



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

7/27/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Scappoose Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, August 10, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Brian Varricchione, City of Scappoose
Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

JUL 21 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Scappoose**

Local file number: **DCTA2-10**

Date of Adoption: **7/19/10**

Date Mailed: **7/20/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **5/5/10**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Update the provisions of the Downtown Overlay to encourage economic development within the traditional downtown center; encourage higher density residential development in the downtown area to support commerce; and to provide clarification on a number of minor issues affecting development in the city center (e.g., architectural & landscaping requirements).

Does the Adoption differ from proposal? Yes, Please explain below:

Incorporated additional minor text amendments suggested by ODOT Region 1 and neighboring property owners to provide clarity on applicability of provisions to existing structures and to ensure consistent standards for lot sizes and widths. Inserted a new diagram illustrating the boundaries of the affected area.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: **Downtown Scappoose**

Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 001-10 (18287) [16226]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Brian Varricchione**

Phone: (503) 543-7184 Extension:

Address: **33568 E. Columbia Avenue**

Fax Number: **503-543-5679**

City: **Scappoose**

Zip: **97056**

E-mail Address: **brianvarricchione@ci.scappoose.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

CITY OF SCAPPOOSE

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

NOTICE OF LAND USE DECISION

Date: July 20, 2010
To: Interested Persons
From: Brian Varricchione, City Planner, (503) 543-7184
Subject: Development Code Text Amendment DCTA2-10

The City of Scappoose has reviewed Development Code Text Amendment DCTA2-10 and has approved the application. On July 19, 2010, the City Council adopted Ordinance 811 approving the application. Copies of the ordinance are available for review upon request.

The Scappoose Planning Commission held a public hearing on June 24, 2010 and recommended that the City Council approve the application. The City Council held public hearings on July 6, 2010 and July 19, 2010. The first reading of the ordinance took place on July 6, 2010, with the second reading on July 19, 2010. The Council adopted the findings contained in the staff report dated July 1, 2010.

All notices required by Scappoose Municipal Code Chapter 17.160 have been met for this application, and the application was considered in regard to applicable criteria found in the Scappoose Comprehensive Plan and Chapters 17.22 (Amendments to the Title, Comprehensive Plan, and Maps), 17.80 (Downtown Overlay), and 17.160 (Procedures for Decision Making—Legislative) of the Municipal Code.

The approval of DCTA2-10 by the Scappoose City Council is final. This decision may be appealed by filing a Notice of Intent to Appeal with the state Land Use Board of Appeals within 21 days of the date the decision became final as described by OAR 661-010-0010(3).

General Information

Request: Approval of amendments to the Development Code regarding the rules and regulations for development within the Downtown Overlay.

Applicant: City of Scappoose

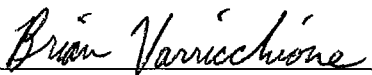
Procedural Information

About this Decision. This land use decision is not a permit for development. Permits may be required prior to any future work. Contact the City at (503) 543-7184 for information about permits.

The application for this land use review was submitted on intake May 5, 2010, and was determined to be complete on May 5, 2010.

Land Use applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was reviewed against the Development Code in effect on May 5, 2010.

The file and all evidence on this case is available for your review by appointment. Please call (503) 543-7184 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find the City of Scappoose Municipal Code online at <http://www.ci.scappoose.or.us/ordinances.html>.



Brian Varricchione, City Planner
Mailed 7/20/10

ORDINANCE NO. 811

**AN ORDINANCE RELATING TO LAND USE AND AMENDING MUNICIPAL CODE
CHAPTER 17.80 (DOWNTOWN OVERLAY)**

WHEREAS, the City of Scappoose adopted development standards for the Downtown Overlay area in 1999, and

WHEREAS, certain provisions in the Downtown Overlay that apply to site alterations have been found to act as a disincentive to redevelopment and should be updated to encourage economic development in the City's traditional center, and

WHEREAS, the proposed amendments would expand the boundaries of the Downtown Overlay; encourage higher density residential development in the downtown area to support local businesses; clarify architectural requirements for new development; and address other housekeeping items, and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, the Planning Commission held a hearing on the application on June 24, 2010 and the City Council held hearings on the application on July 6, 2010 and July 19, 2010; and

WHEREAS, City Council finds that the amendments are in the public interest; now therefore,

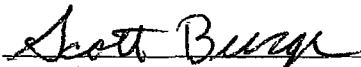
THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Chapter 17.80 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

Section 2. In support of this ordinance, the City Council adopts the recommendation of the Scappoose Planning Commission and the findings of fact in the Staff Report dated July 1, 2010, attached hereto as Exhibit B.

PASSED AND ADOPTED by the City Council this 19th day of July, 2010, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First Reading: July 6, 2010
Second Reading: July 19, 2010

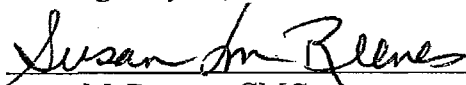
Attest: 
Susan M. Reeves, CMC
City Recorder

Exhibit A of Ordinance No. 811 – Amendments to Scappoose Municipal Code Chapter 17.80

(Language to be omitted is ~~strikethrough~~, proposed language additions are double underlined)

Chapter 17.80

DOWNTOWN OVERLAY

Sections:

17.80.010 Purpose.

17.80.020 Applicability.

17.80.030 Uses.

17.80.040 Dimensional requirements.

17.80.050 Parking lots for commercial uses.

17.80.060 Lighting.

17.80.070 Service areas.

17.80.080 ~~Building orientation~~, height and architectural character.

17.80.090 Signs.

17.80.100 Landscaping.

17.80.010 Purpose. The purpose of the downtown overlay is to encourage the preservation, improvement and renewal of the existing business district of the city maintaining a center of commercial and civic activity for the community; encourage pedestrian traffic; encourage higher density residential development in support of commerce; require design features that reduce conflicts with vehicular traffic flow; and improve the general appearance, safety and convenience of the downtown area by requiring greater attention to the design of buildings, parking, landscaping, lighting and traffic circulation.

17.80.020 Applicability.

A. West of Highway 30, the ~~The~~ downtown overlay shall apply to properties ~~on the west side of Highway 30 beginning on the north side of E.M. Watts Road at Otto Petersen School and extending north to Scappoose-Vernonia Highway and including all properties with frontages on either side of West First Street or Highway 30 or the connecting side streets, excepting the residential properties north of E.J. Smith Road and west of NW 1st Street. and to properties on the east side of Highway 30 beginning at East Columbia Avenue and extending north to Williams Street and including all properties with frontages on NE First Street, East Columbia Avenue extending east to Fourth Street/West Lane, or Highway 30, East of Highway 30, the downtown overlay shall apply to properties from Williams Street south to East Columbia Avenue with frontages on NE First Street; properties from East Columbia Avenue south to Santosh Street with frontages on SE First Street or SE Second Street; properties with frontages on East Columbia Avenue extending east from Highway 30 to West Lane Road; and properties with frontages on both West Lane Road and East Columbia Avenue, as shown on Figure 17.80.1 ~~Exhibit A, attached to the ordinance codified in this chapter.~~~~

~~B. Expansion or Redevelopment: For developed properties which do not meet the requirements of these design standards, any building or site alterations on the property must be brought into compliance based on the following:~~

~~1. The proposed improvements exceed thirty percent of the assessed value as determined by the Columbia County assessor's office for all improvements on the property, including sites with multiple tenants; or~~

~~2. The proposed alterations exceed ten thousand dollars.~~

~~C. Limit of Required Improvements. The requirements of the downtown overlay must be met for the entire property. However, required improvements costing over ten percent of the value of the proposed alterations do not have to be made. It is the responsibility of the applicant to document that the value of the required improvements exceed ten percent of the value of the building and/or site alterations.~~

~~D. Required Standards. Alterations to developed properties shall be brought into compliance with these design standards. When all required improvements are not being made, they shall be provided in the following order of priority:~~

~~1. Parking perimeter screening and planting;~~

~~2. Design of parking;~~

~~3. Architectural character, where applicable;~~

~~4. Lighting.~~

~~E. Section 17.80.080, Building orientation, height and architectural character shall apply only to structures adjacent to East Columbia Avenue and/or Highway 30.~~

~~F.~~

B. The design standards of this Chapter are not applicable to exterior maintenance or repair of existing structures or improvements.

C. The provisions of this Chapter shall apply to all new residential and commercial construction. The Chapter shall also apply to major exterior modifications except for existing single-family residences.

D. Changes to existing commercial uses shall be subject to this Chapter if any of the following changes is proposed:

1. An increase in the height or width of the building(s) by more than twenty percent;

2. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof;

3. A change that requires additional on-site parking in accordance with Chapter 17.106; or

4. A change in the type and location of access ways and parking areas where off-site traffic would be affected.

E. Except as specifically exempted in this chapter, all other requirements of Title 17 shall apply within the downtown overlay.

17.80.030 Uses.

A. Where base zoning is commercial, permitted ~~Permitted~~ and conditional uses shall be as defined in underlying base zone.

B. Where base zoning is residential, permitted and conditional uses shall be as defined in the underlying base zone, plus the following additional permitted uses:

1. Bed and breakfast facilities;

2. Library services;

3. Professional offices where building footprint is four thousand square feet or less;

4. Dwelling units located on the second floor of professional offices where building footprint is four thousand square feet or less;

5. Single-family attached townhouses on individual lots three thousand (3,000) square feet or greater, not to exceed four units or eighty feet from end-wall to end-wall, whichever is less.

17.80.040 Dimensional requirements.

A. Base zoning dimensions are not applicable within the downtown overlay.

B. Lot area.

1. Where base zoning is commercial, no No-minimum lot area shall be required.

2. Where base zoning is residential and uses are commercial, the minimum lot size shall be six thousand (6,000) square feet.

3. Where base zoning is residential and uses are residential, the minimum lot area shall be:

a. Three thousand (3,000) square feet for a single-family detached residential dwelling unit sixteen feet or greater in height; or

b. Six thousand (6,000) square feet for a single-family detached residential dwelling unit less than sixteen feet in height; or

c. Six thousand (6,000) square feet for the first two attached units plus an additional three thousand (3,000) square feet for each additional dwelling unit; or

d. Three thousand (3,000) square feet for a single-family attached townhouse on an individual lot.

C. Lot width.

1. Where uses are commercial, no No-minimum lot width shall be required.

2. Where uses are residential, the minimum lot width shall be thirty feet for detached residences and twenty feet for single-family attached townhouses.

D. Setbacks. No minimum setbacks shall be required for buildings, except as

1. Where uses are commercial, no setback shall be permitted between the front of the building and the property line adjoining the street. The planner may authorize minor exceptions up to eight feet where necessary to maintain due to lot configuration, visual clearance requirements, or the need to accommodate overhanging elements such as awnings, signage, or architectural features. Such setback exceptions shall be limited to the minimum necessary areas at unsignalized intersections.

2. Where uses are residential,

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

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

c. Side yard setbacks for detached residential dwelling units shall be a minimum of three feet each with any street side setback no less than ten feet;

d. Side yard setbacks for attached townhouses on individual lots shall be zero at the common property line and shall be a minimum of three feet at side yards for end units with any street side setback no less than ten feet;

e. Side yard setbacks for detached accessory buildings shall be a minimum of three feet each;

f. The rear yard setback shall be a minimum of twenty feet, except the minimum rear yard setback for an accessory building shall be five feet.

E. No building shall exceed thirty-five feet in height.

17.80.050 Parking lots for commercial uses.

A. Parking lots shall be in accordance with Chapter 17.106, Off-Street Parking and Loading Requirements, except as specifically defined in this section. Illustrations of desirable parking lot

designs shall reflect the general concepts and designs as shown in the 1998 ODOT/DLCD Quick Response Project and/or the 2002 ODDA Resource Team Report.

B. Location of Parking.

1. New Offoff-street surface parking lots shall be located to the side or rear of buildings. Parking at midblock or behind buildings is preferred. When parking cannot be located at midblock or behind buildings, perimeter screening and planting shall be required, complying with design standards for parking perimeter screening and planting, subsection D of this section.

2. New Offoff-street surface parking lots shall not be located between a front facade of a building adjacent to a public street, and the public street.

3. New parking lots and garages shall not be located within twenty feet of a street corner.

C. Design of Parking Lots.

1. Off-street surface parking areas shall be designed to be as unobtrusive, and as attractive in appearance, as possible.

2. Angled or perpendicular parking spaces shall provide, where needed, extruded curbs (tire stops) or widened curbs to prevent bumper overhang into landscape areas or walkways.

3. Landscaping around and within surface parking areas shall equal ten percent of the total parking area.

4. Landscaping shall be installed within planting bays, and in any other area where parking stalls, circulation aisles, driveways and pedestrian movements shall not be precluded by the landscaping.

~~5. Trees shall be used extensively at the perimeter and in the interior of surface parking lots to break up large parking areas and provide shade. One tree which shall provide a canopy of at least three hundred square feet upon maturity shall be provided for each fifty lineal feet of street frontage or fraction thereof.~~

65. Pedestrian accessways through surface parking lots shall be clearly identifiable through use of different paving materials, pavement markings, grade separation, or landscaping, well-lighted, and as short as practicable.

76. Surface parking lot vehicular accessways shall not exceed twenty feet in width, and shall not be located within twenty-five feet of a corner.

87. New parking areas shall be designed to the extent practicable to connect with existing parking areas on adjacent sites to ~~eliminate the necessity of utilizing~~ minimize usage of the street for parallel movements.

D. Parking Perimeter Screening and Planting. ~~When required by subsection (A)(1) of this section,~~ Parking areas adjacent to public streets shall provide landscaping which meets one of the following standards:

1. A five-foot-wide planting strip between the right-of-way or back of sidewalk and the parking area. The planting strip may be pierced by pedestrian accessible and vehicular access-ways. Planting strips shall be planted with an evergreen hedge. Hedges shall be no less than thirty-six inches or more than forty-two inches in height at maturity. Materials shall achieve a balance between low-lying and vertical shrubbery and trees. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot; or

2. A solid decorative wall or fence thirty-six inches in height parallel to and not nearer than one foot from the right-of-way line. The area between the wall or fence and the street line shall be landscaped. Materials shall achieve a balance between low-lying and vertical

shrubbery and trees. The required wall or fence and landscaping shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance for vehicles exiting the parking lot; or

3. A transparent screen or grille forty-eight inches to seventy-two inches in height parallel to the right-of-way line. A one-foot minimum planting strip shall be located either inside the screen, or between the screen and the right-of-way. The plant strip shall be planted with a hedge or other landscaping. Materials shall achieve a balance between low-lying and vertical shrubbery and trees. The required screen or grill and landscaping shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance for vehicles exiting the parking lot.

E. Reduced Off-Street Parking Requirements.

1. For any structure meeting the applicability provisions of Chapter 17.120 (Site Development Review) or Chapter 17.130 (Conditional Use), the Planning Commission may grant reduced off-street parking standards within the following parameters:

a. Up to a 100-percent reduction capacity for the area existing between NW Laurel Street and NW Casey Street/J.P. West Road for properties having frontages on either side of West First Street, ~~or Highway 30, or the connecting side streets.~~

b. Up to a ~~50-~~twenty-five (25) percent reduction capacity for properties in the area existing downtown overlay on the east side of Highway 30 ~~beginning at East Columbia Avenue and extending north to Williams Street and including all properties with frontages on NE First Street, East Columbia Avenue extending east to Fourth Street/West Lane, or Highway 30 as shown on Exhibit A, attached to the ordinance codified in this chapter.~~

17.80.060 Lighting.

A. Illustrations of desirable lighting ~~shall reflect the general concepts and designs as are~~ shown in the 1998 ODOT/DLCD Quick Response Project and/or the 2002 ODDA Resource Team Report.

B. Pedestrian scale street lighting shall be provided along ~~arterials, major collectors, minor collectors and local streets~~East Columbia Avenue and along West First Street.

C. Pedestrian scale street lights shall be no taller than twenty feet ~~along arterials, major collectors, minor collectors and local streets~~and shall be a design approved by the planner. Lamps shall be metal halide bulbs or other white light source.

D. Additional pedestrian-oriented site lighting (i.e., path lighting including step lights, well lights and bollards) is encouraged.

E. Fixture height and lighting levels shall be commensurate with their intended use and function and shall assure compatibility with neighboring land uses. Baffles shall be incorporated to minimize glare and to focus lighting to its intended area.

F. Minimum lighting levels shall be provided for public safety in all urban spaces open to public circulation.

G. No lighting standard shall exceed twenty-five feet in height.

~~H. A minimum average light level of 1.2 foot-candles is required for urban spaces and sidewalks.~~

~~I. Maximum lighting levels shall not exceed 3.0 foot-candles at intersections or 1.5 foot-candles in parking areas.~~

~~J.H.~~ Accent lighting on architectural focal points and landscape features is encouraged.

~~K.I.~~ Seasonal lighting is encouraged ~~on trees.~~

17.80.070 Service areas.

A. Illustrations of desirable service area screening ~~shall reflect the general concepts and designs as are~~ shown in the 1998 ODOT/DLCD Quick Response Project and/or the 2002 ODDA Resource Team Report.

B. Except for single-family dwelling units, All on-site service areas, loading zones and outdoor storage areas, waste storage, disposal facilities, transformer and utility vaults and similar activities shall be located in an area not visible from a street or urban space. If this is not possible, then the service area, loading zone or storage area ~~must~~ shall be fully screened from public view. Prohibited screening includes chain-link fencing with or without slats. Acceptable screening includes a stone, masonry or wood enclosure which may be freestanding or incorporated into a building wall.

17.80.080 Building orientation, height and architectural character.

~~A. Section 17.80.080, Building orientation, height and architectural character shall apply only to structures adjacent to East Columbia Avenue and/or Highway 30. Illustrations of desirable storefronts, design and architectural character shall reflect the general concepts and designs as shown in the 1998 ODOT/DLCD Quick Response Project and/or the 2002 ODDA Resource Team Report.~~

~~B. Building orientation. For corner lots with frontage on East Columbia Avenue or Highway 30, building orientation shall exist so as to include building frontages and entrances along each street, or so oriented as to include a corner entrance. Incorporation of a corner entrance will require significant building massing and frontage orientation along both street frontages.~~

~~A. Building Height for Commercial Uses.~~

~~C. Height.~~

~~1. The facade height of corner buildings shall be two to three stories and not more than thirty five feet high. Where possible corner buildings shall be the tallest structures in each block.~~

~~2. The facade height of buildings in the middle of the block shall be one to two stories and no more than twenty-seven feet high.~~

~~3.~~

1. The minimum facade height for single-story buildings shall be ~~twenty~~ sixteen feet for buildings with unbroken rooflines, but may be as short as fourteen feet for buildings providing architectural diversity to roof profiles. Building height shall be measured from the highest grade point of the building frontage from ground to top of cornice or midpoint of roof slope.

~~4. There shall be no setback between buildings and the right-of-way.~~

~~D. B. Architectural Character.~~

1. Awnings on building containing commercial uses.

a. Awnings at the ground level of commercial buildings are encouraged.

b. Awnings shall not obscure or distract from significant architectural features and should fit within the window bays (either above the main glass or the transom ~~light~~ window).

c. The color of the awning shall be compatible with its attached building.

~~a. 2. Building Design. Exterior.~~ 2. Building Design. Exterior. The exterior walls of building facades ~~along Columbia Avenue or Highway 30~~ shall be of suitable durable building materials including the following: stucco, stone, terra-cotta, tile, cedar shakes and shingles, beveled or shiplap or other narrow-course horizontal (boards or siding, vertical board and batten siding, articulated architectural concrete masonry units (CMU), or similar materials which are low maintenance, weather resistant, abrasion resistant, and easy to clean. Prohibited building materials include the following: plain concrete, plain concrete block, corrugated metal, unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet press board) and similar quality, nondurable materials.

3. Building Fronts.

aa. All residential structures shall utilize at least two of the following design features to provide visual relief along the street frontage:

1. Dormers;
2. Recessed entries;
3. Cupolas;
4. Bay or bow windows;
5. Gables;
6. Covered porch entries;
7. Pillars or posts;
8. Eaves (minimum eighteen inch projection); or
9. Off-sets on building face or roof (minimum sixteen inches).

b. Ground floor windows shall be provided on commercial building facades facing Columbia Avenue and Highway 30.

bc. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows of commercial buildings.

ed. Ground floor building facades along a Columbia Avenue or Highway 30 must on commercial buildings shall contain unobscured windows or glass doors for at least forty-five percent of the wall area and seventy-five percent of the wall length within the first ten feet of wall height. Lower window sills shall not be more than three feet above grade except where interior floor levels prohibit such placement, in which case the lower window sill shall not be more than a maximum of four feet above the finished exterior grade.

de. On the ground floor, commercial buildings shall incorporate large display windows with transom light windows above.

ef. New commercial buildings whose street frontage is more than forty-five feet wide shall be designed so they to convey a sense of division through the use of either pilasters, window and door openings, recessed entries, off-sets or other architectural details and shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances, changes in materials, or other articulation so as such as columns or vertical architectural elements to provide pedestrian scale to the ground floor. Other articulation shall include: columns, pilasters or vertical architectural elements which serve to modulate the building facade.

17.80.090 Signs. A. Signs shall be in accordance with the requirements of Chapter 17.114, Signs.

17.80.100 Landscaping.

A. ~~Except as specifically required in Section 17.80.050, no additional landscaping shall be required within the downtown overlay. The landscaping requirements of Sections 17.100.090 (Buffering and screening requirements) and 17.100.100 (Screening--Special provisions) Chapter 17.100, Landscaping, shall not apply within the downtown overlay.~~

B. Pedestrian scale lighting and hanging floral baskets may be substituted for street trees for frontages on the west side of Highway 30 from the northwest corner of JP West Street Road north to the southwest corner of Watts Street. Such substitutions shall be in accordance with the standards in Section 17.80.060. The design of the fixture shall be subject to ~~planning commission~~ approval by the planner.

C. One street tree shall be required per 35 feet of linear street frontage or fraction thereof, except where planner approves alternative plantings due to visual clearance requirements,

awnings, street lights, doors or other conflicts. Species of street trees shall be subject to approval by the planner and may vary from the approved street tree list where a smaller stature of tree is necessary to resolve conflicts.

Exhibit A Figure 17.80.1

{Delete the existing diagram and replace with the following}

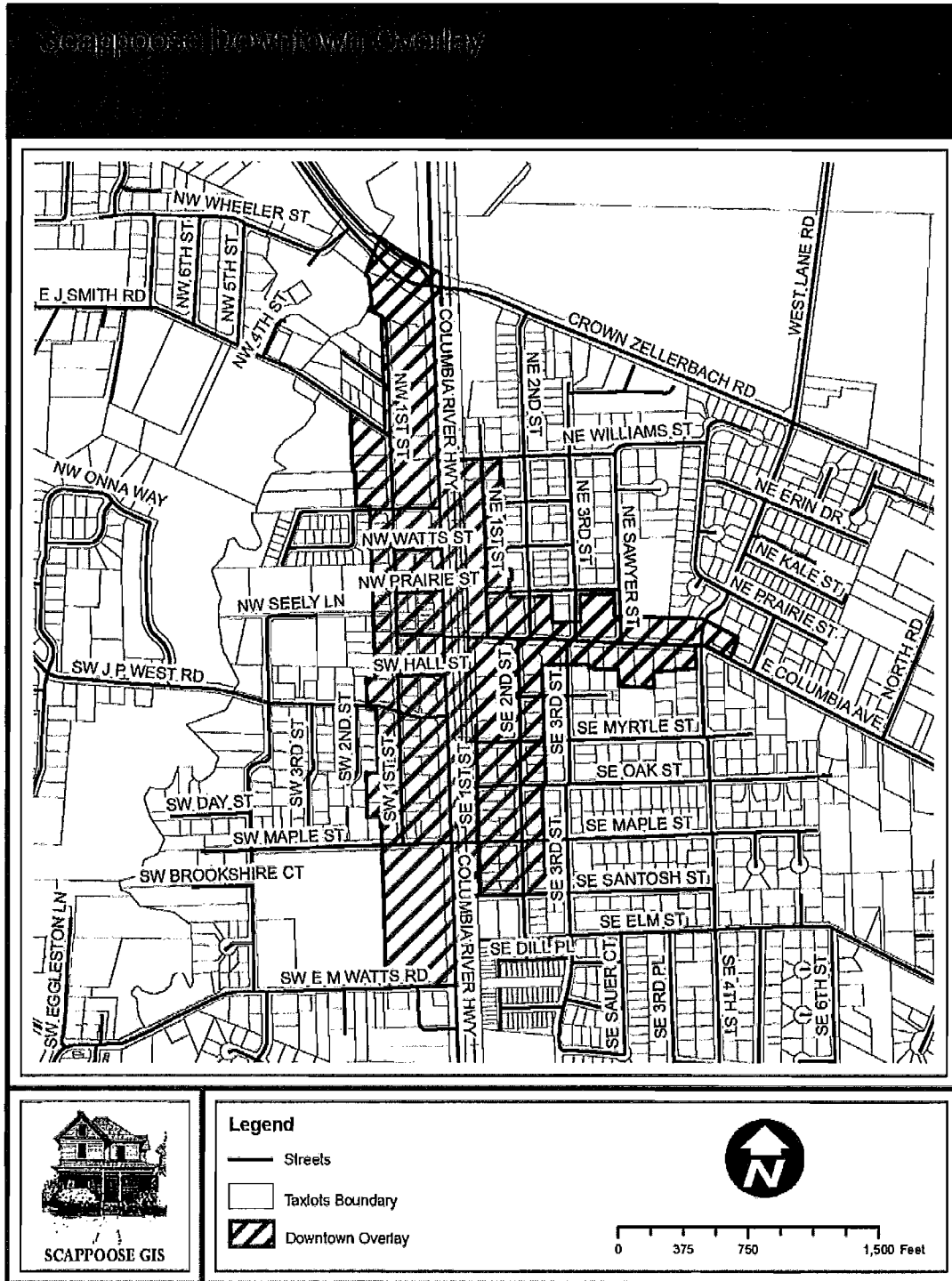


Exhibit B of Ordinance No. 811

DCTA2-10

July 1, 2010

Amendments to Downtown Overlay Regulations

CITY OF SCAPPOOSE STAFF REPORT

Request: Approval of amendments to the Development Code regarding the rules and regulations for development within the Downtown Overlay.

Applicant: City of Scappoose

EXHIBITS

1. Map of existing & proposed boundaries of Downtown Overlay

BACKGROUND

The City of Scappoose proposes to amend Chapter 17.80 of the Development Code (Downtown Overlay), which regulates development in the City's traditional downtown area. The proposal and rationale are discussed below.

In 1998, the DLCD/ODOT Transportation and Growth Management Program assisted the City with retaining a consultant team to study the downtown area and to recommend mechanisms to encourage a vibrant city center. One outcome of this project was the City's adoption of the Downtown Overlay regulations in 1999, which applied unique development regulations to several key streets in the downtown area in recognition of the small parcel sizes and a desire to support a pedestrian-scale environment. Subsequently, in 2002 the Oregon Downtown Development Association (ODDA) performed a site visit of downtown Scappoose and made further recommendations for ways to support growth and foster an active commercial core. The City amended the Downtown Overlay regulations in 2003 to incorporate some of the suggestions from the ODDA. In all cases, the base zoning (e.g., General Commercial) still applies but some of the standard rules are superseded by provisions of the Overlay.

In spite of these customized regulations, there have been relatively few development projects in the downtown area over the last decade. Anecdotal evidence suggests that some of the existing code language has served as a barrier to further development (for instance, the \$10,000 trigger on alterations has caused some owners to defer improvements, and building height and setback requirements could lead to conflicts with overhead power lines). Nonetheless, preserving and protecting the downtown businesses remains a high priority for the community, as evidenced by recent discussions by the Ad Hoc Economic Opportunity Analysis Advisory Committee.

To respond to these concerns, the City is proposing to amend the Downtown Overlay regulations. The proposed amendments would clarify the City's regulations while expanding the area governed by the Overlay, including residential properties in close proximity to the

downtown commercial district. The proposed changes would allow the addition of townhouses to increase housing opportunities nearby downtown shopping, open space amenities, and the Columbia County Rider transit service.

PROPOSED CHANGES

The types of changes proposed for the Downtown Overlay include the following:

- Expansion of the affected area into residential streets near the downtown commercial district. A map of the existing and proposed boundaries is attached as **Exhibit 1**.
- Development of different rules for residential and commercial properties.
- Clarification of the applicability of the Overlay regulations to existing structures and uses (the goal is to have them apply upon redevelopment rather than in the case of maintenance and minor improvements).
- Revised architectural requirements for new structures and uses.
- Removal of barriers to commercial development (e.g., the existing window requirements and height requirements).
- Reclassification of a handful of uses in residential areas that are currently conditional uses but would become permitted uses (e.g., bed and breakfast facilities).
- Responses to identified ambiguities and problem areas (e.g., a portion of the landscape buffer between a sidewalk and a parking lot may sit within the public right-of-way).
- Addition of single-family townhouses as an allowable housing type on residential properties.

PUBLIC NOTICE

Notice of the proposed amendments to the Development Code was published in the newspaper on June 9, 16, and 23, 2010 and mailed to all property owners within the affected area on June 1, 2010. Staff received several inquiries about the proposed amendments but received no written comments from the public regarding this application. Testimony at the Planning Commission hearing was generally in favor of the proposed changes.

RECOMMENDATION

Based on the applicable statutes, rules, comprehensive plan provisions and implementing ordinances, staff and the Planning Commission recommend adoption of the proposed amendments by the City Council.

FINDINGS OF FACT

1. The Downtown Overlay is intended to focus pedestrian-oriented commercial uses in the traditional downtown core of the City. Specific development standards and design standards are adopted for the downtown area to assure an active, attractive, and accessible environment for shoppers, employees and residents.
2. The Downtown Overlay is intended to ensure that new development is compatible with this desired character. The desired character for this area includes commercial buildings that are built to the right-of-way and oriented toward the pedestrian. Allowable uses also include townhouses and multifamily apartment/condominium buildings.

3. The following Statewide Planning Goals have been considered by the City of Scappoose in the formation of the language contained within this request:

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:

This application complies with the citizen involvement processes included in the City's acknowledged Comprehensive Plan and Development Code, which is consistent with Statewide Planning Goal 1. The Planning Commission and City Council hold public hearings on the proposal prior to adopting any amendments to the Scappoose Municipal Code. Notice of the proposal and hearings was published in the local newspaper on June 9, June 16, and June 23, 2010 and mailed to all property owners within the affected area on June 1, 2010. Citizens may submit written or verbal testimony regarding the proposed amendments. This process allows for citizens to communicate their input into the Development Code amendment review conducted by the City. For this application, the Planning Commission's hearing date was June 24, 2010, while the City Council's hearing dates are July 6, 2010 and July 19, 2010. This process complies with the Goal.

Land Use Planning (Goal 2)

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding:

The proposal to amend the Development Code is consistent with the City's regulations regarding legislative land use decisions. Legislative decisions require a Planning Commission recommendation to the City Council, which then makes a decision based on stated findings. The Planning Commission and City Council hearings are open to the public.

The procedural requirements for the proposed Development Code amendment involve assessment of the application's merits, notice to affected parties, and public hearings. The current proposal is to update the Downtown Overlay regulations to encourage commercial and residential development downtown consistent with the Comprehensive Plan. Notice of the proposed amendment has been provided to the Oregon Department of Land Conservation and Development (DLCD) as required. DLCD staff has not commented on the proposal. The City's decision is based on findings of fact. This action complies with Goal 2.

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 proposal to support development in the City's traditional downtown center is consistent with its responsibility to provide opportunity for economic growth. This relationship was recognized at the time of the adoption of the Downtown Overlay approximately ten years ago. Amending the regulations to better respond to market conditions and to incorporate lessons learned can enhance the program and increase the likelihood of redevelopment within the urban core.

The proposal to update the Downtown Overlay development standards is consistent with the aims of Goal 9.

Housing (Goal 10)

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

Finding:

The City has an obligation to maintain an adequate supply of a range of types of housing. One technique to achieve this objective is to encourage higher density housing in existing neighborhoods. The proposal to allow townhouses on individual lots would yield a density equivalent to that from existing rules for multi-family housing in the Moderate Density Residential (R-4) zone but could increase the likelihood of development because the units could be sold individually. Encouraging housing in the downtown area places residents in close proximity to businesses and other conveniences such as parks and the library.

The proposal to update the Downtown Overlay development standards is consistent with the housing aims of Goal 10.

Statewide Planning Goals 3-8 and 11-19 are not applicable to this application.

4. The following Goals and Policies from the Scappoose Comprehensive Plan have been considered by the City of Scappoose in the formation of the language contained within this proposal:

GENERAL GOALS OF THE CITY OF SCAPPOOSE FOR LAND USES

1) The growth of the City should be orderly and in accordance with the public health, safety, and welfare, while preserving individual choice and recognizing existing patterns of development.

3) A suitable balance between competing land use should be established so that, insofar as possible, the complete range of social, economic, cultural, and aesthetic needs of the community are met.

6) Residential living areas should be safe, attractive, and convenient, and should make a positive contribution to the quality of life and personal satisfaction of residents; additionally, there should be sufficient areas for a wide range of housing choices.

7) Commercial areas should provide maximum service to the public and should be safely integrated into the physical pattern of the community.

14) The local economy should be strengthened and diversified.

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

Finding:

In 1998, the City conducted a study of downtown area to identify existing patterns of development and develop methods to promote those existing patterns. The goal was to encourage a vibrant, pedestrian friendly downtown that maintained the architectural character of the existing downtown. The Downtown Overlay, Chapter 17.80 of the Scappoose Municipal Code, was adopted in 1999 to implement this goal. Further revisions were adopted in 2003 following analysis by the Oregon Downtown Development Association (ODDA).

Since the adoption of the Downtown Overlay, several commercial buildings have been constructed in downtown. In the construction process, a variety of issues have been identified such as conflicts between setbacks and power lines, building frontages and existing streets. The proposed ordinance addresses these conflicts while continuing to support orderly growth in the downtown area and a balance between competing land uses. While the amendments would expand the existing Downtown Overlay to include some residential properties (see **Exhibit 1**), the balance between competing land uses is not affected by the expansion as the residential properties already conditionally permit the uses identified in the amendments.

The residential properties proposed to be added to the Downtown Overlay are designated General Residential (GR) on the Comprehensive Plan, which encourages higher density in the traditional center of town. All the land proposed to be added to the Overlay is zoned Moderate Density Residential (R-4), with the exception of one parcel on the northeast corner of West Lane Road and Columbia Avenue zoned Low Density Residential (R-1).¹ These parcels are among the most convenient in town due to their proximity to commercial services. Similarly, the commercial areas in the Downtown Overlay are generally respectful and supportive of the neighboring residences. The proposed changes would support and enhance this mutual benefit.

The proposed amendments strive to strengthen the local economy in several ways. First, the existing Downtown Overlay has redevelopment provisions (Section 17.80.020) that serve as a disincentive to property owners to improve existing buildings. Further, from the perspective of managing the requirements of this section, tracking costs is a burden to the City and increases the expenses of redevelopment, creating an economic barrier. As there are a number of old buildings located in the overlay, empty or rundown buildings negatively affect the local economy and improvements to those buildings are desirable to the community. The proposed amendments would remove these redevelopment triggers.

¹ If this parcel were being annexed under current rules, it would be zoned R-4 due to the GR Comprehensive Plan designation.

Amendments to Downtown Overlay Regulations

Second, the City has been discussing expansions of its existing urban growth boundary that could result in a significant amount of bare land available for commercial development. Such expansions could negatively impact development or redevelopment of the existing downtown area if investors perceive that it is less costly and less difficult to develop bare land in an expansion area. The proposed amendments strengthen the existing downtown by eliminating or amending development standards that have been proven to be problematic in actual construction. Further, the amendments support diversity in the local economy by eliminating barriers to downtown development. The amendments represent an effort to keep downtown commercially viable and attractive to investors.

Third, customers are necessary to support commercial enterprises. Increasing the range of housing permitted in the Downtown Overlay increases the number of potential customers, particularly on the east side of Highway 30. In this area, residents can easily walk to City Hall and Heritage Park, the Farmers Market, several restaurants, the Scappoose Public Library, schools, grocers and other retail, professional services and public transportation.

Fourth, resolving issues related to window requirements and structural integrity in a manner that allows wood framing, rather than metal framing, increases the number of contractors available for construction and expands opportunities for local contractors. Increasing opportunities for employment of local contractors reduces construction costs. Reducing construction costs provides incentive to investors for further development. Further development continues the cycle of creating additional local employment opportunities and strengthening the local economy.

Amending the Development Code to update the Downtown Overlay provisions is consistent with the applicable GOALS OF THE CITY OF SCAPPOOSE FOR LAND USES.

GOAL FOR THE GENERAL RESIDENTIAL LAND USE DESIGNATION

It is the goal of the City of Scappoose to:

- 1) Create conditions suitable for higher concentrations of people in proximity to public services, shopping, transportation and other conveniences.*
- 2) To provide places suitable for multi-family dwellings and single family dwellings.*

POLICIES FOR THE GENERAL RESIDENTIAL LAND USE DESIGNATION

It is the policy of the City of Scappoose to:

- 2) Encourage greater densities in the older portions of town which are convenient to shopping and other conveniences, and more suitable for development at greater densities than outlying areas.*

*Amendments to Downtown Overlay Regulations***Finding:**

The City has adopted a policy to provide places suitable for multi-family dwellings and single family dwellings. The zoning ordinance serves to implement this policy. No changes to zoning are proposed in the amendments.

The amendments are consistent with the existing City policies of encouraging greater densities in the older portions of town. The downtown area is more suitable for higher-density residential development than outlying areas because of proximity to public services, shopping, transportation and other conveniences.

The expanded Downtown Overlay is located adjacent to the existing overlay area and entirely on the east side of Highway 30 (see **Exhibit 1**). The expansion area is in the oldest portion of town where residents can easily walk to City Hall and Heritage Park, the Watts House Museum, the Farmers Market, several restaurants, the Scappoose Public Library, schools, retail, professional services and public transportation. This area of the community contains a significant concentration of goods and services easily accessible by pedestrians. Further, with the completion of the Highway 30 sidewalk improvements, pedestrian and handicapped accessibility to the east side of downtown from other areas of the community has also been enhanced.

Under current statutes, the greatest densities have been limited to multi-family housing. These types of residences are now permitted at a greater density than single family residences. While this standard may have been appropriate when the majority of single family home owners desired a large yard, conditions such as an aging population and an uncertain economy have resulted in an increased market for housing that provides the convenience and reduced maintenance of a small lot along with the benefits of home ownership.

Under the current R-4 zoning, options for single family residences are limited, while fourplexes are permitted on 12,000 square foot lots. The zone does not currently permit single family residences at a comparable density with similar impacts. The proposed amendment expands the range of housing choices by permitting single family residences at the same density currently permitted for fourplexes. With the exception of the property on the northeast corner of Columbia Avenue and West Lane Road, the amendments have the same impact on existing properties and densities as are currently permitted.

Since the parcel on the northeast corner of Columbia Avenue and West Lane Road is zoned R-1, low density residential, the expanded overlay can potentially permit additional residences above what would be permitted by the base zoning. However, the property is a corner lot with significant frontages on two collector streets. While this property is currently vacant, existing development patterns for adjacent properties to the east and north minimize impacts of potentially increased densities. Most significantly, the GR Comprehensive Plan designation supports its inclusion in the Downtown Overlay.

Amendments to Downtown Overlay Regulations

For areas zoned designated General Residential and zoned residential, three commercial uses (bed and breakfast facilities, library services and professional offices) that are currently conditional uses in the R-4 zone would become outright permitted uses within the Overlay and would continue to be subject to site development requirements for such uses.

Further, the proposed expansion areas are located adjacent to the existing downtown and are already served by the same transportation system. SE Maple Street, East Columbia Avenue and West Lane Road are existing collector streets and those existing traffic corridors would continue to function as primary access under the proposed amendments.

Amending the Development Code to update the regulations in the Downtown Overlay provides additional options for housing consistent with the GR designation. The applicable GOALS AND POLICIES FOR THE GENERAL RESIDENTIAL LAND USE DESIGNATION are satisfied.

GOAL FOR THE COMMERCIAL LAND USE DESIGNATION

It is the goal of the City of Scappoose to:

1) Establish commercial areas which provide maximum service to the public and which are safely integrated into the physical pattern of the City.

POLICIES FOR THE COMMERCIAL LAND USE DESIGNATION

2) Encourage the preservation, improvement, expansion, and renewal of the City's existing business district and implement the adopted Downtown Scappoose Plan supporting the existing business district in its role as a center of economic and civic activity for the entire community.

3) Encourage the filling-in of vacancies in present commercial strips, together with design features that would reduce conflict with traffic flow, such as frontage roads and single access joint off-street parking.

4) Locate business activities in clusters for the convenience of the public to be served rather than scattered or mixed with non-commercial land uses.

7) Improve the general appearance, safety and convenience of commercial areas by encouraging greater attention to the design of buildings, parking and circulation.

9) Encourage the transition of W. 1st into a commercial area for offices and services.

Finding:

The existing commercial areas were established to provide maximum service to the public and are already integrated into the physical pattern of the community. The proposed amendments do not affect the current base zoning. For areas currently zoned commercial, there is no change to the existing permitted uses.

Amendments to Downtown Overlay Regulations

The proposed amendments continue to encourage the preservation, improvement, expansion, and renewal of the City's existing business district envisioned in the 1998 ODOT/DLCD Quick Response Project and the 2002 ODDA Resource Team Report. The Overlay supports the existing business district in its role as a center of economic and civic activity for the community by eliminating existing barriers to downtown development. As previously discussed, the existing Downtown Overlay has a section related to redevelopment that has potential negative impacts. It appears that the requirements of Section 17.80.020 serve as a disincentive to property owners who would like to improve existing buildings. Further, from the perspective of managing the requirements of this section, tracking costs is a burden to the City and increases the expenses of redevelopment creating an economic barrier. The Overlay can assist with improving the appearance of existing buildings and encourage the filling-in of vacancies in present commercial strips by clarifying design requirements and resolving conflicts such as the issues resulting from the cumulative effect of minimum building height requirements, zero setbacks and existing utility lines on East Columbia Avenue. No changes to design features related to traffic flow are proposed.

The small size of the expansion and its location adjacent to, or within walking distance, of existing business activities supports the City policy of locating business activities in clusters for the convenience of the public to be served rather than scattered or mixed with non-commercial land uses.

The proposed amendment supports the City policy of improving the general appearance, safety and convenience of commercial areas by encouraging greater attention to the design of buildings, parking and circulation. By applying the lessons learned through construction of buildings under the requirements of the existing Downtown Overlay, the Overlay becomes a better tool for the City and the development community.

The proposed amendments support the transition of West 1st Street into a commercial area for offices and services by removing onerous requirements related to redevelopment. The amendments provide the Planner with tools to address issues related to setbacks, street lighting, conflicts with existing utilities, angled property lines, street elevations, placement of awnings and street trees, and impacts on structural integrity resulting from window requirements on a site-by-site basis.

The applicable GOALS AND POLICIES FOR THE COMMERCIAL LAND USE DESIGNATION are satisfied.

5. The following sections of Title 17 of the Scappoose Municipal Code (Scappoose Development Code) Plan have been considered by the City of Scappoose in the formation of the language contained within this proposal:

Chapter 17.80 DOWNTOWN OVERLAY

17.80.010 Purpose. *The purpose of the downtown overlay is to encourage the preservation, improvement and renewal of the existing business district of the city maintaining a center of*

Amendments to Downtown Overlay Regulations

commercial and civic activity for the community; encourage pedestrian traffic; require design features that reduce conflicts with vehicular traffic flow; and improve the general appearance, safety and convenience of the downtown area by requiring greater attention to the design of buildings, parking, landscaping, lighting and traffic circulation.

Finding:

The general purpose of the Downtown Overlay would remain unchanged, with the overall goals outlined above. The amendment would also clarify that the Overlay would encourage higher density residential development in support of commerce. The City will continue to promote regulations that support a thriving downtown. Section 17.80.010 is satisfied.

Chapter 17.160 PROCEDURES FOR DECISION MAKING—LEGISLATIVE

17.160.120 The standards for the decision. *A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:*

- 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;*
- 2. Any federal or state statutes or rules found applicable;*
- 3. The applicable comprehensive plan policies and map; and*
- 4. The applicable provisions of the implementing ordinances.*

B. Consideration may also be given to:

Proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

Finding:

The Planning Commission's recommendations and the City Council's decisions are based on applicable statewide planning goals and guidelines, federal and state statutes and rules, Comprehensive Plan policies, and provisions of the Scappoose Municipal Code, as detailed in the findings. The City has publicized the proposed amendments and holds hearings in accordance with applicable laws. The City proposes amendments to bolster the downtown area and to address shortcomings in the existing code language. Section 17.160.120 is satisfied.

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