



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: December 11, 2015

Jurisdiction: City of Scappoose

Local file no.: DCTA 2-15

DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/09/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 37 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
File No.:	004-15
	{ 24020 }
Received:	12/9/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Scappoose

Local file no.: **DCTA2-15**

Date of adoption: 12/7/2015

Date sent: 12/9/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/15/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

The adopted text amendment differs from the proposal in the following way: Instead of adding "community colleges" to the conditional uses allowed in the Light Industrial zone, the following will be added, "Institutions of higher education, provided that the parcel size is 50 acres or less.

Local contact (name and title): Laurie Oliver, Associate City Planner

Phone: 503-543-7184

E-mail: loliver@cityofscappoose.org

Street address: 33568 E Columbia Ave.

City: Scappoose

Zip: 97056-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|------------------------------------------------|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

- 17.69.030- Public Use Airport, Definitions
- 17.70.040 - Light Industrial, Conditional Uses

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: City of Scappoose

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Included is a signed copy of the adopted Ordinance, with exhibits containing the text amendments and the staff report.

ORDINANCE NO. 846

AN ORDINANCE RELATING TO LAND USE AND AMENDING THE SCAPPOOSE MUNICIPAL CODE CHAPTER 17.70 (LI LIGHT INDUSTRIAL) & CHAPTER 17.69 (PUA PUBLIC USE AIRPORT)

WHEREAS, the Scappoose City Council proposes to amend Scappoose Municipal Code Chapter 17.70 to add institutions of higher education as a conditional use in the Light Industrial zone; and

WHEREAS, to preserve land for employment uses in the Light Industrial zone the City is imposing size limitations on institutions of higher education; and

WHEREAS, Council proposes to amend Scappoose Municipal Code Chapter 17.69 to update the definition of “Airport compatible light industrial uses”; and

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

WHEREAS, the Planning Commission held a hearing on the application on November 12, 2015 and the City Council held a hearing on the application on November 16 and December 7, 2015; now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Title 17 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

Section 2. The City Council adopts the recommendation of the Scappoose Planning Commission and the findings of fact in the revised Staff Report dated November 23, 2015 as the basis for this ordinance, attached hereto as Exhibit B.

PASSED AND ADOPTED by the City Council this 7th day of December, 2015, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

First Reading: November 16, 2015
Second Reading: December 7, 2015

Attest: _____
Susan M. Reeves, MMC, City Recorder

**Exhibit A of Ordinance No. 846
Amendment to Scappoose Municipal Code Chapter 17.70 & Chapter 17.69**

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

Chapter 17.70

LI LIGHT INDUSTRIAL

Sections:

- 17.70.010 Purpose.
- 17.70.030 Permitted uses.
- 17.70.040 Conditional uses.
- 17.70.050 Dimensional requirements.

17.70.010 Purpose. The purpose of the light industrial zone is to:

- A. Provide appropriate locations for industrial use including light manufacturing and related activities with few, if any, nuisance characteristics such as noise, glare and smoke;
- B. To permit manufacturing, processing, assembling, packaging or treatment of produce or products from previously prepared materials; and
- C. To provide a wide variety of sites with good highway or rail access.

17.70.030 Permitted uses. In the light industrial zone, activities are subject to site development review, Chapter 17.120, Site Development Review. Only the following uses and their accessory uses are permitted outright:

- A. Agricultural sales and services including uses customarily carried on outdoors except slaughterhouses, tanneries or rendering plants;
- B. Animal sales and service including auctions, kennels and veterinary;
- C. Automobile and equipment sales, service and repair (new and used);
- D. Bakeries;
- E. Building maintenance services;
- F. Building materials sales and service;
- G. Caretaker dwelling;
- H. Construction sales and services;
- I. Home occupation (Type I) subject to Chapter 17.142, Home Occupations;
- J. Laundry services;
- K. Research services;
- L. Retail facilities on sites greater than one hundred thousand square feet;
- M. Manufacturing of finished products;
- N. Manufacturing of components for use in finished products;
- O. Packaging of previously processed materials;
- P. Participation sports and recreation: indoor and outdoors;
- Q. Processing and packing of food products;
- R. Processing of previously processed materials for use in components or finished products;
- S. Processing of materials for use in any construction or building trades;
- T. Public support facilities;
- U. Parking facilities;

V. Public safety services;

W. Transportation terminals and storage yards, provided that a five-foot landscaped perimeter setback surrounds all outdoor parking, all storage areas are buffered and screened in accordance with Chapter 17.100, Landscaping, Screening and Fencing, and all repair work is performed indoors;

X. Vehicle fuel/convenience sales;

Y. Wholesale, storage and distribution;

Z. Any permitted use on a temporary basis subject to Scappoose Municipal Code 17.128, Temporary Commercial and Industrial Uses;

AA. Wireless communications facilities, not to include antenna support structures, subject to the provisions of Chapter 17.93.

17.70.040 Conditional uses. The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 17.130, Conditional Use, other relevant sections of this title and any conditions imposed by the planning commission:

A. Eating and drinking establishments;

B. Commercial amusement facilities including bowling alleys, video arcades, and movie theaters other than adult motion picture theaters;

C. Home occupations (Type II) subject to Chapter 17.142, Home Occupations;

D. Recycle stations, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property, all operations are conducted entirely within buildings, and all building setbacks shall be a minimum of thirty feet from any property line;

E. Major impact utilities, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and screening surrounds property;

F. Wireless communication facilities, subject to the provisions of Chapter 17.93;

G. Mini-storage with or without a caretaker dwelling, provided that the facility size is three acres or less and that no adjoining sites or properties have mini-storage facilities.

H. Institutions of higher education, provided that the parcel size is 50 acres or less.

17.70.050 Dimensional requirements. A. Unless otherwise specified, the minimum setback requirements are as follows:

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

2. On corner lots the minimum setback for the side facing the street shall be five feet;

3. On through lots, the front and rear setback shall be a minimum of twenty feet;

4. No additional side or rear yard setback shall be required except fifty feet shall be required where abutting a residential zoning district and the planning commission may reduce this required yard setback by fifty percent pursuant to Chapter 17.100, Landscaping, Screening and Fencing.

B. No building shall exceed fifty feet in height. Within one hundred feet of a residential zone, no building shall exceed thirty-five feet in height.

C. All outside storage areas require buffering and screening as defined in Chapter 17.100, Landscaping, Screening and Fencing.

D. Additional requirements shall include any applicable section of this title.

Chapter 17.69
PUA PUBLIC USE AIRPORT

Sections:

- 17.69.010 Purpose.
- 17.69.020 Conformance with public use airport safety and compatibility overlay.
- 17.69.030 Definitions.
- 17.69.040 Permitted uses.
- 17.69.050 Uses permitted subject to the acceptance of the airport sponsor.
- 17.69.060 Conditional uses.
- 17.69.070 Dimensional requirements and development standards.

17.69.010 Purpose. The purpose of the public use airport zone is to encourage and support the continued operation and vitality of the Scappoose Industrial Airpark by allowing certain airport-related commercial, manufacturing and recreational uses in accordance with state law. (Ord. 726 §2, 2002)

17.69.020 Conformance with public use airport safety and compatibility overlay. All uses, activities, facilities and structures allowed in the public use airport (PUA) zone shall comply with the requirements of the Public Use Airport Safety and Compatibility Overlay (Chapter 17.88). In the event of a conflict between the requirements of this zone and those of the public use airport safety and compatibility overlay, the requirements of the overlay shall control. (Ord. 726 §2, 2002)

17.69.030 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

- A. "Aircraft" includes airplanes and helicopters, but not hot air balloons or ultralights.
- B. "Airport sponsor" is the owner, manager, person or entity designated to represent the interests of an airport. For the Scappoose Industrial Airpark, the airport sponsor is the Port of St. Helens.
- C. "Airport compatible light industrial uses" are ~~light manufacturing activities~~ light industrial uses that do not create safety hazards or otherwise interfere with customary and usual aviation-related activities.

17.69.040 Permitted uses. The following uses and activities are permitted outright in the PUA zone:

- A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this chapter, "customary and usual aviation related activities" do not include residential, commercial, industrial, manufacturing and other uses;
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan;

C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses;

D. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies;

E. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.

F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel;

G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public;

H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public;

I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft related products for sale to the public;

J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting;

K. Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930;

L. Manufacturing, assembly, processing, packaging, testing, treatment, repair, or distribution of aircraft or aircraft related components or products for sale to the public; and

M. Other airport compatible light industrial uses. (Ord. 726 §2, 2002)

17.69.050 Uses permitted subject to the acceptance of the airport sponsor. The following uses and activities and their associated facilities and accessory structures are permitted in the PUA zone upon demonstration of acceptance by the airport sponsor: aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this section include, but are not limited to, fly-ins; glider flights; ultralight

aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include hot air ballooning, flights carrying parachutists or parachute drops (including all forms of skydiving). (Ord. 726 §2, 2002)

17.69.060 Conditional uses. The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 17.130 (Conditional Use) of the Scappoose Development Code, other relevant sections of this title, and any conditions imposed by the planning commission:

- A. Auto rental agencies;
- B. Cafeterias and restaurants;
- C. Motels; and
- D. Other commercial uses customarily located at public use airports. (Ord. 726 §2, 2002)

17.69.070 Dimensional requirements and development standards.

- A. Lot Size. There is no minimum lot size in the PUA zone.
- B. Setbacks. No front, side or rear yard setbacks except on lots abutting a residential district, where the minimum setback is fifty feet on the side abutting or facing the residential district.
- C. Screening. All outside storage areas require buffering and screening as defined in Chapter 17.100 (Landscaping) of the Scappoose Development Code.
- D. Uses shall be developed and located in a manner consistent with the most recent federally approved airport layout plan, the 2004 Scappoose Industrial Airpark Airport Master Plan (as amended August 9, 2006).
- E. Additional requirements shall include any applicable section of this title. (Ord. 786 §4, 2006; Ord. 726 §2, 2002)

Exhibit B of Ordinance No. 846

DCTA2-15

November 23, 2015

Development Code Amendments to add institutions of higher education to the Light Industrial zone, and to amend a definition in the PUA zone

CITY OF SCAPPOOSE STAFF REPORT

Request: Amend Chapter 17.70 of the Development Code to expand the list of Conditional Uses in the Light Industrial zone to allow institutions of higher education, and to amend Chapter 17.69 of the Development Code to update the definition of the term “Airport compatible light industrial uses” in the Public Use Airport zone.

Applicant: City of Scappoose

EXHIBITS

1. Current draft of proposed amendments

INTRODUCTION

Portland Community College has allocated money from their bond program in order to construct a campus in Columbia County. They have expressed an interest in several parcels within the Urban Growth Boundary (which would be zoned Light Industrial upon annexation) and in the Public Use Airport (PUA) zone, within Scappoose City limits. In reviewing the Scappoose Development Code, staff noticed that community colleges and/or universities are not specifically mentioned as a permitted or conditional use in any zone. After reviewing the 2012 *Model Development Code for Small Cities* (published by the State of Oregon’s Transportation and Growth Management program) staff found that the Model Development Code suggests that it is appropriate for colleges to be listed as a conditional use in the Light Industrial zone.

Rather than specifying “community colleges”, the City proposes to add “institutions of higher education” as a conditional use in the Light Industrial zone, which would capture a broader range of the types of institutions that could site a campus within the City. Additionally, some light industrial uses are permitted in the PUA zone, so staff proposes to amend the definition of “Airport compatible light industrial uses” to allow institutions of higher education to fit within this definition as well. Any use allowed in the PUA zone would also be subject to the Public Use Airport Safety and Compatibility Overlay Zone (A0), thereby ensuring that any proposed use would be compatible with the continued safety and vitality of the Scappoose Industrial Airport.

ANALYSIS

The City adopted Ordinance 816 in 2011, which would allow “colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree” in the PUA zone within the Airport Business Park (ABP) and East Airport Employment (EAE) overlay zones. This would allow

colleges to be sited within the PUA, or within the ABP or EAE overlay zones as an outright permitted use. This ordinance, however, has not been codified as it was at the Oregon Court of Appeals until October 28, 2015, the date that the City received notice that the Appeals Court affirmed LCDC's previous decision regarding Ordinance 816. The appeal period for the Oregon Court of Appeals decision will expire on December 2, 2015, at which point the City will begin the legislative land use process of applying the overlay zones to specific parcels within the PUA zone, and codifying Ordinance 816. There is no conflict between the proposed amendments of this application and the codification of Ordinance 816.

While the Scappoose Development Code does allow for "Public and private schools including but not limited to charter schools and career schools as defined and regulated by the State of Oregon" in the Commercial (C) and Expanded Commercial (EC) zones, staff proposes to add institutions of higher education (specifically) to the Light Industrial (LI) zone since this use would be complementary to this zone for the following reasons:

1. In order to accommodate a campus size of 15 -20 acres (as PCC has indicated they will need), PCC would need to be located north of the city center¹, as there are currently no readily developable parcels zoned C or EC that would accommodate a campus of this size.
2. This use is best suited outside of the City center for purposes of reducing traffic in the downtown core. Siting an institution of higher education north of the City center on land zoned LI or PUA would still allow for sustainable modes of transportation, such as biking or public transit.
3. PCC has indicated that they would implement a diesel mechanics training program at their Columbia County campus, which will create increased training opportunities in support of industrial activity.

PURPOSE OF THE LIGHT INDUSTRIAL ZONE

As stated in Section 17.70.010 of the Development Code, the purpose of the Light Industrial zone is threefold:

- A. Provide appropriate locations for industrial use including light manufacturing and related activities with few, if any, nuisance characteristics such as noise, glare and smoke;
- B. To permit manufacturing, processing, assembling, packaging or treatment of produce or products from previously prepared materials; and
- C. To provide a wide variety of sites with good highway or rail access.

The purpose of the Light Industrial zone is fairly broad. Institutions of higher education would qualify as a "related activity" envisioned by item 'A' above. Requiring a conditional use permit would help to maintain the land base for the primary purpose of light manufacturing.

COMPARISON WITH OTHER COMMUNITIES & TGM MODEL CODE

Staff has performed an informal poll of the zoning regulations for several Oregon communities (Albany, Pendleton, Seaside, North Bend, and Veneta). Community colleges and/or Universities are typically

¹ Parcels that could accommodate a campus of this size are primarily north of the city center, and are zoned PUA, or would be zoned Light Industrial upon annexation into City limits.

allowed in the Light Industrial zones of these other communities as conditional uses. Additionally, the 2012 *Model Development Code for Small Cities* published by the State of Oregon's Transportation and Growth Management (TGM) program lists colleges as conditional uses within the Light Industrial zone.

AGENCY COMMENTS & PUBLIC NOTICE

The City Manager, Building Official, City Engineer, Port of St. Helens, and the Oregon Department of Land Conservation and Development (DLCD) have been provided the opportunity to review copies of this application. Notice of the proposed amendment to the Development Code was mailed to all property owners within the Light Industrial zone on October 6, 2015 and was published in the newspaper on October 9, October 16, October 30, and November 6, 2015. Staff has received no written comments from the public regarding this application as of the date of this report.

The Planning Commission held a public hearing on the proposed amendments in DCTA2-15 on November 12, 2015. The Planning Commission forwarded a recommendation of approval to City Council. City Council held a public hearing on November 16, 2015, and at that hearing City Council directed staff to make two changes to the proposed amendments:

1. Council did not want to limit the possibility of a satellite campus for an Oregon University to site within City limits, and directed staff to change the addition of "community colleges" as a conditional use within the LI zone to "institutions of higher education" instead.
2. Council wishes to protect the majority of the Light Industrial land for employment uses and therefore directed staff to limit the parcel size to a maximum of 50 acres and to revise the staff report and findings in support of this change.

RECOMMENDATION

Based on the applicable statutes, rules, comprehensive plan provisions and implementing ordinances, staff recommends that City Council adopt the proposed amendments.

FINDINGS OF FACT

1. The City of Scappoose proposes to amend the Development Code to include "institutions of higher education, provided that the parcel size is 50 acres or less" in the list of Conditional Uses in the Light Industrial zoning district, and to modify the definition of "Airport compatible light industrial uses" in Chapter 17.69 of the Scappoose Development Code from "'Airport compatible light industrial uses" are *light manufacturing activities* that do not create safety hazards or otherwise interfere with customary and usual aviation-related activities" to "'Airport compatible light industrial uses" are *light industrial uses* that do not create safety hazards or otherwise interfere with customary and usual aviation-related activities" (**Exhibit 1**)
2. A review of the zoning regulations of other communities and the 2012 *Model Development Code for Small Cities* published by the State of Oregon's Transportation and Growth Management program demonstrates that it is common practice for cities to allow colleges in Light Industrial areas.

3. Allowing institutions of higher education in the Light Industrial zone expands the range of land uses that can meet the community's needs. Requiring a conditional use permit and limiting the parcel size to 50 acres or less preserves the majority of industrial land for employment uses.
4. The following Statewide Planning Goals have been considered by the City of Scappoose in the formation of the language contained within this request:

Goal 1: Citizen Involvement

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 will 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 October 9, October 16, October 30, and November 6, 2015. The City also follows the procedures required by ORS 227.186 (Ballot Measure 56) for notification of the owners of property proposed to be directly affected by the changes. For this application the changes do not limit or prohibit land uses previously allowed in the affected zone so no mailed notice was required under this statute; however, to promote public participation, staff mailed notice to all owners of land in the Light Industrial zone on October 6, 2015.

Citizens may submit written or verbal testimony regarding the proposed amendments to communicate their input into the Development Code amendment review conducted by the City. For this application, the Planning Commission's hearing date is November 12, 2015, while the City Council's hearing date is November 16, 2015. This process complies with the Goal.

Goal 2: Land Use Planning

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 proposal is to allow institutions of higher education as a conditional use in the Light Industrial zone, and to modify the definition of "Airport compatible light industrial uses" to allow colleges to fit within this definition, thereby allowing institutions of higher education to fit within the Public Use Airport (PUA) zone as well. Notice of the proposed amendment has been provided to the Oregon Department of Land Conservation

and Development (DLCD) as required. 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 City Council adopted an Economic Opportunities Analysis (EOA) in 2011 to determine the City's economic goals, policies, and land needs concerning commercial and industrial development. This analysis indicated that the City would need to expand the urban growth boundary (UGB) by approximately 378 acres to accommodate the 20-year employment land need. While the ordinance that adopted the EOA and the UGB amendment has not yet been codified, best practice would be to preserve existing industrial land for employment purposes to the extent possible. Staff's proposed ordinance language would allow institutions of higher education in the Light Industrial zone - subject to conditional use permit approval criteria and limiting the parcel size to 50 acres or less. With these controls in place, it is not anticipated that allowing an institution of higher education in the LI zone (or PUA zone) would appreciably increase the industrial land demand over a 20-year period.

The proposed Development Code amendment would offer location options for an institution of higher education in the LI or PUA zone, which will contribute to educational training opportunities to support economic development, consistent with Goal 9.

Statewide Planning Goals 3-8 and 10-19 are not applicable to this application.

5. 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

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.*

19) *Citizen participation will continue to be an important element of the City's land use planning process. Besides public hearings held by the Planning Commission and City Council, the City shall utilize the local newspaper and radio station to keep populace informed of land use issues. The City shall also publish quarterly a summary of past and future activities.*

Finding:

Allowing the option for institutions of higher education in the Light Industrial zone expands the range of land uses that can meet the community's needs. Requiring a conditional use permit and limiting parcel size to a maximum of 50 acres preserves the majority of industrial land for employment uses.

Notice of the proposed amendment to the Development Code has been published in the local newspaper to inform citizens of the opportunity to participate in the review and decision-making process. The applicable GENERAL GOAL OF THE CITY OF SCAPPOOSE FOR LAND USES is satisfied.

GOAL FOR THE INDUSTRIAL LAND USE DESIGNATION

It is the goal of the City of Scappoose to:

- 1) Provide a place for industrial activities where their requirements can be met, and where their environmental effects will have a minimal impact upon the community.*

POLICIES FOR THE INDUSTRIAL LAND USE DESIGNATION

It is the policy of the City of Scappoose to:

- 1) Provide suitable areas for industrial expansion, utilizing for such purposes relatively large, flat areas that are separated by buffers from the City's residential districts.*
- 3) Locate industrial areas so they have a convenient relationship to the community's transportation system, without generating heavy traffic through residential districts; additionally, the clustering of industrial activities will allow carpooling by employees.*
- 4) Screen, setback or buffer the boundaries of industry, particularly unsightly areas which can be viewed from arterials or from residential areas.*
- 5) Apply this designation where industrial concerns have become established and where vacant industrial sites have been set aside for this purpose.*
- 6) Protect the stability and functional aspects of industrial areas by protecting them from incompatible uses.*

Finding:

Allowing institutions of higher education in the Light Industrial zone would provide additional places for industrial-compatible uses with relatively minor impacts on the neighborhood. Requiring a conditional use permit would help to ensure that the parcel identified for an institution of higher education is suitable for that purpose, or could be made suitable through conditions. It is not anticipated that there would be more than one college campus within city limits, however, limiting the parcel size to 50 acres or less provides more control to ensure that all remaining land zoned industrial be developed for uses more consistent with light manufacturing and related activities.

The applicable GOAL FOR THE INDUSTRIAL LAND USE DESIGNATION and the POLICIES FOR THE INDUSTRIAL LAND USE DESIGNATION are satisfied.

GOAL FOR ECONOMICS

It is the goal of the City of Scappoose to:

- 1) *Maintain conditions favorable for a growing, healthy, stable, and diversified business and industrial climate.*
- 2) *Establish greater local control over the density of local economic development.*

POLICIES FOR ECONOMICS

It is the policy of the City of Scappoose to:

- 1) *Make sufficient land available for the anticipated expansion of commercial and industrial activities.*
- 2) *Encourage the preservation, improvement and renewal of the existing business district of the City so that it will be allowed to play a role as a center of economic and civic activity for the entire community.*

Finding:

The City anticipates that the Code amendment will create increased training opportunities in support of industrial activity, thereby providing an economic benefit for the community. As previously noted, it is not anticipated that there would be more than one college within City limits, which would ensure that remaining industrial land would be available for other permitted and conditional uses as specified in the City's zoning regulations.

The applicable GOAL FOR ECONOMICS and the POLICIES FOR ECONOMICS are satisfied.

6. 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 17.70 LI LIGHT INDUSTRIAL

17.70.010 Purpose. *The purpose of the light industrial zone is to:*

- A. *Provide appropriate locations for industrial use including light manufacturing and related activities with few, if any, nuisance characteristics such as noise, glare and smoke;*
- B. *To permit manufacturing, processing, assembling, packaging or treatment of produce or products from previously prepared materials; and*
- C. *To provide a wide variety of sites with good highway or rail access.*

Finding:

The purpose of the Light Industrial zone is fairly broad. An institution of higher education would qualify as a "related activity" envisioned by item 'A' above. Requiring a conditional use permit and limiting the

parcel size to 50 acres or less helps maintain the land base for the primary purpose of light manufacturing. Section 17.70.010 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, 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 held hearings in accordance with applicable laws. The City is amending the Development Code to allow "institutions of higher education, provided that the parcel size is 50 acres or less" in the Light Industrial zone, and changing the definition of "Airport compatible light industrial uses" so that institutions of higher education would be permissible in the PUA zone as well. Section 17.160.120 is satisfied.