

**ORDINANCE NO. 789**

**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 KS Development, 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.

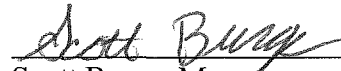
**Section 4.** The annexation approved by this Ordinance shall take effect upon the date of certification of the election approving the annexation.

**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 20<sup>th</sup> 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. 3107-032-01900

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

Beginning at the West quarter corner of said Section 7; thence South 376.31 feet; thence East 646.51 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." on the West line of the Virginia Bird and Learle Smith tract as described in Instrument No. 01-12240, Clerk's Records, Columbia County, Oregon and the **true point of beginning** of the following described tract; thence South 69°13'27" East a distance of 239.81 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." on the West right of way line of Bird Road; thence South 20°06'00" West, along said West right of way line, a distance of 399.75 feet to the North right of way line of Honeyman Road; thence North 64°13'30" West, along said North right of way line, a distance of 240.98 feet to the Southwest corner of said Virginia Bird and Learle Smith tract; thence North 20°06'00" East, along the West line of said Bird and Smith tract, a distance of 378.75 feet to the true point of beginning.



**Exhibit B  
Ballot Title**

NOTICE OF CITY MEASURE ELECTION

City of Scappoose  
(Name of City)

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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)

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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 BIRD ROAD PROPERTY TO THE CITY OF SCAPPOOSE

**QUESTION** (20 Words)

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

**SUMMARY** (175 Words)

KS Development, Inc. has requested that the City annex property.

This measure, if approved, would annex approximately 2.2 acres to the City of Scappoose. The property is located at 54213 & 52411 Bird Road. The property is described as Columbia County Assessor Map No. 3107-032-01900. 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.

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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**

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**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 KS Development, Inc. to annex 2.2 acres on the corner of Columbia Avenue and Bird Road

**Type of Action Requested:**

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

**Issue:** KS Development, Inc. has requested annexation and an automatic zone change to Low Density Residential (R-1) for approximately 2.2 acres. The Planning Commission recommends approval of the 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:**

KS Development, Inc. has submitted an application (Docket # ANX8-06/ZC8-06) to annex 2.2 acres on the northwest corner of East Columbia Avenue and Bird Road. 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 Planning Commission held a public hearing regarding this request on January 11, 2007. The Commission recommended approval of the annexation. On February 5, Council voted to approve the annexation 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, adopt the findings in ANX 8-06/ZC 8-06 staff report dated February 14, 2007, and adopt the proposed ordinance, thereby placing the annexation on the May 15, 2007 ballot.
2. 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 and adopt the Ordinance as presented.

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

**DRAFT**

**ORDINANCE NO. 789**

**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 KS Development, 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**  
**Legal description of property to be annexed and zoned Low Density Residential**

Columbia County Assessor Map No. 3107-032-01900

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Beginning at the West quarter corner of said Section 7; thence South 376.31 feet; thence East 646.51 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." on the West line of the Virginia Bird and Learle Smith tract as described in Instrument No. 01-12240, Clerk's Records, Columbia County, Oregon and the **true point of beginning** of the following described tract; thence South 69°13'27" East a distance of 239.81 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." on the West right of way line of Bird Road; thence South 20°06'00" West, along said West right of way line, a distance of 399.75 feet to the North right of way line of Honeyman Road; thence North 64°13'30" West, along said North right of way line, a distance of 240.98 feet to the Southwest corner of said Virginia Bird and Learle Smith tract; thence North 20°06'00" East, along the West line of said Bird and Smith tract, a distance of 378.75 feet to the true point of beginning.

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**SUMMARY (175 Words)**

KS Development, Inc. has requested that the City annex property.

This measure, if approved, would annex approximately 2.2 acres to the City of Scappoose. The property is located at 54213 & 52411 Bird Road. The property is described as Columbia County Assessor Map No. 3107-032-01900. 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

ANX8-06/ZC8-06

February 14, 2007

*KS Development: Bird Road Annexation and Zone Change*

**CITY OF SCAPPOOSE STAFF REPORT**

- Request: Approval of an application for annexation and a corresponding zone change to Low Density Residential (R-1) for approximately 2.2 acres.
- Location: The subject parcel is located at 54213 & 52411 Bird Road. The site consists of property described as a portion of Columbia County Assessor Map No. 3107-032-01900. See attached Vicinity Map (**Exhibit 1**).
- Applicant: KS Development, Inc.
- Owner(s): KS Development, Inc.

**EXHIBITS**

1. Vicinity Map
2. Legal Description
3. Applicant's Narrative
4. Applicant's Conceptual Development Plan
5. Applicant's Conceptual Circulation 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 2.2 acres. The parcel is located on the northwest corner of Bird Road and East Columbia Avenue. See **Exhibit 1**, Vicinity Map. A property line adjustment was recently recorded at Columbia County to transfer a portion of Tax Lot 1900 to the parcel to the north.<sup>1</sup> The resulting legal description for the property proposed to be annexed 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 south since East Columbia Avenue lies within the City. Properties west, north, and east of the site lie within Columbia County, as do properties on the south side of East Columbia Avenue.
- 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.

<sup>1</sup> Note that the Assessor Map has not yet been redrawn with the new boundary information.

*KS Development: Bird Road 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 2 existing residences and a number of evergreen trees.

**OBSERVATIONS**CONCURRENT 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). 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 3**). A conceptual development plan included as **Exhibit 4** illustrates a total of 10 single-family detached residential lots. A conceptual traffic circulation plan is included as **Exhibit 5** to illustrate the potential future street network. At the February 5 hearing, City Council members objected to the circulation plan since it would result in a street alignment running through existing residences.
- 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 may need refinement at that time to account for neighborhood traffic circulation and street right-of-way dedication.

STREET SYSTEM AND TRANSPORTATION IMPACTS

- The site has frontage on East Columbia Avenue and Bird Road. The City's amended Transportation System Plan (TSP) designates Bird Road as a Local Residential street, for which the standard right-of-way (ROW) is 54 feet. East Columbia Avenue is designated as a Major Collector, which requires a 66-foot right-of-way. 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 site directly abuts East Columbia Avenue, which allows efficient traffic connection to Highway 30.
- 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



*KS Development: Bird Road Annexation and Zone Change*

illustrated on **Exhibit 4** with 10 single-family residences, the site could be expected to generate approximately 96 average daily trips, 10 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 can be extended from Columbia Avenue and sewer can be extended from the existing sewer lines in Columbia Avenue or Bird Road.
- 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 14<sup>th</sup> 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.

*KS Development: Bird Road Annexation and Zone Change*

- 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 28 and published in the local newspaper on December 27, 2006 and January 3, 10, and 31, 2007. Staff has received no written comments from the public regarding the application. There was no public comment at the Planning Commission hearing. At the February 5 City Council hearing, two neighbors spoke in opposition to the size and scale of development that would be allowed if the site were annexed and objected to the circulation plan that depicted future streets running through existing residences.

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 28, 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

*KS Development: Bird Road Annexation and Zone Change*

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.

*KS Development: Bird Road Annexation and Zone Change*

*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 requested annexation and zone change to Low Density Residential (R-1) 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.*

*KS Development: Bird Road Annexation and Zone Change*

**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 and zone change to Low Density Residential (R-1) 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 is developed with single-family attached residences, up to 10 units could be constructed.

*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 Bird Road, 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 #12, which is an area bounded by West Lane, Columbia Avenue, Bird Road, and the Crown Zellerbach logging road. In 1995, this area had a population of 196 people, and the TSP projected a population of 817 in the year 2015 based on the Comprehensive Plan designations. Street classifications were chosen accordingly.

*KS Development: Bird Road Annexation and Zone Change*

The TSP classifies Bird Road as a Local Residential street, which requires a 54-foot right-of-way width and a 32-foot pavement width. Bird Road does not currently meet this standard, so at the time of development, the applicant would need to perform half-street improvements on Bird Road 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. Similarly, Columbia Avenue would need to meet the City's standards for Major Collectors, which require 66 feet of right-of-way and a 44-foot pavement width.

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 4** with 10 single-family residences, the site could be expected to generate approximately 96 average daily trips, 10 of them during the evening peak hour. The City does not anticipate that this level of development would cause failure of the local street network, provided that the applicant installs 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. The Circulation Plan included as **Exhibit 5** would also need amendment to limit the impact of future street alignments on neighboring properties.

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 proposed R-1 zoning would permit development in accordance with the Comprehensive Plan with the potential to create an energy-efficient land use pattern within the City's Urban Growth Boundary.

*N. Urbanization (Goal 14)*

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

*KS Development: Bird Road Annexation and Zone Change***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;*

*KS Development: Bird Road Annexation and Zone Change*

*(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 would consist of 10 single-family detached houses. Based on standard trip generation ratios published by the Institute of Transportation Engineers, this level of development can be expected to generate approximately 96 average daily trips, 10 of them during the evening peak hour.<sup>2</sup>

The Transportation System Plan (TSP) analyzed traffic throughout the City. The Traffic Analysis Zone (TAZ) bounded by West Lane, Columbia Avenue, Bird Road, and the Crown Zellerbach Road encompasses the site. Based on the projected development densities envisioned in the Comprehensive Plan, the TSP anticipated that population would grow from 196 in 1995 to 817 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 and Bird Road. Connections to Highway 30 may be made via 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 zoning are consistent with the TSP traffic assumptions. However, future development of the site will require additional improvements to Bird Road and 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.

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<sup>2</sup> The following trip generation ratios were used:

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



*KS Development: Bird Road Annexation and Zone Change*

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 three intersections discussed below.

a. Bird Road/East Columbia Avenue intersection

This is a 3-leg intersection with a stop control on the Bird Road leg. 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. Improvements may be required to alleviate safety concerns as part of the construction of any future development. The proposed annexation and zone change does not "significantly affect" this intersection as defined by the Transportation Planning Rule.

b. 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 as part of the Harmony Park subdivision, which enhanced safety at the intersection. The proposed annexation and zone change does not "significantly affect" this intersection.

c. Highway 30/Columbia Avenue intersection

This is a 4-leg signal-controlled intersection. The Scappoose Rail Corridor Study (Kittelson & 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

*KS Development: Bird Road Annexation and Zone Change*

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 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. Development of the site will generate on the order of 10 evening peak hour trips, which will have a minor impact on affected street segments and intersections.

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 Bird Road right-of-way generally has a 40-foot width and a 28-foot paved cross-section in the vicinity of the site. The paved width would be required to be widened to accommodate the traffic from future development proposals. The City would require*

*KS Development: Bird Road Annexation and Zone Change*

half-street improvements along the site's frontage of Bird Road and 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*

- Sanitary sewer mains are located in Columbia Avenue and Bird Road.
- 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 immediately 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

*KS Development: Bird Road Annexation and Zone Change*

new residential development, including public streets with curbs and sidewalks. The R-1 zoning permits single-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 2.2-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) *Not applicable.*

- 2) *Provide places suitable for single family dwellings, duplexes, triplexes, and four-plexes.*

POLICIES FOR THE SUBURBAN RESIDENTIAL LAND USE DESIGNATION

- 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, 2, 4, and 5 are not applicable to this application.)*

**Finding:**

The proposed annexation and R-1 zoning of the site would allow construction of up to 10 single-family residences, which is consistent with Goal 2 and Policies 3 and 6 of the Comprehensive Plan. Annexation of the 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.

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.*

*KS Development: Bird Road Annexation and Zone Change*

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

**Finding:**

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

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. The applicable comprehensive plan policies are outlined above.

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

The zone change to R-1 implements the Suburban Residential Comprehensive Plan designation. The proposed annexation would permit new development consistent with the existing residential character, which would reinforce and enhance a residential neighborhood. The annexation and zone change could allow up to 10 dwellings, which would not adversely affect health, safety, and welfare.

**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.

**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.

**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...*

**Finding:**

The R-1 zoning district permits single-family residences and manufactured homes. The applicant anticipates submitting a subdivision application to construct single-family residences.

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

Chapter 17.136 ANNEXATIONS

17.136.020 Policy.

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

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



**Finding:**

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 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 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.

*KS Development: Bird Road Annexation and Zone Change*

The facility planning for the City's water and wastewater treatment facilities assumed that this site would be zoned R-1. The site could be developed with approximately 10 housing units if the site were subdivided at maximum density.

The wastewater flow associated with 10 residences is 1,250 gallons per day (0.001 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 10 additional households would use approximately 0.05% of that capacity. The treatment plant has the capacity to accommodate the residences that could be constructed on this site.

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 additional residences from this site.

Columbia Avenue and Bird Road currently do not meet the City's standards for major collectors and local residential streets, respectively. However, improvements would be required as conditions imposed on future development identified as part of traffic impact analysis performed in conjunction with future development proposals. The City can conclude that Columbia Avenue and Bird Road 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 2.2 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.

*KS Development: Bird Road Annexation and Zone Change*

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

**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 findings demonstrate that the City's infrastructure has the capacity to absorb 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 request. Based on the submitted materials and the staff report the applicant's proposal complies with the City's Comprehensive Plan and with the requirements of Title 17 of the Scappoose Municipal Code. 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 application ANX8-06/ZC8-06 for placement on the May 15, 2007 ballot.

IMPORTANT  
This Map for Assessment  
and Taxation Purposes  
ONLY

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

3107-032-  
SCAPOOSE

Scale 1" = 100'

SEE MAP 3 1 7 3

SEE MAP 3 2 1 2 1 4

SEE MAP 3 2 1 2 4 1

SEE MAP 3 1 7 3 3  
B.M. WATTS

04/06/06

3107-032-

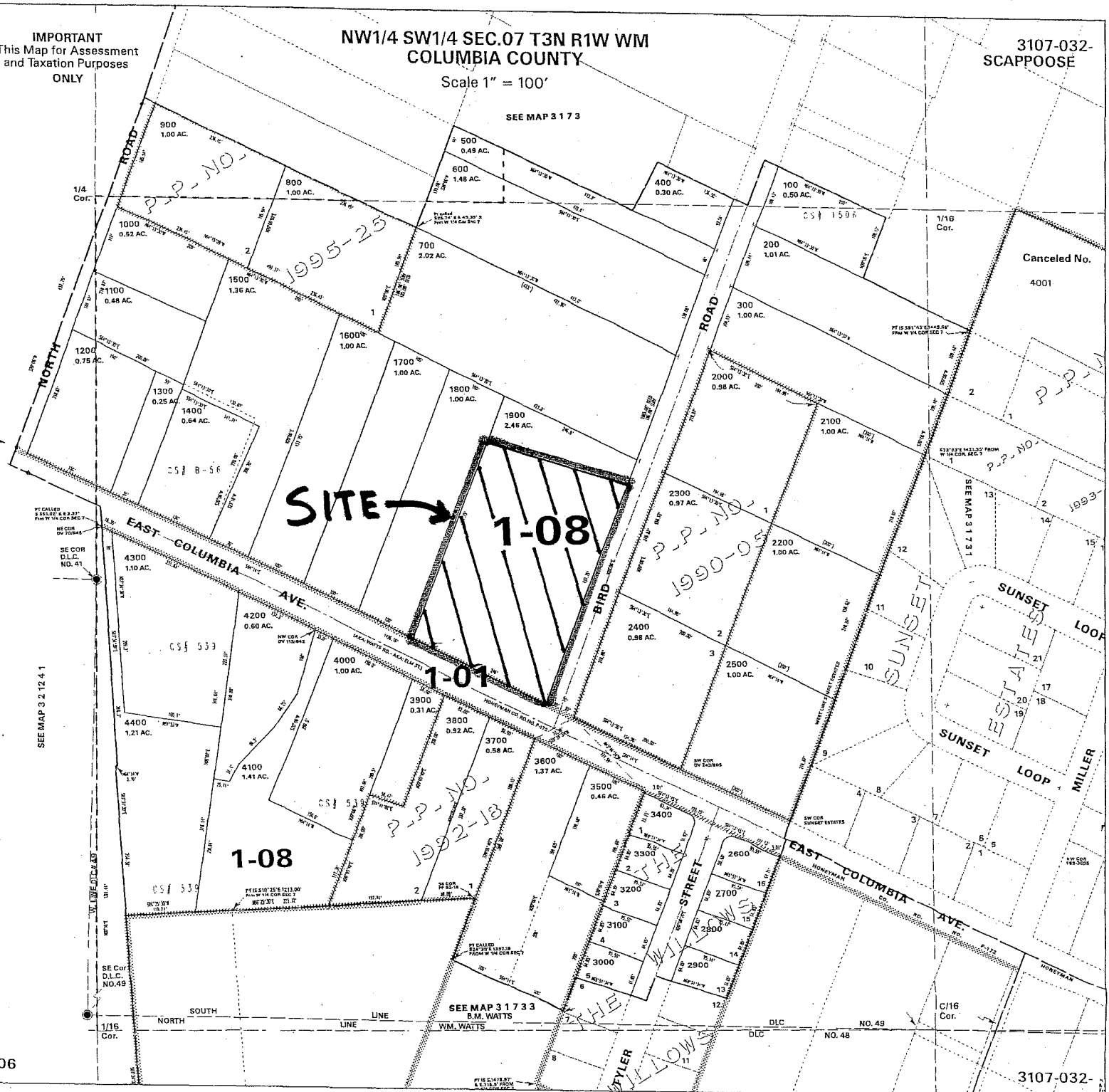


Exhibit 1

January 2, 2007

KS Development, Inc.  
Legal Description

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

Beginning at the West quarter corner of said Section 7; thence South 376.31 feet; thence East 646.51 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." on the West line of the of the Virginia Bird and Learle Smith tract as described in Instrument No. 01-12240, Clerk's Records, Columbia County, Oregon and the **true point of beginning** of the following described tract; thence South 69°13'27" East a distance of 239.81 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." on the West right of way line of Bird Road; thence South 20°06'00" West, along said West right of way line, a distance of 399.75 feet to the North right of way line of Horneyman Road; thence North 64°13'30" West, along said North right of way line, a distance of 240.98 feet to the Southwest corner of said Virginia Bird and Learle Smith tract; thence North 20°06'00" East, along the West line of said Bird and Smith tract, a distance of 378.75 feet to the true point of beginning.



KS DEVELOPMENT, LLC

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## Annexation Application

Scappoose, Oregon

Oct. 31, 2006

### APPLICANT:

KS Development  
P.O. Box 1007  
Scappoose, OR 97056

### Prepared by:

Brian Kangas  
52851 NW Shoemaker Rd.  
Scappoose, OR 97056  
Phone: 503-481-3466  
Fax: 866-651-9091



## Project Summary

### Project Description:

Location:	52413 Bird Rd. & 52411 Bird Rd., the corner of E. Columbia Ave. & the west side of Bird Rd.
Legal:	Situated in the S.W. ¼. Section 7, T.3N., R1W., W.M. Tax Lot 1900.
Comprehensive Plan:	Suburban Residential (SR)
Zoning:	Present Zoning: R-10 (Columbia County) Proposed Zoning: R-1 Low Density (City)
Site Size:	2.2 Acres

The site is located east of Columbia River Highway, adjacent to the present City limits along E. Columbia Ave. and is in the Urban Growth Boundary.

The subject site is 2.2 acres. The site is relatively flat with vegetation that consists of a few trees and pasture grass.

Sanitary sewer and Scappoose city water runs in E. Columbia Ave. and a new sanitary sewer has been placed in Bird Rd.

The current plan is 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 1900 and designate the site "R-1" and General Resident (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 17.136 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.

Throughout the document discussion of criteria and standards, code requirements  
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 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.*

## Applicant Response

This application involves an annexation as provided for in chapter 17.135. This action will be considered by the Planning Commission, which will then make a recommendation to the City Council.

Response to 1: This annexation complies with the Comprehensive Plan 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 a minimum be consistent to meeting the City's overall objective for growth and development.

These are the applicable goals and policies pertaining to this request:

Goals and Policies for Public Facilities and Services: 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 Urban Growth Boundary.

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

**Schools** – The site is in the City of Scappoose School District 1J. Grant Watts Elementary, Peterson Elementary, Scappoose Middle and Scappoose High.

Grant Watts Elementary School – Grades K – 3. The school's enrollment capacity is an estimated 625 students. Current enrollment is 386.

Petersen Elementary School – Grades 4 – 6. The school's enrollment capacity is an estimated 670 students. Current enrollment is 458.

Scappoose Middle School – Grades 7-8. The school's enrollment capacity is an estimated 625. Current enrollment is 338.

Scappoose High School – Grades 9-12. The school's enrollment capacity is and estimated 1600 students. Current enrollment is 721.

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

**Police Protection** - The City of Scappoose has a population around 5,705 with 32,000 vehicles driving along Hwy 30 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 Comprehensive Plan for the City of Scappoose the factors to consider in the assessment of police protection include: Rate of growth, increase in traffic problems and types of families moving into the area. The assessment of the proposed development considers the following:

Rate of Growth: The proposed development requests approval for annexation into the City of Scappoose resulting in a zoning of R-1. The annexation of the site into the city could potentially allow for ten single-family homes served by one new street, E. Columbia Ave. and Bird Rd. 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.

Traffic: The site is located just north of E. Columbia Ave. and just west of Bird Rd. Traffic traveling to and from the site would most likely use E. Columbia Ave. and Bird Rd. The primary access to and from Highway 30 would be E. Columbia Ave. for traffic coming and going to the site.

Types of Families: The city's Comprehensive Plan outlines R-1 zoning as low density residential. The low density and large lots will encourage families with one or two adults employed in the household and encourage "suburban-type" living. A likely conclusion is that a family-oriented low density area is less likely to generate crimes that impact police services.

**Fire Protection** – Fire protection is provided by Scappoose Rural Fire District. The Scappoose Fire Department currently has five engines, two tankers, three ambulances, two brush units, one rescue boat, one fire boat, and four 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. 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. The development will continue to work with the Fire chief and the City to develop the site according to all fire regulations. The site is in the Urban Growth Boundary where the City expects to expand to and provide services.

In summary these goals and policies are supported by the proposal.

Goals and Policies for Transportation: In summary, the goals and policies for 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 and provides a street for future development as the lots of land between North Rd. and Bird Rd gradually are annexed into the City. 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 Urban Growth Boundary 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 and beneficial to the City to annex the site so that development in compliance with the City's requirements can occur.

General Goals for the City of Scappoose for Land Uses: The City's goals and policies call or 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 in E. Columbia Ave. and Bird Rd. Both streets border the proposed site.

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

Response to 2: The annexation of the proposed site will not adversely affect the health, safety and welfare of the community. The request is consistent with the Comprehensive Plan and necessary public facilities are readily available, with capacity, to serve the site.

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

Response to 4: The change in the community that justifies the proposed annexation 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 and increase in population as available, affordable land there has been developed. This sort of change being growth in Scappoose, was anticipated when the site was included in the Urban Growth Boundary.

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 Urban Growth Boundary. It is part of the supply of land intended to provide for the City's growth.

As discussed, the site is located with streets bordering the property to the south and east. Utilities are available at these points and can be tapped at these points to serve new streets and new developments. The City of Scappoose sanitary sewer line runs in these two roads and the site is part of the largest county island in Scappoose. It is very logical for the City to bring this county island into city limits whenever possible so as to continue with the City's Comprehensive Plan.

The site would be zoned R-1 upon annexation. It is our intention to create ten 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.

The proposed annexation supports the City's adopted plan and policies, as represented by the Comprehensive plan and the established Urban Growth Boundary. Therefore, it would be to the City's advantage to annex the site.

The "disadvantages" outlined in Section B are opposite to the criteria in Section A, which was 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 developments 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 annexation. The City requires an application and hearings before the Planning Commission and City Council before a decision by the Council. If approved, the annexation is referred to the voters at the next election.

For the most part 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 Sec. 17.135.040.

**17.136.040 Approval Standards**

*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**

All services and facilities border the property in E. Columbia Ave. and Bird Rd. There are no deficiencies or limited capacities identified at this time.

Upon annexation it is our intent to add ten new single family residences at most. This minor increase in population would not have a major impact on provision of public services.

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 Urban Growth Boundary, when services are available and can be reasonably extended.

As previously stated, the site already has existing public utilities and facilities in bordering streets. These facilities were originally placed with the foreknowledge that future growth would happen and development would continue within the Urban Growth 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 the requirements of this section.

**17.136.060 Application initiated by the City.**

**Applicant Response**

This annexation is initiated by the 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. This is understood by the applicant and the applicant asks no more than that City annex the property as is customary and leave the zoning as R-1 for single family residences with a minimum of 7500 square foot lots.

**17.136.080 Annexation of non-conforming uses.**

**Applicant Response**

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

**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 for through the review process.



## CONCLUSION

The foregoing narrative describes the proposed annexation 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.

The applicant looks forward to working in conjunction with the City developing a neighborhood that works in line with the Comprehensive Plan. It is also our desire to start to dress up E. Columbia Ave. as the county island becomes part of the City.

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 the project can be determined.

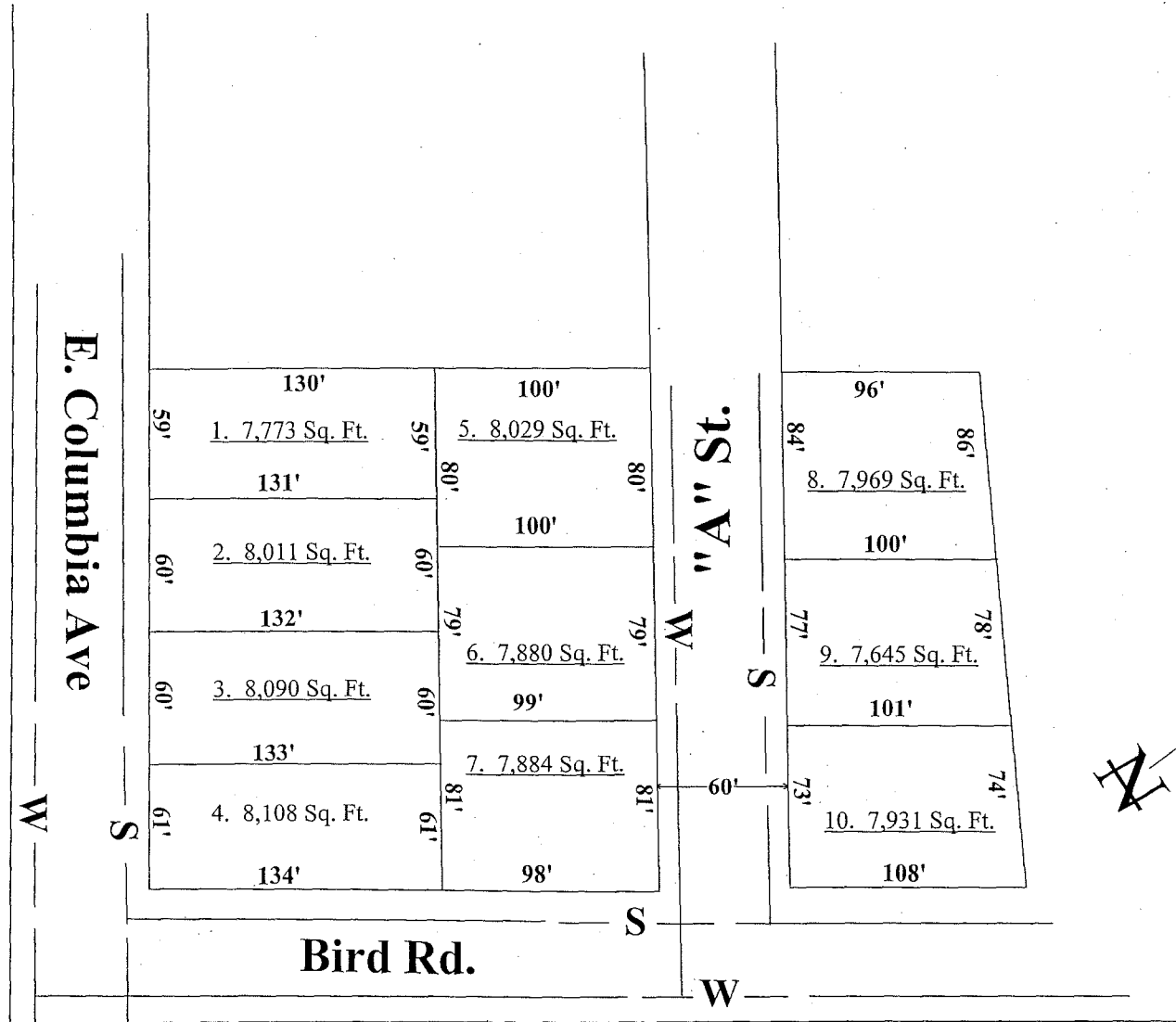


Exhibit 4


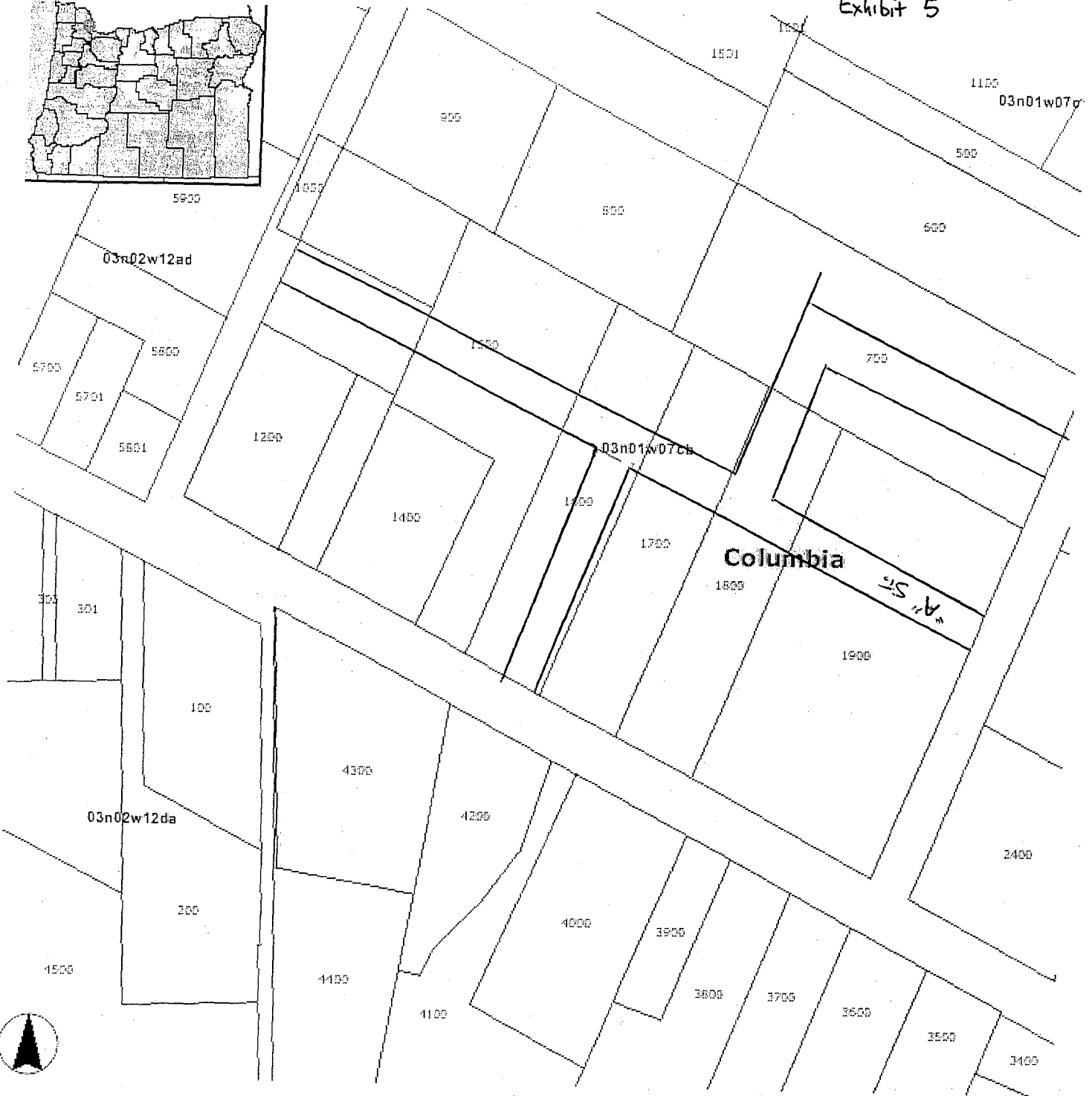
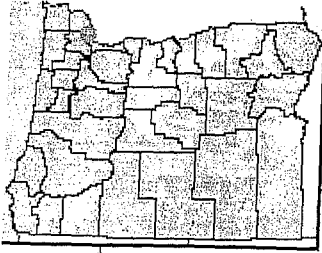
 KS DEVELOPMENT, LLC		
Scale: 1" = 50'	Date: 11/03/2006	Ph. 503.481.3466 Fax 866.651.9091
P.O. Box 1007, Scappoose, OR 97056		

Exhibit 5



CIRCULATION PLAN

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

