Columbia. In Oregon, the main line of Union Pacific from Klamath Falls to Portland comprises the corridor and between Portland and Seattle the BNSF maintains double-track to handle multiple freight and passenger trains daily. Both freight and passenger usage is expected to grow in the decades ahead and the latter will require greater frequency of trains than today. This growth will require building more capacity into the corridor, especially between Portland and Vancouver, WA with respect to the aging double-track rail bridges over the Willamette and Columbia Rivers, and also between Vancouver and Kelso-Longview.

Building an additional bridge alongside the current Columbia crossing, or replacing the structure with a new multiple track bridge, is not the ultimate answer because on both sides of the Columbia trains operate easterly as well as north and south paralleling I-5. Even if there were four tracks crossing the river between Vancouver-Portland, the increased carrying capacity over the water would be compromised by the need to switch to multiple routes at Vancouver, North Portland Jct. and Peninsula Jct. Another important consideration is that there are but two rail crossings of the Columbia between Oregon and Washington, the one between Portland-Vancouver and the other east of The Dalles near Wishram, WA at the confluence of the Deschutes River with the Columbia. The concentration of even more railroad facilities in the Portland area makes the system exceedingly vulnerable to disruption by terrorists or by impact from Columbia River marine traffic.

To assuage this situation, the better answer may be to construct a new rail crossing of the Columbia in the vicinity of Rainier-Kelso and utilize unused capacity on the Portland & Western line between Rainier and Portland as an adjunct to the I-5 Rail Corridor. The proposal has several positive benefits. It would provide an alternative

route across the Columbia River for rail traffic should something interrupt the Portland-Vancouver bridges. It would create a bypass route for through trains in the I-5 Corridor to skip completely the railroad bottleneck at Vancouver where BNSF's busy line along the north bank of the Columbia intersects the I-5 Corridor. Trains using the St. Helens bypass would leave the core I-5 Corridor line at East Portland by crossing the Willamette River on the Steel Bridge and then proceeding northwesterly through Willbridge, Linnton, St. Helens, and Rainier to cross the Columbia into Longview and rejoin at Kelso the core I-5 line. Southbound trains would do just the opposite, leaving the line at Kelso and rejoining it at East Portland. Using existing trackage on the Oregon side of the river between Rainier and Portland would make unnecessary construction of a third main track on the Washington side between Kelso and Vancouver. Moreover, a Rainier-Longview rail crossing would make possible some interesting patterns for a circular regional commuter rail service that could operate out of Portland on one side of the Columbia as far as the Longview area, and then return to Portland on the opposite bank. Such circular service would eliminate the inefficiencies found elsewhere in most suburban service where trains operate during rush hour in one direction and then turn around and retrace the route to be back into position for another trip. This operating pattern prevails in both directions, depending upon whether it is morning or evening rush hour. With circular scheduling, regional commuter trains would never retrace the route, always moving in the same forward direction.

The potential for future use of the Astoria Line through the community of Linnton is enormous and proposed changes to industrial lands that would permit residential development near the railroad ought to be measured against what the future may bring with respect to rail traffic in this neighborhood.

Bob Melbo, State Rail Planner
ODOT Rail Division
Salem
(503) 986-4137

Exhibit 6



Oregon
Theodore R. Kulongoski, Governor

Oregon Department of Transportation
ODOT Region I
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

File code: PLA9 2A-92
ODOT Case No: 1975

February 17, 2006

City of Scappoose
Planning Department
PO Box P
Scappoose, OR 97056

Attn: Brian Varricchione, City Planner

Re: CPA1-05/ZC2-05/SB7-05: Steinfeld West
US 30 Lower Columbia River Highway and Elm St.

Dear Mr. Varricchione,

We have reviewed the applicant's proposal to rezoning the Steinfeld's Partition- Industrial zone to residential under CPS1-05/ZC2-05 for a 58 unit PUD. The site is adjacent in the vicinity of US 30 Lower Columbia River Highway. ODOT has jurisdiction of this State highway facility and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a Statewide Urban highway and the performance standard is 0.75 volume to capacity (v/c) ratio.

For zone changes and comprehensive plan amendments local governments must make findings that the proposed amendment complies with the Transportation Planning Rule (TPR) OAR 660-012-0060. There must be substantial evidence in the record to either make the finding of "no significant effect" on the transportation system, or if there is a significant effect assurance that the allowed land uses are consistent with the identified function, capacity, and performance standard of the transportation facility.

The proposed Steinfeld West cpa/zc meets TPR requirements. The proposed subdivision does not negatively affect the operation of the Maple Street/US30 and Santosh/US30 intersections. ODOT does not recommend any mitigation as a condition of approval.

The applicant is advised that a residential development on the proposed site may be exposed to traffic noise levels that exceed federal noise guidelines. Builders should take appropriate measures to mitigate this impact. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place.

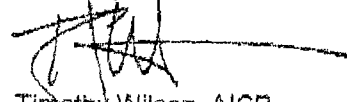
City of Scappoose CPA1-05/ZC2-05/SB7-05, Steinfeld West
ODOT RESPONSE

2

The applicant is advised that a residential development on the proposed site may be exposed to noise from heavy rail freight trains, passenger trains or transit vehicles. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place. Builders should take appropriate measures to mitigate the noise impact as well as construct fencing between the lot and the railroad right of way to prevent illegal trespass onto the tracks.

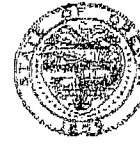
Thank you for providing ODOT the opportunity to participate in this land use review. If you have any further questions regarding this matter, please contact me at (503) 731-8534 or Jason Grassman at 50-731-8221.

Sincerely,



Timothy Wilson, AICP
Development Review Planner

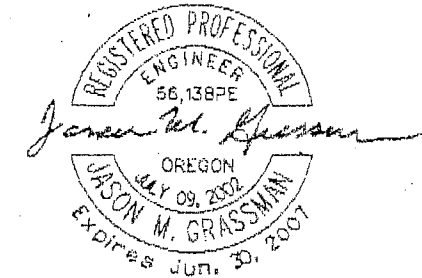
C: Jason Grassman, P.E., ODOT Region 1 Traffic



Oregon
Theodore R. Kulongoski, Governor

Oregon Department of Transportation
ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

DATE: February 14, 2006
TO: Tim Wilson, AICP
Senior Planner
FROM: Jason Grassman, P.E.
Development Review Team Leader
SUBJECT: Steinfeld West CPA/ZC and Subdivision Tentative Plan Approval Traffic
Impact Study
US30 @ Elm Street
City of Scappoose Case: CPA1-05/ZC2-05/SB7-05
ODOT Land Use Case: 1975



I have reviewed the "Steinfeld West Subdivision Traffic Impact Study" (TIS) prepared for the proposed Steinfeld West Subdivision Tentative Plan Approval. I have also reviewed the Technical Memorandum prepared for the Comprehensive Plan Amendment/ Zone Change (CPA/ZC) for the same parcel. The TIS was prepared by Lancaster Engineering in January 2006. The CPA/ZC Technical Memorandum was prepared by Marc Butorac, P.E. and Eric Waltman, P.E. of Kittelson & Associates. The site is located on SE 3rd east of US30 with no direct access to the highway.

The site is north of the High School Way/ US30 (MP 20.35) intersection and south of the SE Santosh Street/US30 intersection (MP 20.62). There is a signalized intersection at Maple Street/ US30 intersection (MP 20.67). According to the *Oregon Highway Plan* the intersections along US30 all have maximum volume to capacity ratio (v/c) of 0.80.

CPA/ZC

Kittelson has prepared a Memorandum addressed to Lee Leighton of Westlake Consultants, Inc. regarding the Steinfeld Property CPA/ZC. The memo addresses the Oregon Administration Rule 660-12-0060. The applicant's proposal calls for a comprehensive plan amendment and zone change for 5.86 acres from LI (Light Industrial) to A-1 (High Density Residential).

The consultant argues that the cpa/zc results in a net result of 35 less PM peak hour trips with the A-1 zoning compared to the LI zoning. The memo used Light Industrial (ITE 110) for the assumed existing use and used single family detached housing (ITE 210) for the proposed A-1 high density residential zoning. ODOT finds that these

assumed land uses are reasonable. Based on the fact that the proposed cpa/zc land use will result in potentially fewer site generated trips, ODOT agrees that the proposal meets the TPR requirements.

Subdivision Tentative Plan Approval

Upon approval of the CPA/ZC the applicant proposes to subdivide the 5.86 site into 43 detached single-family houses and 16 attached single-family houses. ODOT considers the weekday PM peak hour to be the 30th highest hour. According to Lancaster Engineering the proposed development will generate 39 AM peak hour trips and 51 PM peak hour trips.

The TIS analyzed two intersections along US30, the SE Maple and SE Santosh. SE Maple is a fully signalized intersection. SE Santosh is a two-way stop controlled intersection and is planned to be closed in the future.

According to the TIS the Maple Street intersection has an existing v/c of 0.72 for the PM peak hour. The background mobility is given to be 0.75 and background + site trips generate a v/c of 0.75. The Maple Street intersection meets ODOT's mobility standard.

According to the TIS the Santosh intersection has an existing v/c of 0.14 for the PM peak hour. It has a v/c of 0.17 during the future background conditions and a v/c for the background + site trips of 0.17. The operation of this intersection will not be negatively affected by this proposed development.

Conclusion

The proposed Steinfeld West cpa/zc meets TPR requirements. The proposed subdivision does not negatively affect the operation of the Maple Street/US30 and Santosh/US30 intersections. ODOT does not recommend any mitigation as a condition of approval.

If you have questions or comments regarding the contents of this memo please contact me at 50-731-8221.



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March 8, 2006

City Planner
City of Scappoose
33568 E. Columbia Ave.
Scappoose OR 97056

RE: Docket # CPA1-05/ZC2-05/SB7-05
J.P. Steinfeld Investment Co.

Scheduled Hearing:
Date & Time - 3/9/06; 7:00 PM,
Place of Hearing - Scappoose City Hall Council Chambers
33568 E. Columbia Ave
Scappoose, Oregon, 97056

Dear City Planner,

The above referenced hearing is currently scheduled to determine whether:

- 1) The Scappoose Comprehensive Plan should be amended (CPA1-05);
- 2) A Zone Change with a Planned Development Overlay should be approved (ZC2-05); and
- 3) A Subdivision Tentative Plan should be given approval (SB7-05).

All facts, background, testimony (verbal and written), arguments, discussion, objections, and issues raised, apply to each and all of the above listed subjects of this hearing.

A) FACTS & BACKGROUND -

We are the owner of the real property located at 33550 SE Santosh Street, Scappoose, Oregon, 97056, Tax Lot # 3212-042-11200. This property occupies the west half of the block, abutting the railroad

RE: Objections of OS SYSTEMS (3/8/06)
Docket # CPA1-05/ZC2-05/SB7-05

Page 1 of 3

tracks and running the entire length of the block, from Santosh St. to Elm Street.

The east half of this block is owned by Clark Signs. There is a mutual easement between our properties that is paved, running the entire length of the block from Santosh St. to Elm St. This paved, mutual easement is for the private use of our two companies.

We currently have problems with people driving their cars through this easement to cross from Elm St. to Santosh St., and back again. This creates a real and serious danger of substantial injury to employees of both of our companies, who happen to step out of one of our buildings and onto the easement as a car is driving through.

The initial phase of the Steinfeld Acres development does not even yet have full occupancy. The anticipated increase in auto activity that will follow this "not high density" subdivision has yet to be felt. The second phase is what is currently being considered in this hearing.

The corner of Santosh St. and Hwy. #30 is an intersection where traffic crosses the railroad tracks and enters Hwy. #30. This intersection is not serviced by a traffic light and is very dangerous. We have witnessed several accidents there, thankfully thus far none fatal. The trains coming through town travel at a high rate of speed, approximately 45 MPH+. Every single day, just during the time it takes for us to wait, in our cars, at this intersection, to enter Hwy. #30, we witness at least 2-3 drivers illegally drive through this intersection, risking an accident. Please note that this takes only 1-5 minutes.

Since 1985, at this location, we have and currently do manufacture drysuits, for recreational, commercial, government, and military (including Homeland Security) uses. We store and use assorted chemicals on the property, all of which we annually report to the State of Oregon Fire Marshall.

We need to be certain that public safety personnel and vehicles, particularly fire trucks, can have access at all times to the south end of our building, should an emergency need arise. We can not afford to have the increased traffic and parking interfere with public safety access.

The contemplated "Alley (Public)" ends on Elm Street and points all user traffic directly at the private, mutual easement between our property and Clark Signs' property.

The combined 59 planned units will add 118 cars that must travel across our industrial properties at least twice a day, to and from work, not including any shopping, for groceries, gas, clothing, etc. There will be an increase in daily traffic volume by at least 661 new trips, and probably by 800+ new trips. There are effectively "zero" shopping locations on the east side of the railroad tracks. All traffic will need to cross the railroad tracks and enter Hwy. #30.

B) OBJECTIONS -

OS SYSTEMS hereby objects the each and all of the three contemplated actions under consideration:

- 1) The Scappoose Comprehensive Plan Amendment (CPA1-05);
- 2) The Zone Change with a Planned Development Overlay (ZC2-05); and
- 3) The Subdivision Tentative Plan (SB7-05).

C) DISCUSSION -

All facts, background, testimony (verbal and written), arguments, discussion, objections, and issues raised, apply to each and all of the above listed subjects of this hearing.

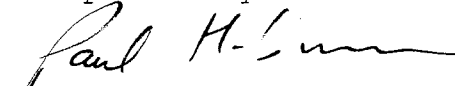
OS SYSTEMS objects on the basis of increased traffic exceeding the capacity of the road design system, increased safety hazards, to currently existing landowners and people, and to incoming landowners and people.

OS SYSTEMS further objects on the basis of inadequate parking designs for easily contemplated residents and visitors.

OS SYSTEMS further objects on the basis of inadequate design for children play opportunities.

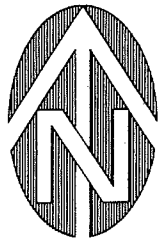
OS SYSTEMS further objects on the basis of any ground which may be unstated but available under the facts stated above and from any facts it verbally or otherwise submits at the hearing.

Respectfully submitted

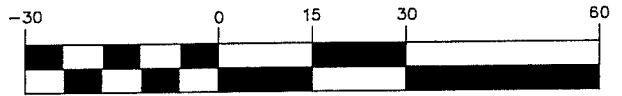


Paul H. Gunderson
President & Corporate Attorney
O.S. Systems, Incorporated
OSB #77419

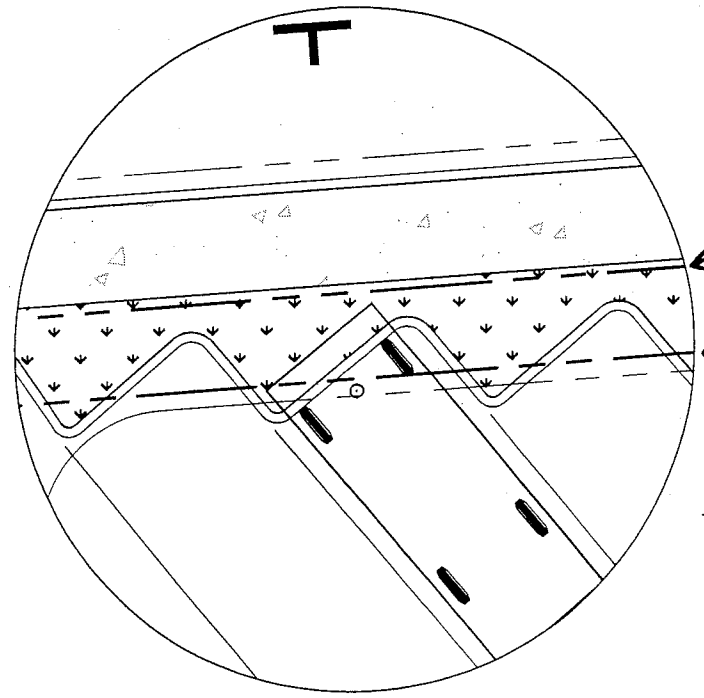
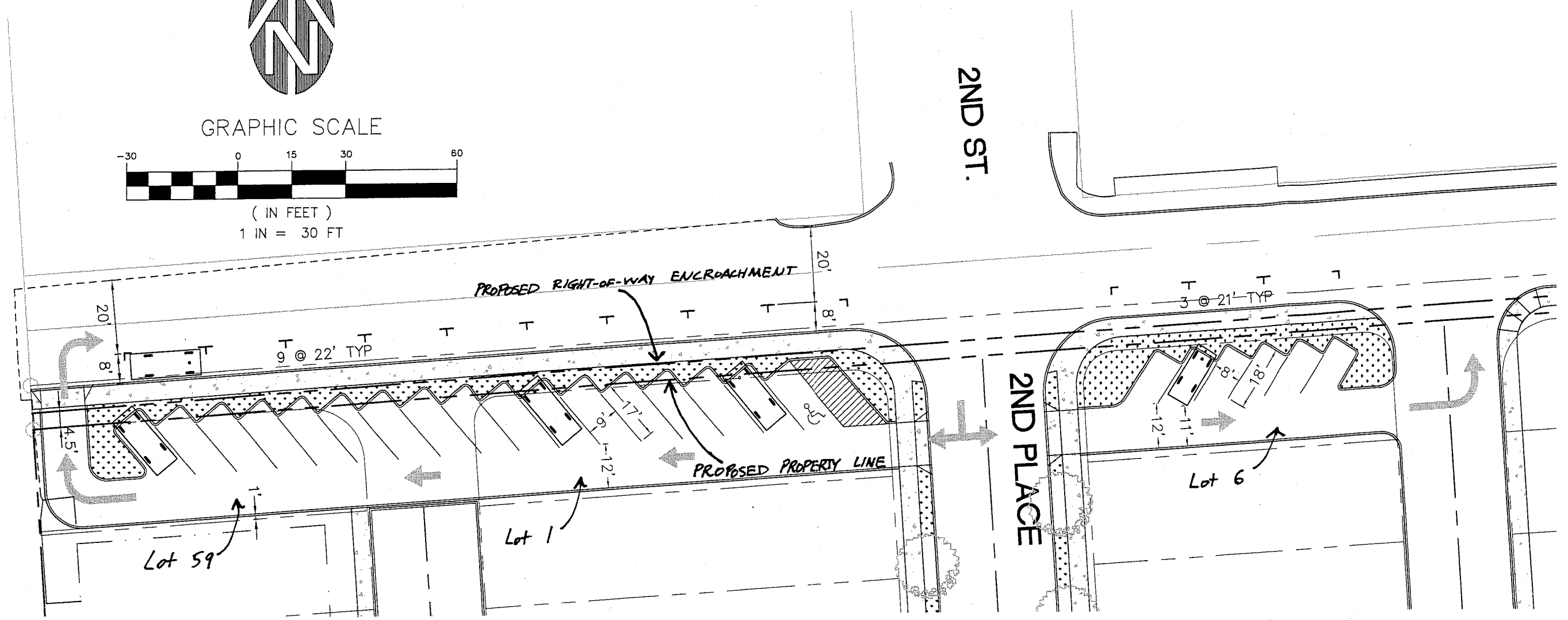
Exhibit 08



GRAPHIC SCALE

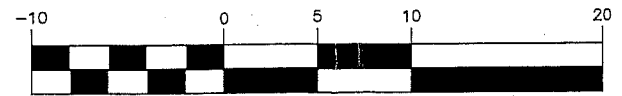


(IN FEET)
1 IN = 30 FT

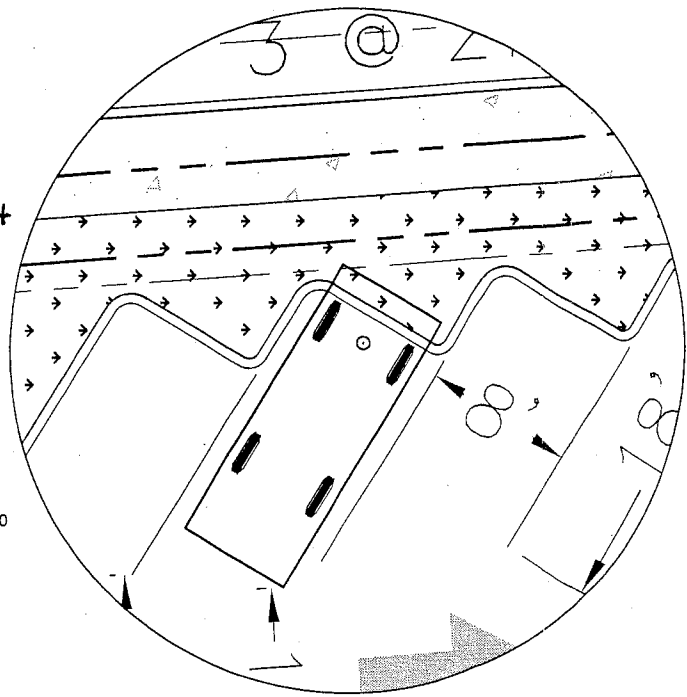


Proposed right-of-way encroachment
Proposed property line

GRAPHIC SCALE



(IN FEET)
1 IN = 10 FT



WESTLAKE CONSULTANTS INC.
ENGINEERING • SURVEYING • PLANNING
PACIFIC CORPORATE CENTER
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STEINFELD WEST
CITY OF SCAPPOOSE, OREGON
PRELIMINARY PARKING DESIGN

PRELIMINARY

THESE DRAWINGS ARE THE PROPERTY OF WESTLAKE CONSULTANTS INC. (WCI) AND ARE NOT TO BE REPRODUCED IN ANY MANNER EXCEPT WITH THE WRITTEN PERMISSION OF WCI

REVISIONS	DATE	DESCRIPTION	DESIGN BY	CHECKED BY

SHEET
P1
JOB NO. 16700-03

Scappoose School District No. 1J

Exhibit 9

BOARD OF DIRECTORS
CHAIRPERSON - JAMES HOAG
JOE BACKUS
JAN HILDRETH
MIKE KOCHER
DIANE KUNKEL
JOE LEWIS
MARK PARSONS

33589 SE HIGH SCHOOL WAY
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www.scappoose.k12.or.us

DISTRICT OFFICE
JOSEPH E. CURELO
Superintendent
Clerk
MARY CRUM
Business Manager
Custodian of Funds

April 21, 2006


City of Scappoose
Attn. Brian Varricchione, City Planner
33568 East Columbia Avenue
Scappoose, OR 97056

Dear Brian,

This letter is in regards to the proposed construction of houses on the Steinfeld property on the north border of School District property. The School District requests that a fence, as currently exists, be constructed to provide a separation between the softball field and the proposed houses in the Steinfeld West subdivision. A fence will help to provide some safety and privacy for the new property owners as well as a defined boundary for the teams and spectators who use the fields.

Thank you for your consideration of the School District's request.

Sincerely,


Joseph Curelo, Superintendent



May 1, 2006

To: Scappoose City Council
From: Jim Steinfeld
Subject: Steinfeld Acres West 59 lot application

In order to help your decision making process, I believe I should provide more background as to how we ended up with our proposal. This is also in response to several questions raised at the City Council hearing on April 3rd.

Our family has owned the property for over 50 years and has been actively involved in the community.

This was the only full line sauerkraut plant west of the Mississippi. When the plant operation was shut down by Dean Foods, the product became co-packed under our brand in Wisconsin. As owners of the property we were left with a unique application on a unique piece of property in the center of town.

We've been reviewing development options for well over 4 years. In fact, we looked at ideas even before the plant closed, trying to be pro-active.

In early 2003 we entered into work sessions with City Manager Jerry Gillham and a City Council member along with the city's legal counsel. City officials were at that time considering locating the future swim center on the 5.85-acre western portion of the site in exchange for residential property at another location in the City. These talks discontinued when the city received its offer for the swim center to the south of us.

We've considered a theatre on the site as an anchor tenant that would bring in additional commercial options.

We've tried to market our existing space over the last several years. Paul Breuer with Colliers International has faithfully tried to lease anywhere from small to large space requirements with more than competitive prices with no long term contracts. (We had one very short-term tenant).

Numerous other ideas over the years have been reviewed. At no time in conversations with city staff, previous or current, or with our planning consultants has this property been considered properly zoned in its light industrial status. Feedback and consensus has been that the proper zoning should be expanded commercial (EC). Last year the City Council also approved the 9 acres previously attached to this parcel to change from its light industrial zone to residential. The City Planning Commission has unanimously recommended our proposal to the City Council.

A very significant issue affecting all our long term planning has been the rail corridor study. While I personally doubt the rail line will be lowered in my lifetime, it has required us to plan to deed property to the city where someday we'll have a street running

directly through the middle of our site. The Rail Corridor study also makes it clear that if we continue to operate our current facility we'll have to tear down a significant portion of our largest building to allow for the intersection to go through. Again we're trying to be proactive to determine our best option under current constraints.

Our goal, while working closely with the city staff, is to present a win/ win option. We could have simply asked for the approval of an EC zone. While the site is not a viable option for development of pure commercial it is the correct zone application according to city staff and our planning consultants. If approved we then could have moved to the A-1 residential zone option which would allow up to 91 apartments on our 5.85 acre site. However, with the uniqueness of this site we believe home ownership is best but a planned unit development is required for implementation.

High density, independently owned homes, in the center of town surrounded by four schools is terrific for the city. While growth and change are sometimes hard, this enables the town to increase its tax base and further amortize ratepayer costs for capitalization expansions – helping everyone but especially those on fixed incomes. It helps our downtown business core and reduces transportation costs – again due to its unique location.

As previous testimony was given by Mike Eichenberger, with Eifall Real Estate, we also have a market niche needing to be filled for entry level or retiree homebuyers. Significant historical growth has come from prefabricated and mobile homes in Scappoose. We know the demand is in the marketplace for our proposal and we're trying to respond to the need with appropriate housing for the location.

In summary, we have not entered into our proposal lightly or quickly. We have a unique property in the center of town requiring unique considerations. I believe it's absolutely the best option for us to develop our property.

I ask for your support. If you have other questions please raise them at the hearing May 1st during our testimony so we can respond fully.

Jim Steinfeld



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Paul@ossystems.com

May 1, 2006

City Council
City of Scappoose
33568 E. Columbia Ave.
Scappoose OR 97056

RE: J.P. Steinfeld Investment Co.

Scheduled Hearing:
Date & Time - 5/1/06; 7:00 PM,
Place of Hearing - Scappoose City Hall Council Chambers
33568 E. Columbia Ave
Scappoose, Oregon, 97056

Dear City Council,

The above referenced hearing is currently scheduled to determine whether:

- 1) The Scappoose Comprehensive Plan should be amended (CPA1-05);
- 2) A Zone Change with a Planned Development Overlay should be approved (ZC2-05); and
- 3) A Subdivision Tentative Plan should be given approval (SB7-05).

Since the last City Council Hearing on this matter on April 3, 2006, Clark Signs, J.P. Steinfeld Investment Co., and O.S. Systems, Incorporated have been engaged in discussions to resolve many of the outstanding issues that led to OS SYSTEMS filing Objections to the referenced development.

The parties have outlined the measures that would resolve the critical issues for OS SYSTEMS:

- A) The installation of a gate on Elm St. side of the private, mutual easement street between the Clark Signs & OS SYSTEMS properties;

RE: Memo of Understanding (5/1/06)

Page 1 of 2

B) The designation of the dead end of Elm Street, and that portion of Elm St. that abuts the OS SYSTEMS property, as "Fire Safety Zone, NO PARKING";

C) The removal of all power lines running from Elm St. at Second St, to the dead end of Elm St. at the terminated railroad crossing;

D) The re-routing of the Power supply for OS SYSTEMS to be supplied from the Santosh St. side of the OS SYSTEMS property; and

E) The Re-routing of the power supply for the Clark Signs sign and the City of Scappoose lamp post from the overhead Elm St. lines to the underground lines coming from the Steinfeld property.

The gate is already being installed.

The parties have all joined in submitting the No Parking request to the Scappoose Chief of Police, to be reviewed and forwarded to the City Engineer.

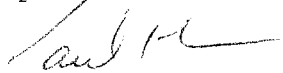
OS SYSTEMS is willing to agree to re-routing its power supply once Steinfeld has agreed to a date certain to re-route the power supply to the City lamp post and to the Clark Signs sign, allowing OS SYSTEMS to remove the current power lines that come from Elm St. across its factory building.

Steinfeld is willing to commit to a date certain when the City Council grants it the approval to develop in some acceptable fashion.

OS SYSTEMS is prepared to make an agreement with all parties when those dates certain do occur, and when the "Fire Safety Zone, NO PARKING" designation is in place.

At this time all of the objections, that apply uniquely to the OS SYSTEMS property will be moot, and OS SYSTEMS will waive any of its rights to appeal any City Council decision, including any failures of notice, if any.

Respectfully submitted



Paul H. Gunderson
President & Corporate Attorney
O.S. Systems, Incorporated
OSB #77419



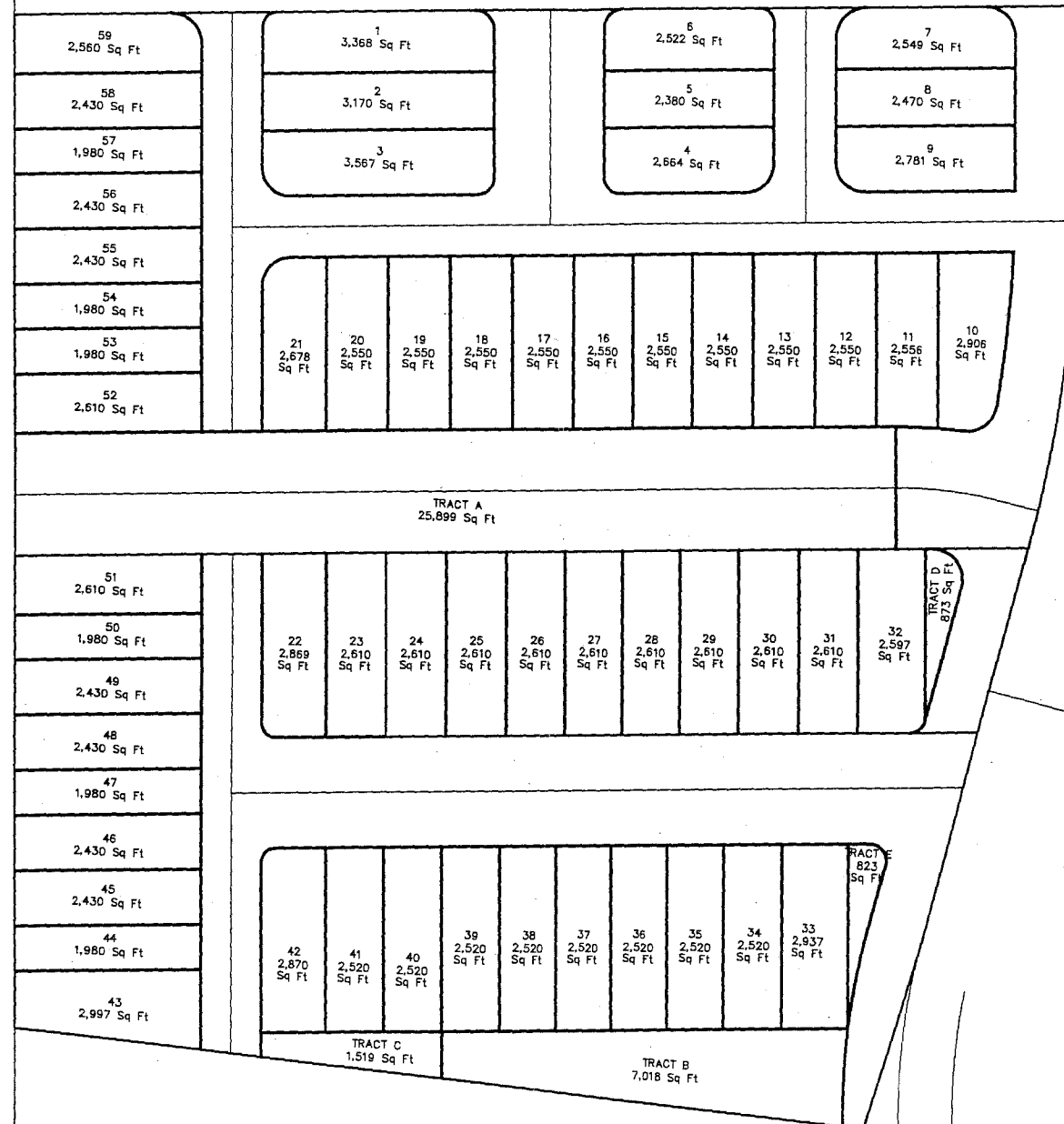
COLUMBIA RIVER HIGHWAY - U.S. HIGHWAY 30

BURLINGTON NORTHERN RAILROAD

(S. P. & S. RAILROAD)

100'

ELM STREET



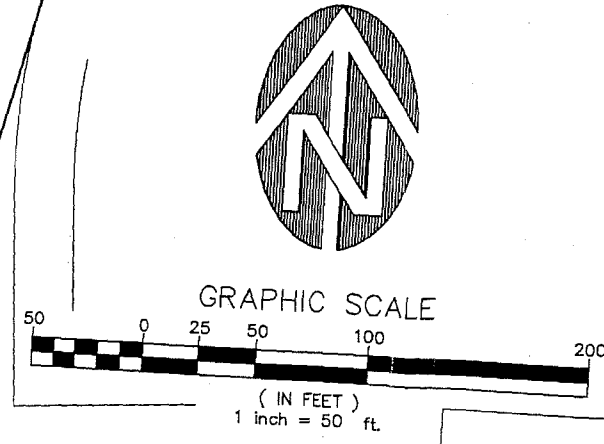
WESTLAKE CONSULTANTS INC.
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 FAX (503) 884-0187

STEINFELD WEST
 SCAPPOOSE, OREGON

TRACT A
 → for E.M. Watts Road

TRACT B
 → for stormwater management

TRACTS C, D, E
 → for open space



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SHEET 1 OF 1
 JOB NO. 1

