

ORDINANCE NO. 790

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 Crystal Ridge Construction 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.

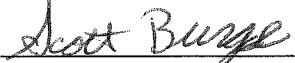
Section 3. In support of the above annexation and zone change, the City Council hereby adopts the findings, conclusions and recommendations of the Staff Report dated February 14, 2007, attached as Exhibit C attached hereto and incorporated herein.

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. 3107-033-01500

Beginning at a point which is 318.83 feet North and 16.33 feet West of the Southeast corner of Section 12, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; thence North 3°35'03" West a distance of 599.33 feet to the Northwest corner of the Robert L. Mikesh tract, as described in County Clerk's Instrument No. 92-7876 and the **true point of beginning** of the parcel herein described; thence South 64°19'09" East along the Northerly line of said Mikesh tract a distance of 328.79 feet; thence South 20°06' West a distance of 177.73 feet; thence North 64°35'01" West a distance of 246.32 feet to the West line of said Mikesh tract; thence North 3°35'03" West a distance of 204.07 feet to the true 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 ELM STREET PROPERTY TO THE CITY OF SCAPPOOSE

QUESTION (20 Words)

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

SUMMARY (175 Words)

Crystal Ridge Construction has requested that the City annex property owned by Robert & Rebecca Mikesh.

This measure, if approved, would annex approximately 1.17 acres to the City of Scappoose. The property is located at 34040 Elm Street. The property is described as Columbia County Assessor Map No. 3107-033-01500. 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 Crystal Ridge Construction to
annex 1.17 acres on Elm Street

Type of Action Requested:

Resolution Ordinance
 Formal Action Report Only

Issue: Crystal Ridge Construction has requested annexation and an automatic zone change to Low Density Residential (R-1) for approximately 1.17 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:

Crystal Ridge Construction has submitted an application (Docket # ANX9-06/ZC9-06) to annex 1.17 acres on the southwest corner of Elm Street and 8th Court. 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 25, 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 9-06/ZC 9-06 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

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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. 3107-033-01500

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SUMMARY (175 Words)

Crystal Ridge Construction has requested that the City annex property owned by Robert & Rebecca Mikesh.

This measure, if approved, would annex approximately 1.17 acres to the City of Scappoose. The property is located at 34040 Elm Street. The property is described as Columbia County Assessor Map No. 3107-033-01500. 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

ANX9-06/ZC9-06

February 14, 2007

Crystal Ridge Construction/Robert & Rebecca Mikesh: Elm Street 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 1.17 acres.

Location: The subject parcel is located at 34040 Elm Street. The site consists of property described as Columbia County Assessor Map No. 3107-033-01500. See attached Vicinity Map (**Exhibit 1**).

Applicant: Crystal Ridge Construction

Owner(s): Robert & Rebecca Mikesh

EXHIBITS

1. Vicinity Map
2. Legal Description
3. Applicant's Narrative
4. Applicant's Conceptual Development Plan
5. Letter from Matt Padrow, dated 1/24/07
6. Applicant's response to letter from Matt Padrow, dated 1/28/07
7. Letter from Kessi Construction regarding Elm Street paving, dated 1/31/07
8. 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 1.17 acres. The parcel is located on the southwest corner of SE Elm Street and SE 8th Court. See **Exhibit 1**, Vicinity Map. The 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 is currently an island of unincorporated Columbia County land surrounded by the City. Adjacent zoning is Low Density Residential (R-1) to the west and Moderate Density Residential (R-4) to the north, east, and 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.

- 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 1 existing residence and a number of mature trees. See **Exhibit 4**.

OBSERVATIONS

CONCURRENT ANNEXATION AND ZONE CHANGE APPLICATIONS

- The applicant has requested annexation of one parcel (see **Exhibit 3**). 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 8**.

PROPOSED RESIDENTIAL USE

- The applicant has submitted a conceptual development plan (**Exhibit 4**) illustrating a total of 4 single-family detached residential lots. 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).
- 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 street right-of-way dedication and regulations for flag lots.

STREET SYSTEM AND TRANSPORTATION IMPACTS

- The site has frontage on Elm Street and SE 8th Court. The City's amended Transportation System Plan (TSP) designates 8th Court as a Local Residential street, for which the standard right-of-way (ROW) is 54 feet. Elm Street is designated as a Minor Collector, which requires a 60-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 (paving, gutter, curb, and sidewalk) as minimum conditions of development proposals, to be installed and funded by developers (see **Exhibit 6**).
- 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 at maximum density with an additional five single-family residences, the site could be expected to generate approximately 48 average daily trips, 5 of them during the evening peak hour.
- The site is accessed by SE Elm Street, connecting to Highway 30 via High School Way, Santosh Street, or Maple Street. The Police Department, Planning Commission, City Council,

Crystal Ridge Construction/Robert & Rebecca Mikesh: Elm Street Annexation and Zone Change

and members of the public have expressed concern in the past that traffic associated with additional residences will negatively impact Elm Street, 6th Street, and High School Way (see **Exhibit 5**). 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 Manager has directed staff to contact landowners on Elm Street to see if they would donate additional right-of-way to allow the street to be widened and sidewalks to be installed. Kessi Construction has agreed to pave the south side of Elm Street between 9th Street and 6th Street following development of the 3-acre parcel owned by Shirley Beisley that was recently annexed to the City (see **Exhibit 7**). On February 5, the City Council added Elm Street (east of 6th Street) to the list of priority street projects to be improved using the City's annual funding allotment from the Oregon Department of Transportation (ODOT).

- 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 (TSP). Elm Street and 6th Street are projects in the TSP capital facilities plan, so projects that improve either of these streets are eligible for funding using SDC's. Development of the subject site or the Beisley property may be required to perform off-site improvements (e.g., possible improvements to the intersection of Elm Street and 6th Street) to be funded by SDC credits.
- Additional discussion of the traffic impacts associated with the annexation and zone change is found in Findings of Fact #2, Transportation Planning Rule.

UTILITIES & STORM DRAINAGE

- Electricity, gas, water, and sewer services are provided to adjacent residential developments and could be made available through the extension of nearby lines and public service infrastructure. Water and sewer are available in Elm Street and 8th Court.
- The City Engineer has observed that storm drainage may be a challenge for this site. Though not located within the 100-year floodplain, this area has had trouble with high water (e.g., the 1996 flood). The applicant would need to address flooding and stormwater management at the time of development. An existing storm system runs eastward in SE Elm Street, with an outfall that discharges into ponds on private land in the County. A stormwater infiltration facility is also located at the south end of 8th Court. With appropriate easements and permission the applicant could potentially tie into these system if evidence is provided that the ponds and storm lines have adequate capacity to accommodate storm flow from this site.
- 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.
- Notice of this request was mailed to property owners located within 200 feet of the subject site on January 8, 2007. Notice was posted on the property on January 8 and published in the local newspaper on January 10, 17, and 24, 2007. Staff has received one written comment from the public regarding the application (see **Exhibit 5**). In this letter, a neighbor questions whether Elm Street and SE 6th Street have the capacity to handle increased development and observes that emergency response could be hampered if Elm Street were ever blocked. The applicant's response to this letter is attached as **Exhibit 6**. Staff has included a letter from Kessi Construction regarding the paving of Elm Street as **Exhibit 7**. On February 5, the City Council agreed that Elm Street (east of 6th Street) should be a high priority street project to be improved using the City's annual funding allotment from the Oregon Department of Transportation (ODOT). **Exhibit 8** depicts the future layout of SE 9th Street connecting from the Seven Oaks subdivision northward to East Columbia Avenue.

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 25, 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 January 8, the City mailed notices to nearby property owners on January 8, and notice was

published in the newspaper on January 10, 17, 24, and 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 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.

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 5 additional 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 and sewer are available in SE Elm Street and SE 8th Court and connections to 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. In 1995, this area had a population of 181 people, and the TSP projected a population of 748 in the year 2015 based on the Comprehensive Plan designations. Street classifications were chosen accordingly.

The TSP classifies 8th Court as a Local Residential street, which requires a 54-foot right-of-way width and a 32-foot pavement width. At the time of development, the applicant would need to dedicate additional right-of-way to meet the City standard. The Scappoose TSP designates SE Elm Street as a Minor Collector street, which requires a 60-foot right-of-way width and a 36-foot pavement width. At the time of development, the applicant would need to perform half-street improvements and dedicate right-of-way on Elm Street to meet the City standard. The City Council has also prioritized Elm Street for additional improvements to supplement development-related improvements. 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. Off-site improvements to Elm Street or 6th Street would be eligible for SDC credit.

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 an additional 5 single-family residences, 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 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.

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.

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 would consist of 5 additional 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 48 average daily trips, 5 of them during the evening peak hour.¹

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 the population within 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.

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

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

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

The affected street segments appear to have adequate capacity to accommodate volumes of traffic resulting from development of this area, and the capacity-controlling facility will be the individual intersections, particularly the traffic signal at the High School Way/Highway 30 intersection (discussed below).

This proposal does not “significantly affect” the impacted street segments (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 Elm Street 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. Off-site improvements to Elm Street or 6th Street would be eligible for SDC credit. The City Manager has directed staff to seek donations of right-of-way along Elm Street to allow the street to meet City standards for paving and sidewalk width. The City Council has placed Elm Street improvements (e.g., widening) high on the priority list for projects to be funded by the annual allotment from the Oregon Department of Transportation.

3. Impact of development-generated traffic on affected intersections

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

a. SE Elm Street/SE 6th Street intersection

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

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

This is a 3-leg stop-controlled intersection. The June 2005 “Liday Subdivision Traffic Impact Study” stated that the intersection operates at a Level of Service “A.” It is unlikely that additional traffic from development of the site would cause this intersection to fall below the City’s standards requiring a Level of Service “E” or better for unsignalized intersections. The proposed annexation and zone change does not “significantly affect” this intersection as defined by the Transportation Planning Rule.

c. Highway 30/SE High School Way intersection

This is a 4-leg signal-controlled intersection. The August 2006 "Pioneer Crossing Phase 2 Traffic Impact Study" stated that the intersection operates with a volume-to-capacity (V/C) ratio of 0.77 in the evening peak hour, which exceeds ODOT's mobility standard of 0.75. The same study indicates that even with no additional development, this intersection will operate at a V/C ratio of 0.83 in the future. Operation of this intersection is anticipated to improve with the future construction of the Havlik Drive rail crossing.

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.

d. Highway 30/SE Santosh Street intersection

This is a 3-leg intersection with a stop sign on the Santosh Street leg. The January 2006 "Steinfeld West Subdivision Traffic Impact Study" stated that the intersection operates with a V/C ratio of 0.14, which will increase to 0.17 in the future. This intersection does have a high delay during the evening peak hour. It is unlikely that additional traffic from development of the site would cause this intersection to exceed ODOT standards requiring a minimum V/C ratio of 0.75. Additionally, this rail crossing and intersection is likely to be eliminated when the Havlik Drive rail crossing is opened. 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.

e. Highway 30/SE Maple Street intersection

This is a 4-leg signal-controlled intersection. The January 2006 "Steinfeld West Subdivision Traffic Impact Study" stated that the intersection operates with a V/C ratio of 0.72, which will increase to 0.75 in the future. It is unlikely that additional traffic from development of the site would cause this intersection to exceed ODOT standards requiring a minimum V/C ratio of 0.75 (the site would generate 5 PM peak-hour trips, only some of which would utilize Maple Street). 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 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 5 additional 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.

It should be noted that interim transportation congestion and safety hazards could exist on Elm Street, 6th Street, and High School Way. Consequently, the City could require mitigation between the site and Highway 30. As spelled out by Section 5.0013 of the Scappoose Public Works Design Standards, specific 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. Off-site improvements to Elm Street or 6th Street would be eligible for SDC credit.

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 Elm Street right-of-way width varies from 40 feet to 50 feet adjacent to the site and the cross section varies from approximately 20 to 28 feet. The paved width would be required to be widened to accommodate the traffic from future development proposals. The City would require half-street improvements along the site's frontage, and potentially in other locations, as conditions of future development. The City Council has also made plans to improve Elm Street east of 6th Street using funds from the ODOT annual allotment. 8th Court is improved but may require additional right-of-way dedication.

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 Elm Street and another in 8th Court. The property would have access to these lines upon annexation, with extensions to be installed by the developer.

Sewer and Storm Drainage

- Sanitary sewer mains are located in Elm Street and 8th Court.
- A public storm drain system is located in SE Elm Street. The pipe discharges onto private land in the County. The applicant could potentially use this system with appropriate permission and easements, or could manage stormwater on site. The applicant may also be able to discharge to the infiltration facility at the southern end of 8th Court. 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-1 and R-4 by the City. Annexation would permit development in an orderly outward expansion. Development of the subject site is required to provide the infrastructure associated with

new residential development, including public streets with curbs and sidewalks. 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 1.17-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 5 additional 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.

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. Future development of the site would be accompanied by improvements to Elm Street along the site's frontage. The annexation and zone change could allow up to 5 additional 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 submitted a conceptual development plan (**Exhibit 4**) illustrating a potential lot layout to construct additional 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 and eliminating an island of unincorporated property. 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 2 existing roads within the City (Elm Street and 8th Court). 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.

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 5 additional housing units if the site were subdivided at maximum density.

The wastewater flow associated with 5 residences is 625 gallons per day (0.0006 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 5 additional households would use approximately 0.03% 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.

Elm Street and 8th Court currently do not meet the City's standards for minor 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. City Council has also made plans to improve portions of Elm Street east of 6th Street. The City can conclude that Elm Street and 8th Court 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 1.17 acres for residential development and would also create temporary employment opportunities for the construction of streets, utilities, and structures. Section 17.136.040(A).3 is satisfied.

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

Finding:

This site is contiguous to the existing City limits. Public services are already available to neighboring properties and use of these will improve efficiency by utilizing existing trunk lines and service lines. Water and sewer service are available to the site from Elm Street and 8th Court, 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. Improvements to Elm Street would be required at the time of development to provide for a safer driving environment protective of pedestrians and vehicles.

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 ANX9-06/ZC9-06 for placement on the May 15, 2007 ballot.

City of Scappoose
Annexation ANX 9-06 & Zone Change ZC9-06

Exhibit 1

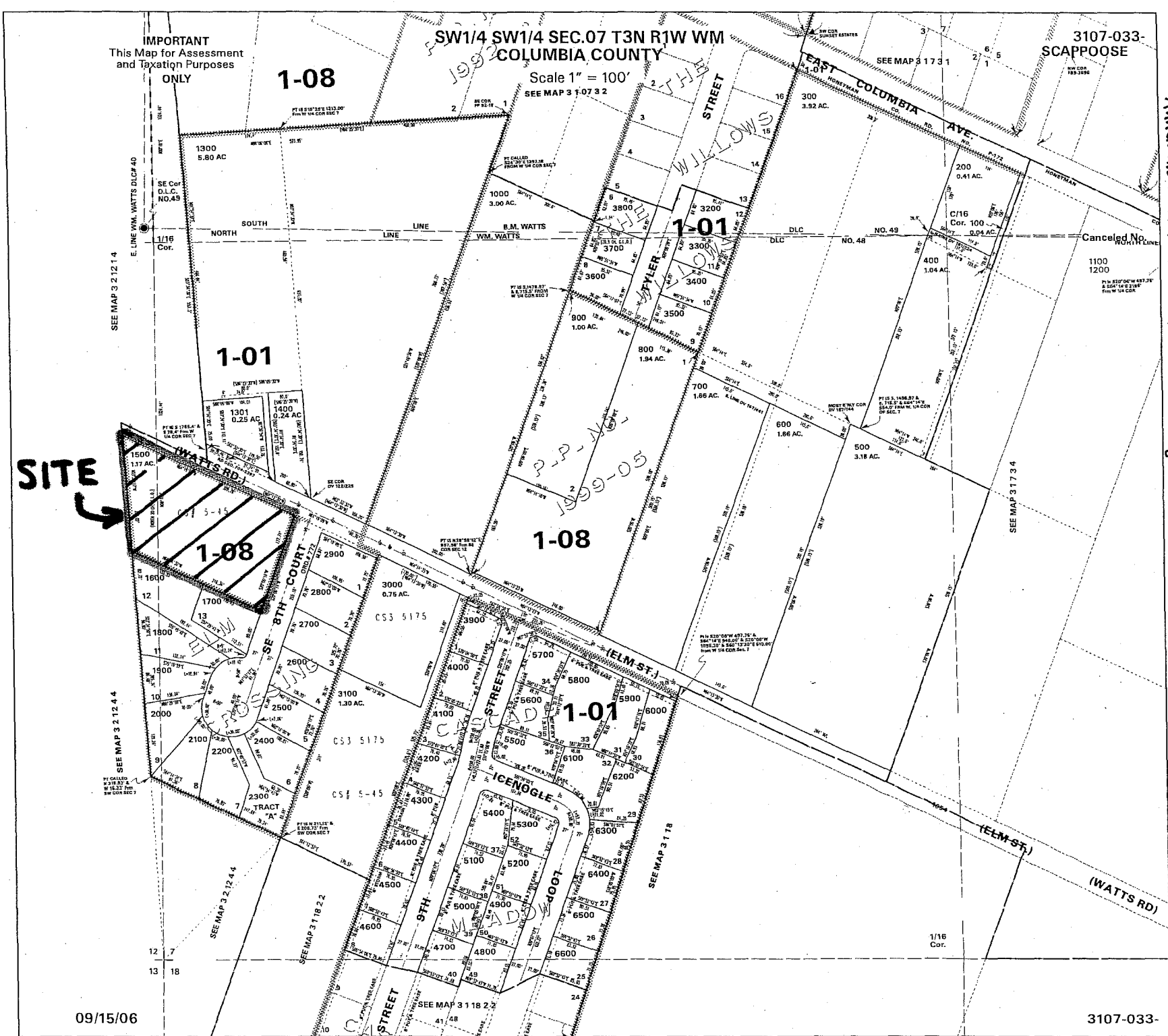


Exhibit 2

Title No. 07-54569

Escrow No. 07-54569

EXHIBIT 'A'

Legal Description:

Beginning at a point which is 318.83 feet North and 16.33 feet West of the Southeast corner of Section 12, Township 3 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; thence North 3°35'03" West a distance of 599.33 feet to the Northwest corner of the Robert L. Mikesh tract, as described in County Clerk's Instrument No. 92-7876 and the true point of beginning of the parcel herein described; thence South 64°19'09" East along the Northerly line of said Mikesh tract a distance of 328.79 feet; thence South 20°06' West a distance of 177.73 feet; thence North 64°35'01" West a distance of 246.32 feet to the West line of said Mikesh tract; thence North 3°35'03" West a distance of 204.07 feet to the true point of beginning.

CRYSTAL RIDGE CONSTRUCTION

L.L.C.

CCB#113694

City of Scappoose
Planning Dept
33568 E Columbia Avenue
Scappoose, Or 97056

Dear Sirs,

This property qualifies for Comprehensive Plan designation of Suburban Residential, and upon annexation would be low density Residential (R-1)

This property, 34040 Elm Street, is completely surrounded by the City of Scappoose. The owners, Robert and Becky Mikesh, wish to be annexed into the city. This annexation is a good choice for them and the City at this juncture because the property is fronted on Elm St with public sewer and water, with power available at the NE corner of the property at the junction of 8th Ct/St and Elm St. Storm drainage for this property is available at the corner of 8th Ct/St and Elm St. The property will not at this time impact schools, Parks, Police and Fire but upon future development of the parcel additional homes added could impact to the amount of three additional structures.

The huge oak tree situated on the property is highly valued by the owners and would be a main focus of preservation when any future development is attempted. This tree is probably the largest of its kind in Scappoose and appears to have been a monument of navigation for early peoples living in the area, thus the reason the owner want to make sure it is preserved.

Now is a good time for annexation due to the development of the area adjacent to and across the street from this property. Annexation and subsequent development will enhance that portion of Elm St that abuts this property.

This property is not in any flood plane or standing water area. It perks for standard septic. The soil is stable and flat and has no wetlands on site. Soils are strong foundationally without any outcropping of rock. Since the property is bare except for the few smaller oaks on the property it affords only minimal habitat for birds and an occasional squirrel whose habitats will not appreciably be impacted by any future development.

Your consideration of this property for annexation would be greatly appreciated and a good fit for the City of Scappoose.

Sincerely yours,



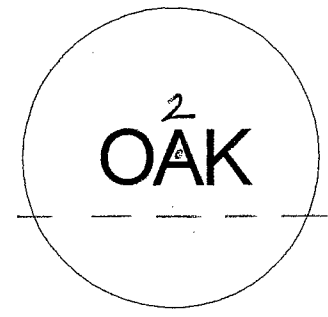
Art Lee

Exhibit 4

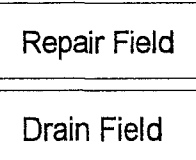
SE ELM STREET

326.76'

194.84'



82.00'



177.30'

SE 8th

25.00'

36.00'

247.38'

• = Tree with 6" or greater diameter
 (ST) = Septic Tank

Crystal Ridge Construction L.L.C.

P.O. Box 1058
 St. Helens, OR. 97051
 503.366.8051

Bob & Becky Mikesh
 34040 Elm St.
 Scappoose, OR 97056

Plat Map

SCALE: 1/32" = 1'

© 2006 Byron A. Lee

Exhibit 5

January 24, 2007

Scappoose Planning Commission,

I am writing you this letter as a concerned resident of SE Elm and 8th Court. Unfortunately, I had a prior commitment and am unable to attend the meeting to personally voice my concern.

I read the staff report on the Elm St. annexation that is on this meetings' agenda. My concern is with the potential traffic problem on Elm St. due to increased development of newly annexed properties. The report states this annexation would only incorporate a maximum 5 homes and the "level of development can be expected to generate approximately 48 average daily trips, 5 of them during the evening peak hour."

My concern isn't with the development associated with this particular annexation, the estimated traffic impact seems minor. When it is combined with the current developments (East of 6th and Elm) and no formulated plan for the easing of future traffic, then there is cause for major concern.

By gathering information through developer websites and other sources I have determined an estimated 130 new homes are now planned for development East of 6th and Elm. If the current staff report traffic ratios of 9.6 daily trips and 1 evening peak hour trip are accurate, then we can expect approximately 1,248 daily trips and 130 peak hour trips on Elm St.

Are the Scappoose Planning Commission and Scappoose City Council looking at the imminent overall traffic problem with so many new homes being developed with Elm St. as the only outlet? It is easier to digest traffic concerns when a report only assesses the effect from a specific annexation. Since all this construction is commencing at the same time, I think it is important that both the commission and council look at overall potential traffic concerns of proposed annexed properties along with approved annexed property that is currently under construction.

The staff report states "The Police Department and the Planning Commission have expressed concern in the past that traffic associated with additional residences will negatively impact SE 6th Street and High School Way." I would like to take these concerns to a new level and refer to Section 17.136.040(A).2 of the Scappoose City Ordinances:

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;

The current annexation proposal, and recent Elm St. annexations, may not be in violation of this ordinance when looked at separately. When they are combined together, you have to seriously look at the following issues that would pertain to the ordinance:

1. Traffic congestion and safety concerns on 6th and Elm St. – Elm St. is inadequate from 6th St. half way to 8th Ct. I have heard the street is to be widened, but there will be no sidewalks. For every 3 trips I make on Elm, I have to drive on the other side of the road to avoid a bicyclist or pedestrian at least once. The thought may be that a widened road will solve this problem, but the additional vehicles using the road means more two-way traffic. Having no sidewalks in this stretch means that the safety gained from widening the road is offset by the additional (1,248 daily trips) traffic.
2. Emergency Services – A couple years ago there was a fire across Elm from 8th Ct. (was 9th St. at the time). Elm St. was temporarily blocked and residents were unable to get out to 6th St.. If a similar situation was to happen West of 8th Ct. and Elm how are the residents East of there supposed to access the community. The Police Department raised concerns about additional traffic on High School Way and 6th St., isn't the additional road coverage also going to spread the Police Department thinner, and in an emergency they only have one way to access these homes? Has an analysis been done to ensure the tax dollars being generated from these annexations provide sufficient funding for the Police and Fire Departments to maintain their level of service.
3. Evacuation – Think about a highly improbable scenario, what if the residents located East of 6th are forced to immediately evacuate. So many residents and vehicles with one inadequate outlet for safety. The probability of an immediate evacuation is remote, but, shouldn't all scenarios be taken into account when a city entity is making decisions that could have a profound effect on its citizens.

I have heard there is a plan for 9th St. to extend to Seven Oaks. Yet, there is no timetable. Do the residents in Seven Oaks, a community with many young children, know how much their streets will be used if this happens?

I do not think it is fair to associate all these concerns with this one annexation proposal. I do feel that the city does need to immediately address the concerns I have raised for the current citizens of Elm St. and consider these issues when future developments and annexations come before the city.

Thank You,



Matt Padrow
52075 SE 8th Ct.
Scappoose, OR 97056

Exhibit 6

From: cherokee@coho.net
Sent: Sunday, January 28, 2007 6:02 PM
To: brianvarricchione@ci.scappoose.or.us
Subject: Brian, Here is my Response to Padrow Ltr.

Crystal Ridge Construction, LLC

P.O. Box 1058

St Helens, OR 97051

Scappoose City Planning Commission

City Of Scappoose

33568 E. Columbia Ave.

Scappoose, OR 97056

Dear Sirs,

This letter is in response to the Letter dated Jan 24, 2007 by Mr Matt Padrow of 52075 SE 8th Ct, Scappoose. Mr Padrow brought up some issues with respect to the staff report for our annexation request for the parcel of Mr and Mrs Robert Mikesh.

Mr Padrow makes it known that his concern is not with our annexation proposal but with the more core issues regarding development on Elm St due to the lack of exit routes out of the area should the need arise in the future. I don't quite know how to answer any of those concerns since I'm not involved in the decision making process regarding global issues affecting this area of Scappoose. It appears to me however, that the planning department has plans on board to alleviate the concerns of many regarding the increased traffic congestion due to development of this area of Scappoose.

The development of the three additional lots on our parcel will not be of an impact to the area until sometime in 2008 when we should have the first of the three houses built and for sale, thus ready for possible occupancy.

With regards to the widening of Elm Street in front of our parcel, that will afford a wider street than now is, with additional sidewalks the full extent of our frontage on Elm St. This will mitigate most concerns of

1/29/2007

pedestrian traffic compromising vehicular traffic in this area. It appears to me that as development along Elm Street proceeds towards 6th Street with the resultant curbs and sidewalks, pedestrian and vehicular traffic conflicts such as was noted in Mr Padrow's letter will be increasingly mitigated.

Regarding Section 17.136.040(A).2 of the Scappoose City Ordinances referenced by Mr Padrow, it would seem to me that the widening of and placing of sidewalks along Elm St would be facilitating factors for public services such as public safety for pedestrians, easier navigation for police and fire vehicles to ingress and egress the area, as well as bus traffic for schools. Since the other subdivisions have been approved and are now under construction, our three lot addition to the housing total should not appreciably impact the concerns raised by Mr Padrow, but just the opposite, be an alleviation factor to some of his concerns.

Since I am now out of State, and will continue to be, for the projected time of the Planning Commission meeting, please accept this letter as my response to Mr Padrow's letter.

Truly yours

Art Lee

Exhibit 7

Brian Varricchione

From: Will Kessi [kwack@opusnet.com]
Sent: Wednesday, January 31, 2007 11:30 AM
To: 'Brian Varricchione'
Subject: City elm street paving.doc

Brian please give this to Gene. Thanks-Will

KESSI CONSTRUCTION, INC.

PO Box 452
Scappoose, OR 97056
503.543.2914
FAX 503.543.3449
BB # 108143

1/31/07

To Whom It May Concern:

It appears there have been some complaints about why Kessi Construction hasn't paved the south side of Elm Street from Chinook Crossing to Sixth Street like we said we would. The completion of Chinook Crossing west is almost done and the Beisley Property is currently going through the process of becoming a subdivision. We, for all practical purposes will be developing the Beisley property for the developer and will have to tear up all of Elm Street in front of that property to install and connect to utilities. We don't think it is practical to pave a strip that we will have to tear up in a few months and then repave later.

Our plan is that after the Beisley subdivision is complete we will pave the strip once and it will all flow cleanly. When we offered to pave that strip we did not give you a timeline because we didn't know when all these other projects would be completed. Whoever is complaining may want to keep in mind that we offered to pave that strip to help traffic flow and that it was never required of us from the city. We told the city we would pave that strip and we are committed to doing it. It is our money we are spending so we want to do the job when all of the other potential projects are complete and the possibility of the strip being torn up is lower than it is now. If you have any questions or concerns please call me @503-939-0673.

Sincerely,

William Kessi, Jr.

Exhibit 8

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

