

ORDINANCE NO. 787

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 Masonry Builders, Inc. 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; 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 May 15, 2007 ballot. The ballot title for such question is herein adopted, and attached hereto as Exhibit B.

Section 3. In support of the above annexation and zone change, the City Council hereby adopts the findings, conclusions and recommendations of the Staff Report dated February 14, 2007, attached as Exhibit C attached hereto and incorporated herein.

Section 4. The annexation approved by this Ordinance shall take effect upon the date of certification of the election approving the annexation.

Section 5. 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 20th day of February, 2007, and signed by me in authentication of its passage.



CITY OF SCAPPOOSE, OREGON

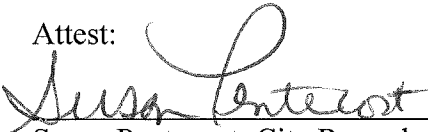


Scott Burge, Mayor

First Reading: February 5, 2007

Second Reading: February 20, 2007

Attest:



Susan Pentecost, City Recorder



Exhibit A
Legal description of property to be annexed and zoned Low Density Residential

Columbia County Assessor Map No. 3107-032-04000

That certain tract of land situated in the Southwest quarter of Section 7, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at an iron pipe set South 896.56 feet and East 716.92 feet from the quarter corner on the East side of Section 12, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, said point being on the Southerly right of way line of Honeyman County Road; thence along said Southerly right of way line of said County road North 64° 14' West 222.0 feet to the Northwest corner of that certain tract as described in deed from R.B. Jones et ux to Alex Fisher et ux recorded October 10, 1946 in Book 89, page 227, Deed Records of Columbia County, Oregon, said point being the True Point of Beginning of the tract to be described herein; thence South 20° 06' West, along the West line of said Fisher tract a distance of 290.5 feet; thence North 64° 14' West a distance of 150.0 feet; thence North 20° 06' East a distance of 290.5 feet to the Southerly right of way line of Honeyman County Road; thence South 64° 14' East, along the said right of way line of said County Road a distance of 150.0 feet to the point of beginning.

**Exhibit B
Ballot Title**

NOTICE OF CITY MEASURE ELECTION

City of Scappoose
(Name of City)

Notice is hereby given that on Tuesday, May 15, 2007, 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 COLUMBIA AVENUE PROPERTY TO THE CITY OF SCAPPOOSE

QUESTION (20 Words)

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

SUMMARY (175 Words)

Masonry Builders, Inc. has requested that the City annex property.

This measure, if approved, would annex approximately 1 acre to the City of Scappoose. The property is located at 34078 East Columbia Avenue. The property is described as Columbia County Assessor Map No. 3107-032-04000. 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
Council Action & Status Report

Date Submitted: 2/15/07
Agenda Date Requested: 2/20/07
To: Scappoose City Council
Through: Planning Commission
From: Brian Varricchione, E.I.T.
City Planner & Assistant City Engineer
Subject: Request by Masonry Builders, Inc. to annex 1 acre on East Columbia Avenue

Type of Action Requested:

<input type="checkbox"/>	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Formal Action	<input type="checkbox"/>	Report Only

Issue: Masonry Builders, Inc. has requested annexation and a subsequent zone change to Moderate Density Residential (R-4) for approximately 1 acre. The Planning Commission recommends approval of the annexation but recommends denial of the zone change to R-4 (the property would automatically be zoned to R-1 upon annexation). At the February 5 hearing, the Council approved a motion to annex the property and zone it R-1 as specified in the attached ordinance.

Analysis:

Masonry Builders, Inc. has submitted an application (Docket # ANX6-06/ZC6-06) to annex 1 acre on the south side of East Columbia Avenue. 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 requested that the City zone the property Moderate Density Residential (R-4) instead of R-1.

The Planning Commission held a public hearing regarding this request on January 11, 2007. The Commission recommended approval of the annexation and recommended denial of the zone change to R-4. On February 5, Council

voted to approve the annexation application and deny the zone change application. An ordinance to approve the annexation is attached. Approval of the ordinance would refer the annexation to the electorate for their consideration.

Options:

1. Approve the annexation application, deny the zone change, adopt the findings in ANX 6-06/ZC 6-06 staff report dated February 14, 2007, and adopt the proposed ordinance, thereby placing the annexation on the May 15, 2007 ballot.
2. Approve the annexation application and the zone change, amend the findings in ANX 6-06/ZC 6-06 staff report dated February 14, 2007 to approve the zone change, and amend the proposed ordinance to approve the zone change, thereby placing the annexation on the May 15, 2007 ballot.
3. Adopt findings demonstrating that the application does not comply with the Scappoose Municipal Code and deny the application.

Recommendation: Staff recommends that the Council approve the annexation application, deny the zone change application, and adopt the Ordinance as presented.

Suggested Motion: N/A (second reading of the ordinance)

DRAFT

ORDINANCE NO. 787

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 Masonry Builders, Inc. 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; 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 May 15, 2007 ballot. The ballot title for such question is herein adopted, and attached hereto as Exhibit B.

Section 3. In support of the above annexation and zone change, the City Council hereby adopts the findings, conclusions and recommendations of the Staff Report dated February 14, 2007, attached as Exhibit C attached hereto and incorporated herein.

Section 4. The annexation approved by this Ordinance shall take effect upon the date of certification of the election approving the annexation.

Section 5. 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 ____ day of _____, 2007, and signed by me in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

DRAFT

Scott Burge, Mayor

First Reading: February 5, 2007
Second Reading:

Attest:

Susan Pentecost, City Recorder

Exhibit A
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Columbia County Assessor Map No. 3107-032-04000

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Ballot Title**

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(Name of City)

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SUMMARY (175 Words)

Masonry Builders, Inc. has requested that the City annex property.

This measure, if approved, would annex approximately 1 acre to the City of Scappoose. The property is located at 34078 East Columbia Avenue. The property is described as Columbia County Assessor Map No. 3107-032-04000. 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

ANX6-06/ZC6-06

February 14, 2007

Masonry Builders, Inc: East Columbia Avenue Annexation and Zone Change

CITY OF SCAPPOOSE STAFF REPORT

- Request: Approval of an application for annexation and a subsequent zone change to Moderate Density Residential (R-4) for approximately 1 acre.
- Location: The subject parcel is located at 34078 East Columbia Avenue. The site consists of property described as Columbia County Assessor Map No. 3107-032-04000. See attached Vicinity Map (**Exhibit 1**).
- Applicant: Masonry Builders, Inc.
- Owner(s): Masonry Builders, Inc.

EXHIBITS

1. Vicinity Map
2. Legal Description
3. Applicant's Narrative for Annexation Request
4. Applicant's Narrative for Zone Change Request
5. Applicant's Conceptual Development Plan
6. Map of Annexation sites near SE Elm St. and E. Columbia Ave.

SUBJECT SITE

- The subject site consists of one parcel with an area of approximately 1 acre. The parcel is located on the south side of Columbia Avenue at 34078 East Columbia Avenue. See **Exhibit 1**, Vicinity Map. The legal description for the property proposed for annexation is attached as **Exhibit 2**.
- The subject site is designated as Suburban Residential (SR) on the Comprehensive Plan map. The property abuts City Limits on the north since East Columbia Avenue lies within the City. Properties west, south, and east of the site lie within Columbia County, as do properties on the north side of East Columbia Avenue. One parcel northeast of the site, on the northwest corner of Bird Road and Columbia Avenue, has also been proposed for annexation (Docket # ANX8-06). The Chinook Crossing West subdivision, located in the City, is separated from this site by one intervening parcel to the south.
- 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.

Masonry Builders, Inc: East Columbia Avenue Annexation and Zone Change

- According to Flood Insurance Rate Map (FIRM) 41009C0463 the property is located outside the 100-year floodplain and within the Scappoose Drainage District. The Scappoose Local Wetlands Inventory Map does not illustrate wetlands within the property.
- The site is nearly level and has an existing residence.

OBSERVATIONSCONCURRENT ANNEXATION AND ZONE CHANGE APPLICATIONS

- The site is currently zoned Single Family Residential, 10,000 square foot minimum lot size (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 (see **Exhibit 3**) and re-zone the property to Moderate Density Residential, or R-4 (see **Exhibit 4**). The site is nearby but not 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 discuss the impacts of moderate density development in comparison to low density development. A map depicting this site and other nearby sites proposed for annexation is attached as **Exhibit 6**.

PROPOSED RESIDENTIAL USE

- The applicant has indicated an intention to subdivide the site in the future if the voters approve the annexation (**Exhibit 4**). Under the R-1 zoning that would be automatically applied, the parcel could potentially be divided into five 7,500-square foot lots (including flag lots) accommodating detached single-family residential dwellings.
- If the applicant's request to re-zone the site to R-4 is approved, the property could potentially be divided as illustrated in the conceptual development plan included as **Exhibit 5**. This layout illustrates a total of 4 residential lots that would accommodate three duplexes and one triplex. 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. Staff has concluded that the site could be developed with three 12,000-square foot lots accommodating four-plexes. The site could therefore support a total of 12 units in the R-4 zone rather than the 9 units discussed by the applicant in **Exhibit 4**.
- Future development proposals will be required to apply for Planning Commission approval (Tentative Subdivision Plan Review) to ensure compliance with the Scappoose Development Code and Public Works Design Standards. The proposed layout included as **Exhibit 5** may need refinement at that time to account for neighborhood traffic circulation, street right-of-way dedication, and frontage requirements.

STREET SYSTEM AND TRANSPORTATION IMPACTS

- The site has frontage on East Columbia Avenue, allowing efficient traffic connection to Highway 30. The City's amended Transportation System Plan (TSP) designates Columbia

Masonry Builders, Inc: East Columbia Avenue Annexation and Zone Change

Avenue as a Major Collector street, for which the standard right-of-way (ROW) is 66 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.

- 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 with 5 lots in the R-1 zone, the site could be expected to generate approximately 48 average daily trips, 5 of them during the evening peak hour. If the site were developed with 3 four-plexes (the most intense development under the R-4 zone), the site could be expected to generate approximately 80 average daily trips, 8 of them during the evening peak hour.
- Development proposals may need to be accompanied by analysis of traffic impacts to ensure that the affected streets and intersections 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, telephone, and gas are provided to nearby residential properties and could be made available through the extension of nearby lines and public service infrastructure. Water and sewer can be extended from Columbia Avenue.
- 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 in Columbia Avenue eastward from Tyler Street to the City wetlands east of 14th Street. The applicant could potentially tie into this system if evidence is provided that the storm line has adequate capacity to accommodate storm flow from this site. Storm water detention may be required to preserve capacity within the line.
- The site lies 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 and Planning Department; Scappoose Rural Fire Protection District; the Scappoose School District; the Oregon Department of Transportation (Region 1); local utilities; 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. The County Road department observed that street improvements would be required in conjunction with any future development.
- Notice of this request was mailed to property owners located within 200 feet of the subject site on December 13, 2006. Notice was posted on the property on December 24 and published in the local newspaper on December 27, 2006 and January 3 and 10, 2007. Staff has received no written comments from the public regarding the application. At the January 11 Planning Commission hearing, one neighbor objected to the proposed R-4 zoning and stated a preference for R-1 zoning for this site. At the February 5 City Council hearing, a neighbor requested that development of the site not cause stormwater problems on adjoining property.

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 January 11, 2007 to make a recommendation to the City Council. The City Council held a hearing on February 5, 2007. The Applicant posted site notices on December 24, the City mailed notices to nearby property owners on December 13, and notice was published in the newspaper on December 27, January 3, January 10, and January 31. 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 were 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, 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 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 annexation and zone change to Low Density Residential (R-1) or Moderate Density Residential (R-4) 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.

Masonry Builders, Inc: East Columbia Avenue Annexation and Zone Change

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 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 up to 12 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 5 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 Columbia Avenue, sanitary sewer is available in Columbia Avenue, 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 assumed that this site would be developed under the City's Suburban Residential Comprehensive Plan designation and Low Density Residential zoning. The site falls into Traffic Analysis Zone #14, which had a 1995 population of 181 people and a projected 2015 population of 748 based on the Comprehensive Plan designations. Street classifications were chosen accordingly.

The TSP classifies Columbia Avenue as a Major Collector street, which requires a 66-foot right-of-way width and a 44-foot pavement width. Columbia Avenue does not currently meet this standard, so at the time of development, the applicant would need to perform half-street improvements to meet the City standard. Traffic analysis may be required at the time of development to determine the improvements required to protect health and safety and ensure efficient traffic circulation.

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 with 3 four-plexes under R-4 zoning (the most intense development under the R-4 zone), the site could be expected to generate approximately 80 average daily trips, 8 of them during the evening peak hour. If the site were developed with 5 single-family residences under R-1 zoning, the site could be expected to generate approximately 48 average daily trips, 5 of them 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 install appropriate street improvements at the time of development. The applicant may 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.

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 3 four-plexes. Based on standard trip generation ratios published by the Institute of Transportation Engineers, this level of development can be expected to generate approximately 80 average daily trips, 8 of them during the evening peak hour.¹ By comparison, if the site were developed under the R-1 zoning, up to 5 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 3 trips during the evening peak hour and 32 average daily trips.

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

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

	Low Density Residential (R-1)	Moderate Density Residential (R-4)
Weekday trips	48	80
Weekday PM Peak Hour	5	8

The Transportation System Plan (TSP) analyzed traffic throughout the City. Based on the projected development densities envisioned in the Comprehensive Plan, the TSP anticipated that population within The Traffic Analysis Zone (TAZ) #14 would grow from 181 in 1995 to 748 in 2015. The annexation of this site and the application of the R-1 zoning are consistent with the Comprehensive Plan and the level of development analyzed in the TSP.

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

Traffic to and from the site will utilize Columbia Avenue, which is classified as a Major Collector street.

This proposal does not “significantly affect” the impacted street segments (as defined by the Transportation Planning Rule) because the annexation and R-1 zoning are consistent with the TSP traffic assumptions, and R-4 zoning would cause only a limited increase in traffic levels compared to R-1 zoning. However, future development of the site will require additional improvements to Columbia Avenue to maintain safety. Full determination of the required improvements would be deferred until the time of development of the site, and would consist of half-street improvements at a minimum.

The affected street segments appear to have adequate capacity to accommodate large volumes of traffic. The capacity-controlling facility will be individual intersections, particularly the traffic signal at the Columbia Avenue/Highway 30 intersection (discussed below).

3. Impact of development-generated traffic on affected intersections

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

a. East Columbia Avenue/West Lane intersection

This is a 4-leg intersection with stop signs on the north and south legs. 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 the minor approach at unsignalized intersections. Geometric improvements were recently completed at this location, which enhanced safety at the intersection. The proposed annexation and zone change does not “significantly affect” this intersection.

Masonry Builders, Inc: East Columbia Avenue Annexation and Zone Change

b. Highway 30/Columbia Avenue intersection

This is a 4-leg signal-controlled intersection. The Scappoose Rail Corridor Study (Kittelsohn & Associates, October 2002) indicates that the Highway 30/Columbia Avenue intersection will operate at a Level of Service "B" in the morning peak hour under the "base growth" and "full growth" scenarios, with a Level of Service "C" in the morning and evening peak hours under the "full growth" scenario (Figures 3-3, 3-4, 3-5, and 3-6). The Rail Corridor Study stated that the intersection currently operates with a volume-to-capacity (V/C) ratio of 0.74, which meets ODOT's mobility standard of 0.75. The same study indicates that even with no additional development of this site, this intersection will operate at a V/C ratio of 0.89 in the future in the "base growth" scenario and a V/C ratio of 0.94 in the "full growth" scenario. ODOT Region 1 has jurisdiction over this intersection and did not respond to or object to the annexation application. The City can conclude that the proposed annexation and zone change does not "significantly affect" this intersection or Highway 30 itself.

4. Transportation impact conclusions

Based on trip generation levels applicable to the R-1 or R-4 zone, the City finds that the annexation and zone change are consistent with the land uses envisioned by the Comprehensive Plan and the Transportation System Plan. Development of the site will generate on the order of 5-8 evening peak hour trips, which will have a minor impact on affected street segments and intersections. R-1 zoning would result in fewer trips than would be permitted under R-4 zoning, which would improve traffic operations on affected streets.

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.

As spelled out by Section 5.0013 of the Scappoose Public Works Design Standards, specific development proposals trigger the requirement for traffic analysis reports identifying projected trip generation levels, recommendations for public improvements, and access management. Any 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.

Streets

- The Columbia Avenue right-of-way generally has a 60-foot width rather than the 66-foot required by City standards. The paved width would be required to be widened and additional ROW would need to be dedicated to accommodate the traffic from future development proposals. The City would require half-street improvements along the site's frontage of Columbia Avenue as a condition of future development.

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 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.

Water Service

- There is an existing City water line in Columbia Avenue to which the property would have access upon annexation, with extensions to be installed by the developer.

Sewer and Storm Drainage

- A sanitary sewer main is located in Columbia Avenue.
- There is no public storm drain system in the immediate vicinity of the site; however, a storm line runs in East Columbia Avenue eastward from Tyler Street. The applicant could potentially connect to this storm line at the time of development. 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 adjacent to land zoned R-10 by the County. 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. Zoning the property R-4 would allow both single and multi-family residences.

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 1-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 land uses because the site is adjacent to 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 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.

The proposed annexation would allow subdivision of the site at urban densities. R-1 zoning would allow up to 5 single-family residences, while the requested R-4 zoning would allow of up to three four-plexes.

Masonry Builders, Inc: East Columbia Avenue Annexation and Zone Change

Annexation of the 1-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.

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. 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

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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. While the streets and utilities have adequate capacity for development at low or moderate densities, the City has made a policy decision to zone this area R-1.

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.

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) is consistent with the Comprehensive Plan. Changing the zoning to R-4 would create a "pocket" of R-4 adjacent to other land that will be zoned R-1 upon annexation.

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 requested that the zoning for the site be changed to Moderate Density Residential (R-4). The applicant anticipates submitting a subdivision application to construct duplexes and single-family residences.

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However, only single-family residences are permitted in the R-1 zone. Future development proposals would be reviewed for consistency with the permitted uses in the applied 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. Future development proposals would be reviewed for consistency with the permitted uses in the applied zone.

Chapter 17.88 AO PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY OVERLAY ZONE

17.88.030 Imaginary surface and noise impact boundary delineation. The airport elevation, the airport noise impact boundary, the airport direct impact boundary, the airport secondary impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface shall be delineated for the Scappoose Industrial Airpark and shall be made part of the Official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces, and are located within the city limits, shall be subject to the requirements of this overlay zone.

Finding:

As defined by Chapter 17.88, the site falls within the airport direct impact boundary. According to Table 17.88.1 in the Scappoose Development Code, no limitations are

Masonry Builders, Inc: East Columbia Avenue Annexation and Zone Change

placed on residential development within the direct impact boundary. Section 17.88.030 is satisfied.

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 land with City Limits, expanding the City's logical service area. 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 annexation 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 (East Columbia Avenue). 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 from Columbia Avenue, with extensions installed by the developer. 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 5 lots (7,500 sq. ft. minimum) can be accommodated on the site. This compares with approximately 3 lots supporting 12 housing units (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 7 residential units.

The wastewater flow associated with 12 residences is 1,500 gallons per day (0.0015 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 12 additional households would use approximately 0.07% of that capacity. The treatment plant has the capacity to accommodate the 12 residences that could be constructed on this site.

Columbia Avenue currently does not meet the City's standards for major collectors. However, improvements would be required as conditions imposed on future development identified as part of traffic impact analysis performed in conjunction with future

Masonry Builders, Inc: East Columbia Avenue Annexation and Zone Change

development proposals. The City can conclude that Columbia Avenue can be made adequate with appropriate improvements.

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 1 acre 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. 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 Columbia Avenue, 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--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:

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 recommends that the City Council approve the applicant's annexation request and deny the applicant's zone change request. Section 17.162.090(C) is satisfied.

RECOMMENDATION

Based on the findings of fact, the conclusionary findings for approval, and the material submitted by the applicant, staff and the Planning Commission recommend **APPROVAL** of the annexation application for placement on the May 15, 2007 ballot. However, staff and the Planning Commission recommend **DENIAL** of the request to re-zone the property from Low Density Residential (R-1) to Moderate Density Residential (R-4). The applicant has provided inadequate evidence as to why the City should depart from its policy decision to zone areas R-1 if they are designated Suburban Residential in the Comprehensive Plan.

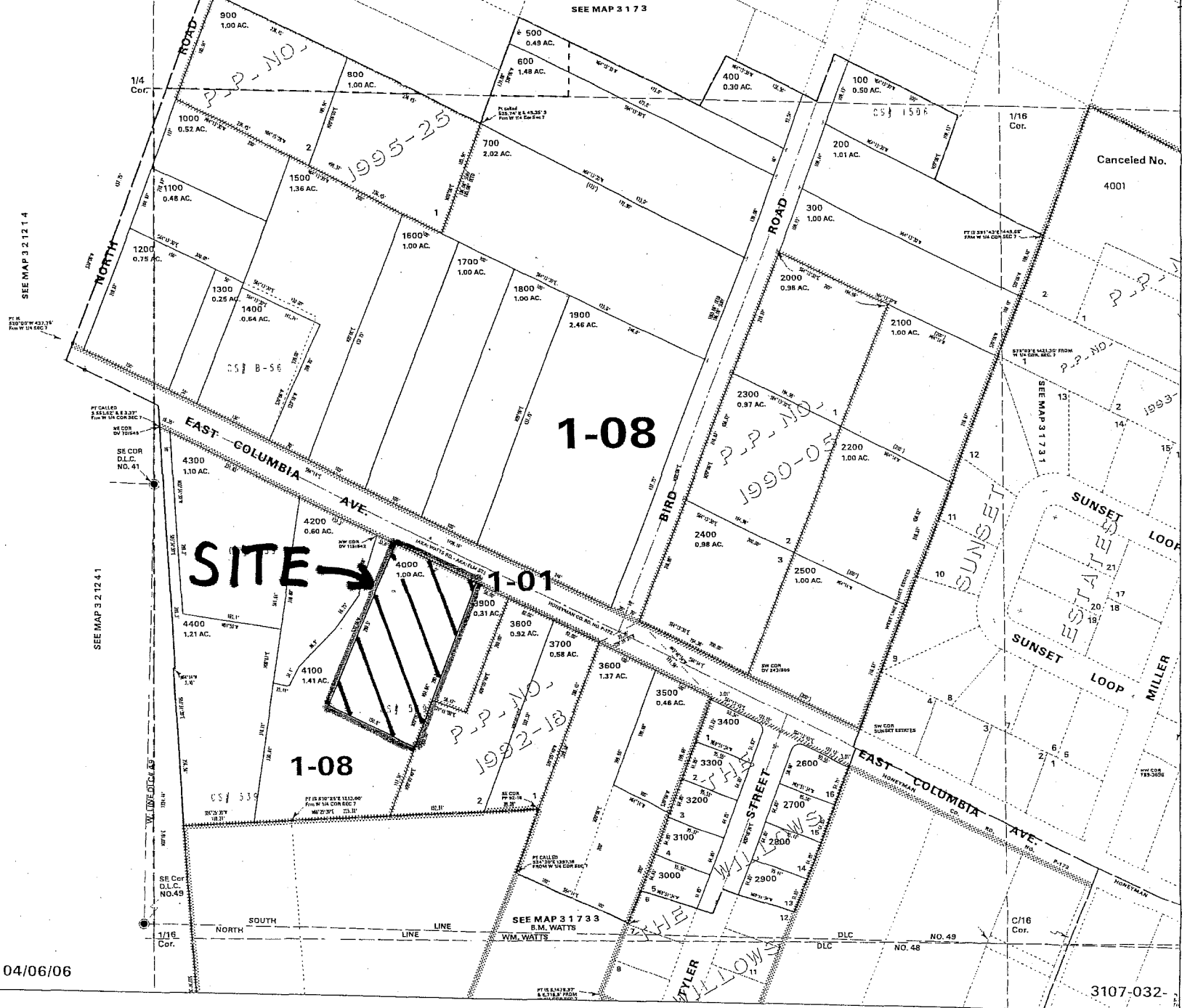
IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

NW1/4 SW1/4 SEC.07 T3N R1W WM
COLUMBIA COUNTY

Scale 1" = 100'

3107-032-
SCAPPOOSE

City of Scappoose
Application # ANX 6-06 / ZC 6-06



04/06/06

Exhibit 1

LEGAL DESCRIPTION

That certain tract of land situate in the Southwest quarter of Section 7, Township 3 North, Range 1 West, Willamette Meridian, Columbia county, Oregon, more particularly described as follows:

Beginning at an iron pipe set South 896.56 feet and East 716.92 feet from the quarter corner on the East side of Section 12, Township 3 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon, said point being on the Southerly right of way line of Honeyman County Road; thence along said Southerly right of way line of said County road North 64° 14' West 222.0 feet to the Northwest corner of that certain tract as described in deed from R.B. Jones et ux to Alex Fisher et ux recorded October 10, 1946 in Book 89, page 227, Deed Records of Columbia County, Oregon, said point being the True Point of Beginning of the tract to be described herein; thence South 20° 06' West, along the West line of said Fisher tract a distance of 290.5 feet; thence North 64° 14' West a distance of 150.0 feet; thence North 20° 06' East a distance of 290.5 feet to the Southerly right of way line of Honeyman County Road; thence South 64° 14' East, along the said right of way line of said County Road a distance of 150.0 feet to the point of beginning.

MASONRY BUILDERS INC. OCCB# 61270

1225 NW Murray Rd Ste 114

Portland OR 97229

Phone 503-644-3970 Fax 503-643-5681

APPLICATION FOR ANNEXATION
TO CITY OF SCAPPOOSE

Masonry Builders, Inc.
51617 Heindl Way
Scappoose OR 97056

Property Described As:
34078 E Columbia Ave
Scappoose OR 97056
Columbia County Tax Account Number
01-08-2-3107-032-04000

Masonry Builders, Inc. is applying for annexation of the above-described property consisting of one parcel, 1.0 acre in size.

Location:

The property is contiguous to the city limits of Scappoose, Oregon, on the south side of East Columbia Avenue, between North Road and Bird Road.

Access and City Services:

Access for this parcel is from East Columbia Avenue, an improved street. City sewer and water are available on East Columbia Avenue. Storm sewer is currently not immediately available to the property. One potential solution would be to extend the existing storm sewer from SE Tyler Street, which could be done to meet the city's drainage requirements. The property is served by the City of Scappoose Police Department, City of Scappoose School District 1J, and is presently within the Scappoose Fire District.

The annexation of this parcel would not appreciably incur a demand on any city services, as the total development would consist of no more than nine single family residences.

Goals and policies for public facilities and services require that an adequate level of services be available for new development. Existing road systems, sanitary sewer and water systems are available to the site, and storm drainage will be provided as required, to develop the property to City standards. Additional impact to public facilities such as parks, schools, police and fire protection are well within the capacity of the current system.

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

The proposed annexation is consistent with the City's comprehensive plan. The proposal complies with plan policies and is within the City's Urban Growth Boundary. It is part of the supply of land intended to provide for the City's growth.

The property is contiguous with city limits. The general use of the surrounding property, particularly within the city limits is residential subdivisions. The annexation of this property will increase the inventory of available residential properties in Scappoose, thereby complying with comprehensive plan housing inventories, goals, and land availability.

As discussed, the site is located with streets stubbed to the North property line. Utilities are available and can be extended to serve new development.

The proposed annexation supports the City's advantage to annex the area.

MASONRY BUILDERS INC. OCCB# 61270

Exhibit 4

1225 NW Murray Rd Ste 114

Portland OR 97229

Phone 503-644-3970 Fax 503-643-5681

APPLICATION FOR AMMENDING ZONE MAP
TO CITY OF SCAPPOOSE

Masonry Builders, Inc.
51617 Heindl Way
Scappoose OR 97056

Property Described As:
34078 E Columbia Ave
Scappoose OR 97056
Columbia County Tax Account Number
01-08-2-3107-032-04000

This application is in conjunction with an Application for Annexation submitted to the City of Scappoose for the subject properties.

PURPOSE OF ZONE CHANGE

There has been a residence on this property for many years. This will not be a change in a residential use, but a change in the zoning with the application to annex into the city. The applicant's desire is to annex this property into the City for the purpose of continuity and best use of the lots. The annexation necessitates a zone designation of this property at this time.

LOCATION

The property is contiguous to the city limits of Scappoose, Oregon on the south side of East Columbia Avenue.

ACCESS AND CITY SERVICES

Access for this parcel is from East Columbia Avenue, an improved street. City sewer and water are available on East Columbia Avenue. Storm sewer is currently not immediately available to the property. One potential solution would be to extend the existing storm sewer from SE Tyler Street, which could be done to meet the city's drainage requirements. The property is served by the City of Scappoose Police Department, City of Scappoose School District 1J, and is presently within the Scappoose Fire District.

PROPOSED ZONING AND USE

The applicant proposes a city zoning of R-4, Moderate Density Residential, which would be compatible with present zoning of a number of parcels within the surrounding area. Therefore, the map designation change would be minimal and in conformation with the existing zone designations. A five-acre parcel 100 feet to the south was recently designated R-4.

CONCEPTUAL DEVELOPMENT PLAN

The conceptual development plan would be to develop four lots between 7,000 and 9,500 square feet. Three lots of a minimum of 7,000 square feet would be developed with two units per lot and the fourth lot of 9,500 square feet would be developed with three units for a maximum of nine residential units.

TRANSPORTATION CORRIDORS

Access to this property is from a city street, E Columbia Avenue. This street is used daily by the adjacent subdivision residents.

SIGNIFICANT NATURAL FEATURES

There are no significant natural features on this property.

ADJOINING LAND USES

The adjoining land use is residential.

COMPATIBILITY WITH COMPREHENSIVE PLAN

The housing goals of the Scappoose Comprehensive Plan state:

Increase the quantity and quality of housing for all citizens.

The addition of four lots between 7,000 sq ft and 9,500 sq ft will fulfill this goal and is not in conflict. The designation of R-4 zoning will allow for either single-family homes or limited multi-family housing. Lots are between 7,000 sq ft and 9,500 sq ft, which would allow for duplex or possible triplex units. This would allow the addition of a variety of housing needs to fulfill this housing goal.

According to the census figures in 2,000, the population of Scappoose was 4,976. The population figure on the City of Scappoose website is now 5,702 as of January, 2005, indicating an increase of 726 residents, or an increase of nearly 15% in five years. With the increase in population comes the need for varied housing opportunities. The R-4 zoning, along with the lot size, can accommodate these needs.

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

The zoning of this property to R-4 Moderate Density Residential will fulfill this goal. The lots may be used for either single-family or low-density multi-family dwellings. This will incorporate a logical variety of dwellings into the area already developed by subdivisions along E Columbia Avenue.

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

The location of these lots is within an area of subdivision and development. The lots have access from E Columbia Avenue, a city street and have access to city water and sewer. City water is presently onto the property. All public facilities are easily accessible. The development of these lots will be compatible with existing uses in the area.

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

The zoning of these parcels will not change the existing county zoning of the property, which is

residential. It will not be a conflicting land use, will not cause unnecessary through traffic and will not have undesirable influences on the surrounding neighborhood. It will be compatible with the surrounding use, which is residential.

General Goals of the City of Scappoose 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.**

The zoning of this property to R-4 will fulfill this general goal in assuring orderly and positive residential growth, while preserving existing uses and neighborhoods. It fits in with the existing pattern of development and does not endanger the health, safety and welfare of the area.

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 residents; additionally, there should be sufficient areas for a wide range of housing choices.**

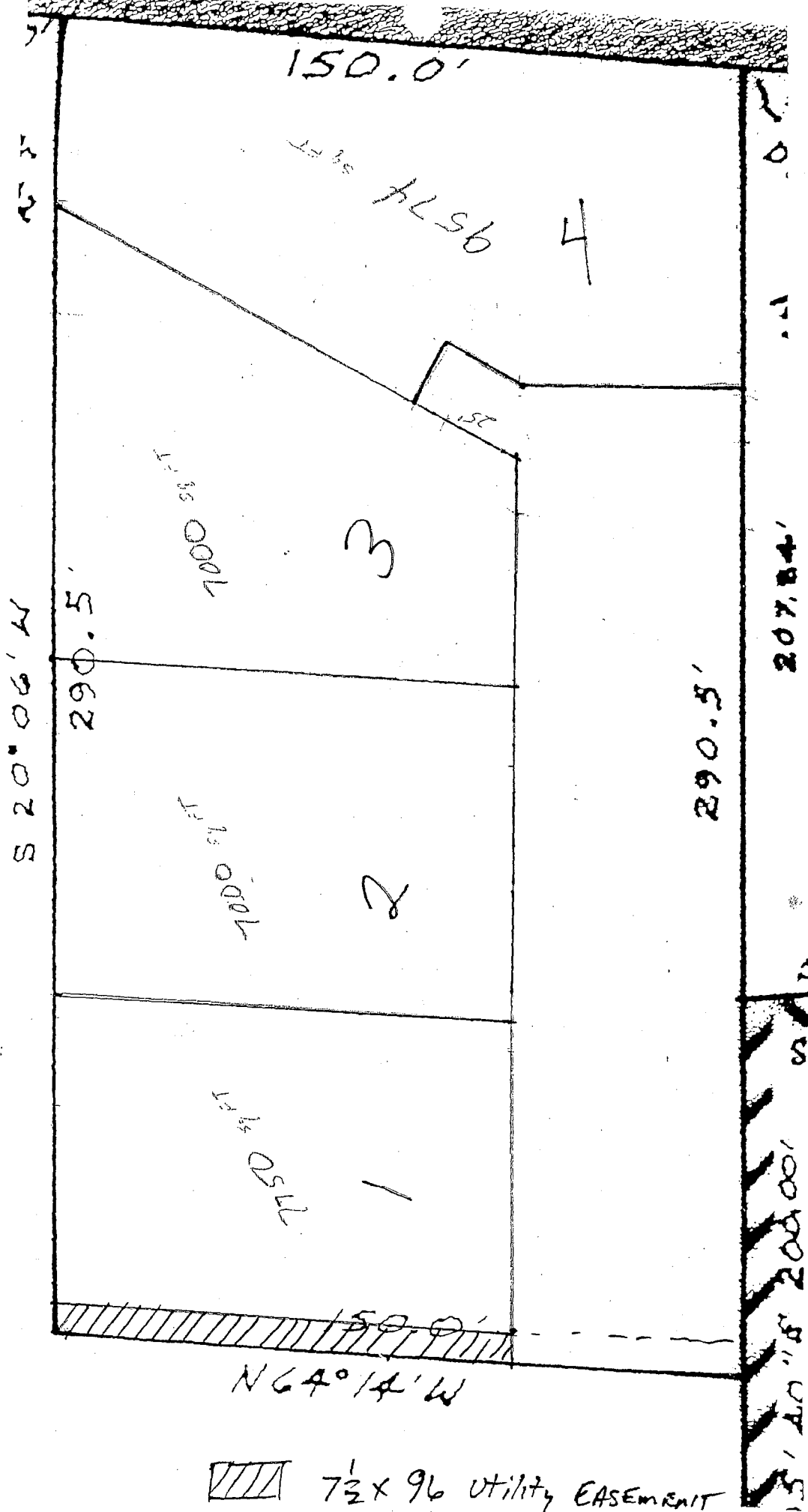
The proposed zone designation of Moderate Density Residential will help to fulfill this goal for the City. This will allow for compatible housing choices in already established residential neighborhoods.

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


The zoning of this property will help to meet different needs of residents in the area.

There will be no impact on the health, safety and welfare of the community with the changing of this zone from county zoning to city zoning. It will be a direct result of annexation, if approved, and will be compatible with the surrounding area, housing goals and reasonable and orderly growth of the City.

There has not been a change in neighborhood or community or a mistake of inconsistency with the Comprehensive Plan or Zoning map as it relates to this property. This is a request related to the request for annexation.



NOT TO SCALE

 $7\frac{1}{2} \times 96$ Utility EASEMENT

Annexation sites near SE Elm St. & E. Columbia Ave.
City of Scappoose - February 2007

