

ORDINANCE NO. 783

AN ORDINANCE RELATING TO LAND USE, APPROVING ANNEXATION OF PROPERTY TO THE CITY OF SCAPPOOSE, AMENDING THE ZONING MAP, AND CALLING AN ELECTION

WHEREAS, an application was filed by OHM Equity Partners, LLC to annex property described in Exhibit A, attached hereto and incorporated herein, to the City of Scappoose; and

WHEREAS, pursuant to Section 17.136.070 of the Scappoose Municipal Code, the property described in Exhibit A would automatically be zoned Low Density Residential (R-1) upon annexation due to the property's "Suburban Residential" Comprehensive Plan designation, but the applicant has requested Moderate Density Residential (R-4) zoning; and

WHEREAS, hearings were held pursuant to Scappoose Municipal Code Chapters 17.22 and 17.136; and

WHEREAS, pursuant to Section 17.136.030 of the Scappoose Municipal Code, annexations must be referred to the voters of the City for approval; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

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

Section 2. Pursuant to Scappoose Municipal Code Chapter 17.136, annexation of the Exhibit A property will be submitted to Columbia County to be placed on the November 7, 2006 ballot. The ballot title for such question is herein adopted, and attached hereto as Exhibit B.

Section 3. The property described in Exhibit A is hereby re-zoned from Low Density Residential (R-1) to Moderate Density Residential (R-4).


Section 4. In support of the above annexation and zone change, the City Council hereby adopts the findings, conclusions and recommendations of the Staff Report dated August 16, 2006, attached as Exhibit C attached hereto and incorporated herein.

Section 5. The annexation and zone change approved by this Ordinance shall take effect upon the date of certification of the election approving the annexation.

Section 6. Upon certification of the election on annexation, the City Manager is directed to conform the City Zoning Map to the provisions of this ordinance.

PASSED AND ADOPTED by the City Council this 21st day of August, 2006, and signed by me
in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: August 7, 2006
Second Reading: August 21, 2006

Attest:

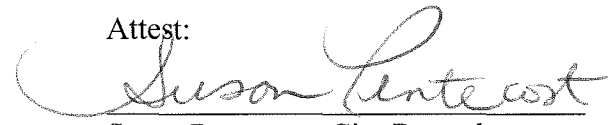

Susan Pentecost, City Recorder

Exhibit A

Legal description of property to be annexed and zoned Moderate Density Residential

Columbia County Assessor Map No. 3107-033-01000

Beginning at an iron pipe set South 24°30' East from the quarter section corner on the West side of Section 7, Township 3 North of Range 1 West of the Willamette Meridian, Columbia County, Oregon, and distant 1397.19 feet therefrom; thence South 64°14' East 200 feet to an iron pipe; thence South 20°06' West 656.62 feet to an iron pipe; thence North 64°13½' West 200 feet to an iron pipe; thence North 20°06' East 656.62 feet to the place of beginning and being a part of the William Watts Donation Land Claim in Scappoose Drainage District.

**Exhibit B
Ballot Title**

NOTICE OF CITY MEASURE ELECTION

City of Scappoose
(Name of City)

Notice is hereby given that on Tuesday, November 7, 2006, a measure election will be
(Day of week) (Date of election)

held in the City of Scappoose, in Columbia County, Oregon.
(Name of county)

The following shall be the ballot title of the measure to be submitted to the City's voters on this date:

CAPTION (10 Words)

ANNEXATION OF ELM STREET PROPERTY TO THE CITY OF SCAPPOOSE

QUESTION (20 Words)

Shall the described property be annexed to the City of Scappoose?

SUMMARY (175 Words)

OHM Equity Partners, LLC, has requested that the City annex property owned by Shirley M. Beisley.

This measure, if approved, would annex approximately 3 acres to the City of Scappoose. The property is located on the north side of SE Elm Street, east of SE 8th Court. The property is described as Columbia County Assessor Map No. 3107-033-01000. The property is located in the Urban Growth Boundary and is contiguous to Scappoose City limits. Annexation would cause the property to be placed on the City's tax rolls and would result in additional revenues to the City.

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

Signature of authorized city official (not required to be notarized)

Date signed

Printed name of authorized city official

Title

CITY OF SCAPPOOSE

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

EXHIBIT C

ANX4-06/ZC4-06

August 16, 2006

OHM Equity Partners/Beisley Property: SE Elm Street Annexation and Zone Change

CITY OF SCAPPOOSE STAFF REPORT

Request: Approval of an application for annexation and a corresponding zone change to Medium Density Residential (R-4) for approximately 3 acres.

Location: The subject parcel is located on the north side of SE Elm Street, east of SE 8th Court. The site consists of property described as Columbia County Assessor Map No. 3107-033-01000. See attached Vicinity Map (**Exhibit 1**).

Applicant: OHM Equity Partners, LLC

Owner(s): Shirley M. Beisley

EXHIBITS

1. Vicinity Map
2. Excerpt from Scappoose Zoning Map
3. Applicant's Narrative
4. Letter from Shirley Beisley, dated 8/14/06
5. Applicant's Conceptual Development Plan

SUBJECT SITE

- The subject site consists of one parcel with an area of 3 acres. The parcel is located on the north side of SE Elm Street, east of SE 8th Court. The site is immediately east of the Chinook Crossing West subdivision (currently under construction), northeast of the Elm Crossing subdivision, and southwest of the Willows subdivision. See **Exhibit 1**, Vicinity Map.
- The subject site is designated as Suburban Residential (SR) on the Comprehensive Plan map. The site is adjacent to City Limits on the west side, on the northeast corner, and on the southwest corner. All adjoining properties within the City are zoned R-4 (see **Exhibit 2**). Adjoining properties outside City Limits are zoned Single Family Residential, 10,000 square foot minimum lot size (R-10) by Columbia County.
- The site is within the boundaries of the Scappoose Rural Fire Protection District and the Scappoose Public School District. The site is currently under the police protection of the Columbia County Sheriff's Department.
- According to Flood Insurance Rate Map (FIRM) 41009C0463 the property is located in the Scappoose Drainage District and is protected from the one percent annual chance (100-year)

flood by a dike. The Scappoose Local Wetlands Inventory Map does not illustrate wetlands within the property.

- The site is nearly level and is vegetated with pasture grass and blackberry bushes. The City has an existing sewer main (the South Interceptor) running northward through the site: the sewer runs northeast from SE Elm Street nearly 600 feet and then turns to the southeast, connecting to SE Tyler Street in the Willows subdivision.

OBSERVATIONS

CONCURRENT ANNEXATION AND ZONE CHANGE APPLICATIONS

- The site is currently zoned Single-Family Residential (R-10) by Columbia County. According to Section 17.136.070 of the Scappoose Development Code, because the parcel has a Suburban Residential (SR) Comprehensive Plan designation, upon annexation the land shall automatically be zoned Low Density Residential (R-1). The applicant has requested that the City annex the site and re-zone the property to Moderate Density Residential, or R-4 (see **Exhibit 3**). The site is immediately adjacent to other properties zoned R-4. The applicant has not requested an amendment to the Comprehensive Plan map. This report and the applicant's narrative discusses the impacts of moderate density development in comparison to low density development.
- At the August 7 City Council hearing, the Council approved a motion to annex the property and to automatically apply R-1 zoning as specified in the Development Code. Council denied the request to rezone the property to R-4. In response, the owner of the site has submitted a letter (**Exhibit 4**) requesting that the Council reconsider the decision and instead zone the property R-4.

PROPOSED RESIDENTIAL USE

- The applicant has indicated an intention to subdivide the site in the future to accommodate single-family residences if the voters approve the annexation. A conceptual development plan included as **Exhibit 5** illustrates a total of 14 single-family residential lots that would meet the minimum lot size of 6,000 square feet for the R-4 zone.
- The R-4 zone also permits duplexes, tri-plexes, and four-plexes. This application has been analyzed based on the most intense development that could occur in the R-4 zone, which would be multi-family housing. Assuming the street layout were the same as illustrated in **Exhibit 5**, the site could be developed with two 6,000 square foot lots accommodating single-family residences and six 12,000 square foot lots accommodating four-plexes. The site could therefore support a total of 26 units in the R-4 zone rather than the 14 units illustrated in the applicant's conceptual development plan.
- Based on the proposed street layout illustrated in **Exhibit 5**, the site could be developed with 11 single-family residences under the R-1 zone, which specifies a minimum lot size of 7,500 square feet.

- Future development proposals will be required to apply for Tentative Subdivision Plan Review to ensure compliance with the Scappoose Development Code and Public Works Design Standards. Staff would observe that the proposed layout would need refinement to account for the existing sewer line and neighborhood traffic circulation.

STREET SYSTEM AND TRANSPORTATION IMPACTS

- The site has frontage on SE Elm Street, which has a varying-width right-of-way adjacent to the site. The City's amended Transportation System Plan (TSP) designates SE Elm Street as a Minor Collector Street, for which the standard right-of-way (ROW) is 60 feet. Additional ROW dedication and street improvements would be required as a part of a development proposal following annexation. The City's standard practice is to require half-street improvements as minimum conditions of development proposals, to be installed and funded by developers.
- The applicant has illustrated "Street A" connecting to a street stub that will be constructed with the Chinook Crossing West subdivision. Staff would observe that extending the street to the eastern site boundary would enhance east-west circulation options and create a layout resulting in block lengths within the City's 600-foot limitation. Such revisions to the layout would be made at the time of development.
- The site is accessed by SE Elm Street, connecting to Highway 30 via High School Way, Santosh Street, or Maple Street. The Police Department and the Planning Commission have expressed concern in the past that traffic associated with additional residences will negatively impact SE 6th Street and High School Way.
- Staff has used standard trip generation ratios published by the Institute of Transportation Engineers to estimate traffic levels from future development. If the site were developed as illustrated on **Exhibit 5** with 14 single-family residences in the R-4 zone, the site could be expected to generate approximately 135 average daily trips, 14 of them during the evening peak hour. If the site were developed with 2 single-family residences and 6 four-plexes (the most intense development under the R-4 zone), the site could be expected to generate approximately 180 average daily trips, 17 of them during the evening peak hour. If the site is developed with a maximum of 11 single-family residences permitted in the R-1 zone, the associated traffic levels would be on the order of 105 average daily trips, including 11 evening peak hour trips.
- Development of the subject site could be anticipated to require a traffic study in accordance with Section 5.0013 of the Scappoose Public Works Design Standards, which states that:
The City's Engineer will require a traffic analysis report as determined by the type of development and its potential impact to existing street systems. A traffic analysis will generally be required for a development, 1) when it will generate 1,000 vehicle trips per weekday or more, or 2) when a development's location, proposed site plan, and traffic characteristics could affect traffic safety, access management, street capacity, or known traffic problems or deficiencies in a development's study area.

OHM Equity Partners/Beisley Property: SE Elm Street Annexation and Zone Change

Development proposals would need to be accompanied by analysis of traffic impacts to ensure that the affected streets and intersections (particularly along SE High School Way) have adequate capacity to accommodate increased traffic.

- The City's Transportation System Development Charges (SDC's) are directly related to the volume of traffic generated by specific types of use. The SDC's collected from development can be used to pay for improvements to projects included in the City's Transportation System Plan.
- Full discussion of the traffic impacts associated with the annexation and zone change is found in Findings of Fact #2, Transportation Planning Rule.

UTILITIES & STORM DRAINAGE

- Electricity, gas, water, and sewer services are provided to adjacent residential developments and could be made available through the extension of nearby lines and public service infrastructure. The City's South Interceptor sewer main runs through the site.
- The City Engineer has observed that storm drainage may be a challenge for this site. Though not located within the 100-year floodplain, this area has had trouble with high water (e.g., the 1996 flood). The applicant would need to address flooding and stormwater management at the time of development. An existing storm system runs eastward in SE Elm Street, with an outfall that discharges into ponds on private land in the County. With appropriate easements and permission the applicant could potentially tie into this system if evidence is provided that the ponds and storm lines have adequate capacity to accommodate storm flow from this site.
- The site is within the Scappoose Drainage Improvement District. Any development proposals will have to ensure that development of the site does not degrade water quality or increase water quantity draining to the Scappoose Drainage Improvement Company. This evaluation would be made at the time of a review of a specific development proposal.

PUBLIC & PRIVATE AGENCIES AND PUBLIC NOTICE

- The City of Scappoose City Manager, Engineering, Building, and Police Departments; Columbia County Road Department, Planning Department, and Board of Commissioners; the Scappoose Drainage Improvement Company; Scappoose Rural Fire Protection District; the Scappoose School District; the Oregon Department of Transportation (Region 1); and the Oregon Department of Land Conservation and Development have been provided an opportunity to review the proposal. Comments from these organizations have been incorporated into this staff report. ODOT had no objection to the annexation. The Scappoose Drainage Improvement Company had no objection but stated that their concern was water quantity and quality.
- Notice of this request was mailed to property owners located within 200 feet of the subject site on July 12, 2006. Notice was also posted on the property on June 22 and published in the local newspaper on July 12, 19, and 26 and August 2. Staff has received no written comments from members of the public regarding the application. The property owner for this site has

OHM Equity Partners/Beisley Property: SE Elm Street Annexation and Zone Change

submitted a letter (**Exhibit 4**) requesting that the Council reconsider its decision to zone the property R-1 and to instead apply R-4 zoning.

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 will comply. This process allows for citizens to communicate their input into the 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 annexation and zoning map amendment on July 27, 2006 and recommended that the City Council approve the application. The City Council held a hearing on August 7, 2006. The Applicant posted site notices on June 22, the City mailed notices to nearby property owners on July 12, and notice was published in the newspaper on July 12, 19, and 26 and August 2. 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 procedural requirements for annexation and zone changes are contained in the Scappoose Municipal Code, which involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to change the zoning designation of urban land within the Urban Growth Boundary, in compliance with Goal 2. Notice of the annexation and zoning map amendment has been provided by the City of Scappoose to the Oregon Department of Land Conservation and Development (DLCD) as required. The City's decision is based on findings of fact.

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 and no identified agricultural resources are located on site. The site is designated for residential development in the Comprehensive Plan and is currently zoned for residential use by Columbia County.

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 no identified forest resources are located on site. The site is designated for residential development in the Comprehensive Plan and is currently zoned for residential use by Columbia County.

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 annexation and zone change do not 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 planned for residential use. If the annexation is approved, the site would be subject to City regulations that do not allow off-site impacts from noise, vibration, odors, glare, or other "nuisance" effects. The potential harmful effects on air,

OHM Equity Partners/Beisley Property: SE Elm Street Annexation and Zone Change

water and land resource quality is limited. The annexation and zone change proposal will therefore have no significant impact with respect to this Goal.

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. At the time of development, the applicant would need to design the lots and stormwater management system to account for the potential for localized flooding. The proposal to zone 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 site is presently designated for residential development on the Comprehensive Plan and has not been planned for recreational opportunities. The requested annexation and subsequent residential development will not result in a reduction in land planned or reserved for recreational use. Consequently, the proposed Annexation and Zone Change will have no significant impact on the City's planning for recreational needs.

I. *Economic Development (Goal 9)*

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

Finding:

The site is presently designated for residential development on the Comprehensive Plan and has not been planned for economic development.

J. *Housing (Goal 10)*

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

Finding:

The property proposed for annexation is designated Suburban Residential on the Comprehensive Plan map. The proposed annexation would increase the residential land supply within City Limits and would allow more intense development than currently

OHM Equity Partners/Beisley Property: SE Elm Street Annexation and Zone Change

permitted under County regulations. Furthermore, the site could only connect to City water or sewer if it were inside City Limits. If the site were zoned R-4, it could be developed with 14 single-family detached residences or up to 26 dwelling units if multifamily housing were constructed. By contrast, if the site is developed with single-family residences as permitted in the R-1 zone, up to 11 lots could be created with a minimum size of 7,500 square feet. R-1 zoning would increase the supply of larger lots within the City.

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 therefore requires the extension of public facilities and services at the developer's expense. Water is available in SE Elm Street, sanitary sewer lines run through the site, and storm drainage facilities would be constructed as conditions of approval for future subdivision applications.

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 (TSP). The Scappoose TSP designates SE Elm Street as a Minor Collector street, which requires a 60-foot right-of-way width and a 36-foot pavement width. At the time of development, the applicant would need to perform half-street improvements on Elm Street to meet the City standard.

Traffic projections from future development have been computed using standard trip generation ratios published by the Institute of Transportation Engineers. If the site were developed as illustrated on **Exhibit 5** with 14 single-family residences in the R-4 zone, the site could be expected to generate approximately 135 average daily trips, 14 of them during the evening peak hour. If the site were developed with 2 single-family residences and 6 four-plexes (the most intense development under the R-4 zone), the site could be expected to generate approximately 180 average daily trips, 17 of them during the evening peak hour. The traffic levels would be correspondingly lower under R-1 zoning, amounting to 105 average daily trips, 11 of which would be during the evening peak hour. The City does not anticipate that either level of development would cause failure of the local street network; however, smaller traffic levels would operate more smoothly and safely. The applicant would need to submit a traffic study with future development proposals to analyze individual intersections and street segments.

Additional findings are found in Findings of Fact #2, Transportation Planning Rule.

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 site is located immediately adjacent to existing residential areas. The City's Comprehensive Plan provides for a variety of residential densities throughout the City, with denser development closer to the business center and less-dense areas farther from the center. Placing R-4 sites closer to downtown permits more efficient use of land and allows residents to walk to nearby amenities. The subject site is designated Suburban Residential on the Comprehensive Plan to provide an area zoned R-1 with larger lots than would be permitted in the R-4 zone.

N. Urbanization (Goal 14)

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

Finding:

The subject property is within the Urban Growth Boundary and no expansion of the UGB is proposed. The proposed annexation and zone change is the first step in the transition from rural to urbanized land as foreseen in the Comprehensive Plan. Development of the site will trigger requirements for the developer to provide infrastructure, including necessary sewer lines, storm drainage lines, water line extensions, and street improvements.

*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 it pertains 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.

[...]

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

[...]

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

Finding:

Analysis of the transportation impacts from the proposed annexation and zone change can be divided into four subtopics:

1. Traffic likely to be generated from development;
2. Impact of development-generated traffic on local street segments;
3. Impact of development-generated traffic on affected intersections; and
4. Transportation impact conclusions.

1. Traffic likely to be generated from development

The most intense development of the site under the R-4 zone would consist of 6 four-plexes and 2 single-family detached residences. Based on standard trip generation ratios published by the Institute of Transportation Engineers, this level of development can be expected to generate approximately 180 average daily trips, 17 of them during the

evening peak hour.¹ By comparison, if the site were developed under the R-1 zoning using the street layout illustrated in **Exhibit 5**, a total of 11 single-family residences could be built. The following table compares trip generation for R-1 and R-4 zoning of this site. Applying R-4 zoning rather than R-1 zoning would lead to an additional six trips during the evening peak hour and seventy-five average daily trips.

Comparison of trip generation for R-1 and R-4 zoning

	Low Density Residential (R-1)	Moderate Density Residential (R-4)
Weekday trips	105	180
Weekday PM Peak Hour	11	17

2. Impact of development-generated traffic on local street segments

Traffic to and from the site will utilize SE Elm Street, which is currently narrower than the City standard. Connections to Highway 30 may be made either via SE 6th Street and SE High School Way or via SE Maple Street or SE Santosh Street via SE 2nd, 3rd, or 4th Streets. SE 6th Street and SE High School Way are designated as Minor Collectors, as are SE Elm, SE 4th, and SE Maple Streets. SE Santosh, SE 2nd, and SE 3rd Streets are designated as Local Residential streets.

The affected street segments appear to have adequate capacity to accommodate volumes of traffic resulting from development of this area, and the capacity-controlling facility will be the individual intersections, particularly the traffic signal at the High School Way/Highway 30 intersection (discussed below). This proposal does not “significantly affect” the impacted street segments.

3. Impact of development-generated traffic on affected intersections

Traffic from development is likely to primarily impact five intersections discussed below.

a. SE Elm Street/SE 6th Street intersection

This is a 3-leg stop-controlled intersection. The City does not have daily, morning peak hour, or evening peak hour traffic data for this location. However, it is not anticipated that additional traffic from development of the site would cause this intersection to fall below the City’s standards requiring a Level of Service “E” or better for unsignalized intersections. The proposed annexation and zone change does not “significantly affect” this intersection.

b. SE 6th Street/SE High School Way intersection

This is a 3-leg stop-controlled intersection. The June 2005 “Liday Subdivision Traffic Impact Study” stated that the intersection currently operates at a Level of

¹ The following trip generation ratios were used:

Single-family residences: 9.57 average daily trips and 1.01 PM peak hour trips per unit
 Multi-family residences: 6.63 average daily trips and 0.62 PM peak hour trips per unit

OHM Equity Partners/Beisley Property: SE Elm Street Annexation and Zone Change

Service "A." It is unlikely that additional traffic from development of the site would cause this intersection to fall below the City's standards requiring a Level of Service "E" or better for unsignalized intersections. The proposed annexation and zone change does not "significantly affect" this intersection.

c. Highway 30/SE High School Way intersection

This is a 4-leg signal-controlled intersection. The June 2005 "Liday Subdivision Traffic Impact Study" stated that the intersection currently operates at a Level of Service "C" with a volume-to-capacity (V/C) ratio of 0.76, which exceeds ODOT's mobility standard of 0.75. The same study indicates that even with no additional development, this intersection will operate at a V/C ratio of 0.81 in the future.

The 2006-2009 Statewide Transportation Improvement Program (STIP) allocates \$2,321,000 for the Havlik Drive rail crossing (Project 14261, scheduled for 2008). The improvements will install a rail crossing and extend Havlik Drive to the east side of Highway 30 to accommodate traffic between southeast Scappoose and Highway 30. This new rail crossing will divert some traffic away from High School Way, improving operations of the Highway 30/High School Way intersection.

Since the Havlik Drive rail crossing is funded for implementation in the STIP, the City finds that the improvements will be "in-place" and available to provide transportation capacity well before the end of the planning period (the year 2017) to accommodate the proposed annexation and zone change. ODOT Region 1 has jurisdiction over this intersection and has stated that the proposal has no significant effect on Highway 30. This proposal does not "significantly affect" the Highway 30/High School Way intersection.

d. Highway 30/SE Santosh Street intersection

This is a 3-leg intersection with a stop sign on the Santosh Street leg. The January 2006 "Steinfeld West Subdivision Traffic Impact Study" stated that the intersection currently operates with a V/C ratio of 0.14, which will increase to 0.17 in the future. This intersection does have a high delay during the evening peak hour. It is unlikely that additional traffic from development of the site would cause this intersection to exceed ODOT standards requiring a minimum V/C ratio of 0.75. Additionally, this rail crossing and intersection is likely to be eliminated when the Havlik Drive rail crossing is opened. The proposed annexation and zone change does not "significantly affect" this intersection.

e. Highway 30/SE Maple Street intersection

This is a 4-leg signal-controlled intersection. The January 2006 "Steinfeld West Subdivision Traffic Impact Study" stated that the intersection currently operates with a V/C ratio of 0.72, which will increase to 0.75 in the future. It is unlikely that additional traffic from development of the site would cause this intersection to exceed ODOT standards requiring a minimum V/C ratio of 0.75 (the site would

generate 17 PM peak-hour trips, only some of which would utilize Maple Street). The proposed annexation and zone change does not “significantly affect” this intersection.

4. Transportation impact conclusions

Based on trip generation levels applicable to the R-1 or R-4 zone, the City finds that the proposed annexation and zone change are consistent with the land uses envisioned by the Comprehensive Plan and the Transportation System Plan. R-1 zoning would result in fewer trips than would be permitted under R-4 zoning, which would improve traffic operations on affected streets.

The impact at the Highway 30/High School Way intersection is mitigated by the Havlik Drive rail crossing project listed on the STIP. Therefore, the proposed annexation and zone change are consistent with the Comprehensive Plan and TSP and would not require a change in the functional classification or street standards.

It should be noted that interim transportation congestion and safety hazards could exist on Elm Street, and on High School Way if the site were developed before the STIP project had been completed. Consequently, the City could require mitigation between the site and Highway 30. As spelled out by Section 5.0013 of the Scappoose Public Works Design Standards, specific types of development proposals would trigger the requirement for traffic analysis reports identifying projected trip generation levels, recommendations for public improvements, and access management. The mitigation strategies prompted by the results of the traffic analysis reports would be installed as conditions of development.

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

GOAL FOR PUBLIC FACILITIES AND SERVICES

- 1) *Provide the public facilities and services which are necessary for the well being of the community and which help guide development into conformance with the Comprehensive Plan.*
- 2) *Direct public facilities and services, particularly water and sewer systems, into the urban growth area.*
- 3) *Ensure that the capacities and patterns of utilities and other facilities are adequate to support the residential densities and intensive land use patterns of the Comprehensive Plan.*
- 4) *Avoid the provision or expansion of public utilities and facilities in sparsely settled non-urban areas, when this would tend to encourage development or intensification of uses, or to create the need for additional urban services.*

Goals 5-11 are not applicable to this application.

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.*

- 9) *Control local flooding and groundwater problems through the use of existing storm drainage systems and construction of new facilities in accordance with the Scappoose Storm Drain System Master Plan.*

- 19) *Approve annexations of new residential lands, except in the case of a health hazard, only when:*
 1. *There is sufficient capacity in the sewer, water, street, school, fire, and police systems to service the potential additional populace.*
 2. *Sufficient in-filling of vacant land has occurred to warrant an expansion.*

Policies 2-8, 10-18 and 20-27 are not applicable to this application.

Finding:

The City Engineer, City Manager, Chief of Police, Fire Chief, and school Superintendent were provided with the opportunity to determine whether sufficient capacity exists for needed facilities and services. No objection to this annexation has been expressed by City Departments or public service agencies. The public facility requirements must be met at the time that the applicant proposes a development plan. 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.

Fire & Police Protection

- The Scappoose Rural Fire District provides fire protection for this site. Development of the site will have to comply with all applicable fire and building codes and would provide hydrants in sufficient numbers and at locations deemed appropriate by the Scappoose Rural Fire District.

- If this site were annexed it would come under the protection of the Scappoose Police Department. Increased assessment valuation would generate some tax revenue to contribute toward the cost of providing service.

Schools

- Annexation and subsequent development of the site would increase school district enrollment. The local school district should receive additional revenues due to increased valuation as a result of future development to partially offset any increase in

OHM Equity Partners/Beisley Property: SE Elm Street Annexation and Zone Change

school district enrollment. The school district did not object to this application, and prior discussions have indicated that the overall student population for the district is relatively stable. The applicant's narrative (**Exhibit 3**) reveals that the existing student enrollment is well below the enrollment capacity of the school facilities.

Water Service

- There is an existing City water line in SE Elm Street to which the property would have access upon annexation.

Sewer and Storm Drainage

- A sanitary sewer main runs through the site and has "T's" to permit connections from future residences.
- A public storm drain system is located in SE Elm Street. The pipe discharges onto private land in the County. The applicant could potentially use this system with appropriate permission and easements, or could manage stormwater on site. The storm drainage system would be designed to ensure that development of the site does not degrade water quality or increase water quantity draining to the Scappoose Drainage District or cause other flooding or groundwater problems.

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

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.*
- 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:

The subject property is located in the UGB immediately adjacent to land zoned R-4 by the City. Annexation would permit development in an orderly outward expansion. Development of the subject site is required to provide the infrastructure associated with new residential development, including public streets with curbs and sidewalks. Zoning the property R-1 as anticipated by the Comprehensive Plan will contribute toward satisfying the need for large-lot properties within City Limits.

The applicable GENERAL GOALS FOR LAND USES 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*
- 3) *Not applicable*
- 4) *Protect residential areas from conflicting land uses, unnecessary through traffic, or other undesirable influences.*

POLICIES FOR HOUSING

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

(Policies 2 through 6 and 8-10 are not applicable to this application.)

Finding:

The proposed annexation and zoning of the site for residential uses is consistent with Goals 1, 2, and 4 because the inclusion of a 3-acre lot with the potential for additional housing will increase the quantity of residential land in the City. The proposed use does not conflict with existing residential uses. In addition, the new residences will not generate unnecessary through traffic or undesirable influences.

The zoning of the site for residential use is consistent with the policies of the Comprehensive Plan. The site will assist in maintaining adequate land to meet the City's housing needs and future subdivision improvements will be made at the expense of the developer. The applicable goals and policies of the GOAL FOR HOUSING and the POLICIES FOR HOUSING are satisfied.

GOAL FOR THE SUBURBAN RESIDENTIAL LAND USE DESIGNATION

- 1) *Create conditions suitable for moderate concentration of people not in immediate proximity to public services, shopping, transportation and other conveniences.*
- 2) *Provide places suitable for single family dwellings, duplexes, triplexes, and four-plexes.*

POLICIES FOR THE SUBURBAN RESIDENTIAL LAND USE DESIGNATION

- 2) *Permit a degree of flexibility in residential site design and a mixture of housing types.*
- 3) *Promote the development of homesites at a density and standard consistent with: the level of services that can reasonably be provided, and the characteristics of the natural environment.*
- 6) *Ensure that new developments do not create additional burdens on inadequate sewer, water, street and drainage systems.*

(Policies 1, 4, and 5 are not applicable to this application.)

Finding:

The proposed annexation and R-4 zoning of the site would allow construction of up to 14 single-family residences or a combination of two single-family residences and six four-plexes.

The Scappoose Development Code states that the R-1 zone most closely implements the City's Suburban Residential Comprehensive Plan map designation. Furthermore, the City has a limited supply of vacant R-1 land to provide opportunity for larger lots. Zoning the site R-1 would allow up to 11 single-family residences on lots with a minimum size of 7,500 square feet.

Annexation of the 3-acre site would not create undue burdens on the provision of municipal services. The applicable goals and policies of the GOAL FOR THE SUBURBAN RESIDENTIAL LAND USE DESIGNATION and the POLICIES FOR THE SUBURBAN RESIDENTIAL LAND USE DESIGNATION are satisfied by the annexation and R-1 zoning.

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 applicable comprehensive plan policies are outlined above. The applicant requests that the property be re-zoned to Moderate Density Residential (R-4) if the annexation is successful. The zone change would permit R-4 development alongside adjacent existing R-4 residential uses.

However, as specified by Section 17.136.070 of the Scappoose Municipal Code, if this property is annexed it would automatically receive the Low Density Residential (R-1) zoning designation since the site had a "Suburban Residential" Comprehensive Plan Map designation.

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

The proposed annexation would foster new development that is compatible with the existing residential character, which would reinforce and enhance a residential neighborhood. The proposed zone change to R-4 would effectively decrease the available supply of larger lots within the community, thereby affecting the public welfare. The requested zone change to R-4 rather than R-1 contradicts the policy in Section 17.136.070 of the Scappoose Municipal Code which automatically applies R-1 zoning for areas designated Suburban Residential on the Comprehensive Plan.

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

The proposed annexation 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 report. The analysis demonstrates consistency and compliance with all applicable approval standards. The applicant has submitted inadequate evidence that Section 17.136.070 of the Municipal Code should not be applied in this instance. Consequently, the site will automatically be zoned R-1.

OHM Equity Partners/Beisley Property: SE Elm Street Annexation and Zone Change

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.

The subject site is designated Suburban Residential in the Comprehensive Plan Map. Applying Section 17.136.070 by automatically zoning the property Low Density Residential (R-1) would create a "pocket" of R-1 adjacent to three subdivisions zoned R-4. However, as other adjoining properties annex, they would also receive R-1 zoning.

Chapter 17.44 R-1 SINGLE FAMILY RESIDENTIAL

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

3. Manufactured homes on individual lots subject to Section 17.94.030; [...]

6. Single-family detached residential dwelling...

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

1. Seven thousand five hundred (7,500) square feet outside the Scappoose Creek Flood Plain;

Finding:

The R-1 zoning district permits single-family residences and manufactured homes on lots with a minimum size of 7,500 square feet. The applicant has request that the zoning for the site be changed to Moderate Density Residential (R-4). The applicant anticipates submitting a subdivision application to construct single-family residences. Future development proposals would be reviewed for consistency with the permitted uses in the proposed zone.

Chapter 17.50 R-4 MODERATE DENSITY RESIDENTIAL

17.50.030 Permitted uses. A. In the R-4 zone outside of the Scappoose Creek Flood Plain, only the following uses and their accessory uses are permitted outright:

[...]

3. Duplex;

[...]

5. Manufactured homes on individual lots subject Section 17.94.030;

6. Multifamily up to four units per lot;

[...]

9. Single-family detached residential dwelling units.

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

1. Six thousand (6,000) square feet for a single-family detached dwelling unit when located outside of the Scappoose Creek Flood Plain;

2. Seven thousand square feet for the first two attached units plus an additional two thousand five hundred square feet for each additional dwelling unit for triplex or fourplex when located outside of the Scappoose Creek Flood Plain;

Finding:

The R-4 zoning district permits single-family residences and multi-family residences. The applicant anticipates submitting a subdivision application to construct single-family residences with lot sizes larger than 6,000 square feet but generally smaller than 7,500 square feet (see **Exhibit 5**). Future development proposals would be reviewed for consistency with the permitted uses in the proposed zone.

Chapter 17.136 ANNEXATIONS17.136.020 Policy.

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

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

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

Finding:

The proposed annexation complies with the goals and policies of the Comprehensive Plan as previously discussed in Finding of Fact #3. The annexation is contiguous to three subdivisions areas that are already part of the City, expanding the City's logical service area. Revenues from the area are anticipated to cover the cost of providing services, especially factoring in the employment that could occur on site. Pursuant to Scappoose Municipal Code Chapter 13.12.100, sewer services are not provided outside the City limits, so annexation would allow this site to be served by the municipal sewer system. Annexation will allow the City to manage growth by providing for City inspection and approval of all development. Section 17.136.020(A) is satisfied.

B. *It is the City's policy to discourage and deny annexation where:*

1. *The annexation is inconsistent with the provisions of the Scappoose Comprehensive Plan.*
2. *The annexation would cause an unreasonable disruption or distortion of the current City boundary or service area.*

3. *The annexation would severely decrease the ability of the City to provide services to an area either inside or outside of the City.*
4. *Full urban services could not be made available within a reasonable time.*

Finding:

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

17.136.040 Approval standards.

A. *The decision to approve, approve with modifications or deny, shall be based on the following criteria:*

1. *All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;*

Finding:

Existing municipal police services can be made available to the site immediately. The site fronts onto an existing road within the City. The property is already located within the Scappoose Rural Fire District, the Scappoose School District, the Scappoose Library District, and the Scappoose Parks and Recreation District. Telephone and electric services are already provided to neighboring properties.

Water and sewer service can be made available to the site; water is available in SE Elm Street and a sewer main runs through the site. The water treatment plants and wastewater treatment plant have excess capacity to accommodate development of this and other sites.

The facility planning for the City's water and wastewater treatment facilities assumed that this site would be zoned R-1, Low Density Residential. Were the site to be subdivided at the R-1 density, approximately 11 lots (7,500 sq. ft. minimum) can be accommodated on the site. This compares with approximately 8 lots supporting 26 housing units (two single-family lots and six four-plex lots) that could be accommodated by the site at the R-4 density. The difference between the R-1 and R-4 zoning designations is approximately 15 residential units.

The wastewater flow associated with 26 residences is 3,250 gallons per day (0.0325 MGD), using an average of 125 gallons per day per household.

The North Interceptor into the Wastewater Treatment Plant has a capacity of 2.3 MGD, therefore the 26 additional households would use approximately 0.1% of that capacity. The treatment plant has the capacity to accommodate the 26 residences that could be constructed on this site.

OHM Equity Partners/Beisley Property: SE Elm Street Annexation and Zone Change

The City's existing surface and subsurface drinking water sources can produce in excess of 1,600 gallons per minute. The Water Treatment Plant and Water Wells have the capacity to serve the 26 additional residences from this site.

Section 17.136.040(A).1 is satisfied.

2. *The impact upon public services which include but are not limited to police and fire protection, schools and public transportation to the extent that they shall not be unduly compromised;*

Finding:

As discussed previously, the proposed annexation will have a minimal impact on the capacity of public service providers, especially since the site is already within the service areas of the Fire District and other service providers. Section 17.136.040(A).2 is satisfied.

3. *The need for housing, employment opportunities and livability in the City and surrounding areas;*

Finding:

This annexation would provide an additional 3 acres for residential development and would also create temporary employment opportunities for the construction of streets, utilities, and structures. Section 17.136.040(A).3 is satisfied.

4. *The location of the site in relation to efficient provision of public facilities, services, transportation, energy conservation, urbanization and social impacts.*

Finding:

This site is contiguous to the existing City limits and is adjacent to three subdivisions within the City. Public services are already available to neighboring properties and use of these will improve efficiency by utilizing existing trunk lines and service lines. Water service is available to the site from SE Elm Street, and police and fire protection can be supplied by the Scappoose Police Department and Scappoose Rural Fire Protection District, respectively. The site has convenient transportation access to downtown Scappoose. Increasing the supply of land for housing will benefit the City by providing additional land to meet the demand for residential development. Urbanization of the site is consistent with the City's Comprehensive Plan, and site development is not anticipated to impose adverse social impacts. Section 17.136.040(A).4 is satisfied.

17.136.070 Zoning upon annexation. *Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification as shown in the table below. The zoning designation shown on the table below is the city's zoning district which most closely implements the city's comprehensive plan map designation.*

<i>Comprehensive Plan</i>	<i>Zoning Classification</i>
SR	R-1, Low Density Residential
GR	R-4, Moderate Density Residential
MH	MH, Manufactured Home Residential
C	Expanded Commercial
I	Light Industrial

Finding:

The site has a Comprehensive Plan designation of SR, Suburban Residential. Upon annexation, the site would automatically be zoned R-1, Low Density Residential. The applicant has requested that the site be zoned R-4. The applicant has provided inadequate evidence to support a zone change to R-4 for this site. Additional findings demonstrate that the City's infrastructure has the capacity to absorb annexation and future development of this site. Section 17.136.070 is satisfied.

Chapter 17.162 PROCEDURES FOR DECISION MAKING--OUASI-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:

- 1. Recommendations for applicable comprehensive plan and zoning district designations to city council for lands annexed to the city;*
- 2. A quasi-judicial comprehensive plan map amendment except the planning commission's function shall be limited to a recommendation to the council. The commission may transmit their recommendation in any form and a final order need not be formally adopted;*
- 3. A quasi-judicial zoning map amendment shall be decided in the same manner as a quasi-judicial plan amendment; [...]*

Finding:

The applicant has requested the concurrent review of Annexation and a Zone Change. The Planning Commission and City Council both review the applicant's request, with Council making the final decision based on findings of fact. Section 17.162.090(C) is satisfied.

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SW1/4 SW1/4 SEC.07 T3N R1W WM
COLUMBIA COUNTY

Scale 1" = 100'

3107-033-
LOGSCAPPOOSE

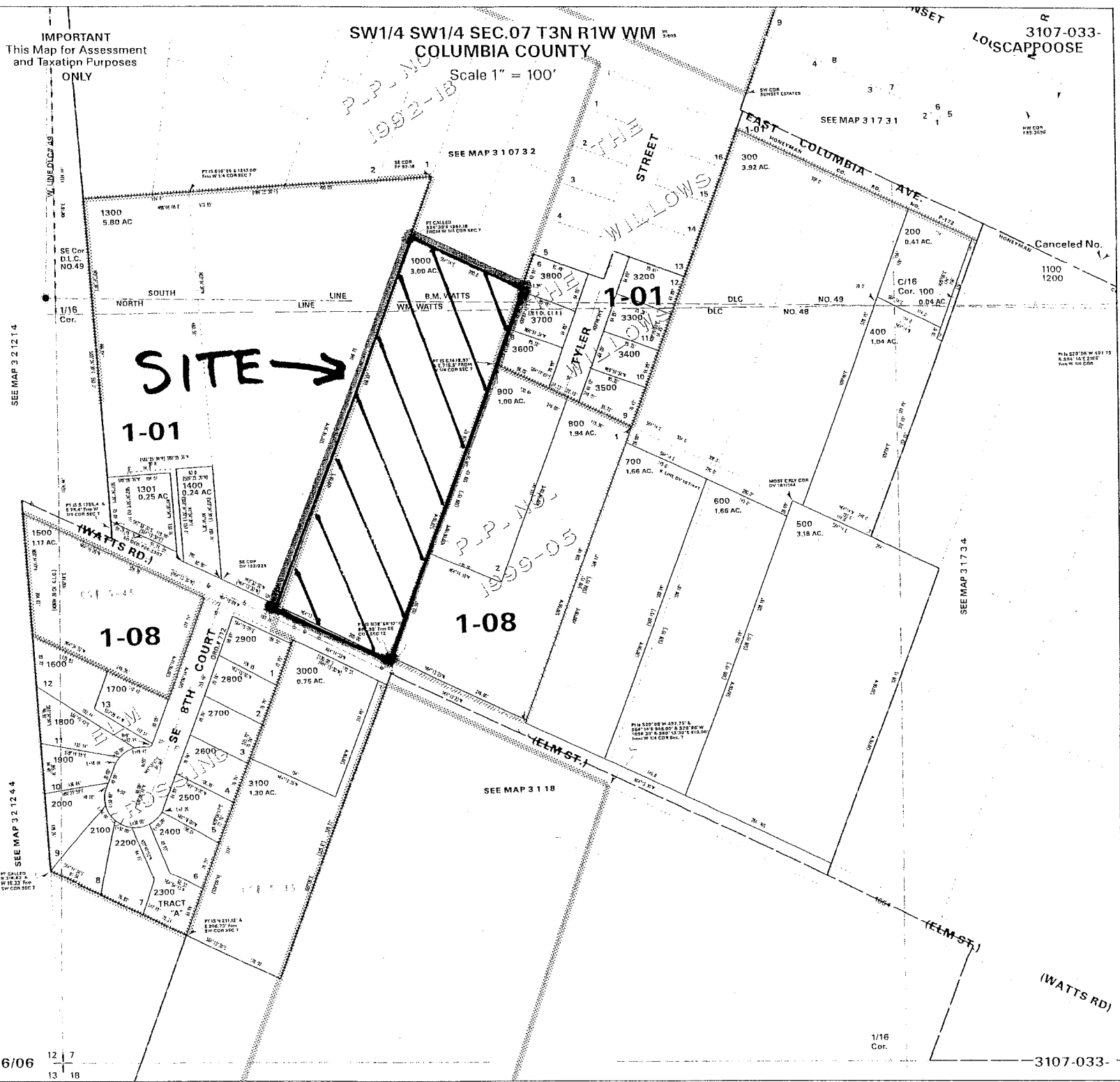


Exhibit 1

Excerpt from Scappoose Zoning Map

ANX 4-06 / ZC 4-06

July 2006

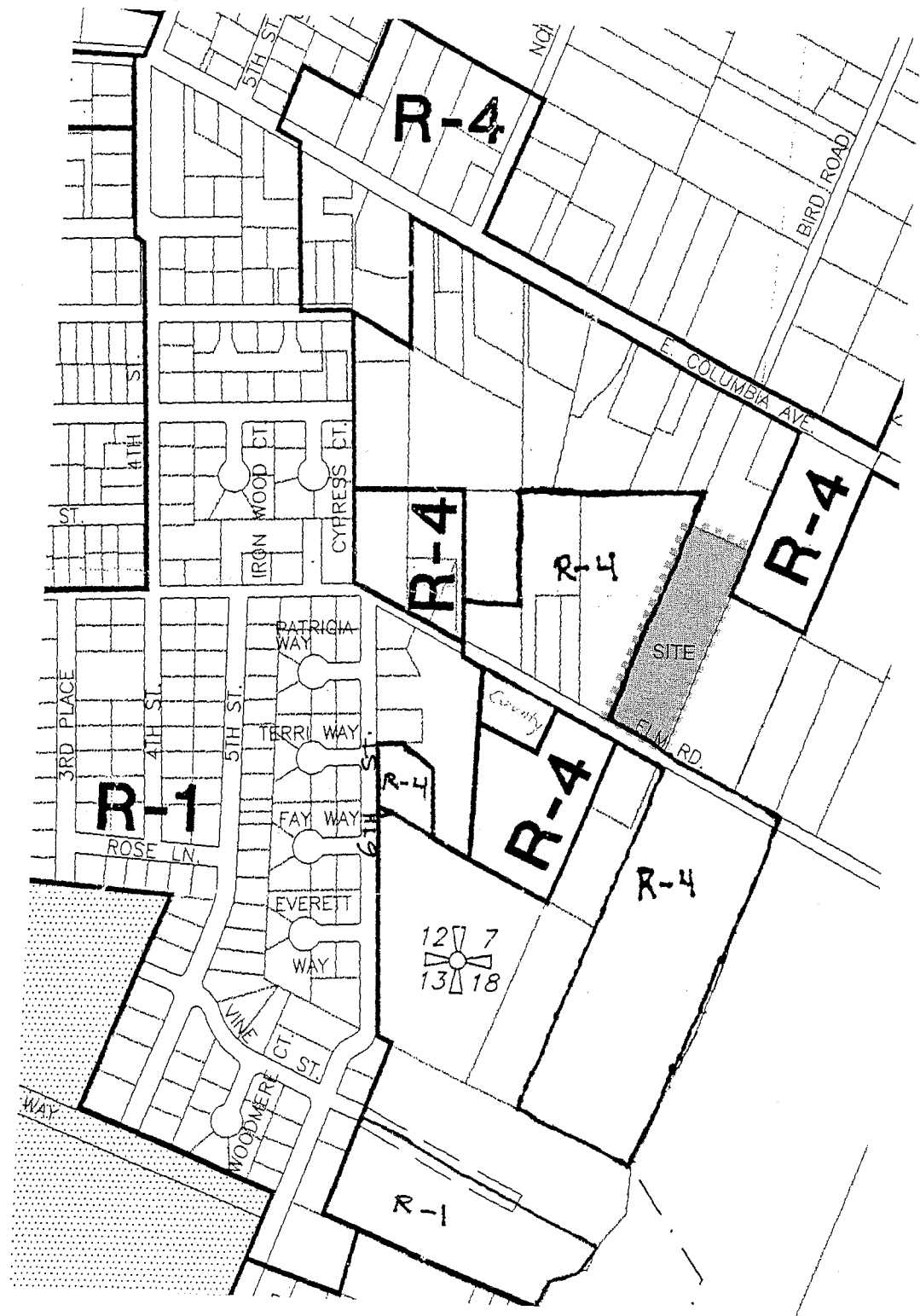




Exhibit 3

OHM EQUITY PARTNERS, LLC

Ethical and responsible value added property rehabbers

Annexation and Zone Change Application

Scappoose, Oregon

APPLICANT

OHM Equity Partners
33470 Chinook Plaza
Scappoose, OR 97056
Tel: 971-223-6198
Fax: 925-226-1927

APPLICANT'S REPRESENTATIVE

ELD Engineering
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Phone: 971-223-6198 Fax: 925-226-1927

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Project Summary

Project Description:

Location: 34071 SE Elm St. Scappoose. West of SE 8th Court.
Legal: Tax Lot 1000, T3N, R1W WM Section 07
Comprehensive Plan: Suburban Residential (SR)
Zoning: Present Zoning: R-10 (Columbia County)
Proposed Zoning: R-4 Medium Density (City)
Site Size: 3.00 Acres

The site is located east of the Columbia River Highway, adjacent to the present City limits in the UGB.

Adjacent properties within the City limits have been developed with subdivisions consistent with the City's "Medium Density Residential R-4" standards.

The total subject site area is 3 acres. The site appears to be relatively flat. Vegetation consists primarily of pasture grass.

Sanitary sewer is butted at Elm Street.

A looped water system is proposed for the site connecting the line in Elm Street with our site. We will loop through to the adjacent subdivision to the West and to our North property line for future development.

We plan to hook into the existing public storm system. If that option is not adequate, we will consider providing on-site detention which will feed into the public storm system at a slower rate than direct connection.

Proposal:

The applicant requests that the City of Scappoose annex Tax Lot 1000 and designate the site "R-4" and General Residential (GR) consistent with the City's Comprehensive Plan.

APPROVAL CRITERIA:

The criteria and standards that apply to this application are as follows:

City of Scappoose Development Code

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

17.22.030 Quasi-Judicial Amendments

Chapter 17.136 Annexations

Chapter 17.162 Procedures for Decision Making – Quasi-Judicial

City of Scappoose Comprehensive Plan

Goals and Policies for Public Facilities and Services, Transportation, Housing. General Goals for the city of Scappoose for Land Uses, Urban Growth Boundary, General Residential and Suburban Residential.

The following Goals and Policies do not apply to this request: Economic and Natural Factors and Local Resources, and under Land Use Goals and Policies, Mobile Home, Commercial, Industrial, Public and Semi-Public, Hazard Area, and Open Space.

In the following discussion of criteria and standards, code requirements are indicated by italics, response and discussion in plain text.

Chapter 17.22 Amendments to the Title, Comprehensive Plan, and 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 follows:

A. The commission shall make a recommendation to the Council to approve, approve with conditions or deny an application for 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.

APPLICANT RESPONSE

The application involves both an annexation, as provided in Chapter 17.135, and application of the appropriate zoning designation. Both actions are to be

considered by the Planning Commission, which makes a recommendation to the City Council.

Response to Criterion 1: No change to the Comprehensive Plan is proposed, as the site is within the Urban Growth Boundary and designated for residential use as part of the City's future needed land supply.

Goals and policies in the Comprehensive Plan are intended to apply to the City generally and not necessarily to a specific property or project. Goals and policies form the basis for developing implementation strategies and ordinances, and any proposal should at minimum be generally consistent with the City's overall intentions for growth and development.

The following goals and policies apply to this request:

Goals and Policies for Public Facilities and Services: In summary, goals and policies for public facilities and services require that an adequate level of services be available for new development and be directed to newly developing areas within the UGB.

Below will be discussed public facilities such as schools, police and fire protection:

Schools – The site is served by the City of Scappoose School District 1J. . The school district includes four schools within walking distance to the subject site: Grant Watts Elementary, Petersen Elementary, Scappoose Middle and Scappoose High.

Grant Watts Elementary School serves children K-3 and using data from the City of Scappoose Comprehensive plan, the schools' enrollment capacity is an estimate 625 students. Current enrollment is 386.

Petersen Elementary School serves children 4-6 grades and using data from the City of Scappoose Comprehensive plan, the school's enrollment capacity is an estimated 670 students. Current enrollment is 458.

Scappoose Middle School serves children in grades 7-9 and using data from the City of Scappoose Comprehensive plan, the school's enrollment capacity is an estimated 625 students. Recent enrollment figures show that there are 338 students currently enrolled at this school.

Scappoose High School serves children in grades 9-12 and using data from the City of Scappoose Comprehensive plan, the school's enrollment capacity is an estimate 1600 students. Recent enrollment figures show that there are 721 students currently enrolled at this school.

In summary, the site is well served by schools for all grades. Additional impact to the system because of the proposed development is not expected, the overall student population for the district continues to be stable.

Police Protection – The current population of the City of Scappoose is 5,702 with 32,000 vehicles driving along Hwy 30 through Scappoose everyday. The Scappoose Police Department is comprised of a Chief of Police, Sergeant, Narcotics, School Resource Officer and six sworn police officers and one records specialist. According to the City of Scappoose Comprehensive Plan (1991), factors to consider when assessing adequate police protection include: rate of growth, increase in traffic problems and types of families moving into the area. To be able to assess the impact the proposed development would have on the existing police department these factors will be discussed.

Rate of Growth: The proposed development requests approval for annexation in the City of Scappoose with a proposed zoning of R-4, Medium Density Residential. The annexation of the site into the City could potentially allow for the development of 14 single-family homes served by two new streets. The rate of growth examined from 1960 to 1991 showed that the population to have tripled in this time-period. The consensus in 1991 was to curb growth. However, growth in the area was attributed to the City's proximity to Portland and the attractiveness of the area. It was suggested that the negative impact to the area was not so much the rate of growth but the reaction of the growth to build multi-family dwellings rather than single-family dwellings which significantly changes the characteristic of the City. The development proposed in this case supports the housing and population goals outlined in the City's Comprehensive Plan to allow growth and re-establish home ownership in the area. The housing goal for the area would support single-family housing on larger lots, the Comprehensive Plan determined that in addition to the need for affordable house, the City needed to accommodate a combination of R-4 and R-1 land in order to meet the needs of moderate and higher cost homes.

Traffic: The site is located east of 6th street on the north side of Elm Street. Traffic leaving from and returning to the site from the northbound direction will most likely travel down 4th Street to East Columbia Avenue, which intersects with Highway 30. Southbound traffic and traffic headed to the site from the south can also access the site from this direction but will most likely travel down SE High School Way when school is not starting or ending for the day. The addition of this project should allow the traffic for trips originating in the developments east of the site headed north to have the option of more easily going north to East Columbia rather than using SE High School Way as the primary method of accessing Highway 30.

Types of Families: The City's comprehensive plan outlines the R-4 zone as medium density residential with a characteristic consistent with higher cost housing. The lower density and larger lots will encourage families with one or two adults employed in the household and encourage "suburban-type" living. There is no detailed demographic information available for the City, but a likely conclusion to make is that a family-oriented medium density area is less likely to generate crimes that impact police services.

Fire Protection – Fire protection is provided by Scappoose Rural Fire District. According to the Scappoose Fire Department, the district currently has five engines, two tankers, 3 ambulances, two brush units, one rescue boat, one fire boat, and 4 utility vehicles that are in excellent condition. The combined fire and ambulance service area is 100 square miles with a population of 12,000. The current I.S.O. rating is 4 in the City and 8 in rural areas. The station is located at 52751 Columbia River Hwy approximately 1 mile from the site. The impact to the fire protection services is relatively low given the expectation of growth in the area and access to the site.

The proposed annexation supports these goals and policies, by providing a logical and orderly extension of streets and public facilities from temporary terminations at the site's boundaries. Discussion with representatives of the City raised no areas of concern for capacity or system deficiency, and the site is within the UGB where the City expects to expand to provide services.

Therefore, these goals and policies are supported by the proposal.

Goals and Policies for Transportation: In summary, goals and policies of the City call for connectivity and provision of alternative means for traveling between destinations. The proposed annexation fits within the overall framework of the City's Transportation System Plan, by allowing connections between local streets temporarily terminated at the site's west and south boundaries. New streets will be constructed to City standards and will include, as required, sidewalks for pedestrians in addition to travel-ways for vehicles.

Therefore, these goals and policies are supported by the proposal.

Goals and Policies for Housing: The City's goal is to provide adequate housing for all residents. Policies carry out this goal by maintaining an adequate supply of buildable land and requiring new development concurrent with provision of public facilities and services.

The site is within the City's UGB and is, therefore, part of the land designated for future residential development. Because public facilities and services are available, including streets at the west and south boundaries, the applicant believes that the timing is appropriate for the City to annex the site so that development in compliance with the City's requirements can occur.

Implementing R-4 zoning will allow for affordable houses. R-4 also allows for Duplex, Triplex and Fourplex housing on 12,000 SF lots. This property could be developed into 6 fourplexes and 2 single family residences. The street services will handle that density. It is our proposal; however, to create single family residence lots concurrent with new developments surrounding the property.

General Goals for the City of Scappoose for Land Uses: The City has established general goals that, succinctly state, call for the orderly development of land uses, compatible relationship with adjoining uses, and a balancing of uses, including housing that meets the needs of residents.

Goals and Policies for the Urban Growth Boundary: the City's goals and policies call for maintaining an adequate supply of buildable land and designating locations of uses to maintain harmonious and balanced relationship. These goals and policies are largely beyond the reach of any single property owner, and the applicant notes only that the site is designated for future residential use. Annexation would enable the land to be used as planned.

Goals and Policies for General Residential: The City's goals and policies are aimed at providing higher density development in the areas of the community where supporting facilities such as shopping and transportation routes are established. In addition, the City aims to protect residential uses from intrusive uses that would harm livability.

Goals and Policies for Suburban Residential: New medium density residential development within the City limits will be required to make provisions for streets, public sewer, and public water, along with other necessary facilities. New development within the Suburban Residential area will provide opportunities for a range of housing choices, while maintaining a suburban character.

The site is designated for development at the Suburban Residential density and, upon annexation, will have available the range of public services and facilities necessary to support the goals and policies outlined in this and the preceding section. The City currently has a sewer line running through the long axis of the property.

The discussion of applicable goals and policies demonstrates that the proposed annexation complies with the City's Comprehensive Plan.

Response to Criterion 2: No adverse impact on the community's health, safety or welfare is anticipate, as the request is consistent with the Comprehensive Plan and necessary public facilities are readily available, with capacity, to serve the site.

Response to Criterion 3: The applicable standards of the Development Code are discussed in this development, and are shown to be satisfied.

Response to Criterion 4: The change in the community that justifies the proposed annexation and zoning designation has to do with growth and the need for additional land for new housing. Scappoose, like many communities within commuting range of the Portland metropolitan area, has experienced an increase in population as available, affordable land there has been developed. This sort of change, that is, growth in Scappoose, was anticipated when the site was included within the UGB.

The applicable criteria of this section are shown to be satisfied.

Chapter 17.136 Annexations

This chapter provides both policies and process for consideration and approval of annexations.

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

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

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

B. It is the City's policy to discourage and deny annexation where:

- 1. The annexation is inconsistent with the provisions of the Scappoose Comprehensive Plan;*
- 2. The annexation would cause an unreasonable disruption or distortion of the current city boundary or service area;*
- 3. The annexation would severely decrease the ability of the City to provide services to an area either inside or outside of the city;*
- 4. Full urban services could not be made available within a reasonable time.*

APPLICANT RESPONSE

The proposed annexation is consistent with the City's comprehensive plan. As previously discussed, the proposal complies with plan policies and is within the City's UGB. It is part of the supply of land intended to provide for the City's growth.

As discussed, the site is located with streets stubbed to the south and west property lines. Utilities are available at these points and can be extended from these points to serve new development. A City of Scappoose sanitary sewer line already exists on the property traveling north and south. Therefore, it would not be logical to skip over this site, and would leave an island of non county and within the City of Scappoose.

The site would be zoned R-4 upon annexation, and at most, 6 fourplexes and 2 single family residences could be developed on this 3 acre site. It is our intention to create 14 single family residences, which amounts to a minor increment of the City's services costs and is more in line with current development in the area. Further, as the site is within the UGB and its development is anticipated through capital facilities planning and construction of capacities, annexing the site would allow its development with uses that would produce revenue to pay for previous expenditures.

The proposed annexation supports the City's adopted plan and policies, as represented by the Comprehensive Plan and the establish UGB. Therefore, it would be to the City's advantage to annex the area.

The "disadvantages" listed in Section B are opposite to the criteria in Section A, discussed in the previous paragraphs. The proposed annexation is consistent with the City's Comprehensive Plan, and provides for a logical and orderly extension of the City's boundary and public services, and urban services can be made available. To new development by extending existing public services.

Therefore, the proposed annexation is consistent with the City's policies.

17.136.030 Administration and approval process.

This section outlines the approval process for an annexation. The City requires and application, and hearings before the Planning Commission and City Council before a decision by the Council. If approved, the annexation is referred to voters at the next election.

By and large, the City manages the process. The applicant's responsibility is to provide an application that satisfies submission requirements of Sec. 17.136.050 and to demonstrate that the proposal complies with Approval standards of Sec. 17.135.040.

17.136.040 Approval standards.

A. The decision to approve with modification or deny, shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;

2. The impact upon public services which include but are not limited to police and fire protection, schools and public transportation to the extent that they shall not be unduly compromised;

3. The need for housing, employment opportunities and livability in the City and surrounding areas;

4. The location of the site in relation to efficient provision of public facilities, services, transportation, energy conservation, urbanization and social impacts.

APPLICANT RESPONSE

The applicant met with city representatives on May 19, 2006. No service deficiencies or limited capacities were identified at that time.

As noted, the area proposed for annexation could, under the most intense development add 6 fourplexes and 2 single family residences. Our intent is to add 14 new single family dwellings at most. This minor increase in population would not have a major impact on provision of public services.

Connections to the City's road network have been provided at the site's west and south boundaries, anticipating future extension of street and connections for new and existing residents.

The annexation and subsequent development of this site is needed to provide housing opportunities for the City's anticipated population. It is reasonable to expand the City's boundaries within the established UGB, when services are available and can be reasonably extended.

As previously noted, the site already has links to existing public utilities and facilities, through the streets stubbed to the west and south boundaries. These connections were established to facilitate future development on the site, and to enable future growth and development along the city's west boundary.

For these reasons, and the reasons listed in response to Sec. 17.22.030, this proposal satisfies the approval criteria.

17.136.050 Application submission requirements

APPLICANT RESPONSE

An application has been submitted that satisfies requirements of this section .

17.136.060 Annexation initiated by City.

APPLICANT RESPONSE

This annexation is initiated by the property owner.

17.136.070 Zoning upon annexation.

APPLICANT RESPONSE

The Comprehensive Plan designation for the area is Suburban Residential and the zoning designation that implements the City's plan map designation is R-1, low density. Using this R-1 zoning would create an island not of any substantial size. The adjoining subdivision and the properties being developed across the street are currently zoned R-4, medium density residential.

Applicant would request R-4 zoning to be compatible with adjacent subdivision and surrounding properties.

17.136.080 Annexation of non-conforming uses.

APPLICANT RESPONSE

No non-conforming use is involved. This section does not apply.

Chapter 17.162 Procedures for Decision Making – Quasi-Judicial

APPLICANT RESPONSE

This Chapter sets forth the procedures for decision-making, including requirements for notice and public hearings. These requirements will be applied through the review process.

CONCLUSION

The foregoing narrative describes the proposed annexation and designation of R-4 zoning, and discusses the City's applicable criteria and standards. The proposal has been shown to satisfy applicable requirements identified in the City's Development Code, including pertinent policies in the Comprehensive Plan. Therefore, the proposed annexation should be approved.

Reasonable conditions of approval could be applied to the decision to approve an annexation. However, a more appropriate time for consideration of conditions would be once the annexation has been approved, through the review of a development proposal when the actual impacts of a project can be determined.

Exhibit 4

August 14, 2006

Brian Varricchione
Scappoose City Planner
Scappoose, OR 97056

TO: City Council and the City of Scappoose

I am writing this letter to you in regard to your decision on the zoning of my land at 34071 SE Elm St. Scappoose, OR. I would like to have this letter read into the record:

I understand that the City Counsel voted on August 7th to leave my property R-1 if annexed into the city in the November election. This does not make sense to me as all the properties around me were allowed the zone change to R4. My property is small in size and would have very little impact compared to the larger properties that have been rezoned around me. Even though it would create little impact for the City, it has a great financial impact on me.

As a long time resident and community member I am asking you to reconsider your decision. Within the last year I have watched properties around me be rezoned from R1 (which will be my zoning upon annexation as was there's) to R4 zoning.

Many years ago when the City asked to put a main sewer line thru the middle of our property, we being a good neighbor to the City agreed to allow the easement for the sewer line, which probably saved the City a lot of money in being able to put it there. This could have made our property less desirable today to a lot of potential buyers by having put the sewer in that location. We now ask the City to be a good neighbor to us and to give us the same zoning the City has given the properties surrounding us. Allow our property the R4 zoning. It does not negatively affect anyone around us. All the neighbors were granted the R4 zone. This land is my retirement, and by not allowing the R4 zoning you are greatly impacting what a developer will be willing to pay for the property. I ask you to please reconsider. Why have other properties sold to outside developers been allowed this approval and yet a local resident and local developer who care about and support our local community are being denied. Why would I not be allowed the same right and privilege as an outsider?

Sincerely,

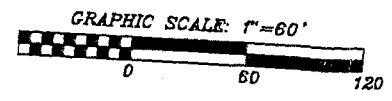
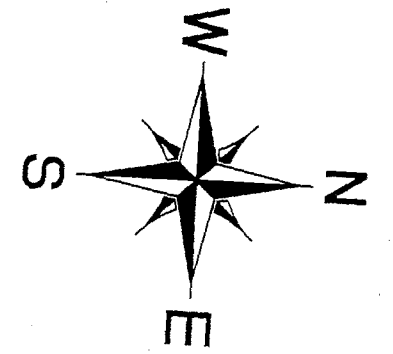
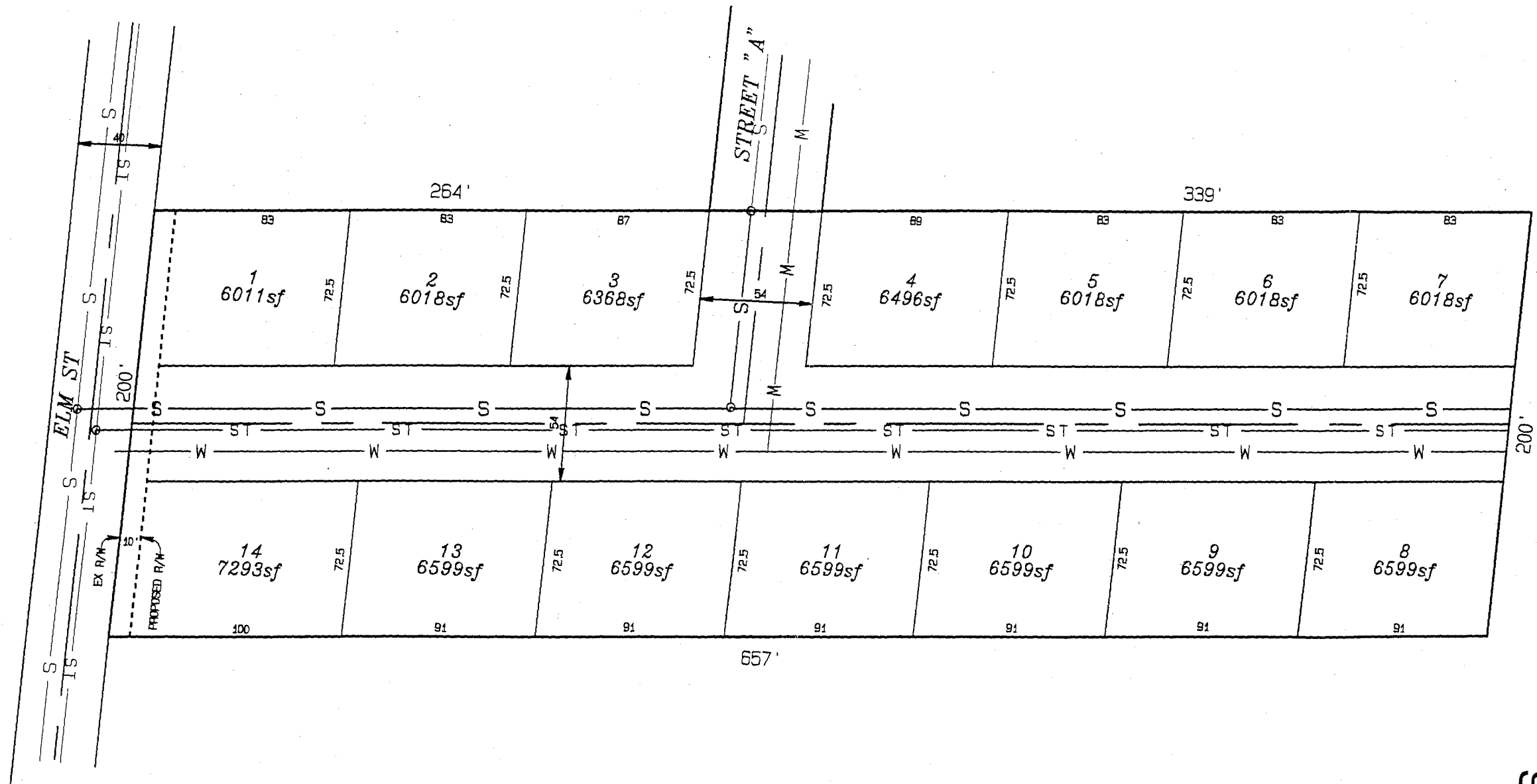


Shirley Beisley
Property Owner

ELM ST SUBDIVISION

Conceptual Development Plan

Exhibit 5



1 JUNE 2006

ELD ENGINEERING LLC
 4213 NE 60TH STREET
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