ORDINANCE NO. 909

AN ORDINANCE RELATING TO LAND USE; AMENDING THE SCAPPOOSE ZONING MAP, AND APPROVING THE "BUXTON RANCH" PLANNED DEVELOPMENT, SUBDIVISION, CONDITIONAL USE, AND SENSITIVE LANDS DEVELOPMENT PERMIT APPLICATIONS

WHEREAS, an application was filed by David Weekley Homes to amend the Zoning Map in order to apply a Planned Development Overlay designation, and to request Subdivision Tentative Plan Approval, Conditional Use Approval, and Sensitive Lands Development Permits for Flooding, Wetlands, Slope Hazard and Fish and Riparian Corridor; and

WHEREAS, on October 27, 2022, the Planning Commission held a hearing on the application and voted to leave the record open for an additional 10 days to accept additional written testimony, to allow the applicant 7 days after the 10-day period closed to submit a rebuttal statement, and voted to continue the hearing to a date, time and location certain to November 17, 2022 for the next hearing on the matter; and

WHEREAS, on November 17, 2022, the Planning Commission continued the hearing on the application and voted unanimously to forward a recommendation for approval of the above application to the City Council, now therefore,

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. The property described as Columbia County Assessor Tax Lot 3212-CB-00401 and illustrated in the Vicinity Map, Exhibit A, attached hereto and incorporated herein, is hereby re-zoned from R-1(Low Density Residential), to include a Planned Development Overlay designation (R-1PD).

Section 2. The City Planner is directed to conform the City Zoning Map to the provisions of this ordinance.

Section 3. In support of the proposed Planned Development Overlay Zone Change, Subdivision Tentative Plan Approval, Conditional Use Approval, and Sensitive Lands Development Permits for Flooding, Wetlands, Slope Hazard and Fish and Riparian Corridor, the City Council hereby adopts the recommendations of the Scappoose Planning Commission and the findings outlined in the staff report attached as Exhibit B, attached hereto and incorporated herein.

Section 4. The Planned Development Overlay Zone Change, Subdivision Tentative Plan Approval, Conditional Use Approval, and Sensitive Lands Development Permits for Flooding, Wetlands, Slope Hazard and Fish and Riparian Corridor are hereby approved, subject to the conditions of approval outlined in the staff report, attached as Exhibit B, attached hereto and incorporated herein. In addition to the conditions of approval contained in the Planning Commission staff report, during the December 12, 2022 hearing, Council added an additional condition of approval, which was accepted by the applicant, to limit the number of lots to 44 and to require a minimum lot size of 4,000 square feet.

Section 5. Notwithstanding the effective date of ordinances as provided in Section 29 of the City of Scappoose Charter, this Ordinance shall become effective upon the resolution of all appeals.

PASSED AND ADOPTED by the City Council this 19th day of December, 2022 and signed by the Mayor and City Recorder in authentication of its passage.

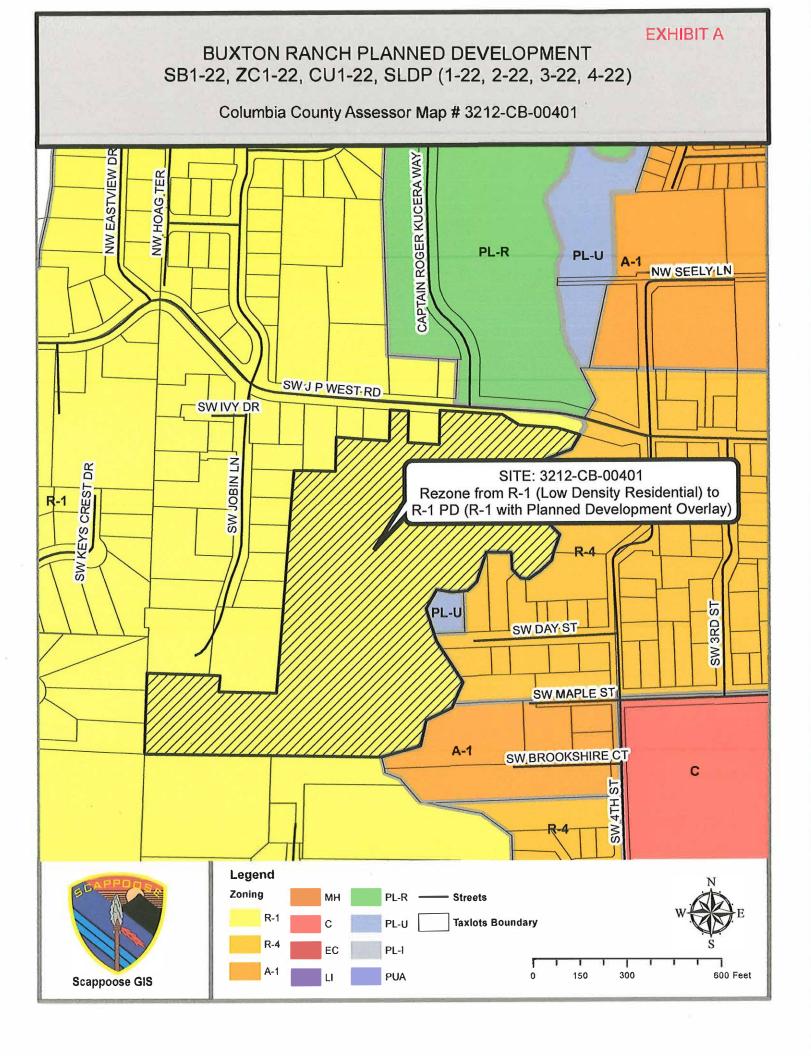
CITY OF SCAPPOOSE, OREGON

Mayor Scott Burge

First Reading: December 12, 2022 Second Reading: December 19, 2022

Attest: City Recorder Susan M. Reeves, MMC

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SB1-22, ZC1-022, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22

Buxton Ranch Planned Development and Subdivision

October 20, 2022

CITY OF SCAPPOOSE STAFF REPORT

- Request: 48-lot Subdivision (SB1-22), Planned Development (ZC1-22), Conditional Use (CU1-22), and Sensitive Lands Development Permits for Floodplain, Wetlands, Slope Hazard, and Fish & Riparian Corridor (SLDP 1-22, 2-22, 3-22, and 4-22, respectively).
- Location: South of SW JP West Road and Captain Roger Kucera Way (Columbia County Assessor Tax Lot 3212-CB-00401)
- Applicant: David Weekley Homes

Owner: Buxton Family Investments LLC

EXHIBITS

- 1. Vicinity Map pg.108
- 2. Application Forms pgs.109-117
- 3. Applicant's Narrative, dated August 8, 2022 pgs.118-223
- 4. Preliminary Subdivision Plans pgs.224-240
 - A. Cover Sheet, Sheet 1
 - B. Phasing Plan, Sheet 1.1
 - C. Preliminary Plat, Sheet 2
 - D. Cross Sections, Sheet 2.1
 - E. Existing Condition and Demolition Plan, Sheet 3
 - F. Preliminary Grading and Erosion Control Plan, Sheet 4
 - G. Preliminary Street Plan, Sheet 5
 - H. Typical sections, Hose Pull Detail, & Easement Detail, Sheet 5.1
 - I. Preliminary Street and Storm Plan and Profile Eggleston, Sheet 6
 - J. Preliminary Street and Storm Plan and Profile West, Sheet 7
 - K. Stormwater Facilities, SDLN-01, SDLN-03 Plan & Profile, Sheet 8
 - L. Preliminary Sanitary and Waterline Plan and Profile, Sheet 9
 - M. Preliminary Sanitary Plan and Profile, Sheet 10
 - N. Preliminary Waterline Plan and Profile, Sheet 11
 - O. Circulation Plan, Sheet 12
 - P. Landscape Planting Plans, Legends & Notes, Sheets L1 L2
- 5. Slope Analysis, dated October 2021 pg.241
- 6. Vehicle Turning Movement Diagram, dated July 2022 pgs.242-244
- 7. Cut/Fill Report & Exhibit, dated June 8, 2022 pg.245
- 8. Letter of Map Revision (LOMR) (File 21-10-0251P), effective April 19, 2021 pgs.247-248
- 9. Federal Emergency Management Agency (FEMA) CLOMR Approval (File 22-10-0362R), dated June 17, 2022 pgs.249-251
- 10. Buxton CLOMR No-Rise Certification, dated April 11, 2022 pgs.252-74
- 11. Buxton Ranch Subdivision FEMA/ESA Compliance Assessment Technical Memo, prepared by Environmental Science & Assessment (ES&A), dated July 31, 2022 pgs.261-274
- 12. Excerpt from Scappoose Local Wetland Inventory Map (LWI), dated December 1998 pg.275

SB1-22, ZC1-022, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22

Buxton Ranch Planned Development and Subdivision

- 13. Excerpt from Scappoose Local Riparian Inventory Map, dated December 1998 pg.276
- 14. Oregon Department of Fish and Wildlife (ODFW) Correspondence, August 29, 2019 pg.277
- 15. Oregon Department of State Lands (DSL) Wetland Concurrence, dated April 29, 2019 & September 26, 2019 pgs.278-292
- 16. Geotechnical Report, dated December 4, 2019 (Appendices available upon request) pgs.293-308
- 17. Rock Wall in Floodplain Memorandum, dated September 29, 2021 pgs.309-310
- 18. Preliminary Flexible Pavement Design, November 3, 2021 (Appendices available upon request) pgs.311-317
- 19. Infiltration Study, dated December 2, 2021 (Attachments available upon request) pgs.318-321
- 20. Preliminary Storm Drainage Report, dated October 17, 2022 (Appendices available upon request) pgs.322-347
- 21. Fire Hydrant Flow, November 16, 2021 pg.348
- 22. Traffic Impact Study, dated May 2, 2022 (Appendices available upon request) pgs.349-371
- 23. Seasonal Adjustment Factor Letter, dated August 2, 2022 pgs.372-373
- 24. Buxton Ranch Draft Covenants, Conditions & Restrictions (CC&Rs) pgs. 374-434
- 25. Neighborhood Meeting Information pgs.435-462
- 26. Will Serve Letters (Columbia River PUD, NW Natural, Waste Management) pgs.463-467
- 27. Architectural Elevations and Floor Plans pgs.468-478
- 28. Comments from Scappoose Public Works Director, dated September 16, 2022 pg.479
- 29. Comments from Scappoose Building Official, dated September 6, 2022 pg.480
- 30. Comments from City of Scappoose Police Chief, dated September 12, 2022 pg.481
- 31. Comments from Scappoose School District, dated September 9, 2022 pg.482
- 32. Comments from Scappoose Rural Fire Protection District, dated September 29, 2022 pg.0483
- 33. Comments from Columbia River People's Utility District (PUD), dated September 9, 2022 pg.484
- 34. Comments from Oregon Department of Fish and Wildlife, dated September 28, 2022 pgs.485-486
- 35. Comments from Scappoose Bay Watershed Council, dated September 26, 2022 pg.487
- Oregon Department of State Lands, Wetland Land Use Notice Response, dated September 23, 2022 pgs.488-489
- 37. Comment from Columbia County Public Works Department, dated September 23, 2022 pg.490
- 38. Article from International Journal of Environmental Research and Public Health, "Designing Multifunctional Urban Green Spaces: An Inclusive Public Health Framework", submitted as public comment by Joel Haugen via email, October 14, 2022 pgs.491-504
- 39. Comment from Craig and Melissa Hermes (including article from USDA Natural Resources Conservation Service) via email and applicant response, dated October 18, 2022 pgs.505-509
- 40. Comment from Suzie Shull via email and applicant response, dated October 18, 2022 pgs.510-511
- 41. Comment from Chuck Klobes via email and applicant response, dated October 19, 2022 pgs.512-513
- 42. Comment from Jim Lykins (including a video, which was emailed to the Planning Commission on October 20, 2022), dated October 19, 2022, and applicant response in green font. pgs.514-517
- 43. Comment from Pat Anderson via email, dated October 19, 2022 and applicant response in green font. pgs.518-521
- 44. Comment from Deb Miller (with video link in document) via email, dated October 19, 2022 and applicant response. pgs.522-523
- 45. Video sent by Paul Fidrych via email on October 19, 2022 (emailed to Planning Commission on October 20, 2022) pg.524
- 46. Comment from David Clark (unable to determine the exact name due to handwritten letter), dated October 19, 2022 pg.525
- 47. Comment from Joel Haugen (including three exhibits, Goal 5 and Goal 7 documents) via email dated October 19, 2022 (Applicant response will be sent separately to the Planning Commission

and entered into the record as additional findings – it was not ready at the time of release of this staff report). pgs.523-536

SUBJECT SITE

- The subject site is approximately 17 acres¹ and is located south of SW JP West Road near Captain Roger Kucera Way, with South Scappoose Creek and SW 4th Street to the east and SW Jobin Road to the west. The site is zoned Low Density Residential (R-1) and is designated as Suburban Residential by the Scappoose Comprehensive Plan. Adjacent zoning is Moderate Density Residential (R-4), High Density Residential (A-1), and Public Lands Utility (PL-U) to the east, Public Lands Recreation (PL-R) to the north, and Low Density Residential (R-1) to the west and south.
- The subject site does not have an address assigned and consists of a single tax lot (Columbia County Assessor Tax Lot 3212-CB-00401). The site is currently vacant except for an old barn/storage building. The site has historically been used for agriculture (pasture and hay).
- The site slopes downhill from west to east towards South Scappoose Creek, which flows northward along the eastern portion of the site. A small stream (referred to in some documents as an unnamed drainage) flows in the southwest in an easterly direction where it flows into South Scappoose Creek.
- The elevations along the northern portion of the property range from 75 feet at the northwest corner to 50 feet at top of bank of South Scappoose Creek. In the southern portion of the site, the high elevation is 108 feet adjacent to Tax Lot 3212-CB-02000, then slopes downward to the east to elevation 50 feet at South Scappoose Creek. Slopes range from 1.5% to 27%. See **Exhibit 4.E**.
- The site contains floodplain, wetlands, fish and riparian corridor, and slope hazard areas, as further described below under the Sensitive Lands Development Permits heading.

OBSERVATIONS

CONSOLIDATED LAND USE APPLICATIONS

- The applicant is requesting approval of seven separate applications. Planning Commission provides a
 recommendation to City Council for the Planned Development application and Council is the decision
 authority. While the Planning Commission would normally be the approval authority for the proposed
 subdivision, conditional use and associated sensitive lands permits, due to consolidation of
 proceedings, the City Council will decide the entire application package (based on Planning
 Commission's recommendation).
- All seven requests would need to be approved for the applicant to be permitted to construct the proposed, phased residential subdivision.

PROPOSED PLANNED DEVELOPMENT

• A Planned Development is an overlay to the existing base zoning and is processed as a zone change on one parcel. Planned Developments are generally utilized when there are natural resources on site

¹ Columbia County records lists the acreage of the property (tax lot 3212-CB-00401) as 17.13 acres. The applicant's narrative (Exhibit 3) lists the acreage of the property as 17.31 acres based on their survey data.

that are meant to be protected. As stated in SDC (Scappoose Development Code) Chapter 17.81 – Planned Development Overlay (PD), the purpose of this overlay is to is to provide more flexibility in the development of land; encourage variety and creativity in the development pattern of the community; conserve natural land features; facilitate aesthetic and efficient use of open space; create public and private open space; encourage the application of new techniques and technology to community development which contribute to superior living or development patterns; use land efficiently in order to reduce the costs of housing, maintenance, street systems and utility networks; promote energy conservation and crime prevention; and relate development to the natural environment and its users.

- Planned developments are meant to offer a balance of flexibility and predictability regarding the City's
 development standards. Any latitude granted by the City is offset by the fact that development must
 conform to the unique set of standards applicable to the site. Through this mechanism, the City is
 assured that the construction will be consistent with the vision endorsed in the approval of the
 Planned Development.
- The applicant has stated in their narrative (**Exhibit 3**) the goals and objectives of this planned development are as follows:
 - Take advantage of and protect the sensitive environmental, visual, and recreational values of South Scappoose Creek and wetlands on the property.
 - Provide a quality subdivision for single family homes, with recreational amenities for residents and the public to enjoy.
 - Maintain floodplain storage capacity with balanced cut/fill, while ensuring the home sites and adjacent properties are safe from flooding.
 - Create useable recreational open space and enhance the overall visual and recreational quality of the development with a combination of parks and open spaces with quality landscaping.
 - Accommodate a housing type and size that provides options for the local community, is affordable and provide opportunities for next generations of Scappoose residents.
 - Accommodate future development via extension of the public street.
- The applicant proposes to cluster the residences away from South Scappoose Creek and to create several tracts to preserve open space (further described below). The applicant is seeking approval of specific dimensional standards to accommodate the proposed unit count as allowed by the flexibility in the Planned Development process. The applicant is also seeking a 4% increase in residential density. Images of the applicant's anticipated housing styles are enclosed as **Exhibit 27**.

SENSITIVE LANDS DEVELOPMENT PERMITS

The applicant is seeking approval of four Sensitive Lands Development Permits, for Floodplain, Wetlands, Slope Hazard, and Fish & Riparian Corridor activities.

Floodplain

Portions of the site are located within the Special Flood Hazard Area (100-year floodplain) associated with South Scappoose Creek. The floodplain for the creek was previously defined by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) 41009C0444D and 41009C482D, effective November 26, 2010. However, FEMA issued a Letter of Map Revision (LOMR, #21-10-0251P), effective April 19, 2021, which corrected² the Base Flood Elevation on the subject property and others along South Scappoose Creek. The LOMR approval (**Exhibit 8**) is now the official record of the Special Flood Hazard Area. The associated existing floodplain boundary is depicted with a green dashed line in the applicant's drawings (**Exhibit 4**).

More recently, the applicant's consultants have obtained FEMA approval of a Conditional Letter of Map Revision (CLOMR, **Exhibit 9**), which is FEMA's process of evaluating whether the applicant's *proposed* floodplain activities meet minimum National Flood Insurance Program standards. The City can then rely on the CLOMR approval to authorize floodplain modifications including site construction (grading, roadways, utilities), after which the applicant must submit as-built drawings and survey information back to FEMA for review. Assuming that construction was completed in conformance with the CLOMR, then FEMA would issue a new LOMR to re-define the floodplain. The associated proposed floodplain boundary is depicted with a blue dashed line in the applicant's drawings (**Exhibit 4**).

The proposed site grading would expand the flood storage capacity by cutting more material than filling, consistent with code requirements contained in SDC Chapter 17.84 – Sensitive Lands Flooding. The subdivision project includes proposed fill of up to approximately 2,494 cubic yards within the 100-year floodplain, which is compensated for by 2,503 cubic yards of cut (removal of material), for a net cut of 9 cubic yards. See **Exhibit 7**.

Wetlands

The site contains six identified wetlands, as depicted on the phasing plan (Exhibit 4.B)

- The Environmental Assessment (**Exhibit 11**) prepared for this development by the applicant's consultant (ES&A) identified 4 wetlands on the property:
 - Wetland "A" is a small, isolated area in the northwest portion of the site. Wetland A is set aside in Tract B.
 - Wetland "B" is a small are on the western boundary about mid-point north to south. This wetland is set aside in Tract F.
 - Wetlands "C" & "D" are associated with adjacent stream "A" along the southwestern portion of the site and Scappoose Creek along the eastern boundary. These two stream-related wetlands are located within Tract E. This small stream originates at a culvert outfall from Wetland C and flows southeast and east to a wetland associated with South Scappoose Creek.
- The ES&A wetland delineation was approved by Oregon Department of State Lands, or DSL (Exhibit 15). DSL also approved a prior wetland delineation (also included in Exhibit 15), which identified 2 additional wetlands on the property:
 - Wetland 1 is located in the northeastern area of the site serving as a "side channel" created through the Scappoose Bay Watershed Council project.
 - Wetland 2 is a larger wetland in the southeastern area of the site.

² Corrections included accounting for the construction of Veterans Park, replacement of the JP West Road Bridge, and Scappoose Bay Watershed Council floodplain restoration efforts.

The applicant proposes temporary activities to Wetland A for a sanitary sewer connection to an existing manhole and also proposes grading within the 50-foot buffer associated with wetlands within the fish and riparian corridor. In addition to City Sensitive Lands Development Approval, wetland filling and mitigation is subject to applicable standards issued by the U.S. Army Corps of Engineers (Corps) and DSL, though in this case, the wetland impacts are likely below the 50-cubic-yard DSL threshold for a state wetland fill permit³ and Wetland A is likely not regulated by the U.S. Army Corps of Engineers. The recommended conditions of approval require that the applicant submit a No State Permit Required letter from DSL if no permit is required for the proposed project.

Fish and Riparian Corridor

The site is located along South Scappoose Creek and contains Fish and Riparian Corridor. The Scappoose Bay Watershed Council (SBWC) performed creek restoration activities in 2018 and 2019 within this site (and at Veterans Park) to "include bank laybacks to minimize active bank erosion and provide channel capacity during high flows, floodplain benches to increase floodplain interaction during seasonal flood flows, and side channel reconnections to access historic off-channel areas."⁴ The FEMA/ESA Compliance Assessment Technical Memo (**Exhibit 11**) further explained that the project restored the western bank of the creek in two areas and created inset floodplain side channels in two other areas.

The applicant proposes activities within the fish and riparian corridor, including a proposed compacted gravel public pathway to provide a public amenity; construction of Eggleston Lane where it connects to JP West Road; grading; and a stormwater outfall. The applicant proposes to plant native species within the riparian corridor, extending west to the edges of the residential area.

Slope Hazard Areas

Portions of the site are defined as Slope Hazard Areas under the SDC. The applicant is seeking approval of a Sensitive Lands Development Permit for activities (grading, installation of water main, etc.) within the slope hazard area. The Geotechnical Report (**Exhibit 16**) notes that "The proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project." Therefore, the recommended conditions of approval require the applicant to follow the recommendations of the geotechnical report.

PROPOSED SUBDIVISION, STREET SYSTEM, AND RIGHT-OF-WAY DEDICATION

- The applicant requests approval of an application to subdivide 17.13-acres into 48 single-family residential lots, ranging in size from 3,410 sq. ft. to 13,083 sq. ft, and 7 open space tracts (See Exhibit 4.C).
 - Tract A would support a private park with a picnic table and overlook the wetland area in Tract B.
 - Tract B would be open space, including a wetland.
 - Tract C would support a stormwater facility.

³ Wetland A is subject to DSL's 50-cubic-yard threshold. If impacts are proposed to other wetlands associated with South Scappoose Creek, any non-zero impact requires DSL approval since South Scappoose Creek is Essential Salmonid Habitat.

⁴ https://www.scappoosebay-wc.org/projects/south-scappoose-creek-restoration/

SB1-22, ZC1-022, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22

Buxton Ranch Planned Development and Subdivision

- Tract D would be the site of the future "Greg Buxton Park."
- Tract E would be open space.
- Tract F would support a wetland.
- Tract G would support a stormwater facility and open space.
- Tract D, the site of the future "Greg Buxton Park", includes construction of a public, compacted gravel trail starting near the intersection of JP West Road and the proposed Eggleston Lane extension. The public trail extends south from the start point, along the western edge of the Scappoose Creek riparian corridor and connects back to Eggleston Lane south of Lot 18 as shown on **Exhibit 4.P**. The public trail also continues south, to the south side of lot 18, then connecting with Eggleston Lane. Tract D would also contain considerable open space and riparian plantings to preserve habitat and maintain water quality.
- The applicant requests phasing of the proposed subdivision (Phase 1 & 2) for platting purposes related to the floodplain on site. The purpose of the phasing is to allow for the Phase 1 plat to be recorded following substantial completion of the roads and utilities for the entire subdivision. The Phase 1 plat includes all lots that are not within the currently mapped 100-year floodplain (see **Exhibit 4.B**). The Phase 2 plat would not be recorded until after the applicant applies for and receives approval from FEMA of its final Letter of Map Revision (LOMR), which would formally modify the effective floodplain maps for the project site. Once the LOMR is approved by FEMA, all lots within the subdivision would no longer be within the mapped 100-year floodplain. At that point, the applicant would be allowed to obtain building permits for homes in the Phase 2 portion of the subdivision.⁵
- The development proposes a 10' dedication and half-street right-of-way improvements to SW JP West Road to the Collector standard for approximately 600', which is consistent with the City's TSP (Transportation System Plan). The improvements include curb and gutter, 18' paving to centerline (except where existing paving is acceptable), 6' sidewalk, 5.5' planter area with street trees, streetlights, and storm system improvements.
- The applicant proposes construction of a new local street, Eggleston Lane, which extends south from SW JP West Road and is stubbed at the south to allow for a future roadway extension. The applicant proposes a right-of-way width (Eggleston Lane) of 54 feet (Exhibit 4.G). As seen on Exhibit 4.G, Eggleston Lane will be improved to meet the City's local road section⁶, including a 32' paved width with curb and gutter, 5' sidewalks, a 5.5' planter area with street trees and streetlights. The SW Eggleston Lane right-of-way is proposed to extend to the southern boundary of the site, but the improvements are proposed to stop just north of the riparian corridor associated with the unnamed stream, to minimize environmental impacts.

⁵ Until the LOMR is issued, the Phase 2 parcels are mapped within the 100-year floodplain and therefore no building permits could be issued for sites that don't meet the 20,000 SF minimum lot size in the floodplain.

⁶ Pursuant to SDC 17.154.020(C), due to the sensitive site conditions, staff supports utilizing a local street section rather than a Neighborhood Street section to minimize floodplain, riparian, and wetland impacts.

TRAFFIC IMPACT ANALYSIS

- The applicant submitted a Traffic Impact Study (TIS) completed by Kittelson & Associates, attached as **Exhibit 22**. The study estimated that the proposed 48-lot development would generate 514 daily trips, of which 38 would be during the morning peak hour and 50 would be during the evening peak hour. The applicant's transportation engineer concluded that all study intersections meet the respective mobility standards and targets before and after the proposed development. Therefore, no transportation mitigation was recommended by the applicant's transportation engineer.
- The TIS indicates that approving the Zone Change and Planned Development would be consistent with the state Transportation Planning Rule since it would not significantly affect area roadways, as discussed in more detail in the findings.

PUBLIC UTILITY IMPROVEMENTS

- Municipal water is available from an existing 12-inch water main in SW JP West Road. The applicant proposes to extend an 8-inch water main within the SW JP West Road to the southern paving limits and to loop this to the existing water main in the southwestern portion of the site. Water meters will be installed to serve each lot, as depicted on the preliminary water plan (**Exhibit 4.N**).
- Sanitary sewer is available via an existing 8-inch main in SW JP West Road. The applicant proposes to extend an 8-inch sewer main within the Eggleston Lane right of way to the southern paving limits and install laterals to serve each lot.
- The applicant proposes that stormwater from the Buxton Ranch subdivision would be managed within two stormwater facilities to be located within Tract C and Tract G (**Exhibit 4.K**). The applicant has submitted a Preliminary Storm Drainage Report (**Exhibit 20**) detailing the stormwater approach. Per the Draft Covenants, Conditions & Restrictions (CC&Rs, **Exhibit 24**), the Homeowner's Association will maintain the stormwater facilities.
- Electrical power and telephone service are provided by Columbia River PUD and CenturyLink, and cable television is provided by Comcast. All services can be extended to the site.

STREET TREES & LANDSCAPING

- The Development Code requires street trees along all street frontages. The applicant has submitted a Planting Plan, attached as **Exhibit 4.P**. As shown on the Planting Plan **(Exhibit 4.P)**, the applicant proposes to plant a total of 66 street trees along the extension of Eggleston Lane and SW JP West Road. The applicant is required by the recommended conditions of approval to submit a final street tree plan ensuring conformance with Chapter 17.104 of the SDC (Scappoose Development Code) and to plant the trees in conformance with the requirements in Section 13.28.020, C of the SMC (Scappoose Municipal Code).
- The applicant is proposing 6 open space tracts as part of the proposed development as shown on **Exhibit 4.P** and explained in Table 2 of the applicant's narrative (**Exhibit 3**). All tracts are landscaped to varying degrees, with a variety of vegetation as shown on **Exhibit 4.P**. Landscaping in Tract D, "future Greg Buxton Park" will consist of high grass, medium to dense brush with trees, dense forest with medium undergrowth and dense forest with little undergrowth as shown on **Exhibit 4.P**.

• A variety of fencing is proposed as shown on **Exhibit 4.P**. Around water quality facilities, either wood split rail or black chain-link fencing is proposed. Cedar fencing with steel posts is proposed in the rear and side yards of home lots. Lastly, a lock and load retaining wall system is proposed outside of floodplain areas. The applicant has included a fencing plan on **Exhibit 4.P**.

PUBLIC & PRIVATE AGENCIES AND PUBLIC NOTICE

- The City of Scappoose Engineering, Public Works, Police Department, Building Department and City Manager, Scappoose Rural Fire District, Columbia County Public Works, Oregon Department of State Lands (DSL), Columbia River People's Utility District, Scappoose Bay Watershed Council, Columbia County Soil and Water Conservation District, Oregon Department of Fish and Wildlife (ODFW), and Oregon Department of Land Conservation and Development have been provided an opportunity to review the proposal. Staff did not receive any objections from these agencies. Comments are attached as **Exhibits 28-37** and those issues applicable to the Planning Commission have been included in the recommended conditions of approval.
- The Scappoose Rural Fire District submitted a comment that two private lots cannot be shared to establish a hammerhead (**Exhibit 32**). The Fire District had concerns regarding the maintenance of the hammerhead and the ability to keep the hammerhead clear of obstructions if the hammerhead were on private property in an easement. The applicant volunteered to place the hammerhead in a tract rather than in an easement, which is included in the recommended conditions of approval, and the applicant will be required to pave and provide curbs along the tract to clearly denote the hammerhead. This alleviated the concerns of the Scappoose Fire District regarding the hammerhead. Additionally, all lots within the development are required to be sprinklered.
- The Columbia County Soil and Water Conservation District chose not to comment on the application since it is a non-regulatory agency and permits are required to meet environmental standards and regulations (namely, DSL and U.S. Army Corps of Engineers wetland removal-fill permits).
- Notice of this request was mailed to property owners located within 300 feet of the subject site on October 6, 2022. Notice was also posted on the property on September 30, 2022 and published in the local newspaper on October 7 and 14, 2022.
- Several public comments have been received as of the date of this report, which are attached as
 Exhibits 38 47. An applicant response has been provided for comments attached as Exhibit 39 44,
 which are included as additional findings to this report. Staff concurs with the applicant's responses.
 The applicant will provide additional responses to comments already submitted; however, those will
 be emailed to the Planning Commission separately (or during the hearing) as they were not received
 in time to be included in the staff report. They will be entered into the official record for this
 application once received.

FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR APPROVAL

1. The following Statewide Planning Goals have been considered by the City of Scappoose as they pertain to this request:

A. Citizen Involvement (Goal 1)

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The City's acknowledged Comprehensive Plan and Development Code includes citizen involvement procedures with which the review of this application will comply. This process allows for citizens to communicate their written or verbal input into the zoning map amendment review since a Planned Development overlay to an existing zone is processed as a zone change. The Planning Commission will hold a public hearing to review and comment on the zone change to make a recommendation to the City Council. Within the zone change process, the applicant is required to post site notices, the City mails notices to nearby property owners, notice is published in the newspaper, and Planning Commission and City Council public hearings will be held; this process complies with the Goal.

B. Land Use Planning (Goal 2)

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

Finding: The procedural requirements for planned developments and zone changes are contained in the Scappoose Municipal Code, which involve assessment of the application's merits, notice to affected parties, and public hearings. The Municipal Code also provides for public input for the associated Subdivision, Conditional Use, and Sensitive Lands Development Permit applications. The proposal includes a request to change the zoning designation of urban land within the Urban Growth Boundary and to permit a residential subdivision using the Planned Development procedure, in compliance with Goal 2. Notice of the proposed zoning map amendment has been provided by the City of Scappoose to the Oregon Department of Land Conservation and Development (DLCD) as required. DLCD staff has not commented on the proposal.

C. Agricultural Lands (Goal 3)

Objective: To preserve and maintain agricultural lands.

Finding: This Goal is not applicable because the site is within the City of Scappoose Urban Growth Boundary and is currently zoned for residential use.

D. Forest Lands (Goal 4)

Objective: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: This Goal is not applicable because the site is within the City of Scappoose Urban Growth Boundary and City Limits.

E. Open Spaces, Scenic and Historic Areas and Natural Resources (Goal 5) **Objective:** To protect natural resources and conserve scenic and historic areas and open spaces. **Finding:** The site abuts South Scappoose Creek. Portions of the subject site are within the 100-year floodplain and the South Scappoose Creek riparian corridor. Additionally, there are 6 wetlands on-site, totaling approximately 1.22 acres as confirmed by the Oregon Department of State Lands in two separate wetland delineation concurrences in **Exhibit 15**. South Scappoose Creek and wetlands associated with the creek are subject to and are provided with a 50-foot buffer, while other wetlands are subject to and provided with a 25-foot buffer to protect the natural resources in this area. Additionally, the applicant has proposed to dedicate development rights to the City for preservation of the open space tracts and to place a conservation easement over Tract D to protect the associated wetlands and riparian corridor along South Scappoose Creek, as noted in the applicant's narrative (**Exhibit 3**) and shown on the applicant's circulation plan (**Exhibit 4.0**) which assists in preserving the City's open space. Therefore, the proposed zone change, planned development overlay, and subdivision is not in conflict with this Goal.

F. Air, Water and Land Resources Quality (Goal 6)

Objective: To maintain and improve the quality of the air, water and land resources of the state.

Finding: The site is currently designated for low density residential use, and is also subject to City regulations that do not allow off-site impacts from noise, vibration, odors, glare, or other "nuisance" effects. For this reason, the potential harmful effects on air, water and land resource quality is already limited. The proposal will therefore have no significant impact with respect to this Goal.

G. Areas Subject to Natural Disasters and Hazards (Goal 7) **Objective:** To protect people and property from natural hazards.

Finding: Portions of the subject site are located within the Special Flood Hazard Area as confirmed by FEMA's Letter of Map Revision (LOMR) number 21-10-0251P, issued October 2019 (Exhibit 8). The residences proposed in Phase 1 are outside the regulated floodplain, while the residences proposed in Phase 2 will also be outside the regulated floodplain, provided the applicant constructs the site development consistent with FEMA's Conditional Letter of Map Revision approval (Exhibit 9) and subsequently obtains a final LOMR from FEMA. Therefore, the applicant's proposed grading activities will reduce the likelihood of flood damage to the proposed residences. As explained in Exhibit 10, the base flood elevation (BFE) ranges from 52.29 feet above mean sea level at the south end of the property to 51.98 feet above mean sea level at the north end of the property (per Table 2 of Exhibit 10). The finished floor elevations for the residences are proposed to be 2 feet higher than BFE, per the applicant's narrative (Exhibit 3). The applicant's cut-fill analysis (Exhibit 7) indicates that the development would result in a net increase of 9 cubic yards of flood storage capacity (a net reduction of 9 cubic yards of fill in the Special Flood Hazard Area) to ensure that neighboring properties do not experience increased risk of flood damage. No fill is proposed within the floodway and the applicant's engineer has provided a "No-Rise Certification" indicating that the proposed development will not impact 100-year flood elevations in the site vicinity (Exhibit 10). The site has Slope Hazard Areas, as defined by the City of Scappoose, present on site. The Geotechnical Report (Exhibit 16) concluded that the Slope Hazard Areas are "underlain by stiff soils with a moderate resistance to slope instability." No areas of prior instability were observed during the Geotechnical Engineer's field visit. Therefore, the proposal is consistent with this Goal.

H. Recreational Needs (Goal 8)

Objective: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Section 5 of the Scappoose Parks, Trails and Open Space Plan discusses development of a trail along South Scappoose Creek through pursuing a partnership with property owners and neighbors. The applicant's proposed Tract D for open space would include public trail access in line with the Scappoose Parks, Trails and Open Space Plan. The applicant proposes a 15' public access easement within Tract D (**Exhibit 4.P**). Within the proposed 15' public access easement, the applicant proposes a 5' wide compacted gravel pathway along the outer edges of the drainageway as explained in the applicant's narrative (**Exhibit 3**) and shown in **Exhibit 4.P**. Residential development of the subject property will increase demand for parks and recreation facilities in the City; however, it will also generate Parks System Development Charge revenues for park improvements. This goal is met.

I. Economic Development (Goal 9)

Objective: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The site is presently designated for residential development on the Comprehensive Plan and has not been planned for economic development. Consequently, the proposed application will have no significant impact on the City's planning for economic development.

J. Housing (Goal 10)

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

Finding: The proposed zone change, planned development, and subdivision will assist the City of Scappoose in maintaining a supply of a variety of housing sizes to meet the housing needs of local citizens. The proposed zone change is supportive of this Goal. The 2017 Housing Needs Analysis indicates that an additional 1,229 new dwelling units are required to be constructed in Scappoose for the 2018-2038 planning horizon (see Page 59 of the 2017 Housing Needs Analysis) and that the City has the available residentially designated land within its Urban Growth Boundary to meet that need. The applicant's proposal to develop the site is consistent with the Housing Needs Analysis findings, since a wider range of housing types and more compact urban form can be achieved under the proposed Planned Development standards than under the existing low density residential zone. Therefore, this proposal brings the City closer to meeting Goal 10 commitments and provides for some of the housing needs of citizens of the state.

K. Public Facilities and Services (Goal 11)

Objective: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The subject property lies within the Urban Growth Boundary (UGB) and is therefore considered to be urban property, which requires the extension of public facilities and services at the developer's expense. Full urban services are available to serve the site. The applicant proposes to extend existing public facilities and services into the subject site in a timely, orderly and efficient manner, consistent with Development Code standards and the Public Works Design Standards. Electricity, telephone, and gas are provided to adjacent residential properties and could be made available through the extension of nearby lines and public service infrastructure. Water is available in JP West Road and sanitary sewer is available

within the site boundaries. Storm drainage facilities would be constructed to serve the site at the time of development. Therefore, Goal 11 is satisfied.

L. Transportation (Goal 12)

Objective: To provide and encourage a safe, convenient and economic transportation system.

Finding: Statewide Planning Goal 12 is implemented by the state Transportation Planning Rule (TPR). The City adopted an updated Transportation System Plan (TSP) on September 6, 2016. The Scappoose TSP assumed that this site would be developed under the City's Suburban Residential (SR) and Low Density Residential Comprehensive Plan and Zoning designations, respectively.

The applicant's transportation engineer estimated traffic impacts using standard trip generation ratios published by the Institute of Transportation Engineers for the proposed 48-unit development. As discussed further in **Exhibits 22 and 23**, the development is anticipated to generate 514 daily trips, with 38 total trips during the weekday AM peak hour and 50 trips during the weekday PM peak hour.

Based on the applicant's traffic analysis, the City does not anticipate that this level of development would have a significant effect on the operations of the local street network. The applicant's transportation engineer concluded that all study intersections meet the respective mobility standards and targets before and after the proposed development. Additional findings are found in Findings of Fact, Scappoose Municipal Code (in particular, the response to 17.22.050).

The proposed planned development and subdivision includes improvement to the SW JP West Road rightof-way and construction of a segment of an existing public street, Eggleston Lane. Eggleston Lane rightof-way will be extended to the south property line and improvements will extend to (but not beyond) the unnamed stream, allowing for future connection to properties to the south. The proposed circulation plan (**Exhibit 4.O**) allows for safe and efficient circulation; therefore, Goal 12 is met.

M. Energy Conservation (Goal 13)

Objective: To conserve energy.

1. Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:

- a. Lot size, dimension, and siting controls;
- b. Building height, bulk and surface area;
- c. Density of uses, particularly those which relate to housing densities;
- d. Availability of light, wind and air;
- e. Compatibility of and competition between competing land use activities; and
- f. Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.

Finding: The applicant is seeking approval of a Planned Development (PD). According to Section 17.81.010 of the SDC, the purpose of a Planned Development is to provide more flexibility in the development of land; encourage variety and creativity in the development pattern of the community; conserve natural land features; facilitate efficient use of open space; create public and private open space; encourage the application of new techniques and technology to community development which contribute to superior living or development patterns; use land efficiently in order to reduce the costs of housing, maintenance,

street systems and utility networks; promote energy conservation and crime prevention; and relate development to the natural environment and its users.

The subject property is in a desirable location for residential development because its central location is close to many local businesses and amenities. This makes it possible and convenient to meet basic daily needs close to home. This reduces the need for automobile travel and supports alternative transportation modes (walking, cycling) that are more energy efficient. The applicant's Planned Development proposal clusters development on the western area of the site to create a compact development, which conserves energy related to infrastructure construction and transportation (**Exhibit 4**).

Therefore, the proposal will contribute to a more energy-efficient land use pattern within the City's Urban Growth Boundary.

N. Urbanization (Goal 14)

Objective: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The subject property is at a central location within the Urban Growth Boundary and no expansion of the Urban Growth Boundary is proposed. The proposed Zone Change will not affect the City's Goal 14 compliance.

O. Other Goals

Finding: The following goals are not applicable to this application:

- Willamette River Greenway (Goal 15)
- Estuarine Resources (Goal 16)
- Coastal Shorelands (Goal 17)
- Beaches and Dunes (Goal 18)
- Ocean Resources (Goal 19)

2. The following Goals and Policies from the Scappoose Comprehensive Plan are applicable to this request:

General Goals for Land Uses

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

Finding: The proposed subdivision will be orderly and in accordance with the public's health, safety, and welfare, by:

• Adding to the City's mixture of housing by providing single-family detached homes on a range of lot sizes to accommodate 48 residences as shown in the enclosed Preliminary Plat (**Exhibit 4.C**).

- Placing residential development adjacent to other residential areas.
- Providing half-street improvements to SW JP West Road and constructing a segment of an existing public street, Eggleston Lane.
- Ensuring adequate levels of public services by requiring that water lines, sanitary sewer, storm sewer, and streets be installed by the applicant to serve the needs of the proposed residential development.
- Preserving open space to protect riparian and wetland areas and to preserve floodplain storage capacity.

The proposed amendment is supportive of this Goal.

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

Finding: Development of the subject site is required to provide all the infrastructure associated with new residential development, including public streets with curbs and sidewalks. The proposed single-family housing will complement and expand the range of housing choices for City residences. A prominent feature of the development will be the preservation of open space, in particular Tract D, which is proposed as a park with a public trail along its western edge to serve as a recreational amenity for residents of the subdivision and surrounding area, contributing to quality of life for residents. The proposed zoning map amendment, along with the associated planned development and subdivision, is supportive of this Goal.

15) Housing that meets the local residents' housing needs should be allowed and encouraged.

Finding: It is important for the City to have residential land available that will support the construction of a range of housing options for its residents. The proposed Planned Development offers a range of lot sizes to support housing with the opportunity for individual lot ownership. The subject property is in a desirable location for residential development because of proximity to city services and an existing transportation network. This makes it possible and convenient to meet basic daily needs close to a place of residence.

The proposed Planned Development Overlay zoning map amendment will allow a variety of housing to be constructed which will help meet the need for housing in the City. Therefore, the proposed amendment is supportive of this Goal.

General Land Use Goals 2-5, 7-14, and 16-19 are not applicable to the proposed development.

Policies for Public Facilities and Services

- 4) Require in new developments that water, sewer, street and other improvements be installed as part of initial construction.
- 10) Require new developments to provide adequate drainage at time of initial construction in accordance with the Scappoose Storm System Master Plan while discouraging the alteration of streams, the drainage of wetlands that are identified as significant and the removal of vegetation

beside streams. Natural drainage ways shall be used to carry storm water runoff whenever possible.

Finding: The City Engineer, City Manager, Public Works Director, Building Official, Chief of Police, Fire Chief, and school Superintendent were provided with the opportunity to determine whether sufficient capacity exists for needed facilities and services. No objection to this application has been expressed by City Departments or public service agencies (see **Exhibits 28-36**). The Proposed Development Plans provide for the construction of necessary water, sewer, streets and other public facilities consistent with this Policy. The applicant submitted preliminary sanitary sewer, storm drainage, and water plans (**Exhibits 4.I, 4.J, 4.K, 4.L, 4.M, and 4.N**) to demonstrate the feasibility of serving the site with public facilities. As part of permitting, all plans and improvements are subject to review by the City Engineer and must conform to the requirements of the Scappoose Municipal Code, the Public Works Design Standards and Standard Specifications, and applicable utility master plans.

The proposed development includes temporary impacts to Wetland A for a sanitary sewer connection to an existing manhole (as shown on **Exhibit 4.M**), along with minor grading within the 50-foot buffer associated with the wetlands within the riparian corridor, as shown on **Exhibit 4.F**. Disturbances within the riparian corridor will subsequently be replanted with a native riparian mix, shrub swamp mix or approved similar planting as noted on **Exhibit 4.P**. No alteration of streams is proposed. As described in the applicant's narrative (**Exhibit 3**), the native vegetation area will be widened resulting in an improved overall resource. The applicant proposes grading within the 100-year floodplain, resulting in a net increase in flood storage capacity (grading will result in a net cut/removal of soil). The grading plan and stormwater outfall locations will be designed to limit erosion impacts to the creek and riparian areas.

This Policy is satisfied.

Public Facilities and Services Policies 1-3, 5-9, and 11-29 are not applicable to the proposed development.

Transportation Policies

2.7) Ensure that land use approvals on properties including or adjacent to rights-of-way and street improvements which are less than that specified in the transportation plan and maps require: dedication of adequate land for public right-of-way to meet that specified in the plan; construction of the required interior street system; and construction of, or execution of a non-remonstrance deed restriction for the specified street improvements immediately adjacent to the properties.

Finding: The proposed development plans provide for the dedication of 10' of additional right-of- way to meet the Neighborhood Route standard for JP West Road. The plans also provide for the dedication of an internal local street (Eggleston Lane) per City standards. Pursuant to SDC 17.154.020(C), due to the sensitive site conditions, staff supports utilizing a local street section rather than a Neighborhood street section to minimize floodplain, riparian, and wetland impacts.⁷ This Policy is satisfied.

⁷ SDC 17.154.020(C) states that "Subject to approval of the planner and the public works director, street sections may be modified administratively based on geographical constraints of steep slopes, wetlands, floodplains, and

- 3.5) Require sidewalks on all new streets within the Urban Growth Boundary and that these facilities be designed to the standards in the City's adopted Transportation System Plan.
- 3.7) Ensure that new development and redevelopment provide pedestrian connections within the site and to adjacent sidewalks, existing and planned developments, and transit streets and facilities.

Finding: The proposed development plans provide for sidewalks adjacent to and throughout the development connecting to existing sidewalk systems. The public sidewalk on Eggleston Lane would also interconnect with the applicant's proposed public trail in Tract D, which is provided in accordance with the South Scappoose Creek trail envisioned in the Scappoose Parks, Trails and Open Space Plan. This Policy is satisfied.

4.7) Require that proposed land developments mitigate adverse traffic impacts and ensure that all new development contributes a fair and proportionate share toward on-site and off-site transportation system improvements.

Finding: The Traffic Impact Study and Seasonal Adjustment Factor Letter provided by the applicant's transportation engineer (**Exhibits 22 and 23**) demonstrate that mobility standards will be met with this development and therefore did not recommend any mitigation actions for the applicant. The development is making street improvements along frontage areas and dedicating right-of-way. Additionally, internal streets are being constructed in accordance with City standards. Residential development of the site will increase usage of area streets; however, it will also generate Transportation System Development Charge revenues for transportation improvements, ensuring the applicant contributes a fair and proportionate share toward on-site and off-site transportation system improvements. This Policy is satisfied.

5.7) Enhance the aesthetics of all streets and roadways through planting and maintenance of street trees.

Finding: The proposed development plans provide for street trees consistent with this Policy. This Policy is satisfied.

The following Transportation Goals and Policies are not applicable to the proposed development:

- Goal 1 (Policies 1.1-1.7)
- Goal 2 (Policies 2.1-2.6)
- Goal 3 (Policies 3.1-3.4, 3.6, and 3.8-3.12)
- Goal 4 (Policies 4.1-4.6)
- Goal 5 (Policies 5.1-5.6)
- Goal 6 (Policies 6.1-6.5)
- Goal 7 (Policies 7.1-7.5)
- Goal 8 (Policies 8.1-8.4)

constraints imposed by existing structures. Modifications may include, but are not limited to, reduced paving widths, elimination of on-street parking and eliminating sidewalks on one side of the street."

• Goal 9 (Policies 9.1-9.8)

Housing Policies

2) Ensure that newly developed housing adjacent to or within Sensitive Lands receive the appropriate development permit.

Finding: The applicant proposes a 48-lot single-family planned development and residential subdivision within a site that contains Sensitive Lands (Floodplain, Wetlands, Slope Hazard, and Fish & Riparian Corridor). Accordingly, the applicant is seeking approval of four Sensitive Lands Development Permits as part of this application. Additionally, all required State and Federal Permits and subsequent City Engineering approvals to finalize the required permitting for actual construction will be completed. Subsequent to construction of the subdivision's grading and public works improvements, the final approval will be a Letter of Map Revision from FEMA, which would allow construction of residences within Phase 2, thereby completing all permitting requirements for floodplain sensitive lands. This Policy is satisfied.

8) Ensure that subdivisions provide all necessary public services paid for by the developer.

Finding: The developer will be required to construct all public and private improvements at its own expense, consistent with this Policy.

Housing Policies 1,3-7, and 9-12 are not applicable to the proposed development.

Natural Factors and Local Resources Policies

9) Work with Department of Fish and Wildlife to conserve substantial fish and wildlife habitats.

Finding: The applicant's natural resources consultant (ES&A) coordinated with the Oregon Department of Fish and Wildlife to obtain ODFW staff input prior to submitting this application to the City. Monica R. Blanchard of ODFW (**Exhibit 14**) provided an August 29, 2019 email to ES&A in which she noted: "The riparian area, wetlands, and South Scappoose Creek are the most sensitive habitats and provide the highest quality cover and refuge for native species in the area of the project: protection and enhancement of these areas is our primary concern at this site. We appreciate the efforts to minimize wetland disturbance, add additional riparian vegetation, and avoid construction in the stream corridor."

The project provides the City's required buffering for streams and wetlands and the applicant proposes to install riparian-compatible plantings in Tract D (**Exhibit 4.P**). Storm drainage will be treated and detained prior to release to ensure run-off won't adversely affect the stream corridor and native species. This Policy is satisfied.

15) Comply with applicable State and Federal environmental regulations.

Finding: The conditions of approval require the applicant to provide evidence of issuance of all applicable permits from state and Federal agencies prior to commencing site clearing or development activities. This Policy is satisfied.

Natural Factors and Local Resources Policies 1-8, 10-14, and 16-21 are not applicable to the proposed development.

Suburban Residential Land Use Designation Policies

3) Promote the development of homesites at a density and standard consistent with: the level of services that can reasonably be provided, and the characteristics of the natural environment.

Finding: As detailed in the response to Section 17.81.050(C)(1), the R-1 zone would typically permit 46 dwelling units at this location. The applicant is requesting an increase of 2 units (a 4% increase) in accordance with the Planned Development density increase allowance under Section 17.81.050(C)(3), if authorized by the Planning Commission. The applicant's narrative states that "The development is adequately supported by necessary public services as demonstrated in the application. The characteristics of the natural environment surrounding the developed areas on site are being preserved and/or improved with new additional plantings. The result overall is a project with homesites consistent with the level of services that can be provided while preserving, protecting and enhancing the natural environment." Staff concurs with this analysis. This Policy is satisfied.

4) Review diligently all subdivision plats to ensure the establishment of a safe and efficient road system.

Finding: The applicant's circulation plan (**Exhibit 4.O**) demonstrates an orderly extension of streets to ensure a safe and efficient transportation network, and the final plat will be reviewed by City staff subsequent to land use approval to ensure consistency with the Scappoose Municipal Code and the Public Works Design Standards. The applicant provided a Traffic Impact Study (**Exhibit 22**) that demonstrates the proposal will not significantly affect any existing transportation facility. This Policy is satisfied.

5) Encourage developers to allocate land for open space or recreation in their subdivisions.

Finding: The site contains Sensitive Lands (Floodplain, Wetlands, Slope Hazard, and Fish & Riparian Corridor). Accordingly, the applicant is seeking approval of four Sensitive Lands Development Permits as part of this application and the applicant proposes to cluster the dwellings in the least sensitive areas and create several tracts to protect sensitive areas and preserve open space. Tract A would contain a park located with a picnic table and overlook area to the wetlands in Tract B. Tract C will provide stormwater treatment. Tract D would contain open space for a potential future park, and the applicant will construct, a compacted gravel pathway for public use along the western (outer) edge of the South Scappoose Creek riparian corridor. The pathway will act as an extension of the pathway system in Veterans Park, extending from the north end near JP West Road, southward behind the easternmost lots and back out to Eggleston Lane south of Lot 18 (**Exhibit 4.C**). Tracts E and F will provide open space, and Tract G will provide open space and manage stormwater from JP West Road. This Policy is satisfied.

Suburban Residential Land Use Designation Policies 1, 2, and 6 are not applicable to the proposed development.

Policies for Hazard Areas

- 1) Prohibit development on lands within the 100-Year Floodplain, on slopes exceeding 20 percent, on lands with recognized drainage problems, and on lands with soils classified by the SCS as having severe building constraints, unless a showing that design and construction techniques can eliminate potential loss of life and property, specifically:
 - A) All development within the 100-Year Floodplain shall conform to the standards set by HUD, and the proposal for development shall be approved by the City Engineer.
 - *B)* All development plans on slopes greater than 20 percent shall be reviewed and approved by the Superintendent of Public Works.
 - *C)* All development plans on lands with recognized drainage problems shall be reviewed and approved by the Superintendent of Public Works.
 - D All development plans on lands with suspect soils shall be submitted with a report from a soils geologist attesting to the safety of the plans, and then shall be reviewed and approved by the City Engineer.

Finding: Portions of the property are within the Special Flood Hazard Area (100-year floodplain), along with wetlands and slopes exceeding 20%. The applicant has provided a Slopes Analysis (Exhibit 5), together with a Geotechnical Report (Exhibit 16), which were used to guide the design to ensure appropriate floodplain protection and slope stability. The Geotechnical Report concluded that the Slope Hazard Areas are "underlain by stiff soils with a moderate resistance to slope instability." The applicant provided a preliminary stormwater report (Exhibit 20) to demonstrate feasibility of managing stormwater in accordance with the Public Works Design Standards. The applicant proposes to cluster the residences outside the South Scappoose Creek 100-year floodplain (as amended via Letter of Map Revision #21-10-0251P and proposed to be altered in accordance with Conditional Letter of Map Revision File 22-10-0362R) and to create several tracts to preserve open space (including the 100-year floodplain). The applicant has provided a floodplain balanced cut/fill analysis (Exhibit 7) and no-rise analysis (Exhibit 10) certifying that the proposed development will not impact the 100-year flood elevations, floodway elevations and floodway widths on the Scappoose Creek in the vicinity of the proposed development. All final development plans will be reviewed and approved by the City Engineer and Public Works Director prior to construction. The application includes appropriate Sensitive Lands Development Permit reviews consistent with this Policy.

Hazard Areas Policies 2 and 3 are not applicable to the proposed development.

Based on the Responses provided above, the applicant has demonstrated compliance with the applicable Comprehensive Plan Policies.

3. The following sections of Title 17 of the Scappoose Municipal Code (Scappoose Development Code) are applicable to this request:

Chapter 17.01 INTRODUCTION

<u>17.01.060 Right-of-way dedications and improvements.</u> Upon approval of any development permit or any land use approval of any property which abuts or is served by an existing substandard street or roadway, the applicant shall make the necessary right-of-way dedications for the entire frontage of the property to provide for minimum right-of-way widths according to the city's public works design standards and shall improve the abutting portion of the street or roadway providing access to the property in accordance with the standards in Chapter 17.154.

Finding: As illustrated on the site plans (**Exhibits 4.G and 4.H**), the Applicant proposes to dedicate 10' along SW JP West Road along the entire frontage of the property, to yield a right-of-way width of 30 feet, south of centerline, consistent with the street's Neighborhood Route designation in the Transportation System Plan. The abutting portion of JP West Road will be required to be fully improved in accordance with the City's Public Works Design Standards and Chapter 17.154 prior to final plat approval of Phase 1. Further detail is provided in the findings pertaining to Chapter 17.154. <u>Section 17.01.060</u> is satisfied.

Chapter 17.22 AMENDMENTS TO THE TITLE, COMPREHENSIVE PLAN, AND MAPS

<u>17.22.030</u> Quasi--judicial amendments. Quasi-judicial amendments shall be in accordance with the procedures set forth in Chapter 17.162 and the following:

- A. The commission shall make a recommendation to the Council to approve, approve with conditions or deny an application for a quasi-judicial comprehensive plan map amendment or zone changes.
- B. The council shall decide the applications on the record.
- *C.* A quasi-judicial application may be approved, approved with conditions or denied.

Finding: The applicant has requested that this subdivision be reviewed under the Planned Development Overlay provisions of the SDC (Scappoose Development Code). The Planned Development Overlay is approved as a Zone Change, which requires compliance with this Chapter. The Planned Development Overlay is a quasi-judicial review, which requires Planning Commission recommendation and a City Council decision. <u>Section 17.22.030</u> is satisfied.

<u>17.22.040 Approval criteria</u>. Planning commission review and recommendation, and Council approval, of an ordinance amending the comprehensive plan, the zoning map, or this title shall be based on the following criteria:

A. If the proposal involves an amendment to the comprehensive plan, the amendment is consistent with the Statewide Planning Goals and relevant Oregon Revised Statutes and Administrative Rules;

Finding: This proposal does not amend the Comprehensive Plan. However, findings related to the Statewide Planning Goals have been provided within this report. This application is consistent with applicable Oregon Revised Statutes and Administrative Rules (namely, the Transportation Planning Rule) as further detailed below in the response to Section 17.22.050. <u>Section 17.22.040(A)</u> is satisfied.

B. The proposal is consistent with the comprehensive plan (although the comprehensive plan may be amended concurrently with proposed changes in zoning or this title), the standards of this title, or other applicable implementing ordinances;

Finding: Findings have been provided throughout this report to show consistency with the Comprehensive Plan, the standards of the development code, and other implementing ordinances. The proposed Planned Development would permit compatible residential development alongside adjacent existing residential uses and sensitive lands. The applicable comprehensive plan policies are outlined above, including a *Suburban Residential Land Use Designation* policy, specifically "5) Encourage developers to allocate land for open space or recreation in their subdivisions." The proposed planned development provides significant open space and a public trail for recreation, consistent with this policy. <u>Section 17.22.040(B)</u> is satisfied.

C. The change will not adversely affect the health, safety, and welfare of the community;

Finding: The applicant has completed analysis of the storm system, floodplain, geotechnical conditions, transportation, sensitive lands, and natural resources. The streets and utilities are designed to City standards and all Fire Marshal requirements will be met prior to construction. No report or review has demonstrated that the zone change to allow a Planned Development will adversely affect the health, safety, and welfare of the community, provided the recommendations within the technical reports are implemented. The recommended conditions of approval require compliance with the geotechnical report and require submittal of a final stormwater report. The planned streets and trails will increase opportunities for active and passive recreation in a safe environment.

The applicant has provided the required transportation analysis (**Exhibits 22 and 23**) to assess the specific uses proposed to ensure a safe transportation system. The proposed change would foster new development that is consistent with the existing residential character, which would reinforce and enhance a residential neighborhood. The Planned Development Overlay allows for flexibility in design thereby allowing for better accommodation of the floodplain and sensitive lands within the subject property, while maintaining compliance with the allowed density under the Planned Development code provisions. Development would provide needed housing for the City, and the applicant would improve the street and utilities at its own expense. Findings elsewhere in this report demonstrate that the proposal does not pose negative effects on the health, safety, and welfare of the community. <u>Section 17.22.040(C)</u> is satisfied.

D. The proposal either responds to changes in the community or it corrects a mistake or inconsistency in the comprehensive plan, the zoning map, or this title; and

Finding: The proposal responds to changes in the community, namely, the need for housing types as identified in the City's 2017 Housing Needs Analysis (page 73), which specifically recommended that "For parcels partially within the floodplain, encourage development on the areas not within the floodplain by allowing cluster development and density bonuses." The 2017 Housing Needs Analysis (page 59) indicates that an additional 1,229 new dwelling units are required to be constructed in Scappoose for the 2018-2038 planning horizon. The report indicates that there are several demographic changes which have

increased demand for residential housing. The applicant's proposal to utilize a Planned Development to site housing outside the floodplain is consistent with the Housing Needs Analysis findings. Single family detached small lot housing is not readily available within the City and providing a range of lot sizes supports the City's needs related to attracting and serving residents. The proposed development responds to changes in the community by providing needed housing while preserving sensitive areas as open space. <u>Section 17.22.040(D)</u> is satisfied.

E. The amendment conforms to Section 17.22.050.

Finding: Consistency with Section 17.22.050 is demonstrated below. Section 17.22.040(E) is satisfied.

<u>17.22.050 Transportation planning rule compliance</u>. Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and the applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

660-012-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

Finding: The proposed Planned Development and zone change will not necessitate changes to the functional classification of existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

Finding: The proposed Planned Development and zone change will not change any standards implementing the functional classification system.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment. (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Finding: The City's 2016 TSP assumed that this site would be developed under the City's Suburban Residential (SR) Comprehensive Plan designation and Low-Density Residential zone, and street functional classifications were established accordingly. Based on the Traffic Impact Study (**Exhibit 22**), streets that would experience traffic from the development include SW JP West Road (a Neighborhood Street), SW 4th Street (a Neighborhood Street), SW 1st Street (a Neighborhood Street), U.S. Highway 30 (an Arterial Street), and SW Maple Street (a Neighborhood Street). As discussed in **Exhibit 22**, traffic projections have been computed using standard trip generation ratios published by the Institute of Transportation Engineers for a 48-unit Single-Family Detached Housing use.

As detailed in **Exhibit 22**, under the existing R-1 zone, 46-units of single-family Detached Housing would generate 494 daily trips. However, as the Planned Development provisions of Chapter 17.81 allow up to a 25% density increase, the applicant's transportation engineers analyzed the reasonable worst-case scenario of a 57-lot development (46 units plus 25%), which would generate 602 daily trips. The proposed planned development is therefore expected to result in an increase in the trip generation potential of the site by 108 daily trips. An increase of less than 400 daily trips is considered a small increase (per Oregon Highway Plan Policy 1F.5) and will not result in a significant effect on a transportation facility.

The study provided detailed analysis of seven nearby intersections: SW JP West Road/Captain Roger Kucera Way, SW JP West Road/SW 4th Street, SW JP West Road/SW 1st Street, SW JP West Road/US 30, SW Maple Street/SW 4th Street, SW Maple Street/SW 1st Street, and SW Maple Street/US 30.

Per **Exhibit 22**, "All the study intersections meet their respective mobility standards and targets today and in the future year 2023 before and after site development during the weekday AM and PM peak hours." Based on the above evidence, the zone change for the Planned Development would not further degrade the performance of area roadways and the City can conclude that the proposal does not have a significant effect on the affected intersections in particular or on the transportation system in general. <u>Section 17.22.050</u> is satisfied.

Chapter 17.44 R-1 LOW DENSITY RESIDENTIAL

17.44.030 Permitted and Conditional Uses

Finding: Single family detached housing, as proposed, is an outright allowed use within the district. The applicant has proposed a Planned Development, which is a Conditional Use in the R-1 district. <u>Section</u> <u>17.44.030</u> is satisfied.

17.44.050 Dimensional requirements.

Finding: The subject site is zoned R-1 – Low Density Residential. The applicant proposes an average lot size of 4,917 square feet, which is an average lot size reduction of 18% below 6,000 square feet as allowed through the Planned Development (PD) provisions. The applicant's requested dimensional requirements are summarized in the third column of the following table.

Dimensional Requirements	Requirement	Proposed by PD Overlay
Minimum lot area Single-family detached	Six thousand (6,000) square feet outside the Scappoose Creek Flood Plain Twenty thousand (20,000) square feet when a structure is located in	Minimum 3,410 square feet; no residences within the Special Flood Hazard Area (requires FEMA approval of Letter of Map Revision for Phase 2 lots)
	the Scappoose Creek Flood Plain	
Minimum lot width	Not be less than fifty feet, except the minimum lot width at front property line on the arc of an approved full cul-de-sac shall not be less than thirty feet	35 feet
	Flag lots shall provide a minimum of twenty-five feet of frontage along a public right-of-way	Flag lots shall provide a minimum of 12 feet of frontage along a public right-of-way
Minimum setback		Setbacks applicable to yards not adjacent to site perimeter
Front Yard	Twenty -feet	12 feet
Front of garages or carports	Twenty feet from the property line where access occurs	20 feet
Side yard	Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side for corner lots	5 feet minimum each side (8 feet on street side for corner lots)
Rear yard	Twenty feet	15 feet
Setbacks for accessory building behind a residence Side Rear	Five feet each Five feet	5 feet 5 feet
Maximum height	Thirty-five feet	35 feet
Accessory Building	Twenty-two feet	22 feet
Principal building per lot	One	One
Maximum building coverage	Thirty-five percent of the lot area	55% of lot area

Lot sizes, lot width, and setbacks shall meet the minimum requirements of the Planned Development overlay at the time of development of each lot. With the approval of the Planned Development, <u>Section</u> <u>17.01.060</u> is satisfied.

Chapter 17.81 PLANNED DEVELOPMENT OVERLAY (PD)

<u>17.81.010 Purpose</u>. The purpose of this district is to provide more flexibility in the development of land; encourage variety and creativity in the development pattern of the community; conserve natural land features; facilitate aesthetic and efficient use of open space; create public and private open space; encourage the application of new techniques and technology to community development which contribute to superior living or development patterns; use land efficiently in order to reduce the costs of housing, maintenance, street systems and utility networks; promote energy conservation and crime prevention; and relate development to the natural environment and its users. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the planning commission. For purposes of implementing these objectives, two means are available:

- A. The property owner or his or her representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances that it will be carried out in accordance with the procedures set forth in Section 17.81.060; or
- B. The property owner of a particular parcel, the planning commission, or the city council may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. A planned development overlay initiated by the commission or council shall address itself to the purposes set forth herein: a planned development overlay may be approved under these circumstances for a property that has unique characteristics (for example, having geological, ecological or archeological significance), and the development of which may have a significant impact upon the surrounding area or the city as a whole due to its scope, potential housing or employment density, and anticipated traffic generation. However, the commission and council shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted.

Finding: The project site is encumbered by the following constraints: floodplains, floodway, steep slopes, drainageways, wetlands and riparian corridors. The applicant has requested a Planned Development overlay to create a residential development that offers single-family residences on lots with a variety of sizes, with the overarching function of minimizing impacts to sensitive areas. Based on discussion in the applicant's narrative (**Exhibit 3**), the proposed Planned Development:

- Protects, preserves and enhances the natural features.
- Provides public and private open space area throughout the development site, including a gravel public walking trail along the South Scappoose Creek riparian corridor.
- Utilizes land in an efficient manner by clustering the density within developable areas of the site.

Such a layout would use land efficiently to reduce the cost of housing and infrastructure, which has the secondary benefit of conserving energy. The applicant has submitted a combined application for a Planned Development overlay, Subdivision, Conditional Use Permit, and Sensitive Lands Development Permits. The Conditions of Approval require satisfactory assurances (e.g., performance bonds) that the development plan will be carried out in accordance with the procedures set forth in Section 17.81.060. While Section

<u>17.81.010</u> does not contain approval criteria, the proposed Planned Development appears consistent with the stated purposes within this section.

<u>17.81.020 Applicability</u>. A. Commercial, Industrial, and Residential. The planned development process may be applied in any zone to all commercial and industrial uses, and excluding the R-1 zone, all residential uses for site-constructed housing, subject to requirements of the underlying district, the land division regulations, and sections 17.81.040 and 17.81.050 of this chapter. In the R-1 zone, the planned development overlay shall be processed as a Conditional Use.

Finding: The subject property is zoned Low Density Residential (R-1). The applicant is requesting a Planned Development overlay zone change from R-1 to R-1PD and proposing site-constructed detached homes. No manufactured homes are proposed. Therefore, as a Planned Development, this application will be processed as a Conditional Use. <u>Section 17.81.020</u> is satisfied.

17.81.030 Permitted uses.

- A. For residential districts:
- 1. Uses permitted in the underlying district;
- 2. Housing concepts may include, but are not limited to, single-family residences, duplexes, row houses, townhouses, cluster units, multiple-family dwellings or manufactured homes;
- 3. Related commercial uses as part of the development;
- 4. Related public lands uses designed to serve the development;
- 5. Accessory buildings and uses, not to exceed twenty-five percent of the lot area of the principal use.

Finding: The applicant has proposed single-family detached residences, which are a permitted use in the R-1 zone. <u>Section 17.81.030</u> is satisfied.

17.81.040 Dimensional standards.

A. Lot Width, Depth, Coverage, Setback and Frontage Requirements.

Minimum lot size, width, depth, coverage, setback and frontage requirements for lots in a planned development may be less than the minimums specified in the underlying district if in accordance with the approved general plan and the density standards of this section.

Finding:

The applicant has requested reductions to dimensional standards as previously summarized in Section 17.44.050 and reproduced below:

Dimensional Requirements	Requirement	Proposed by PD Overlay
Minimum lot area Single-family detached	Six thousand (6,000) square feet outside the Scappoose Creek Flood Plain	Minimum 3,410 square feet; no residences within the Special Flood Hazard Area (requires FEMA approval
	Twenty thousand (20,000) square feet when a structure is located in	•
	the Scappoose Creek Flood Plain	

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Minimum lot width	Not be less than fifty feet, except the minimum lot width at front property line on the arc of an approved full cul-de-sac shall not be less than thirty feet Flag lots shall provide a minimum of twenty-five feet of frontage along a public right-of-way	35 feet Flag lots shall provide a minimum of 12 feet of frontage along a public right-of-way	
Minimum setback		Setbacks applicable to yards not adjacent to site perimeter	
Front Yard	Twenty -feet	12 feet	
Front of garages or carports	Twenty feet from the property line where access occurs	20 feet	
Side yard	Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side for corner lots	5 feet minimum each side (8 feet on street side for corner lots)	
Rear yard	Twenty feet	15 feet	
Setbacks for accessory building behind a residence Side Rear	Five feet each Five feet	5 feet 5 feet	
Maximum height Accessory Building	Thirty-five feet Twenty-two feet	35 feet 22 feet	
Principal building per lot	One	One	
Maximum building coverage	Thirty-five percent of the lot area	55% of lot area	

Finding: The subject site is zoned R-1 – Low Density Residential. The applicant proposes an average lot size of 4,917 square feet, which is an average lot size reduction of 18% below 6,000 square feet as allowed through the Planned Development (PD) provisions. The density calculations for the site permit 46 units to be constructed under the R-1 zone and the Planned Development criteria under criterion C.3 below permits an increase of up to 25% in the number of dwelling units that may be permitted based on specified findings (up to 57 units). The applicant is proposing 48 dwellings, which is a 4% increase in the number of dwelling units permitted under the R-1 standards. Section 17.81.040(A) is satisfied.

B. Minimum Site Size. A planned development shall be established on a parcel of land that is suitable for the proposed development, and shall not be established on less than four acres of contiguous land, unless the planning commission finds that property of less than four acres is suitable as a planned development by virtue of its unique character, topography or natural features, or by virtue of its qualifying as an isolated problem area as determined by the planning commission. **Finding:** The subject site contains over 17 acres. This site is sufficiently large enough to accommodate a residential development while protecting and enhancing the natural features of this property including South Scappoose Creek, it's riparian corridor, and nearby wetlands and slope hazard areas. Therefore, this site is suitable for a planned development. <u>Section 17.81.040(B)</u> is satisfied.

17.81.050 General requirements.

- A. Compatibility with Neighborhoods.
 - 1. The planned development shall present an organized arrangement of buildings, facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to ensure compatibility with the comprehensive plan and the area in which it is to be located.

Finding: The applicant's proposal appears to provide for an organized layout of streets (**Exhibit 4.G and 4.O**), pathways, open space, and cluster of residential lots while incorporating the natural features of the property. The applicant is proposing a public path along the western edge of Tract D and is proposing additional tracts to protect wetlands and open space as shown on **Exhibit 4.C**. Proposed plantings are illustrated on **Exhibit 4.P**, consisting of street trees, perimeter plantings in Tract G, and riparian corridor plantings in Tract D, while privacy fencing is anticipated along rear and side lot lines (**Exhibit 4.P**).

The perimeter lots along the west boundary have lot sizes that generally exceed the R-1 standards consistent with abutting lots to the west, which are also within the R-1 zone, thereby complying with these criteria. Section 17.81.050(A)(1) is satisfied.

2. Peripheral yards of a planned development site shall be at least as deep as those required by the yard regulations of the adjoining district, unless the planning commission finds that equal protection will be accorded through specific features of the approved plan.

Finding: Peripheral yards affect Lots 7-17 and lots 44-48. The abutting properties to the north and west are zoned R-1 and thus have 20 feet rear setbacks and side setbacks totaling a minimum of 15 feet abutting the proposed development. The applicant's proposed setback lines, illustrated on **Exhibit 4.G**, meet these setbacks for Lots 7-17 and Lots 45-48. Lot 44 does not meet this standard as its northern setback needs to be 20 feet where abutting tax lot 3212-CB-00403 to match tax lot 403's 20-foot rear setback. Staff recommends a condition of approval requiring peripheral yards to meet Section 17.81.050(A)(2). Section 17.81.050(A)(2) is satisfied with the recommended conditions of approval.

- B. Open Space.
 - 1. Open space in a planned development means the land area to be used for scenic landscaping, or open recreational purposes within the development. It shall not include street right-of-ways, driveways or open parking areas.
 - 2. Open space shall be provided for the recreational and leisure use of the individuals occupying the planned development, and designed to enhance the present and future value of the development.
 - 3. To the maximum extent possible, natural features of the land shall be preserved and landscaping provided.
 - 4. In order to assure that open space will be permanent, dedication of development rights to the city for other than open space use may be required.

- 5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the planning commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the city attorney.
- 6. The planning commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, the city may, at its option, cause such maintenance to be done and assess the costs to the affected property owners.

Finding: The combined area of the parks and open space tracts is 428,469 square feet, which exceeds 56% of the gross site area. The applicant proposed the following park and open space tracts for use by residents⁸, which do not include street rights-of-way, driveways, or open parking areas:

Park and Open Space Tracts	Land Area (SF)	
A. Park	10,914	
B. Open Space	13,902	
D. Park/Open Space	298,645	
E. Open Space	95,947	
F. Open Space	2,734	
G. Park/Stormwater	6,327	
Total	428,469	

Tract A is an open space park accessible to residents which contains a picnic table overlook area. Tract D is open space for the floodplain and riparian corridor and contains a compacted gravel pathway for recreational purposes which is not just available to the residents but also the public via a public access easement. Tract G contains a landscape entry feature. Tracts B, E, and F are for protection of sensitive areas and preservation of open space. The design results in the majority of lots having frontage on an open space on at least one yard, thereby enhancing the value of the development.

The natural features on site include South Scappoose Creek, an unnamed drainageway, and associated wetlands and riparian corridors (**Exhibit 11**). Additionally, there are isolated wetlands within Tracts B, E and F which are being protected. Minimal proposed impacts to the natural features are proposed, along with improvements to the Scappoose Creek Riparian Corridor consisting of enhanced native landscaping (**Exhibit 4.P**). The applicant's narrative (**Exhibit 3**) indicates the owner is prepared to dedicate the development rights of the open space areas, if required by the City Council.

The tracts will be platted as tracts on the subdivision plat and will be required to be owned and maintained by a Homeowners Association managed by residents of the Planned Development. The applicant has included draft Covenants Conditions and Restrictions (CC&Rs) (**Exhibit 24**) which detail the ongoing responsibility for maintenance of open space areas. The applicant's narrative (**Exhibit 3**) acknowledges that the Planning Commission and City Council may require instruments of conveyance so that the City may, at its option, cause maintenance to be done and assess the costs to the affected property owners. <u>Section 17.81.050(B)</u> is satisfied.

⁸ This table excludes Tract C, which is solely for stormwater management.

- C. Residential Density.
 - 1. In a residential planned development, the density permitted is the same as that of the underlying district or districts. In a mixed-use planned development, the number of allowable units is based on net residential area. The net residential area for a planned development shall be calculated by taking the total area of the development less streets, commercial, industrial, public lands and other nonresidential uses. Recreational trails and areas, and open space, etc., shall be included in the net residential area. The number of dwelling units permitted in a planned development shall be calculated by taking the total be calculated by dividing the net residential area. The number of dwelling units permitted in a planned development shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts. In a commercial or expanded commercial district, multifamily densities shall be permitted where limited residential use is determined to be appropriate by the planning commission.
 - 2. Greenways, streams and steep topography areas will be counted as contributing to the density only to the extent that it can be shown, through a planning commission review, that a typical development could be accommodated on the site with realistic street configuration, grades and standard lot sizes. The number of dwellings yielded from such a tentative subdivision review process shall be used as a base in determining the overall density for the site.

Finding: The proposed project is a residential planned development, and as such, the density permitted is the same as that of the underlying district. The base density of the site is as follows:

Area and Density Calculation		
Gross Site Area	753,950 square feet	
Street Rights-of-way	71,288 square feet	
Streams, Wetlands (outside of floodplain)	122,710 square feet	
Floodplain (outside of rights-of-way)	283,214 square feet	
Net Area	276,738 square feet	
Base Density	276,738/6,000 = 46.12 rounded to 46 units	

Finding: The applicant has prepared density calculations as demonstrated above in compliance with the city's standards. <u>Section 17.81.050 (C)(1) and (2)</u> is satisfied.

3. An increase of up to twenty-five percent in the number of dwelling units may be permitted upon a finding by the planning commission that such increased density will contribute to:

Finding: The base density is 46 units. Adding 25% more dwellings would equal 11.5 additional units or 57.5 total units. The applicant is requesting a total of 48 units which is 2 more units than permitted by the base density and represents a 4% increase. This increase can be granted by the Planning Commission and City Council based on the factors outlined below.

a. Satisfaction of the need for additional urban area housing of the type proposed;

Finding: The applicant is proposing "small lot single family detached housing" as the primary housing type with some larger lot single family sites included primarily adjacent to neighboring properties along the west site boundary. The 2017 Housing Needs Analysis (see page 59 of the 2017 Housing Needs Analysis) indicates that an additional 1,229 new dwelling units are required to be constructed in Scappoose for the 2018-2038 planning horizon, and single family detached housing is in high demand within both Scappoose and the Portland Metro Area. <u>Section 17.81.050</u> (C)(3)(a) is satisfied.

b. The provision of housing which is convenient to commercial, employment, and community services and opportunities;

Finding: The site is relatively close to commercial, employment, and community services and opportunities. It is approximately 4 blocks to the Highway 30 commercial areas, making it proximate to commercial as well as employment opportunities. Additionally, Veterans Park is across JP West Road from the site and the Scappoose Middle School is 5 blocks away. As such, convenient access is provided to community services and opportunities. <u>Section 17.81.050</u> (C)(3)(b) is satisfied.

c. The creation of a land use pattern that is complementary to the community and its identity, and to the community design process;

Finding: The land use pattern is constrained by natural features on the site. For example, no street can reasonably be proposed to the east due to the intervening South Scappoose Creek, its floodplain, floodway, wetlands, and riparian corridor. To the west, slopes are too steep to construct public streets to connect to existing public streets while meeting the Public Works Design Standards. This complements those properties on the east and west sides as they had the same situation in that extensions of public streets cannot be made. There is an opportunity to connect to the south in the future, when property along the existing section of Eggleston Lane further develops; this street would promote better connectivity within the area. Housing types within the area are varied and include large acreages with single family homes, smaller R-1 standard lots with single family homes and an apartment complex across South Scappoose Creek near the site's southeast corner. The proposed range of lot sizes complements the surrounding community by adding housing options to those already available. <u>Section 17.81.050 (C)(3)(c)</u> is satisfied.

d. The conservation of energy;

Finding: This proposed project conserves energy by providing smaller lots along a public street reducing the overall costs of construction and maintenance of both streets and utilities on a per unit basis with a denser land use pattern. Energy is also conserved with the location of the site being within walking and/or biking distance from parks, schools and the commercial areas near Highway 30. Section 17.81.050 (C)(3)(d) is satisfied.

e. The efficient use of transportation facilities; and

Finding: The site's location and housing type is efficient in terms of transportation facility use, as it makes use of an existing street (JP West Road) and constructs a segment of another street (Eggleston Lane). The site is located near both commercial and City facilities including the business district along Highway 30, Veterans Park, and Scappoose Middle School, accommodating multi-modal transportation uses including cars, bikes and pedestrians. <u>Section 17.81.050 (C)(3)(e)</u> is satisfied.

f. The effective use of land and available utilities and facilities.

Finding: The planned development process and the project proposed allows for the preservation of natural resources and construction of community amenities while providing a range of lot sizes. All City and franchise utilities are directly adjacent to or already extended through the site. Nearby streets including the adjacent JP West Road (Neighborhood Route) is 5 blocks from a major arterial (Highway 30). The residents of the proposed project will have efficient access to Veterans Park and Scappoose Middle School. The proposed open space tracts are an effective method of preserving floodplain storage capacity and enhancing riparian and wetland buffer areas. <u>Section 17.81.050 (C)(3)(f)</u> is satisfied.

- E. Staging.
 - 1. The applicant may elect to develop the site in successive stages in a manner indicated in the general plan. Each such stage shall be substantially complete within itself.
 - 2. The planning commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

Finding: The applicant is proposing to stage (phase) this development for platting purposes, as indicated on Sheet 1.1 of the plan set (**Exhibit 4.B**). The recommended conditions of approval require construction of the public improvements in Phase 1. After this point, building permits could be issued for lots proposed in Phase 1 as they are outside the current mapped Special Flood Hazard Area. The applicant intends to then complete its final Letter of Map Revision process with FEMA to formally modify the floodplain maps for the project site (after which the Phase 2 lots would be mapped as being outside the mapped Special Flood Hazard Area). <u>Section 17.81.050 (E)</u> is satisfied.

<u>17.81.060 Procedure</u>. An application for a planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.162 of Title 17 of the Scappoose Municipal Code. A planned development, quasi-judicial zone change, and as necessary, a quasi-judicial comprehensive plan map amendment, may be processed concurrently. The fee charged for initiating a planned development overlay shall be equal to that charged for zone changes.

Finding: This request for a Planned Development overlay will be heard and approved under the public hearing procedures in Chapter 17.162. All applications are being submitted for concurrent review. The applicant has submitted the required fees for the applications. <u>Section 17.81.060</u> is satisfied.

<u>17.81.070 Approval criteria</u>. An application may be approved, approved with conditions, or denied based upon substantial conformance with the following criteria:

Buxton Ranch Planned Development and Subdivision

A. The proposed development complies with the comprehensive land use plan and is compatible with the surrounding area or its proposed future use;

Finding: The subject site is designated for low density residential development and is zoned R-1, consistent with the comprehensive plan's Suburban Residential plan designation as explained above in the Comprehensive Plan Findings Land Use Policies section. Housing types within the area vary and include large acreages with single family homes, smaller R-1 standard lots with single family homes and an apartment complex across Scappoose Creek near the site's southeast corner. Adding in the range of lot sizes for single family detached homes complements the surrounding community by adding housing options in an area planned for residential use, with larger lots on the western border to be compatible with the existing residential neighborhoods. To provide adequate light, air, and space, staff recommends a condition of approval requiring a minimum 5' separation between house foundations and retaining walls proposed on Lots 7-9 and 47-48 (where the walls are proposed to retain soil above the finished grade of the building pad). <u>Section 17.81.070 (A)</u> is satisfied.

B. That exceptions from the standards of the underlying district are warranted by the design and amenities such as usable common open space, cluster development, etc.

Finding: The applicant is requesting exceptions from the standards of the underlying R-1 district and proposes amenities throughout the site. As illustrated on **Exhibit 4.C**, smaller lots have been clustered towards the center of the site with larger lots along the west and north property lines. Open space areas are proposed throughout, though primarily on the south and east.

Capitalizing on the proximity to Veterans Park, the applicant proposes construction of a public trail starting near the intersection of JP West Road and the proposed Eggleston Lane extension, extending through Tract D and connecting back to Eggleston Lane south of Lot 18. There is also a connection between the trail and Eggleston Lane between Lots 28 and 33. These connections create two loops with the public sidewalk system and extends the public pedestrian system substantially further south. The trail is proposed to be open to the public in accordance with the South Scappoose Creek trail envisioned in the Scappoose Parks, Trails and Open Space Plan. Tract D is an open space tract protecting South Scappoose Creek, floodplain, and wetlands 1 and 2. The area adjacent to the pathway will be replanted in native plant materials (**Exhibit 4.P**) and the riparian corridor will be widened and planted to preserve water quality and increase the public's enjoyment of the area.

Tract A is a 10,914 square foot open space park area for the residents of the subdivision and includes a crushed rock path and picnic area overlooking Tract B, which is intended to protect wetland and buffers around the wetland.

Tract G is proposed on the west side of Eggleston Lane adjacent to JP West Road. This open space tract contains a small stormwater facility to treat runoff from JP West Road and also has a landscaped entry feature consisting of a lawn area framed by plantings along the west and south sides. The applicant's narrative (**Exhibit 3**) states that this area is usable for both passive and active recreation. Staff notes that Tract G seems usable for passive recreation but notes that this Tract appears small for active recreation. <u>Section 17.81.070 (B)</u> is satisfied.

C. That the proposal include designs and construction standards in compliance with city code and that all completed infrastructure be approved by the city and ownership of all infrastructure and public utilities deeded to the city upon completion;

Finding: The Preliminary Development Plans in **Exhibit 4** depict proposed grading and infrastructure, including the extent of all proposed streets, water, sanitary, and storm sewer utilities on site. The applicant will be required to construct all utilities to the City's Public Works Design Standards and Specifications. Final Construction Plans will be prepared and submitted as part of the building permit process. When satisfactorily completed, the infrastructure will be approved and accepted by the City. <u>Section 17.81.070 (C)</u> is satisfied.

D. That the development can be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

Finding: The site has constraints that prohibit access to the east and west. To the west is both existing development and steep slopes. A public street could not be extended to connect with SW Jobin Lane and meet City standards regardless of the type of development. To the east lies Scappoose Creek and its associated floodplain and floodway, wetlands and riparian corridor. Roadway extension across the creek is not achievable without considerable environmental impact. Given these constraints, the applicant's circulation plan (**Exhibit 4.0**) demonstrates an orderly extension of streets to ensure a safe and efficient transportation network. The applicant proposes to connect to the existing waterline that extends south from the end of Jobin Lane, thereby creating an improved looped water system (**Exhibit 4.L**). The proposed development is designed to extend access to the south for future connection of the street and utilities to serve those properties. The right-of-way extends to the south property line to ensure this connection can be completed in the future. All other services are available to properties located east and west of the site. The planned development proposal will widen JP West Road to its full width, south of centerline. <u>Section 17.81.070 (D)</u> is satisfied.

E. That streets are adequate to support anticipated traffic, and the development will not overload the streets outside the planned area (as supported, when necessary, by a formal traffic impact analysis);

Finding: The internal street design is adequate for the proposed 48-Lot development as it conforms to the City's local street standard. The street meets the standards in the Public Works Design Standards. As determined by the Traffic Impact Study (**Exhibit 22**), there is adequate capacity to accommodate this development; the existing and proposed street network will continue to operate acceptably with the addition of the houses constructed from the development. <u>Section 17.81.070 (E)</u> is satisfied.

F. That proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

Finding: As discussed in the responses to Chapter 17.154, adequate utilities and drainage facilities can be constructed by the applicant to serve the proposed Planned Development. Initial computations submitted

by the applicant indicate that stormwater will be released into South Scappoose Creek after treatment and detention (**Exhibit 20**). Sanitary sewer exists on the site and can be provided to all proposed lots. Water will be looped through the site via a connection at JP West Road, then south in Eggleston Lane and west through Tract E to connect to an existing waterline. The development plans (**Exhibit 4**) and associated storm and sanitary sewer profiles and details demonstrate the feasibility of the utility and drainage facilities for the proposed planned development. All franchise utilities are immediately available to serve the site as well and are located in JP West Road. The Conditions of Approval require review by the City Engineer of all proposed plans. <u>Section 17.81.070 (F)</u> is satisfied.

G. That the proposed development can be substantially completed within a reasonable period of time.

Finding: The applicant's narrative (**Exhibit 3**) indicates an intention to complete development of this subdivision within 2-5 years, which is typical for a development of this scale, location and complexity. The applicant has indicated that site development (streets, utilities, etc.) is anticipated to be completed within one year. <u>Section 17.81.070 (G)</u> is satisfied.

17.81.080 Tentative Plan.

A. Submission Requirements. The proponent shall submit an application with applicable fees to the planning commission for approval in principal. The tentative plan shall consist of twenty copies of all plans, maps and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description.

Finding: The applicant has submitted all applicable fees for approval of the tentative plan and has also provided plans and diagrams (**Exhibit 4**) in sufficient detail to indicate the nature of the plan elements. Additionally, a written narrative (**Exhibit 3**), supporting information and reports have also been provided. <u>Section 17.81.080 (A)</u> is satisfied.

B. Procedures.

[...]

4. Tentative Plan Expiration Date. Within one year following the effective date of approval of a tentative plan, the general plan and program shall be submitted, and shall incorporate any modification or condition required by approval of the tentative plan. The planner may, upon written request by the applicant, grant an extension of the expiration date of up to six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan, and after finding that no other development approval would be affected.

Finding: The applicant is required to submit the Final Plan for the Planned Development and Subdivision for review by City staff within one year from the effective date of the approval by City Council. <u>Section</u> <u>17.81.080(B)(4)</u> is satisfied.

C. Submission Materials. The tentative plan need not be a finished drawing, but it should present all relevant graphic data, and be drawn to an engineering scale. The information shall include, but is not limited to, the following:

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- 1. Proposed land uses, building locations, housing unit densities and estimated employment densities;
- 2. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development;
- 3. Location, widths and names of all existing or platted streets or other public ways, railroad and utility right-of-ways, parks or other public open spaces, and land uses within five hundred feet of the boundaries of the development;
- 4. Existing sewers, water mains and other underground facilities within and adjacent to the development and their certified capacities;
- 5. Proposed sewers or other disposal facilities, water mains and other underground utilities;
- 6. A tentative subdivision plan if the property is proposed to be divided;
- 7. Proposed grading and drainage pattern;
- 8. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, schools sites, public buildings or other uses dedicated or reserved to the public, if any;
- 9. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof;
- 10. A traffic flow map showing the circulation pattern within, and adjacent to, the proposed development;
- 11. Location and dimensions of pedestrian walkways, malls, trails or easements;
- 12. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking, if any;
- 13. Location, arrangement, and dimensions of truck loading and unloading spaces and docks, if any;
- 14. Tentative architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units, if applicable;
- 15. A tentative tree planting and landscaping plan including areas of ground cover and approximate finished grades, slopes, banks and ditches. All existing trees over six inches in diameter and groves of trees shall be delineated. Trees to be removed by development shall be so marked;
- 16. The approximate locations, height and materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included;
- 17. The stages, if any, of the development construction. Stages shall be clearly marked on the general development plan;
- 18. Narrative statement of the goals and objectives of the planned development;
- 19. A completed professional market analysis, if required by the planning commission;
- 20. Evidence of resources available to develop the project;
- 21. Tables showing the total number of acres, the distribution of area by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan;
- 22. Tables showing the overall residential density of a proposed residential development, and overall employment density of a proposed commercial or industrial development, including any proposals for the limitation of density;
- 23. Drafts of appropriate restrictive covenants and documents providing for the maintenance of any common open space, required dedications or reservations, public open spaces, and any dedications of development rights.

Finding: The plans submitted (**Exhibit 4**) are detailed and present all relevant graphic data drawn at an engineering scale. It includes all applicable information listed in items one through thirteen above along with additional materials to allow for a thorough review for compliance with city standards. The applicant has provided seven (7) tentative home designs proposed for the project which indicate their general height (2 story), their bulk and appearance (**Exhibit 27**). One of the designs is a single level home. Each design in turn can have multiple finishes and colors resulting in diverse styles.

In response to criterion 14 above, preliminary architectural elevations are provided are **Exhibit 27**.

In response to criterion 15 and 16 above, the Preliminary Plan Set (**Exhibit 4**) includes Landscaping Plans and Grading plans. The landscape plans provide areas of groundcover which reflects street trees, open space landscaping, fencing and types and heights of proposed retaining walls.

In response to criterion 17 above, the applicant has provided the Phasing Plan on **Exhibit 4.B**.

In response to criterion 18 above, the applicant's narrative (**Exhibit 3**) states the goals and objectives of this planned development are as follows:

- Take advantage of and protect the sensitive environmental, visual and recreational values of South Scappoose Creek and wetlands on the property.
- Provide a quality subdivision for single family homes, with recreational amenities for residents and the public to enjoy.
- Maintain floodplain storage capacity with balanced cut/fill, while ensuring the home sites and adjacent properties are safe from flooding.
- Create useable recreational open space and enhance the overall visual and recreational quality of the development with a combination of parks and open spaces with quality landscaping.
- Accommodate a housing type and size that provides options for the local community, is affordable and provide opportunities for next generations of Scappoose residents.
- Accommodate future development via extension of the public street.

In response to criterion 19 above, a Market Analysis is not required unless specifically requested by the Planning Commission.

In response to criterion 20 above, David Weekley Homes was founded in 1976 in Houston, Texas, and the applicant's narrative (**Exhibit 3**) indicates that it is the 18th largest builder in the United States and the nation's largest private home builder.

In response to criterion 21 above, the applicant has provided tables showing the distribution of area by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as part of the within the application narrative. An excerpt of the applicable narrative response is included below.

Land Use Distribution		
Land Use	Square Feet	Percentage
Single Family Residential Lots	236,037	31.30%
Street Rights-of-way	71,288	9.45%
Park Tracts	309,559	41.09%

Open Space/Resource Tracts	118,910	15.76%
Storm Water Quality Tract	18,156	2.40%
Total	753,950	100%

In response to criterion 22 above, the applicant has included tables showing the overall residential density of a proposed residential development, and overall employment density of a proposed commercial or industrial development, including any proposals for the limitation of density as part of their narrative (Exhibit 3).

In response to criterion 23 above, the applicant has provided a draft set of Covenants, Conditions, and Restrictions (CC&Rs) (**Exhibit 24**) providing for the ownership and maintenance of common open space. All required dedications or reservations, public open spaces, and all rights-of-way will be dedicated on the Plat. <u>Section 17.81.080 (C)</u> is satisfied.

E. Expiration. If substantial construction or development, as determined by the director, has not taken place within four years from the date of approval of the general plan, the planning commission shall review the planned development permit at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall remove the planned development designation on the subject site.

Finding: This provision will be evaluated in the future if the applicant does not complete substantial construction within the specified timeframe. <u>Section 17.81.080 (E)</u> is satisfied.

Chapter 17.84 SENSITIVE LANDS--FLOODING

17.84.030 General provisions. A. This chapter shall apply to all special flood hazard areas (Zones A, AE, AO) within the jurisdiction of the city.

B. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled the "Flood Insurance Study for Columbia County, Oregon and Incorporated Areas," effective November 26, 2010, with accompanying Flood Insurance Rate Maps, is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Planning Department.

Finding: South Scappoose Creek flows through the eastern edge of the property. The floodplain for the creek was defined by FEMA Flood Insurance Rate Maps (FIRMs) 41009C0444D and 41009C482D, effective November 26, 2010. However, the applicant's consultant (West Consultants, Inc.) has previously filed a Letter of Map Revision (LOMR, #21-10-0251P), which was approved by FEMA (Effective April 19, 2021), correcting the Base Flood Elevation on the subject property and others along South Scappoose Creek to reflect current conditions. The LOMR approval (**Exhibit 8**) is now the official record of the Special Flood Hazard Area.

Based on this LOMR, the Phase 1 lots are outside the Special Flood Hazard Area while the Phase 2 lots are inside the Special Flood Hazard Area. The applicant proposes floodplain modifications which would remove the Phase 2 lots from the Special Flood Hazard Area. These modifications have been conditionally

approved by FEMA in Conditional Letter of Map Revision (CLOMR) #22-10-362R dated June 17, 2022. The recommended Conditions of Approval require the applicant to obtain LOMR approval prior to obtaining building permits for lots within Phase 2. <u>Sections 17.84.030(A) and (B)</u> are satisfied.

C. All new construction and substantial improvements shall be constructed with materials and utilize equipment resistant to flood damage.

D. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

Finding: For the purposes of this chapter, 'new construction' only refers to buildings and not to site improvements. The Phase 1 lots (Lots 1 to 18) are outside the currently designated Special Flood Hazard Area and thus are not subject to this provision. The Phase 2 lots (Lots 19 to 48) are proposed to be outside the future Special Flood Hazard Area, at which time they would no longer be subject to this provision. FEMA has approved the applicant's CLOMR, which indicates that if the project is built as proposed it would meet minimum National Flood Insurance Program standards. **Exhibit 4.B** shows that the proposed houses would all be outside the modified floodplain, if built in accordance with the approved CLOMR. Following site construction, the applicant will formalize the floodplain alterations with a LOMR. The recommended Conditions of Approval require the applicant to obtain LOMR approval prior to obtaining building permits for lots within Phase 2. The site has no existing structures on which substantial improvements could be completed. <u>Sections 17.84.030(C) and (D)</u> are satisfied.

E. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Finding: The grading design of the site is such that all electrical, heating, ventilation, plumbing and air condition equipment will be elevated to prevent water from entering or accumulating during a 100-year flood event. Additionally, the recommended conditions of approval require the applicant to elevate the equipment to at least one foot above base flood elevation. The Phase 1 lots (Lots 1 to 18) are outside the currently designated Special Flood Hazard Area and thus are not subject to this provision. If built per the approved CLOMR, the Phase 2 lots (Lots 19 to 48) are proposed to be outside the future Special Flood Hazard Area, at which time they would no longer be subject to this provision. The Conditions of Approval require the applicant to obtain LOMR approval prior to obtaining building permits for lots within Phase 2. <u>Section 17.84.030(E)</u> is satisfied.

F. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system in accordance with the state of Oregon Building Codes and Plumbing Code.

Finding: All water supply systems will be designed to eliminate infiltration of floodwaters and designs will follow Oregon Building Codes and Plumbing Code and the Public Works Design Standards. <u>Section</u> <u>17.84.030(F)</u> is satisfied.

G. All new construction, all manufactured homes and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

Finding: If site grading is performed according to the Conditional Letter of Map Revision (CLOMR), the new homes would be located outside of the floodplain and therefore anchoring is not required per this provision. <u>Section 17.84.030(G)</u> is not applicable.

H. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

Finding: Sanitary systems proposed for construction will be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. The applicant's narrative (**Exhibit 3**) indicates that all manholes in the floodplain will be constructed with a water-tight frame and cover and underground piping will be fused to eliminate joints, as will be verified during public works permitting and construction inspection. The recommended conditions of approval require the applicant to utilize watertight joints and manholes for all utilities placed within the floodplain. <u>Section 17.84.030(H)</u> is satisfied.

17.84.040 Permitted Uses.

B. The following uses shall be permitted in special flood hazard areas and shall require a development permit under this Chapter in addition to any applicable federal, state or county permits:

1. Residential zones: A single-family detached dwelling or a single-family manufactured home and their accessory uses on lots greater than 20,000 square feet where a structure is to be placed within an area regulated by this Chapter;

 Commercial and Industrial zones: Permitted uses of the underlying zone and their accessory uses on lots greater than 20,000 square feet where a structure is to be placed within an area regulated by this Chapter;
 Installation, reconstruction or improvement of underground utilities or roadway improvements including sidewalks, curbs, streetlights and driveway aprons;

4. Minimal ground disturbance(s) but no landform alterations;

5. Substantial improvements to existing structures;

6. Community recreation uses such as bicycle and pedestrian paths or athletic fields or parks;

7. Public and private conservation areas for water, soil, open space, forest and wildlife resources; and 8. Public works projects.

Finding: The application seeks to alter the existing floodplain in concert with permitted uses in the Scappoose Development Code. If the site is developed in accordance with the approved CLOMR, no homes will be constructed within the proposed Special Flood Hazard Area. However, on an interim basis until FEMA approves the LOMR following site construction, the Phase 2 lots (Lots 19 to 48) are currently in the mapped special flood hazard area and thus would be substandard size to meet the 20,000 square foot minimum. The recommended Conditions of Approval require the applicant to obtain LOMR approval prior to applying for Phase 2 plat approval and prior to issuance of building permits for lots within Phase 2. The site is not located within a commercial or industrial zone. Work within the floodplain areas fall under categories 3, 4, 6, and 7. This includes roadway and utility improvements along JP West Road and Eggleston Lane, grading, retaining walls, plantings within the riparian corridor, construction of a public pathway in Tract D, and preservation of open space. <u>Section 17.84.040</u> is satisfied.

17.84.140 Standards.

In Zone A, Zone AE, and Zone AO, the following standards are required:

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A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

2. All manufactured homes shall likewise be anchored to prevent flotation, collapse and lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so s to prevent water from entering or accumulating within the components during condition of flooding.

Finding: If the site is developed in accordance with the approved CLOMR, the proposed balanced cuts/fills for this development ensure that none of the developable portions of any of the 48 lots will be within Zone A, Zone AE, or Zone AO following issuance of the final LOMR after site construction is complete. See **Exhibits 4.C, 7, and 9**. No manufactured homes are proposed.

The applicant's narrative (**Exhibit 3**) indicates that all new construction and site improvements are designed to be constructed using methods and practices that minimize flood damage. Even though the houses would be outside the Special Flood Hazard Area, all new homes will be designed and constructed with materials and utility equipment resistant to flood damage, with the habitable floor area elevated at least 2 feet above the base flood elevation. All electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during condition of flooding. The recommended conditions of approval require that the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be elevated at least 1 foot above the base flood elevation (BFE). Section 17.84.140(A-B) is satisfied.

C. Utilities.

1. All new and replacement water supply systems shall be designed to eliminate infiltration of floodwaters into the system.

2. New and replacement sanitary sewerage systems shall be designed to eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

3. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, consistent with Oregon Department of Environmental Quality standards.

Finding: All water and sanitary systems are designed in a manner to eliminate infiltration or discharge, as will be verified during permit review. The primary lines are located underground outside of the floodplain however where potentially impacted by floodwaters, all city standards will be met. Staff recommends a condition of approval requiring all utilities placed within the floodplain (sanitary and water systems) to be constructed with watertight joints and manholes. There are no proposed waste disposal systems (septic systems) proposed as part of this development. <u>Section 17.84.140(C)</u> is satisfied.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, the applicant shall provide such information.

Finding: The proposed development is designed so that all lots are located outside of the proposed Special Flood Hazard Area (per FEMA's approved CLOMR, **Exhibit 9**), thus minimizing flood damage.

At the entrance of the site, JP West Road's cross section is proposed to be built to have a cross slope of 1.5%, within the vicinity of the Eggleston Road intersection, instead of the 2.5% standard cross slope. Portions of JP West Road along the frontage of the site are under jurisdiction of Columbia County; however, the Columbia County Public Works Department submitted a comment (**Exhibit 37**) which stated that the applicant must meet all City of Scappoose standards for street improvements, right of way dedication and stormwater/drainage improvements, so the applicant will coordinate with City staff during final design and permitting for the improvements to JP West Road. The proposed profile keeps the grade of Eggleston Lane higher in elevation to reduce the flooding depths expected in the roadway. During the 100-year event (1% chance annually), the floodwaters would span Eggleston Lane for roughly 20 feet of its length near the site's entrance, as shown on the Street Plan (**Exhibit 4.G**). The maximum water depth expected at the centerline is 2 inches, but the applicant's narrative (**Exhibit 3**) states the west side of Eggleston will have less water depth than at centerline and the curb on the west side will remain visible. A cross section for the shed section of Eggleston Road is included as **Exhibit 4.H**.

Utilities located underground will be constructed with fused piping and all manholes in the floodplain will be constructed with a water-tight frame and cover. A stormwater system including treatment and detention is required to minimize exposure to flood damage (**Exhibit 4.K**). Base flood elevation data is available to this site via Letter Of Map Revision 21-10-0251P. The applicant's consultants prepared a hydraulic analysis for the proposed grading within the 100-year floodplain and FEMA approved a CLOMR, included as **Exhibit 9**. Subsequent to development in line with the issued CLOMR, the applicant is required to apply for a LOMR after the construction of site improvements (roads and utilities) is complete. <u>Section 17.84.140(D)</u> is satisfied.

E. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot or more above base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or shall meet or exceed the following minimum criteria:

1. A minimum of two openings with a net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters; and

4. Screening, fencing or otherwise obstructing open areas between pillars on pile or pillar foundations shall be prohibited.

Finding: Phase 1 lots are outside of the existing Special Flood Hazard Area, so they are not subject to this standard. The proposed development is designed so that all lots and utilities are located outside of the proposed Special Flood Hazard Area (per the approved CLOMR in **Exhibit 9**). The applicant's narrative (**Exhibit 3**) indicates that the lowest floor of each residence would be 2 feet above the base flood elevation. Eggleston Lane is mostly located outside of the floodplain, but for a small area of the roadway south of the JP West Road/ Eggleston Lane intersection, as shown on **Exhibit 4.C** and discussed above in Subsection D. Once site grading and utility infrastructure is complete, all lots will be located outside of the floodplain, at which time the applicant will apply for a LOMR. Once the LOMR is issued, the applicant can proceed with construction of units on the Phase 2 lots (Lots 19-48) as they will then be outside the regulated Special Flood Hazard Area. Therefore, these criteria are met. <u>Section 17.84.140(E)</u> is satisfied.

17.84.170 Regulations pertaining to fill.

A. No filling operations of any kind shall be allowed in the floodway.

B. No fill in floodway fringe areas shall be allowed unless the net effect of excavation and filling operations (onsite) constitutes no positive change in fill volume, as certified by a registered professional engineer. *C.* Fill shall be allowed under city fill permit procedures in shaded Zone X and shall not be regulated by this Chapter.

D. No structure shall be built nor any excavation grading, nor filling shall be done within the one-hundredyear flood plain without first meeting the requirements of this chapter regulating construction, alteration, repair and moving of buildings.

Finding: There is no fill proposed within the floodway. A Balanced Cut/Fill Analysis (**Exhibit 7**) has been provided demonstrating that the net effect of excavation and filling operations (onsite) constitutes no positive change in fill volume, as certified by the applicant's Project Engineer, who is a registered professional engineer. The result of the grading plan is a net cut of 9 cubic yards (an increase in flood storage capacity by 9 cubic yards). See **Exhibit 7**.

No structure is proposed to be altered, repaired or moved. Any existing structures on site will be removed with construction of the project improvements. <u>Section 17.84.170</u> is satisfied.

17.84.180 Floodways.

A. Floodways are established in special flood hazard areas (SFHA) to transport the waters of a one hundred-year flood out of the community as quickly as possible. Encroachments on the floodway generally produce a rise in base flood elevations and contribute to other hydraulic problems. Accordingly, the city prohibits encroachments, including fill, new construction, parking, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

Finding: The project includes minor grading of small areas of the floodway resulting in a cut and no fill (**Exhibit 4.F**). This work does not include fill, new construction, parking or substantial improvements. The applicant submitted a CLOMR-F application to FEMA, which was approved on June 17, 2022. This CLOMR-F application included detailed hydrologic and hydraulic analysis (**Exhibit 10**) performed in accordance with standard engineering practice by a professional civil engineer. The analysis demonstrated that the result of the grading will not result in any increase in flood levels during the occurrence of the base flood discharge. The subdivision project proposes minor cuts and fills within the 100-year floodplain resulting in a net cut of 9 cubic yards less material in the floodplain (an increase in flood storage capacity by 9 cubic yards). <u>Section 17.84.180</u> is satisfied.

17.84.200 Special regulations for development in the Scappoose Creek floodway fringe (Zones A, AE, and AO).

A. Proposed development or substantial improvement in the Scappoose Creek floodway fringe shall conform with applicable general and specific standards in Section 17.84.140, and special standards in Zone AO (Sections 17.84.190 and 17.84.200).

Finding: Grading within the floodway fringe is proposed as shown on **Exhibit 4.F**. The applicant has enclosed an application for a Sensitive Lands Development Permit for the proposed development and provided supporting evidence as discussed in applicable sections. <u>Section 17.84.200</u> is satisfied.

Chapter 17.85 SENSITIVE LANDS--WETLANDS

17.85.030 Applicability of provisions. The sensitive lands - wetlands overlay shall apply to the wetlands as shown on the Scappoose Local Wetlands Inventory dated December 1998 and adopted within the city comprehensive plan, and/or within the most current version of the National Wetland Inventory and within a twenty-five-foot wetland buffer except as follows: where any portion of a significant wetland is included within a riparian corridor per Section 17.89.030(A), the standard distance (fifty feet) to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.

Finding: The Local Wetlands Inventory map (**Exhibit 12**) identifies wetlands on site. The Environmental Assessment (**Exhibit 11**) prepared for this development by the applicant's consultant (ES&A) identified 4 wetlands on the property.

- Wetland "A" is a small, isolated area in the northwest portion of the site. Wetland A is set aside in Tract B.
- Wetland "B" is a small are on the western boundary about mid-point north to south. This wetland is set aside in Tract F.
- Wetlands "C" & "D" are associated with adjacent stream "A" along the southwestern portion of the site and Scappoose Creek along the eastern boundary. These two stream related wetlands are located within Tract E.

Additionally, a prior wetland delineation (Exhibit 15) identified 2 additional wetlands on the property.

- Wetland 1 is located in the northeastern area of the site serving as a "side channel" created through the Scappoose Bay Watershed Council project.
- Wetland 2 is a larger wetland in the southeastern area of the site.

In sum, there is a total of 6 wetlands identified on the property. Isolated wetlands are subject to a 25-foot wetland buffer while wetlands included within a riparian corridor are subject to a 50-foot buffer, as measured from the upland edge of the wetland. The applicant's plans reflect these required buffer widths (see **Exhibit 4.C**). Activities within these wetlands and buffers are subject to City review as part of the application. The applicant has requested a Sensitive Lands Development Permit to authorize wetland buffer impacts and temporary wetland impacts to Wetland A in Tract B, to connect to the sanitary sewer system. <u>Section 17.85.030</u> is satisfied.

17.85.040 Activities within a sensitive lands - wetlands overlay.

A. The following uses are outright permitted uses within wetland areas, and do not require a sensitive lands development permit - wetlands overlay:

1. Public and private conservation areas for water, soil, open space, forest and wildlife resources;

2. Removal of non-native vegetation including poison oak, tansy ragwort, blackberry or other noxious vegetation; and

3. Maintenance or repair of existing structures or improvements (including asphalt or concrete drives) that do not involve a change in size, use or function.

Finding: The applicant's narrative (**Exhibit 3**) states that the open space tracts protecting wetlands (Tracts B, D, E, and F) will have conservation easements over their entirety, as permitted by this section. <u>Section</u> <u>17.85.040(A)</u> is satisfied.

B. The alteration of a significant wetland by grading, excavation, placement of fill, or vegetation removal subject to review under Section 17.85.090. Any proposed alteration outside of a significant wetland but within a wetland buffer requires a sensitive lands development permit - wetlands overlay. An alteration is a change in the topography or vegetation of a wetland area, as regulated by this section, which may affect the functions and values of such features and are subject to the permit procedure and standards of this chapter. An alteration includes the following activities:

1. Dredging, filling, excavation or the placement of riprap or a mooring with rock, trees, wood, etc.;

2. The clearing of any native riparian or wetland vegetation with the wetland area, or the removal of any native tree within the wetland area which has a diameter of six inches or greater at four feet above grade; 3. Streets, including bridges, when part of an approved future street plan, subdivision plan construction, improvement or alteration or city transportation system plan, including the installation of underground utilities and construction of roadway improvements including, but not limited to, sidewalks, curbs, streetlights, and driveway aprons;

4. Utilities such as water, stormwater, and sanitary sewer lines;

5. Bicycle pedestrian paths;

6. Parks and recreational facilities;

7. Driveways or pedestrian paths where necessary to afford access between portions of private property that may be bisected by a wetland area and/or buffer;

8. Water detention, filtration facilities and erosion control improvements such as detention ponds, biofiltration swales or ponds, or bank stabilization measures;

9. Viewing platforms, boardwalks, and other improvements associated with the provision of public access for observation of natural areas/wetland areas; and,

10. Other development proposals determined by the planner as requiring a sensitive lands development permit - wetlands overlay.

C. Landform alterations or developments other than partitioning and subdividing that are within twentyfive feet of wetland areas that are not identified as "Local Wetlands," and that meet the jurisdictional requirements and permit criteria of the U.S. Army Corps of Engineers and the Division of State Lands, do not require a local sensitive lands development permit - wetlands overlay. However, no building permit will be issued for such activity unless all pertinent state and federal requirements are met, which the planner shall verify.

Finding: The applicant commissioned an assessment of the site to examine the condition and extent of wetlands. The Oregon Department of State Lands (DSL) approved two wetland delineations, both of which are included as **Exhibit 15**. DSL noted that the southwestern portion of the site was outside the wetland delineation limits, so the recommended conditions of approval specify that no ground disturbance is permitted in the un-delineated area. The proposed sanitary sewer reconstruction in Tract B will result in a temporary impact to Wetland A and to its buffer to accommodate connection to an existing manhole (**Exhibit 4.L**). The DSL comments (**Exhibit 36**) indicate that wetland activities over certain thresholds (50 cubic yards in most instances; zero cubic yards in Essential Salmond Habitat) requires a state wetland removal-fill permit and that wetland permits may also be required from the U.S. Army Corps of Engineers. The recommended Conditions of Approval require demonstration of obtaining any applicable permits from outside agencies (e.g., the U.S. Army Corps of Engineers and the Oregon Department of State Lands). The recommended conditions of approval also require the applicant to submit a No State Permit required letter from DSL if no permit is required for the proposed project.

Additionally, the conditions of approval require restoration of Wetland A and its buffer by replanting with native vegetation following construction. Minor grading is proposed within the 50-foot buffer associated with wetlands within the riparian corridor (**Exhibit 4.F**). The applicant's narrative (**Exhibit 3**) indicates that the open space tracts protecting wetlands (Tracts B, D, E, and F) are proposed to include specific activities such as pedestrian, bicycle pathways and pathway construction, utilities and utility construction, wetland and resource mitigation and enhancement, and floodplain management activities. The applicant has requested a Sensitive Lands Development Permit to authorize these wetland and wetland buffer impacts. <u>Sections 17.85.040(B) and (C)</u> are satisfied.

17.85.050 Wetlands area density adjustment. In order to provide incentive for siting and re-siting residential dwelling units to avoid wetland areas and buffers, any partition, subdivision, or site development review application involving land that is subject to the wetlands overlay may be paired with a sensitive lands development permit - wetlands overlay application in such a manner as to provide for the development of allowed housing types to the net density that would have existed for the base zone without the restrictions provided by the twenty-five-foot wetland buffer. However, said development shall only qualify for such a density bonus if any structures existing previous to the adoption of the wetlands overlay are relocated outside of the wetland buffer area.

Finding: The applicant is not seeking a wetlands area density adjustment under this provision. <u>Section</u> <u>17.85.050</u> does not apply.

17.85.090 Review standards.

A. Grading, excavation, placement of fill and vegetation removal within a significant wetland shall only be permitted if the proposed alteration meets the following conditions:

1. The alteration is necessary to allow use of, or access to, a lot or parcel that was in existence on the date this chapter was adopted; and

2. The proposed alteration is the minimum necessary to provide for the proposed use or access.

Finding: No grading, excavation, placement of fill or permanent vegetation removal is proposed within Wetlands B, C, D, 1, or 2. There is an existing sanitary sewer line along the western edge of the development which is near the end of its lifespan and needs to be replaced. The proposed sanitary sewer reconstruction in Tract B will result in temporary impact to Wetland A and to its buffer to accommodate connection to an existing manhole (**Exhibit 4.L**). The impacts associated with excavation and utility connection will be temporary and limited to those activities necessary to connect a pipe to an existing manhole. <u>Section 17.85.090(A)</u> is satisfied.

B. The following criteria shall be included in review of any application to which the sensitive lands - wetlands overlay is applicable:

1. Activities within a wetland are subject to the permit requirements of the Oregon Division of State Lands (DSL) and the U.S. Army Corps of Engineers. No building permit will be issued for development projects within the wetlands overlay unless all pertinent state and federal requirements are met. DSL and, as necessary, the U.S. Army Corps of Engineers will be notified of any regulated development proposed in a wetland area;

Finding: The recommended Conditions of Approval require the applicant to provide evidence of issuance of all applicable permits from County, State, and Federal agencies prior to commencing site clearing or development activities. This includes any permits from the U.S. Army Corps of Engineers and the Oregon Department of State Lands prior to any wetland alterations that are regulated by those agencies. The recommended conditions of approval also require the applicant to submit a No State Permit required letter from DSL if no permit is required for the proposed project. <u>Section 17.85.090(B,1)</u> is satisfied.

2. Properties that contain wetland areas shall have a wetland determination approved by DSL staff before any development permit is issued. If in making this determination DSL staff indicate that a "jurisdictional delineation" study of the boundary is necessary, the study shall be completed by the applicant and approved by DSL staff before any building permits are issued, including grading permits;

Finding: Environmental Science and Assessment, LLC performed two wetland delineations which identified 6 wetlands on site. DSL concurred with the wetland delineations (**Exhibit 15**). <u>Section</u> <u>17.85.090(B)(2)</u> is satisfied.

3. A wetland buffer area shall be established between a wetland and a proposed development as condition of development permit approval to achieve the maintenance of vegetative cover and the water quality characteristics of the area;

Finding: Wetlands buffer areas have been provided (as shown on **Exhibit 4.C**) within the design of the project. Some areas within the wetland buffers will be replanted to achieve maintenance of vegetative cover and the water quality characteristics of the area. Other vegetated buffer areas will remain intact for the same purpose. The recommended Conditions of Approval require the necessary buffers to maintain the function and values of wetlands. <u>Section 17.85.040(B)(3)</u> is satisfied.

4. The city will not approve a partition or subdivision in a wetland area that proposes to create a lot that would not have the ability to obtain a building permit without variance approval;

Finding: The proposed subdivision has been designed so that all lots are outside of the identified wetlands and thereby are buildable without variance approval. <u>Section 17.85.040(B)(4)</u> is satisfied.

5. Construction sites adjacent to wetlands shall be required to install erosion/sedimentation control devices between the land area to be disturbed and the wetland. All such devices shall conform to the requirements found within the city public works design standards;

Finding: The Preliminary Grading and Erosion Control Plan (**Exhibit 4.F**) includes proposed erosion/sedimentation control fencing. The conditions of approval require the applicant to follow the recommendations of the geotechnical report and to implement erosion control measures as required by the Public Works Design Standards. <u>Section 17.85.040(B)(5)</u> is satisfied.

6. Developments adjacent to wetlands which have significant impervious surface areas will be required to have stormwater detention and filtration facilities as part of their approved design. The design of such facilities shall conform to the requirements found within the city public works design standards; and

Finding: The applicant has submitted a preliminary stormwater report (**Exhibit 20**) describing the proposed stormwater management strategies, including detention and water quality treatment. Consistency with the Public Works Design Standards (including any alternate materials or methods as authorized under sections 1.0010 and 1.0050) will be confirmed during permitting. <u>Section 17.85.040(B)(6)</u> is satisfied.

7. All proposed alterations are subject to consultation with ODFW and others potentially affected by the alteration. Agency recommendations to mitigate for the loss of wetland values and functions may be made conditions of approval of a proposed use.

Finding: There is a wetland impact proposed in order to connect to the existing sanitary sewer line located within Wetland A. This is a temporary impact of 215 square feet and the recommended Conditions of Approval require the disturbed area to be replanted with appropriate native species. The applicant's consultant coordinated with ODFW (**Exhibit 14**). ODFW has also been provided notice of this application by the City of Scappoose and submitted comments attached as **Exhibit 34**. Staff has recommended conditions of approval based on ODFW comments as further detailed in the response to 17.89.090. <u>Section 17.85.040(B)(7)</u> is satisfied.

Chapter 17.86 SENSITIVE LANDS--SLOPE HAZARD

17.86.020 Applicability of uses.

- A. Except as provided by this section, the following uses are permitted uses:
- 1. Accessory uses such as lawns, gardens or play areas, except in wetlands;
- 2. Agricultural uses conducted without locating a structure or altering landforms;
- 3. Public and private conservation areas for water, soil, open space, forest and wildlife resources;
- 4. Removal of poison oak, tansy ragwort, blackberry or other noxious vegetation;

5. Fences.

Finding: The applicant's narrative (**Exhibit 3**) confirms that lawns and gardens are likely to be located within slope hazard areas. Some wetland and buffer areas are also proposed to remain in these areas and conserved for water, wildlife and open space resources. Removal of noxious vegetation will occur where necessary and fences constructed. These are all permitted uses under this section. <u>Section 17.86.020(A)</u> is satisfied.

B. Separate permits shall be obtained from the appropriate state, county or city jurisdiction for the following:

1. Installation of underground utilities and construction of roadway improvements including sidewalks, curbs, streetlights and driveway aprons;

2. Minimal ground disturbance(s) but no landform alterations.

Finding: The applicant has or will obtain the necessary permits from the appropriate state, county or city jurisdictions for all proposed site improvements, consistent with these criteria. Based on the location of the slope hazard areas, the City is anticipated to be the only permitting authority. The conditions of approval require the applicant to provide evidence of issuance of all applicable permits from County, State, and Federal agencies prior to commencing site clearing or development activities. <u>Section 17.86.020(B)</u> is satisfied.

C. For the purpose of this chapter, "slope hazard areas" means those areas subject to a severe risk of landslide or erosion. They include any of the following areas:

1. Any area containing slopes greater than or equal to fifteen percent and two of the following subsections; a. Impermeable soils (typically silt and clay) frequently interbedded with granular soils (predominately sand and gravel),

b. Any area located on areas containing soils which, according to the current version of the soil survey of Columbia County, Oregon may experience severe to very severe erosion hazard,

c. Any area located on areas containing soils which, according to the current version of the soil survey of Columbia County, Oregon are poorly rained or subject to rapid runoff

2. Any area potentially unstable as a result of natural drainageways, rapid stream incision, or stream bank erosion;

3. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream transported sediments;

4. Any area containing slopes greater than or equal to twenty percent.

Finding: As indicated on page 6 of the geotechnical report (**Exhibit 16**) and slope analysis (**Exhibit 5**), the geotechnical engineer found that slope hazard areas as defined by this section are present. <u>Section</u> <u>17.86.020(C)</u> is satisfied.

D. Landform alterations or developments within slope hazard areas that meet the jurisdictional requirements and permit criteria of the U. S. Army Corps of Engineers, Division of State Lands, and/or other federal, state or regional agencies do not require duplicate analysis or local permits. The city may require additional information not addressed above. When any provision of any other chapter of this title conflicts with this chapter, the regulations that provides more protection to the sensitive areas shall apply unless specifically provided otherwise in this chapter; provided, such exceptions shall not conflict with any federal, state or local regulation.

Finding: The Existing Conditions Plan **(Exhibit 4.E)** shows the various slopes throughout the site. In addition, a slope analysis **(Exhibit 5)** has been included within the submittal. Most of the proposed uses where construction activity is occurring on steep slopes is outside the purview of Corps or DSL or federal, state or regional agencies and thus require a local Sensitive Lands Development Permit, as requested by the applicant. The recommended conditions of approval require the applicant to provide evidence of issuance of all applicable permits from County, State, and Federal agencies prior to commencing site clearing or development activities. <u>Section 17.86.020(D)</u> is satisfied.

E. A development permit shall be obtained before construction or development begins within any area of slope hazard as identified in subsection C of this section. The permit shall apply to all structures including manufactured homes.

Finding: The applicant is seeking approval of a Sensitive Lands Development Permit for activities (grading, installation of water main, etc.) within the slope hazard area. All required development permits will be obtained prior to development on the site including areas of slope hazard. The conditions of approval require site-specific geotechnical investigation and recommendations for several lots with steeper existing grades. <u>Section 17.86.020(E)</u> is satisfied.

F. Except as explicitly authorized by other provisions of this chapter, all other uses are prohibited on steep slope areas.

Finding: Per the findings within D and E above, the proposed uses are permitted uses and are subject to the applicable federal, state, regional or local permit requirements. The applicant has not sought authorization for prohibited uses. <u>Section 17.86.020(F)</u> is satisfied.

G. A use established prior to the adoption of this title, which would be prohibited by this chapter or which would be subject to the limitations and controls imposed by this chapter, shall be considered a nonconforming use. Nonconforming uses shall be subject to the provisions of Chapter 17.132.

Finding: No existing uses of the property will remain after approval and construction of the proposed development. <u>Section 17.84.020(G)</u> is satisfied.

H. The planner shall determine if a slope hazard applies based upon one or any combination described in subsection C of this section.

Finding: The slope hazard provisions are applicable as noted. Section 17.84.020(H) is satisfied.

17.86.050 General provisions for slope areas.

A. Slope hazard regulations apply to those areas meeting the federal, state or local definition of "slope hazard" as identified in Section 17.86.020(C) and areas of land adjacent to and within one hundred feet of areas identified as slope hazards.

B. Slope locations may include but are not limited to those areas identified as slope hazards in the Scappoose comprehensive plan.

C. Precise boundaries may vary from those shown on maps; specific delineation of slope hazards boundaries may be necessary. Slope hazard delineation will be done by qualified professionals at the applicant's expense.

Finding: The application includes a slope analysis plan (**Exhibit 5**) along with a geotechnical report (**Exhibit 16**) defining areas which may be considered slope hazards. <u>Section 17.86.050</u> is satisfied.

17.86.070 Approval standards.

A. The planner or the planning commission may approve or approve with conditions or deny an application request within the slope area based upon following findings: 1. Land form alterations shall preserve or enhance slope stability;

Finding: As noted in the Geotechnical Report (**Exhibit 16**), the engineer has made recommendations to ensure slope stability from initial site preparation to completion of all house construction. The report notes that "The proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project." The recommended conditions of approval require the applicant to follow the recommendations of the geotechnical report. <u>Section 17.86.070(A)(1)</u> is satisfied.

2. The proposed landform alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property; **Finding:** The geotechnical report (**Exhibit 16**) notes that "The proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project." The applicant has provided a preliminary grading and erosion control plan (**Exhibit 4.F**) demonstrating feasibility of minimizing erosion to avoid adverse impacts. By following the recommendations from the geotechnical engineer, the development will minimize risk of erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property. The recommended conditions of approval require the applicant to follow the recommendations of the geotechnical report and to implement erosion control measures as required by the Public Works Design Standards. Section 17.86.070(A)(2) is satisfied.

3. Landform alterations or developments address stormwater runoff, maintenance of natural drainageways, and reduction of flow intensity by the use of retention areas;

Finding: While the term 'natural drainageway' is not defined in the SDC, staff interprets this term to apply both to South Scappoose Creek and to the unnamed creek in the southern portion of the site, neither of which is proposed to be altered within slope hazard areas. The proposed development addresses stormwater run-off through completion of a public stormwater system that leads to a stormwater facility for both treatment and retention prior to release into the natural drainageway as detailed in the applicant's Preliminary Storm Drainage Report (**Exhibit 20**). The recommended conditions of approval require the applicant to implement stormwater management in conformance with the Public Works Design Standards. <u>Section 17.86.070(A)(3)</u> is satisfied.

4. The structures are appropriately sited and designed to ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions: wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock;

Finding: Although the Geotechnical Report (**Exhibit 16**) did not identify these specific soil conditions, poorly drained soils and impermeable soils interbedded with granular soils were found. The applicant's geotechnical engineer's recommendation in the report ensures structural stability and proper drainage of foundation and crawl space areas are provided for within the development. The recommended conditions of approval require the applicant to follow the recommendations of the geotechnical report. <u>Section 17.86.070(A)(4)</u> is satisfied.

5. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 17.100;

Finding: The engineering plans (**Exhibit 4**) and geotechnical report (**Exhibit 16**) both address erosion control measures necessary to prevent erosion. The geotechnical report recommends that areas of exposed soil be seeded with an approved grass seed mixture or hydroseeded with an approved grass seed/mulch fertilizer mixture as indicated in **Exhibit 4.P**. The recommended conditions of approval require the applicant to follow the recommendations of the geotechnical report and to implement erosion control measures as required by the Public Works Design Standards. <u>Section 17.86.070(A)(5)</u> is satisfied.

6. The water flow capacity of the drainageway is not decreased or the drainageway will be replaced by a public facility of adequate size to accommodate maximum flow;

Finding: No alterations to natural drainageways within slope hazard areas are proposed for alteration with this development as shown in the grading plan (**Exhibit 4.F**). <u>Section 17.86.070(A)(6)</u> is satisfied.

7. The necessary U.S. Army Corps of Engineers and state of Oregon Land Board, Division of State Lands and Department of Environmental Quality approvals shall be obtained;

Finding: Most of the proposed uses where construction activity is occurring on steep slopes is outside the purview of Corps or DSL or federal, state or regional agencies and thus require a Sensitive Lands Development Permit, as requested by the applicant. The recommended conditions of approval require the applicant to provide evidence of issuance of all applicable permits from County, State, and Federal agencies prior to commencing site clearing or development activities. <u>Section 17.86.070(A)(7)</u> is satisfied.

8. No development, building, construction or grading permit may be issued on lands in the slope hazard area until the public works director approves:

a. An engineering geotechnical study and supporting data demonstrating that the site is stable for the proposed use and development,

Finding: A geotechnical study (**Exhibit 16**) demonstrating with supporting data that the site is stable for the proposed use and development has been included with the application. The report has specific recommendations to ensure stability is maintained. The recommended conditions of approval require the applicant to follow the recommendations of the geotechnical report. <u>Section 17.86.070(A)(8)(a)</u> is satisfied.

b. The study shall include at a minimum geologic conditions, soil types and nature, soil strength, water table, history of area, slopes, slope stability, erosion, affects of proposed construction, and

recommendations. This study shall be completed by a registered geotechnical engineer in the state of Oregon. The plans and specifications shall be based on the study recommendations shall be prepared and signed by a professional civil engineer registered in the state of Oregon,

Finding: The geotechnical report (**Exhibit 16**) includes the requirements of b. above. The recommended conditions of approval require the applicant to follow the recommendations of the geotechnical report. <u>Section 17.86.070(A)(8)(b)</u> is satisfied.

c. A stabilization program for an identified hazardous condition based on established and proven engineering techniques that ensure protection of public and private property,

Finding: The geotechnical report submitted (**Exhibit 16**) includes identification of hazardous conditions and their locations. Recommendations are included in the report to specifically address the requirement to ensure protection of public and private property. The recommended conditions of approval require the applicant to follow the recommendations of the geotechnical report. <u>Section 17.86.070(A)(8)(c)</u> is satisfied.

d. A plan showing that the strategically important vegetative cover shall be maintained or established for stability and erosion control purposes,

Finding: The geotechnical report (**Exhibit 16**) lays out a plan regarding vegetation and revegetation for stability and erosion control. All areas of bare soil are to be replanted in accordance with that report. Additionally, other areas as shown on the landscape plan (**Exhibit 4.P**) will receive planting treatments to specifically address other criteria. The recommended conditions of approval require the applicant to follow the recommendations of the geotechnical report and to implement erosion control measures as required by the Public Works Design Standards. <u>Section 17.86.070(A)(8)(d)</u> is satisfied.

e. A plan showing the proposed stormwater system. Said system will not divert stormwater into slope hazard areas.

Finding: A stormwater system plan (**Exhibit 4.K**) has been submitted and no water is diverted into slope hazard areas (**Exhibit 4.F**). <u>Section 17.86.070(A)(8)(e)</u> is satisfied.

B. Where landform alterations and/or development are allowed within and adjacent to the one hundredyear floodplain, the requirements of Chapter 17.84 shall be met.

Finding: Compliance with Chapter 17.84 is addressed herein. <u>Section 17.86.070(B)</u> is satisfied.

C. Where landform alterations and/or development are allowed within and adjacent to wetlands, the requirements of Chapter 17.85 shall be met.

Finding: Compliance with Chapter 17.85 is addressed herein. <u>Section 17.86.070(C)</u> is satisfied.

Chapter 17.89 SENSITIVE LANDS--FISH AND RIPARIAN CORRIDOR OVERLAY

<u>17.89.030 Applicability of provisions</u>. The sensitive lands - fish and riparian corridor overlay shall apply to the following riparian corridors as shown on the Scappoose Riparian Inventory dated December 1998 and adopted within the city comprehensive plan. The riparian corridor boundary is fifty feet from the top of the bank except as follows:

A. Where the riparian corridor includes all or portions of a significant wetland as identified in the Scappoose Riparian Inventory, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland; and

B. Except as provided for in subsection A of this section, the measurement of distance to the riparian corridor boundary shall be from the top of bank. The measurement shall be a slope distance. In areas where the top of each bank is not clearly defined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of nonaquatic vegetation, whichever is most landward.

Finding: The eastern portion of the subject site falls within 50 feet of the top of the bank of South Scappoose Creek. Additionally, there are wetlands associated with the creek as depicted on **Exhibit 4.C**. Therefore, the requirements of Chapter 17.89 apply to the proposed subdivision. <u>Section 17.89.030</u> is satisfied.

<u>17.89.040 Activities allowed within the fish and riparian corridor</u>. A. The permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited. However, certain activities may be allowed within the fifty-foot fish and riparian corridor boundary, provided that any intrusion into the riparian corridor is minimized, and no other options or locations are feasible. A sensitive lands development permit - fish and riparian corridor overlay is necessary to approve the following activities:

1. Streets, roads and paths;

- 2. Drainage facilities, utilities, and irrigation pumps;
- 3. Water-related and water-dependent uses; and

4. The expansion of existing, or creation of new bank stabilization and flood control structures, shall be evaluated by the director and appropriate state natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.

Finding: The applicant proposes activities within the fish and riparian corridor, including a proposed compacted gravel public pathway to provide a public amenity, primarily behind Lots 30-37; construction of Eggleston Lane where it connects to JP West Road; grading to ensure adequate drainage between the residential area and the top of bank of Scappoose Creek; and a stormwater outfall near the intersection of Eggleston Lane and JP West Road.

The applicant proposes to plant native species within the riparian corridor, extending west to the edges of the residential area to improve and extend the riparian habitat area as indicated in **Exhibit 4.P**. The end result of these activities should be an improved and larger riparian area. The applicant has consulted Oregon Department of Fish and Wildlife during their design process (**Exhibit 14**). <u>Section 17.89.040(A)</u> is satisfied.

B. Removal of riparian vegetation is prohibited, except for:

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1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed;

2. Removal of vegetation necessary for the development of approved water-related or water-dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use; and

3. Trees in danger of falling and thereby posing a hazard to life or property may be felled, following consultation and approval from the community development director (director). The director may require these trees, once felled, to be left in place in the riparian corridor.

Finding: The applicant is not seeking authorization under this provision since removal of vegetation is permitted in conjunction with the permitted grading activities allowed under Section 17.89.040.A above. The applicant's narrative (**Exhibit 3**) indicates that areas that were previously planted by Scappoose Bay Watershed Council (SBWC) will have vegetation removed and replanted. Based upon observation, shortly after planting by SBWC, many of the plantings were compromised by siltation from larger storms. The applicant's proposed plantings will repair those areas as well as extend the riparian corridor plantings beyond the 50-foot buffer area. <u>Section 17.89.040(B)</u> is satisfied.

C. Exceptions. The following activities are not required to meet the standards of this section, and do not require a sensitive lands development permit - fish and riparian corridor overlay:

1. Commercial forest practices regulated by the Oregon Forest Practices Act;

2. Normal and accepted farming practices other than buildings or structures, occurring on land used for farm use and existing in the riparian area since prior to the date of adoption of this chapter;

3. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;

4. Maintenance, planting, and replanting of existing lawn and landscape areas containing non-native vegetation. However, such areas may not be expanded to further intrude into the riparian corridor;

5. Maintenance of existing bank stabilization and flood control structures; and

6. Maintenance or repair of existing structures or improvements (including asphalt or concrete drives) that do not involve a change in size, use or function.

Finding: None of these activities are proposed. <u>Section 17.89.040(C)</u> is satisfied.

17.89.050 Fish and riparian corridor density adjustment.

A. In order to provide incentive for siting and re-siting residential dwelling units to avoid the fish and riparian corridor, any partition, subdivision, or site development review application involving land subject to the fish and riparian corridor overlay may be paired with a sensitive lands development permit - fish and riparian corridor overlay application in such a manner as to provide for the development of allowed housing types to the net density that would have existed for the base zone without the restrictions provided by the fifty-foot fish and riparian corridor boundary. However, said development shall only qualify for such a density bonus if any structures existing previous to the adoption of the fish and riparian corridor overlay are relocated outside of the fish and riparian corridor overlay area.

Finding: The applicant is not seeking a fish and riparian corridor density adjustment under this provision. <u>Section 17.89.050</u> does not apply.

<u>17.89.090 Review standards</u>. The following criteria shall be included in review of any application to which the fish and riparian corridor overlay is applicable:

A. In consultation with a representative of the Oregon Department of Fish and Wildlife, the planner shall identify which areas of the site are the most sensitive and susceptible to destruction, and which are the most significant;

Finding: Environmental Science and Assessment coordinated with Monica R. Blanchard of the Oregon Department of Fish and Wildlife (**Exhibit 14**). The Department identified the riparian area, wetlands and South Scappoose Creek as the most sensitive habitats providing the highest quality cover and refuge for native species in the area. ODFW stated "[ODFW] appreciates the efforts to minimize wetland disturbance, add additional riparian vegetation and avoid construction in the stream corridor as proposed by this project." ODFW has also identified the following information (**Exhibit 34**) regarding other Oregon Sensitive Species present at the development site:

"There are juvenile and adults of multiple Lamprey species present at the site. This area acts as rearing and migration corridor for Pacific Lamprey as well as Western Brook Lamprey (Lampetra richardsoni).

There are Cutthroat Trout (Oncorhynchus clarkii clarkii) present in this section of South Scappoose Creek as well. This site includes rearing and migration habitat." <u>Section 17.89.090(A)</u> is satisfied.

B. After consultation with a representative of the Oregon Department of Fish and Wildlife, the planner shall analyze what the effect of proposed development will have on the fish and wildlife, hydrology, water quality, and riparian functions; determine if there will be a significantly adverse impact on the fish and wildlife resource; and, if the fish and wildlife habitat will be adversely impacted, the planner shall investigate if other development proposals could protect the fish and riparian corridor and still reasonably allow permitted activities;

C. The planner may condition the approval of an application to require protection of the habitat, or if the project is unable to mitigate habitat degradation, the planner may deny the application.

Finding: The Oregon Department of Fish and Wildlife provided the following recommendations as part of their agency comment (**Exhibit 34**):

We recommend every attempt to incorporate permeable building techniques or expansion of water quality facilities be employed to reduce run-off impacts on the stream as well as slow water entering the creek during high water events. We also would recommend planting the entirety of the area between the proposed houses and the creek with native vegetation (not just the 50-foot buffer area) and using a permeable material for the trail through the riparian area. Where possible, we would also like to see the main alignment of the trail placed outside the 50-foot riparian buffer, rather than on the outer edge, with shorter spur trails into this area for creek viewing and access.

As explained in the applicant's narrative (**Exhibit 3**), the proposed project protects the most sensitive habitats on the site and enhances the riparian plantings of the area beyond the required 50-foot corridor. The applicant has not proposed permeable paving, but the preliminary stormwater report (**Exhibit 20**) details the applicant's proposal for stormwater quality treatment and detention, and the recommended conditions of approval require the applicant to implement stormwater management in conformance with the Public Works Design Standards. The applicant has not proposed planting the entirety of the area between the proposed houses and the creek with native vegetation, but the recommended Conditions of Approval require the applicant to plant native species in all disturbed fish and riparian corridor areas and

in additional portions of the riparian buffer. The conditions of approval require that the gravel path utilize uniformly graded stones to ensure that the trail remains permeable.

As shown in **Exhibit 4.G**, the majority of the proposed trail is outside the riparian buffer, while the portion behind Lots 18-24 is at the outer edge of the riparian buffer. Overall, there will be an improvement to increase the riparian plantings that currently exist at this time. The recommended Conditions of Approval require the applicant to plant native species in all disturbed fish and riparian corridor areas. <u>Sections</u> <u>17.89.090(B) and (C)</u> are satisfied.

Chapter 17.100 LANDSCAPING, SCREENING AND FENCING

17.100.030 General provisions.

A. Unless otherwise provided by the lease agreement, the owner, tenant and their agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

B. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:

1. Public utilities can be maintained or repaired;

- 2. Pedestrian or vehicular access is unrestricted;
- 3. Visual clearance area provisions are met. (See Chapter 12.10, Visual Clearance Areas.)

Finding: Common areas will be owned and maintained by the Homeowners Association in accordance with the proposed Covenants, Conditions and Restrictions (CC&R's, **Exhibit 24**). To present a healthy, neat and orderly appearance, allow utility and pedestrian access, and allow for visual clearance at driveways and intersections, the recommended conditions of approval require the CC&Rs to specify that a homeowner's association will maintain the common areas. According to the narrative (**Exhibit 3**), individual homeowners will be responsible for maintenance within each lot. <u>Sections 17.100.030 (A-B)</u> are satisfied.

C. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or a bond has been posted with the city to insure the completion of landscaping requirements.

Finding: The recommended conditions of approval require installation of landscaping prior to issuance of occupancy, or posting of a bond. <u>Section 17.100.030(C) is</u> satisfied.

D. Existing plant materials on a site shall be protected to prevent erosion. Existing plant materials may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the tree.

Finding: Existing on-site plant materials proposed for retention will be protected to minimize erosion (**Exhibit 4.F**). Existing plant materials are not being utilized to address landscaping requirements. The City will require effective erosion control measures as part of site permitting. <u>Section 17.100.030(D)</u> is satisfied.

17.100.090 Buffering and screening requirements.

A. Buffering and screening are required to reduce the impacts on adjacent uses which are of a different type. The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses abut one another, buffering and screening are required. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required.

Finding: The subject site abuts residential uses on all sides, and also abuts Veterans Park on the north side. The proposed development is a residential use. Therefore, no screening or buffering is required by this section. <u>Section 17.100.090</u> does not apply.

17.100.110 Fences or walls.

A. Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed in required front yards. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height without any additional permits. Any proposed fence or fence/berm combination higher than six feet shall require a building permit. Any fence or fence/berm combination greater than eight feet in height shall require planning commission approval in addition to a building permit.

Finding: The Landscaping Plan (**Exhibit 4.P**) shows proposed retaining wall locations and proposed retaining wall/fence locations. There will be some combination retaining wall/fence combinations that approach 10 feet in height, generally where privacy fencing is located on top of a wall. No fencing, walls or combinations of berms and fences or walls are proposed within front yards of the residences as part of this application. Should fencing be installed in the front yards by homeowners, they will be required to comply with this standard. No walls exceeding 4 feet in height in required front yards are permitted. Any fence exceeding 6 feet in height will require building permits. The proposed wall/fence combinations exceeding 8 feet can be approved by the Planning Commission as part of this application (and will also require building permits). <u>Section 17.100.110(A)</u> is satisfied.

B. The prescribed heights of required fences, walls or landscaping shall be measured from the lowest of the adjoining levels of finished grade.

C. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood or brick, or otherwise acceptable by the planner. Corrugated metal is not considered to be acceptable fencing material. Fences and walls shall be in compliance with other city regulations.

Finding: Fencing and walls proposed are measured from the lowest of the adjoining levels of finish grade. The applicant's narrative (**Exhibit 3**) indicates that fencing types proposed include black vinyl chain link in some open space area boundaries, with wood fencing proposed along lot boundaries. Currently, rockery walls are proposed; however, lock and load walls may also be utilized where appropriate. The fence and wall type details are shown on the landscape plans (**Exhibit 4.P**). <u>Section 17.100.110(B) and (C)</u> is satisfied.

<u>17.100.140 Re-vegetation.</u>

A. Upon completion of construction activities, where natural vegetation or topsoil has been removed in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this section to prevent erosion. Buxton Ranch Planned Development and Subdivision

- *B. Preparation for Re-vegetation. Topsoil removed from the surface is to be stored on or near the sites and protected from erosion while construction activities are underway; and*
- 1. Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved; and
- 2. After completion of such activities, the topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.
- C. Methods of Re-vegetation.
 - 1. Acceptable methods of re-vegetation include hydro-mulching or the planting of rye grass, barley or other seed with equivalent germination rates, and where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each one thousand square feet of land area.
 - 2. Other re-vegetation methods offering equivalent protection may be approved by the approval authority.
 - 3. Plant materials are to be watered at intervals sufficient to ensure survival and growth.
 - 4. The use of native plant materials is encouraged to reduce irrigation and maintenance demands.

Finding: All areas where natural vegetation or topsoil has been removed are required to be replanted if they don't contain a structure or hardscape. The use of native materials is emphasized within the landscape plan (**Exhibit 4.P**). The recommended conditions of approval require the applicant to implement erosion control measures as required by the Public Works Design Standards. <u>Section 17.100.140</u> is satisfied.

Chapter 17.104 STREET TREES

<u>17.104.020 Applicability.</u>

A. The provisions of this chapter shall apply to all development as defined in Scappoose Municipal Code Chapter 17.26, Definitions, except a building permit to add to or remodel an existing single- family residence.

B. All development shall be required to plant street trees. Street trees shall be defined as trees located on land lying between the property lines on either side of all streets, avenues or public rights-of-way within the city or within easements defined on a recorded plat as street tree easements.

C. All street trees required under this chapter shall be subject to the requirements of Scappoose Municipal Code Chapter 17.140 Public Land Tree Removal.

Finding: This development project proposes street trees. Street tree plantings are shown on the Landscaping Plan (Sheets L1 & L2 of **Exhibit 4.P**). City Sprite Zelkova and Japanese Snowbell street trees are proposed to be planted between approximately 20 to 40 feet apart. The street trees will be planted in conjunction with future development of the roadways within the proposed subdivision. The recommended Conditions of Approval require the applicant to submit a final landscaping plan prior to the start of construction. <u>Section 17.104.020</u> is satisfied.

17.104.040 Standards for street trees.

A. Street trees shall be selected from the approved street tree list included as Appendix A of the Scappoose Comprehensive Urban Forestry Plan.

B. At the time of planting, street trees shall not be less than ten feet high for deciduous trees and five feet high for evergreen trees.

Finding: The proposed street trees have been selected from the list provided by the City and the trees proposed are deciduous in nature. They will be at least ten feet in height at the time of planting with a minimum caliper of 2 inches as indicated on **Exhibit 4.P**. Section 17.104.140(A) and (B) is satisfied.

C. Spacing and minimum planting areas for street trees shall be as follows:

1. Street trees under twenty-five feet tall and less than sixteen feet wide at maturity shall be spaced no further than fifteen feet apart in planting areas containing no less than sixteen square feet of porous surface and not less than four feet wide;

2. Street trees under twenty-five feet tall and greater than sixteen feet wide at maturity shall be spaced no further than twenty feet apart in planting areas containing no less than sixteen square feet of porous surface and not less than four feet wide;

3. Street trees between twenty-five feet to forty feet tall and less than twenty-five feet wide at maturity shall be spaced no greater than twenty-five feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;

4. Street trees between twenty-five feet to forty feet tall and greater than twenty-five feet wide at maturity shall be spaced no greater than thirty feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;

5. Street trees greater than forty feet tall at maturity shall be spaced no greater than forty feet apart in planting areas containing not less than thirty-six square feet of porous surface and not less than eight feet wide.

Finding: The street trees proposed fall under category #2 above being under twenty-five feet tall and greater than sixteen feet wide at maturity. As shown on the applicant's proposed landscape plan (**Exhibit 4.P**), the proposed spacing does not meet the standards of Section 17.104.140(C) as the tree spacing is too great for trees classified under category #2 above. Accordingly, the recommended conditions of approval require the applicant to provide street trees meeting the spacing and size standards of Chapter 17.104. With the proposed condition of approval, <u>Section 17.104.140(C)</u> is met.

D. Street trees located under or within ten feet of overhead utility lines shall be less than twenty-five feet tall at maturity.

Finding: Overhead utilities are present along JP West Road. The street trees proposed along this street are shorter than twenty-five feet tall at maturity. <u>Section 17.104.140(D)</u> is satisfied.

E. Street trees shall be planted in accordance with the requirements of Scappoose Municipal Code Section 13.28.010(C).

Finding: Street trees are required to be planted in accordance with the requirements of Scappoose Municipal Code Section 13.28.020(C). The recommended conditions of approval require the applicant to submit a final street tree planting plan ensuring conformance with Chapter 17.104 of the Scappoose Development Code and to plant the trees in conformance with the requirements in Section 13.28.020(c) of the Scappoose Municipal Code. <u>Section 17.104.140(E)</u> is satisfied.

Chapter 17.106 OFF-STREET PARKING AND LOADING REQUIREMENTS

17.106.020 General provisions.

A. The dimensions for parking spaces are subject to the requirements in Section 17.106.050, and as follows: 1. Nine feet wide and eighteen feet long for a standard space;

Finding: According to the applicant's narrative (**Exhibit 3**), each new home will have a minimum 20 foot wide and 20 foot-deep driveway, exceeding the minimum dimension for parking spaces. Each home is also anticipated to provide a minimum 20-foot-wide by 20-feet-deep garage. <u>Section 17.106.020(A)</u> is satisfied.

B. The provision and maintenance of off-street and loading spaces are the continuing obligations of the property owner:

- 1. No building or other permit shall be issued until plans are presented to the planner to show that property is and will remain available for exclusive use as off-street parking and loading space; and
- 2. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title.

Finding: This is a residential development, so there are no parking lots or structures. All parking will be on each lot in garages and driveways, or on-street, as shown in the Preliminary Street Plan (**Exhibit 4.G**). <u>Section 17.106.140(B)</u> is satisfied.

H. Location of Required Parking.

1. Off-street parking spaces for single-family, duplex dwellings and single-family attached dwellings shall be located on the same lot with the dwelling.

Finding: Single car and two-car garages and driveways are proposed on the same lot with the dwelling. <u>Section 17.106.020(H)</u> is satisfied.

<u>17.106.030 Minimum off-street parking requirements.</u>

A. Residential Uses.

1. Single-family residence or duplex: 2 spaces for each dwelling unit.

Finding: A minimum of 2 parking spaces is proposed for each dwelling unit. Garage parking does count towards the required parking spaces. <u>Section 17.106.030</u> is satisfied.

Chapter 17.130 CONDITIONAL USE

17.130.050 Approval standards and conditions.

A. The planning commission shall approve, approve with conditions, or deny an application for a conditional use based on findings of fact with respect to each of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;

2. All required public facilities have adequate capacity to serve the proposal;

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3. The applicable requirements of the zoning district are met;

4. The use is compatible with surrounding properties or will be made compatible by imposing conditions.

Finding: The applicant is proposing a Planned Development, which in the R-1 zone is a Conditional Use. As detailed in the applicant's narrative (**Exhibit 3**), this property contains 6 wetlands, two creeks, a 100-year floodplain, plus slopes in excess of 20%. Given the importance of protecting natural features to the greatest degree possible, the characteristics of this site are suitable for a Planned Development that clusters single family homes out of sensitive areas, where feasible. As demonstrated herein and on the Development Plans (**Exhibit 4**), all required public facilities are available and adequate to serve the proposed 48-Lot development. Compliance with the R-1 zoning is addressed herein as are permitted adjustments to those standards through standards within the Planned Development Code Section. The applicant is proposed detached single-family homes, which are compatible with the surrounding neighborhoods. Additionally, the design provides for larger lots along the north and west perimeters to not only demonstrate compatibility by use but also by size (since the existing lots to the west and north are larger). <u>Section 17.130.050(A)</u> is satisfied.

C. The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

1. Limiting the hours, days, place and manner of operation;

2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;

3. Requiring additional setback areas, lot area, or lot depth or width;

4. Limiting the building height, size or lot coverage, or location on the site;

5. Designating the size, number, location and design of vehicle access points;

6. Requiring street right-of-way to be dedicated and the street to be improved;

7. Requiring landscaping, screening, drainage and surfacing of parking and loading areas;

8. Limiting the number, size, location, height and lighting of signs;

9. Limiting or setting standards for the location and intensity of outdoor lighting;

10. Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location and materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas;

13. Requiring the dedication of sufficient open land area for a greenway adjoining and within the floodplain when landform alterations and development are allowed within the one hundred-year floodplain.

Finding: The Planning Commission may impose conditions which it finds are necessary to ensure the use is compatible with other uses in the vicinity. Staff recommends the Planning Commission impose conditions as detailed at the end of the staff report.

CHAPTER 17.150 - LAND DIVISION: SUBDIVISION

17.150.020. General Provisions.

C. When subdividing tracts into large lots, the planning commission shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this title.

Finding: The applicant is not proposing large lots that could be further subdivided. <u>Section 17.150.020(C)</u> is satisfied.

D. Where landfill and/or development is allowed within and adjacent to the one-hundred-year floodplain, the city may require the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain.

Finding: There is floodplain associated with South Scappoose Creek along the eastern third of the property as described in the approved Letter of Map Revision (**Exhibit 8**). This land is set aside (Tract D) as a park, containing 298,644 square feet. The applicant proposes a compacted gravel trail within the floodplain within a public easement to enhance the circulation system along the creek as an extension of the Scappoose Veteran's Park system. Section 4 and 5 of the Scappoose Parks, Trails and Open Space Plan discusses development of a trail along South Scappoose Creek, so the applicant's proposed trail in Tract D is in line with the Scappoose Parks, Trails and Open Space Plan. In addition, the entire tract will be preserved in a conservation easement with rights given to the City to improve the trail and/or construct a paved pedestrian/bicycle pathway which could ultimately be extended further south. <u>Section 17.150.020(D)</u> is satisfied.

E. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located to minimize flood damage and constructed according to public works design standards and specifications.

Finding: Proposed public utilities are shown in **Exhibit 4.** This exhibit illustrates the extent of all proposed new water, sanitary, and storm sewer utilities on site. The applicant will be required to construct all utilities to the City's Public Works Design Standards and Specifications to minimize flood damage. <u>Section</u> <u>17.150.020(E)</u> is satisfied.

F. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

Finding: Exhibit 4.F shows the applicant's proposed preliminary grading plan and **Exhibits 4.I, 4.J, and 4.K** show the proposed stormwater facilities on site. A preliminary stormwater report is included as **Exhibit 20**. As there is no public stormwater system adjacent to the site, the applicant proposes to collect stormwater runoff from the project and direct it through stormwater facilities before being discharged. The Infiltration Report (**Exhibit 19**) includes infiltration test results per the Public Works Design Standards. A final stormwater report will be required prior to approval of subdivision construction plans. <u>Section 17.150.020(F)</u> is satisfied.

G. Where base flood elevation has not been provided or is not available from another authoritative source, it shall be generated by the developer.

Finding: The base flood elevation has been provided, based on FEMA approved LOMR (**Exhibit 8**), as discussed herein.

H. All subdivision proposals shall include neighborhood circulation plans that conceptualize future street plans and lot patterns to parcels within five hundred feet of the subject site. Circulation plans address future vehicular/bicycle/pedestrian transportation systems including bike lanes, sidewalks, bicycle/pedestrian paths, and destination points. A circulation plan is conceptual in that its adoption does not establish a precise alignment.

Finding: The neighborhood circulation plan submitted by the applicant is attached as **Exhibit 4.O**. The plan demonstrates that the site can be developed in a logical pattern that takes into account existing and future development on neighboring properties and constraints imposed by South Scappoose Creek to the east and steeper slopes to the west. Construction of this roadway system beyond the site boundaries is dependent upon development of parcels to the south. This alignment roughly corresponds to the proposed street connection identified in Figure 15 (Conceptual Local Street Connections) in the City's 2016 TSP. The applicant proposes a Local Street instead of a Neighborhood Route. The planner and public works director have reviewed the proposal for a Local Road instead of a Neighborhood Route and accept the applicant's modification request pursuant to Section 17.154.020(C) to minimize floodplain, riparian, and wetland impacts.

The precise location and design of the off-site streets will be determined once future development proposals are evaluated, but the conceptual plan demonstrates that the site and properties to the south can be efficiently served with transportation to provide smooth connections between land uses. <u>Section</u> <u>17.150.020(H)</u> is satisfied.

17.150.050 Phased development.

A. The planning commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without submitting a final plat for each completed phase. In no case will the total time for construction of the development exceed seven years. The planning commission may require a new application for a tentative plan for subsequent phases following the final plat approval.

B. The following criteria shall be satisfied in order to approve a phased subdivision proposal:

1. All underground utilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is an interim facility not constructed to the applicable city or district standard; and

3. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as a part of the approval of the tentative plan.

Finding: The applicant is proposing a phased development, as indicated on Sheet 1.1 of the plan set (**Exhibit 4.B**). The Phase 1 plat would create Lots 1-18 and Tracts A-G and would dedicate the public rightof-way and establish easements, while denoting the Phase 2 areas as "tracts for future development" (or similar language). The recommended conditions of approval require construction of the public improvements in Phase 1. After this point, building permits could be issued for lots proposed in Phase 1 as they are outside the current mapped Special Flood Hazard Area. The applicant intends to then complete its final Letter of Map Revision process with FEMA to formally modify the floodplain maps for the project site (after which the Phase 2 lots would be mapped as being outside the mapped Special Flood Hazard Area). The applicant's expected timeframe for the LOMR approval is 9-12 months. As such, Phase 2 will be platted shortly after the LOMR approval and within the 2 years of Phase 1 plat recording. <u>Section</u> <u>17.150.050</u> is satisfied.

17.150.060 Approval standards--Tentative plan.

A. The planning commission may approve, approve with conditions or deny a tentative plan based on the following approval criteria:

- 1. The proposed tentative plan complies with the city's comprehensive plan, the applicable chapters of this title, the public works design standards, and other applicable ordinances and regulations;
- 2 The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92[.090(1)];
- 3. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects, including conformance with submitted neighborhood circulation plans, unless the city determines it is in the public interest to modify the street or road pattern; and
- 4. An explanation has been provided for all public improvements.

Finding: The proposed Preliminary Plat (**Exhibit 4.C**) complies with the City's Comprehensive Plan through its conformance with applicable standards of the Development Code, as detailed within the Findings of Fact. Review by the City Engineer and all referral agencies ensures compliance with the City's Public Works Design Standards and Specifications and all other applicable regulations regarding street, sewer, water and all other public improvement configurations and construction materials, as well as private utilities. Appropriate conditions of approval detailing required improvements, and in particular, development of a street and utility system satisfying the policies outlined within the Comprehensive Plan, Development Code, and Public Works Design Standards and Specifications, are included. <u>Section 17.150.060(A)(1)</u> is satisfied.

The applicant has proposed "Buxton Ranch" as the name for this subdivision. Prior to recording, the surveyor will need to confirm with the County Surveyor's office that the subdivision name is acceptable. Section 17.150.060(A)(2) is satisfied.

The neighborhood circulation plan submitted by the applicant is attached as **Exhibit 4.O**. The proposed streets are laid out consistent with the established neighborhood streets, surrounding subdivisions, and natural resource constraints. The primary internal street design, for Eggleston Lane, allows for a future extension to the south as adjacent properties are developed. Extensions to the west and east are not possible due to slope conditions and Scappoose Creek and the corresponding floodplain and floodway. Section 17.150.060(A)(3) is satisfied.

The applicant's narrative and preliminary plans (**Exhibits 3 & 4**) sufficiently describe all required public improvements. <u>Section 17.150.060(A)(4)</u> is satisfied.

Chapter 17.154 STREET AND UTILITY IMPROVEMENT STANDARDS

17.154.020 General provisions.

A. The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements within the city shall occur in accordance with the standards of this title, the public works design standards, the transportation system plan, and in accordance with county or state standards where appropriate.

B. The public works director may require changes or supplements to the standard specifications consistent with the application of engineering principles.

C. Subject to approval of the planner and the public works director, street sections may be modified administratively based on geographical constraints of steep slopes, wetlands, floodplains, and constraints imposed by existing structures. Modifications may include, but are not limited to, reduced paving widths, elimination of on-street parking and eliminating sidewalks on one side of the street.

Finding: The proposed streets are designed consistent with City standards. The Site has frontage on SW JP West Road, which is classified as a Neighborhood Route, per Figure 12 of the Transportation System Plan (TSP). Figure 15 of the TSP calls for a Neighborhood Route to be extended between SW JP West Road and E.M. Watts Road, conceptually aligned with Eggleston Lane, which would be through the subject site. Due to the sensitive site conditions, staff supports utilizing a local street section rather than a Neighborhood street section to minimize floodplain, riparian, and wetland impacts. The TSP also anticipates pedestrian connections to be established from SW Maple Street and SW Jobin Road. However, there are no existing rights-of-way or easements from these two streets that would accommodate such a pedestrian link. <u>Section 17.154.020</u> is satisfied.

<u>17.154.030 Streets</u>.

A. No development shall occur unless the development has frontage or approved access to a public street: 1. Streets within a development and streets adjacent to a development shall be improved in accordance with this title and the public works design standards and specifications.

2. Any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this title and the public works design standards and specifications.

Finding: The subject site has frontage on SW JP West Road along the north property line. This street is classified as a Neighborhood Route, which has a design standard of 60-foot right-of-way, 36-foot paved section, 5.5-foot planter strip and 6-foot sidewalk. The Preliminary Plat (**Exhibit 4.C**) provides for dedication of 10 feet of additional right-of-way for SW JP West Road along the site frontage to yield 30 feet south from centerline.

The proposed development includes a primary internal local street (Eggleston Lane), which is aligned with the existing intersection of Captain Roger Kucera Way and SW JP West Road. The street is designed to extend through the site to the abutting property to the south, which will accommodate future extension, when that property is developed. Because Eggleston Lane will be a temporary dead-end street a temporary interim turn-around has been provided at the south end within a tract. The proposed public street system illustrated on the submitted drawings will be dedicated and improved in accordance with the Public Works Design Standards and Specifications. <u>Section 17.154.030(A)(1-2)</u> is satisfied.

3. Subject to approval of the city engineer and the planner, the planner may accept and record a nonremonstrance agreement in lieu of street improvements if two or more of the following conditions exist: a. A partial improvement is not feasible due to the inability to achieve a cohesive design for the overall street;

b. A partial improvement may create a potential safety hazard to motorists or pedestrians;

c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;

d. The improvement would be in conflict with an adopted capital improvement plan;

e. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

Finding: The SW Eggleston Lane Right-of-way is proposed to extend to the southern boundary of the site, but the improvements are proposed to stop just north of the riparian corridor associated with the unnamed stream to minimize environmental and grading impacts. Since the stream is close to the southern boundary there is insufficient room to construct the last portion of the street without impacting the stream or without needing to construct improvements on adjoining properties. Therefore, a partial improvement is not feasible due to the inability to achieve a cohesive design for the overall street. This approach avoids impacts to the unnamed stream until such time that the street extension is warranted by adjoining development. The narrative (**Exhibit 3**) indicates the applicant will record a non-remonstrance agreement in lieu of extending street improvements (and public utilities) to the southern boundary. In addition to this non-remonstrance agreement, the applicant proposes to improve JP West Road in front of tax lot 3212-CB-00403 (between Lot 1 and Tract G) and in front of tax lots 3212-CB-00404 and 3212-CB-00402 (west of the proposed development). <u>Section 17.154.030(A)(3)</u> is satisfied.

B. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the council for the purpose of general traffic circulation: [...]

Finding: The Preliminary Plat (**Exhibit 4.C**) demonstrates the proposed rights-of-way for proposed internal streets and widening of SW JP West Road. These rights-of-way will be officially dedicated when the Phase 1 Plat is recorded. No deed of dedication is required. <u>Section 17.154.030(B)(1)</u> is satisfied.

C. The planning commission may approve an access easement established by deed without full compliance with this title provided such an easement is the only reasonable method by which a lot large enough to develop can develop:

1. Vehicular access easements which exceed one hundred fifty feet shall be improved in accordance with the Uniform Fire Code.

2. Vehicular access shall be improved in accordance with the public works design standards.

Finding: This standard is not applicable since easements are proposed to be created via final plat and not by deed. For reference, the Preliminary Plat (**Exhibit 4.C**) proposes the following access easements:

<u>SB1-22, ZC1-022, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22</u>

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- Access easement to flag lots 46, 47, and 48.
- Access easement to flag lots 7 and 8.
- Access easement to Tract F for HOA and City of Scappoose for utility maintenance (located on flagpole of Lot 9).
- Access easement to Tract A and B for HOA and City of Scappoose for utility maintenance.

The recommended conditions of approval require the applicant to satisfy Oregon Fire Code provisions for turnarounds. <u>Section 17.154.030(C)</u> is satisfied.

D. The location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the public works director in accordance with the city's public works design standards; and

2. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:

a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or b. Conform to a plan adopted by the council, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

3. New streets shall be laid out to provide reasonably direct and convenient routes for walking and cycling within neighborhoods and accessing adjacent development.

E. The street right-of-way and roadway widths shall not be less than the minimum widths described in the city's public works design standards.

Finding: The neighborhood circulation plan submitted by the applicant is attached as **Exhibit 4.O**. The Preliminary Plat (**Exhibit 4.C**) proposes the rights-of-way for the proposed internal street (Eggleston Lane) and widening of SW JP West Road in accordance with these criteria. The site has frontage on SW JP West Road, which is classified as a Neighborhood Route and requires a 60-foot right-of-way; the applicant proposes dedicating 10 feet of right-of-way to provide 30 feet south from centerline. Figure 15 of the TSP calls for a Neighborhood Route to be extended between SW JP West Road and E.M. Watts Road, conceptually aligned with Eggleston Lane, which would be through the subject site. Due to existing built conditions south of the project and sensitive site conditions, in accordance with Section 17.154.020(C), staff supports utilizing a local street section rather than a Neighborhood Route section to minimize floodplain, riparian, and wetland impacts. Based on this provision, the applicant proposes a 54-foot right-of-way consistent with the local street standard.

All street grades will be approved by Public Works staff in accordance with the City's design standards. The proposed public streets will be designed to provide adequate street widths and grades to comply with the City's Public Works Design Standards.

The City's Public Works Design Standards require public rights-of-way and paved roadways with curbs and sidewalks. The applicant's preliminary plans (**Exhibit 4**) depict a 32-foot paved width, 5-foot planter

(excluding curb) with street trees, and 5-foot sidewalks for Eggleston Lane, and a minimum of 18-feet of half street improvements to accommodate the full 36-foot paved width, including 5-foot planter (excluding curb) with street trees, and 6-foot sidewalks for JP West Road. The recommended Conditions of Approval require paving, curb and gutter, sidewalks, streetlights and street trees. An eight (8) foot public utility easement (PUE) will be required along all rights-of-way for public utilities.

The new street is laid out to provide reasonably direct and convenient routes for walking and cycling within neighborhoods and walking is enhanced through the proposed public trail along the Scappoose Creek riparian corridor. <u>Section 17.154.030(D) and (E)</u> are satisfied.

F. Where necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed. A reserve strip across the end of a dedicated street shall be deeded to the city; and a barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the public works director, the cost of which shall be included in the street construction cost.

Finding: The preliminary plans in **Exhibit 4.G** indicate that the applicant is proposing to extend Eggleston Lane right-of-way to the southern boundary of the site to provide for future development to the south. As discussed in Section 17.154.030(A)(3), the improvements are proposed to stop just north of the riparian corridor associated with the unnamed stream to minimize environmental and grading impacts until such time that the street extension is warranted by adjoining development. The recommended Conditions of Approval require that the applicant install a barricade at the end of the paved section of the stubbed street in accordance with MUTCD⁹. Section 17.154.030(F) is satisfied.

G. No street name shall be used which will duplicate or be confused with the names of existing streets within the city's urban growth boundary, except for extensions of existing streets. Street names and numbers are subject to review and approval the Scappoose rural fire district.

Finding: Eggleston Lane is the only new street, and the City has indicated that this name is appropriate because it will ultimately connect with the existing Eggleston Lane south of this development when that property is developed. The name is a prior approved name by the Scappoose Rural Fire Protection District to ensure they do not duplicate existing street names. <u>Section 17.154.030(G)</u> is satisfied.

H. Concrete vertical curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter and the city's public works design standards. Concrete curbs and driveway approaches are required and shall be built to the city's configuration standards.

Finding: The recommended conditions of approval require all streets to be constructed to the standards detailed within the City's Public Works Design Standards and Standard Specifications. <u>Section</u> <u>17.154.030(H)</u> is satisfied.

⁹ MUTCD – Manual on Uniform Traffic Control Devices

O. The developer shall install all street signs, relative to traffic control and street names, as specified by the public works director for any development. The cost of signs shall be the responsibility of the developer.

Finding: As part of the site development, the applicant will install street signs, relative to traffic control and street names, as specified by the City. The conditions of approval require the applicant to install a "No Outlet" sign at the subdivision entrance. <u>Section 17.154.030(O)</u> is satisfied.

P. Joint mailbox facilities shall be provided in all residential developments, with each joint mailbox serving at least two dwelling units.

1. Joint mailbox structures shall be placed adjacent to roadway curbs;

2. Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan, and shall be approved by the U.S. Post Office prior to plan approval; and

3. Plans for the joint mailbox structures to be used shall be submitted for approval by the planner prior to final approval.

Finding: Joint mailboxes will be located adjacent to roadway curbs and will comply with provisions of the Americans with Disabilities Act and implementing federal and state regulations as directed by the U.S. Postal Service. The recommended Conditions of Approval require that plans for the joint mailbox structure(s) be approved by the U.S. Post Office and City planner prior to approval of the Phase 1 plat. <u>Section 17.154.030(P)</u> is satisfied.

R. Street lights shall be installed in accordance with the city's public works design standards.

Finding: Street lights will be required to be installed in accordance with the city's Public Works Design Standards and in coordination with the Columbia River PUD. <u>Section 17.154.030(R)</u> is satisfied by the conditions of approval.

S. A Transportation Impact Study (TIS) must be submitted with a land use application if the conditions in (1) or (2) apply in order to determine whether conditions are needed to protect and minimize impacts to transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

[...]

2. Applicability – TIS report. A TIS report shall be required to be submitted with a land use application if the proposal is expected to involve one or more of the following:

a. The proposed development would generate more than 10 peak hour trips or more than 100 daily trips.

b. The proposal is immediately adjacent to an intersection that is functioning at a poor level of service, as determined by the city engineer.

c. A new direct approach to US 30 is proposed.

d. A proposed development or land use action that the road authority states may contribute to operational or safety concerns on its facility(ies).

3. Consistent with the city's Traffic Impact Study (TIS) Guidelines, the city engineer will determine the project study area, intersections for analysis, scenarios to be evaluated and any other pertinent information concerning the study and what must be addressed in either a TIS letter or a TIS report.

4. Approval Criteria. When a TIS Letter or Report is required, a proposal is subject to the following criteria: a. The TIS addresses the applicable elements identified by the city engineer, consistent with the Traffic Impact Study Guidelines;

SB1-22, ZC1-022, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22

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b. The TIS demonstrates that adequate transportation facilities exist to serve the proposed development or, in the case of a TIS report, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the city engineer and, when state highway facilities are affected, to ODOT;

c. For affected non-highway facilities, the TIS report establishes that mobility standards adopted by the city have been met; and

d. Proposed public improvements are designed and will be constructed consistent with Public Works Design Standards and access standards in the Transportation System Plan.

5. Conditions of Approval.

a. The city may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.

b. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to city standards.

c. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

Finding: The applicant has submitted a Traffic Impact Study and Seasonal Adjustment Factor Letter (**Exhibits 22-23**) to analyze traffic impacts. The 48 proposed units would generate approximately 514 daily trips including 38 AM weekday Peak Hour trips and 50 PM weekday Peak Hour trips, using Institute of Transportation Engineers standard trip generation ratios for single-family detached housing.

The study focused on seven nearby intersections: SW JP West Road/Captain Roger Kucera Way, SW JP West/SW 4th Street, SW JP West Road/SW 1st Street, SW JP West Road/US 30, SW Maple Street/SW 4th Street, SW Maple Street/SW 1st Street, and SW Maple Street/US 30. The Highway 30 intersections are under Oregon Department of Transportation (ODOT) jurisdiction while the remaining intersections are under City and Columbia County jurisdiction.

All of the study intersections meet their respective mobility standards and targets today and in the future year 2023 before and after site development during the weekday AM and PM peak hours. The 2016 TSP specifies that all-way stop-controlled intersections have a target of Level of Service 'D,' or better, and this is met for all studied intersections except the SW JP West Road/US 30. However, this intersection would have a year 2023 volume-to-capacity (v/c) ratio of 0.59, which meets ODOT's mobility standards (ODOT utilizes v/c rather than Level of Service for the mobility standard).

The traffic analyses also addressed Transportation Planning Rule requirements for the zone change, which are detailed in the response to Section 17.22.050. <u>Section 17.154.030(S)</u> is satisfied.

<u>17.154.040 Blocks</u>. A. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated, consideration of needs for safe and convenient pedestrian and vehicular access and circulation and recognition of limitations and opportunities of topography.

B. Except for arterial streets, no block face shall be more than five hundred and thirty (530) feet in length between street corner lines and no block perimeter formed by the intersection of pedestrian accessways and local, collector and arterial streets shall be more than one thousand five hundred feet in length. If the maximum block length is exceeded, mid-block pedestrian and bicycle accessways should be provided at spacing no more than 330 feet, unless one or all of the conditions in Subsection C can be met. Minimum access spacing along an arterial street must meet the standards in the city's adopted Transportation System Plan. A block shall have sufficient width to provide for two tiers of building sites. Reverse frontage on arterial streets may be required by the planning commission.

Finding: As illustrated in the applicant's neighborhood circulation plan (**Exhibit 4.O**), the primary local street within this development (Eggleston Lane) is aligned with Captain Roger Kucera Way and is extended through the site to the southern boundary to accommodate future extension. There are no other existing streets that are stubbed to this property allowing for logical extension.

There is a relatively narrow band of developable land between the South Scappoose Creek Floodplain on the east and steep slopes and some steep drainageways rising above the valley floor to the west. The block length for Eggleston Lane could exceed 2,000 feet due to these natural conditions which do not permit City design standards (namely, maximum street grades) to be met. Through the project site, the valley floor area outside of floodplain is not wide enough to create a block or have 2 parallel streets to help create a block. These natural conditions do not permit development on the site to comply strictly with the block length criterion; however, those criteria are met to the degree practicable. These limitations, associated with topography which prevent street connections to the east or west, are consistent with the provisions of criterion (A). Section 17.154.040(A) is satisfied.

There are limitations associated with topography which prevent street connections to the east or west as additionally described in Subsection C below addressing permitted exemptions. With the approval of these exceptions, <u>Section 17.154.040(B)</u> is satisfied.

C. Exemptions from requirement of Subsection B of this section may be allowed, upon approval by the planner and the city engineer, where one or all of the following conditions apply:

1. Where topography and/or other natural conditions, such as wetlands or stream corridors, preclude a local street connection consistent with the stated block length standards. When such conditions exist, a pedestrian access way shall be required in lieu of a public street connection if the access way is necessary to provide safe, direct and convenient circulation and access to nearby destinations such as schools, parks, stores, etc.

Finding: The project site has both topographical and natural resource constraints to the west and natural resource constraints to the east which prohibit street connections that would otherwise satisfy the block length requirements of Subsection B. Therefore, staff supports the applicant's exemption request under this Subsection.

The applicant's narrative (**Exhibit 3**) explains that the west side of the site contains steep slopes on-site and off-site between the site and Jobin Lane. Additionally, there are isolated wetlands and buffers along with a stream and riparian corridor including buffers. At the request of the City Engineer, the applicant's engineer analyzed the viability of providing an emergency vehicle connection to Jobin Lane; however, slopes for this connection would exceed 18% or would otherwise impact large areas of resource if attempted further south.

The east side of the project site is dominated by South Scappoose Creek, its floodplains, wetlands and buffers and riparian corridors. A roadway or pedestrian bridge to Day Street would negatively impact natural resources, floodplain and floodway and constitute an impractical cost for the project.

Accessways to the east and west are not necessary to provide safe, direct and convenient circulation. To the west, an accessway would be steep and would not appreciably improve pedestrian circulation beyond that available in JP West Road. To the east, an existing sidewalk system along JP West Road already provides safe, direct and convenient circulation to nearby destinations such as schools, parks, stores, etc. <u>Section 17.154.050(C)</u> is satisfied.

17.154.050 Easements.

A. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

B. A property owner proposing a development shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

Finding: Easements for sanitary sewers, drainage, water mains, or other public utilities will be dedicated on the plat and are shown in the tentative plans. An easement will be provided over the existing sanitary sewer that will remain through the site. Where deemed necessary by the City, a stormwater easement or drainage right-of-way will be provided over the entirety of the specified tracts containing known water features. The applicant is required by the recommended Conditions of Approval to illustrate all existing and proposed easements on the Final Plat and to provide an 8-foot public utility easement adjacent to all rights-of-way. <u>Section 17.154.050(A-B)</u> is satisfied.

17.154.070 Sidewalks.

A. Sidewalks are required and shall be constructed, replaced or repaired in accordance with the city's public works design standards.

B. Maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.

Finding: The applicant is required by the Conditions of Approval to construct sidewalks in accordance with the Public Works Design standards. <u>Section 17.154.070(A-B)</u> is satisfied.

17.154.080 Public use areas.

A. Where a proposed park, playground or other public use shown in a development plan adopted by the city is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision.

Finding: Section 5 of the Scappoose Parks, Trails and Open Space Plan discusses development of a trail along South Scappoose Creek through pursuing a partnership with property owners and neighbors. The applicant's proposed Tract D for open space would include trail access in line with the Scappoose Parks, Trails and Open Space Plan (**Exhibit 4.P**). Section 17.154.080(A) is satisfied.

B. Where considered desirable by the commission in accordance with adopted comprehensive plan policies, and where a development plan of the city does not indicate proposed public use areas, the commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks and other public use.

Finding: The east side of the property located within Tract D has character suitable for public uses. The applicant is proposing a public trail along Tract D's west edge and the applicant's narrative (**Exhibit 3**) acknowledges that in the future, the City may want to expand the pedestrian/bicycle network. Staff recommends the Planning Commission require the reservation of an easement, not just for conservation, but for other public purposes over this tract. <u>Section 17.154.080(B)</u> is satisfied.

C. If the declarant is required to reserve land area for a park, playground or other public use, such land shall be acquired by the appropriate public agency within eighteen months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the declarant.

Finding: There is currently no requirement to reserve land area for a park, playground or other public use on this property. The applicant is providing a public compacted gravel trail through Tract D and is providing conservation easements over open space tracts as described in **Exhibit 3**. <u>Section 17.154.080(C)</u> is satisfied.

17.154.090 Sanitary sewers.

A. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth by the city's public works design standards and the adopted policies of the comprehensive plan.

B. The public works director shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

C. Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan and the wastewater treatment facility plan and potential flow upstream in the sewer sub-basin.

D. Applications shall be denied by the approval authority where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

Finding: The proposed sanitary sewer system to serve this development is shown on the Preliminary Plans (**Exhibits 4.L and 4.M**); the applicant proposes to connect to the existing public sanitary sewer through the site. The existing sanitary sewer will be rerouted on the site as shown on **Exhibits 4.L** and **4.M** to replace existing sanitary sewer lines that are near the end of their service lives. The system has been designed and will be installed to serve new development and connect developments to existing mains. The public works director will review and approve sanitary sewer plans prior to issuance of development

permits. No deficiency has been identified to exist and adequate capacity is available to serve this development. <u>Section 17.154.090</u> is satisfied.

<u>17.154.100 Storm drainage</u>. A. The planner and public works director shall issue permits only where adequate provisions for stormwater and floodwater runoff have been made, and:

1. The stormwater drainage system shall be separate and independent of any sanitary sewerage system.

2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street.

3. Surface water drainage patterns shall be shown on every development proposal plan.

4. All stormwater analysis and calculations shall be submitted with proposed plans for public works directors review and approval.

5. All stormwater construction materials shall be subject to approval of the public works director.

Finding: As depicted in **Exhibits 4.I, 4.J,** and **4.K** and discussed in the Preliminary Stormwater Report (**Exhibit 20**) the storm system will be independent of the sanitary sewer system. The proposed system design demonstrates that stormwater runoff from impervious surfaces will be collected in catch basins, treated, and discharged without impacting street intersections. The submitted report (**Exhibit 20**) includes required calculations and the plans include details demonstrating that construction materials meet Public Works Design standards. A final stormwater report will be required prior to approval of subdivision construction plans.

The applicant has noted the limited ability to fill within the floodplain proposing to adjust the design on Eggleston Lane, rather than adding floodplain fill to raise the street, and to meet the minimum standards set forth in the PWDS section 5.0010, which requires meeting the requirements of the AASHTO Policy on Geometric Design of Highways and Streets. Based on these criteria for the design, during the 100-year event (1% chance annually), the floodwaters would span Eggleston Lane for roughly 20 feet of its length near the site's entrance to JP West Road, as shown on the Street Plan (**Exhibit 4.G**). The maximum water depth expected at the center line is 2 inches, but the applicant's narrative (**Exhibit 3**) states the west side of Eggleston will have less water depth than at centerline and the curb on the west side will remain visible. A cross section for the shed section of Eggleston Road is included as **Exhibit 4.H**. Section 17.154.100(A) is satisfied.

B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

Finding: The site abuts South Scappoose Creek on the east and contains an unnamed stream in the southern portion that flows into South Scappoose Creek. The recommended conditions of approval require the applicant to provide easements on the Phase 1 final plat in accordance with Section 2.0024 (Easements) of the Public Works Design Standards. <u>Section 17.154.100(B)</u> is satisfied.

D. Where it is anticipated by the public works director that the additional runoff resulting from the development will overload an existing drainage facility, the planner and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development.

Finding: Public Works staff has not indicated that runoff from this development will overload an existing drainage facility. Details for storm drainage have been provided within the submitted Storm Drainage Report (**Exhibit 20**). A final stormwater report will be required prior to approval of subdivision construction plans. <u>Section 17.154.100(D)</u> is satisfied.

<u>17.154.105 Water system</u>. The planner and public works director shall issue permits only where provisions for municipal water system extensions have been made, and:

A. Any water system extension shall be designed in compliance with the comprehensive plan existing water system plans.

B. Extensions shall be made in such a manner as to provide for adequate flow and gridding of the system.

C. The public works director shall approve all water system construction materials.

Finding: All proposed building lots within the subdivision will be served by water lines which must be designed in accordance with the Public Works Design Standards. Water will be looped through the site via a connection at JP West Road, then south in Eggleston Lane and west through Tract E to connect to an existing waterline (**Exhibit 4.L**). The recommended Conditions of Approval require that the applicant demonstrate sufficient domestic and fire flow pressure for all lots. The City Engineer will review and approve all proposed plans. Section 17.154.105 is satisfied.

17.154.107 Erosion controls.

A. Any time the natural soils are disturbed and the potential for erosion exists, measures shall be taken to prevent the movement of any soils off site. The public works director shall determine if the potential for erosion exists and appropriate control measures.

B. The city shall use the city's public works design standards as the guidelines for erosion control.

Finding: The Preliminary Grading and Erosion Control Plan (**Exhibit 4.F**) includes erosion control measures. The applicant will be required to conduct erosion control measures in accordance with the City's Public Works Design Standards. Erosion control Best Management Practices, such as construction entrances, siltation fences, and other appropriate measures as determined by the City and applicant during final engineering will be implemented in accordance with City standards. The Conditions of Approval require review by the City Engineer of all proposed plans. <u>Section 17.154.107</u> is satisfied.

17.154.120 Utilities.

A. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high-capacity electric lines operating at fifty thousand volts or above [...]

B. The applicant for a subdivision shall show on the development plan or in the explanatory information, easements for all underground utility facilities [...]

Finding: All utilities, except for surface mounted transformers, surface mounted connection boxes and meter cabinets, are designed consistent with these criteria and are proposed to be underground. Appropriate Public Utility Easements (PUE's) are shown on the tentative plans (**Exhibit 4.H**) and will be

recorded on the plat. All private utilities will be underground in an 8-foot Public Utility Easement (PUE) behind the right-of-way line, as required by the recommended Conditions of Approval. Additional easements may be required for transformers upon coordination of final design with the Columbia River PUD. <u>Section 17.154.120</u> is satisfied.

17.154.200 Engineer's certification required. The land divider's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices and are of high grade and that improvements were built according to plans and specifications, prior to city acceptance of the subdivision's improvements or any portion thereof for operation and maintenance.

Finding: As part of the site development, and prior to the Phase 1 final plat, the Project Engineer is required to provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices and are of high grade and that improvements were built according to plans and specifications. <u>Section 17.154.200</u> is satisfied.

Chapter 17.162 PROCEDURES FOR DECISION MAKING--QUASI-JUDICIAL

17.162.021 Consolidation of proceedings.

A. Except as provided in subsection C of this section, whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding.

B. In such cases as stated in subsection A of this section, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under Section 17.164.110, in the following order of preference: the council, the commission, or the planner.

C. Where there is a consolidation of proceedings:

1. The notice shall identify each action to be taken;

2. The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions. Plan map amendments are not subject to the one hundred twenty-day decision making period prescribed by state law and such amendments may involve complex issues. Therefore, the planner shall not be required to consolidate a plan map amendment and a zone change or other permit applications requested unless the applicant requests the proceedings be consolidated and signs a waiver of the one hundred twenty-day time limit prescribed by state law for zone change and permit applications; and

3. Separate actions shall be taken on each application.

D. Consolidated Permit Procedure.

1. Use of the consolidated permit procedures described in this section shall be at the election of the applicant.

2. When the consolidated procedure is elected, application and fee requirements shall remain as provided by resolution approved by the council. If more than one permit is required by this title or other ordinance to be heard by the planning commission or city council, each such hearing shall be combined with any other permit also requiring such hearing. The standards applicable to each permit by this or any other ordinance shall be applied in the consolidated procedures to each application.

3. In a consolidated proceeding, the staff report and recommendation provided by the planner shall be consolidated into a single report.

4. All rules and ordinances of the city not in conflict with this section shall apply in a consolidated permit procedure.

Finding: The applicant is requesting consolidation of the following land use requests:

- Planned Development/Zone Change;
- Subdivision;
- Conditional Use;
- Sensitive Lands Development Permit for:
 - o Floodplain;
 - o Wetlands;
 - Slope Hazards;
 - o Fish and Riparian Corridor

The consolidation, as requested by the applicant, is permissible. Section 17.162.021 is satisfied.

17.162.090 Approval authority responsibilities. [...]

C. The planning commission shall conduct a public hearing in the manner prescribed by this chapter and shall have the authority to approve, approve with conditions, approve with modifications or deny the following development applications:

[...]

2. A quasi-judicial comprehensive plan map amendment except the planning commission's function shall be limited to a recommendation to the council. The commission may transmit their recommendation in any form and a final order need not be formally adopted;

3. A quasi-judicial zoning map amendment shall be decided in the same manner as a quasi-judicial plan amendment; [...]

4. Conditional use pursuant to Chapter 17.130;

6. Sensitive land permits and variances pursuant to Chapter 17.84, Chapter 17.85, and Chapter 17.86 for applications requiring planning commission action;

Finding: The applicant has requested the concurrent review of a Zone Change, Planned Development Overlay, Tentative Subdivision, Conditional Use, and Sensitive Lands Development Permits. The Planning Commission will make a recommendation to the City Council regarding the applicant's request. <u>Section</u> <u>17.162.090(C)</u> is satisfied.

RECOMMENDATION

Based on the Findings of Fact and the materials submitted by the applicant, staff recommends that the Planning Commission recommend that the City Council <u>APPROVE</u> Docket # <u>SB1-22, ZC1-22, CU1-22, SLDP</u> <u>1-22, 2-22, 3-22 and 4-22</u>, subject to the following:

CONDITIONS OF APPROVAL

PUBLIC UTILITIES/INFRASTRUCTURE

- 1. All streets, utilities, and other public infrastructure improvement plans shall be prepared by a registered professional engineer, licensed in the State or Oregon, and adhere to the applicable Scappoose Municipal Code, utility Master Plans, and the City of Scappoose Public Works Design Standards (PWDS), except where deviations from the standards are allowed and approved by the City Engineer.
- 2. Prior to approval of final subdivision construction plans, detailed storm drainage, sanitary sewage collection, and water distribution plans, which incorporate the requirements of this land use decision, the City of Scappoose Municipal Code and the PWDS and Standard Specifications (current ODOT/APWA "Oregon Standard Specifications for Construction" and the current "Oregon Standard Drawings"), shall be submitted to, and approved by, the City Engineer and City Planner. In addition, the following shall occur:
 - a. Obtain an NPDES permit from the Department of Environmental Quality and Grading Permit from the City of Scappoose, as applicable, prior to any earthwork. A copy of the approved NPDES permit shall be submitted to the City Engineer prior to approval of the Grading Permit for construction of the subdivision.
 - b. Provide erosion control measures meeting the requirements of the City of Scappoose PWDS, Section 2.0051. For subdivision plats, temporary erosion control measures shall also be utilized by subsequent builders during construction of dwellings and other lot improvements.
 - c. Provide stormwater conveyance, treatment and disposal for the proposed stormwater facility which meets the requirements of the City of Scappoose PWDS and subject to approval by the City Engineer. Clean Water Services (CWS) or City of Portland standards are acceptable treatment methods. The on-site storm system consisting of Tracts C and G, shall be privately owned and maintained by the Homeowners Association. The project engineer shall provide calculations demonstrating that the treatment and/or detention capacity of the proposed system is adequate. The applicant may be required to install safety fencing along the perimeter of the stormwater ponds, to be determined by City staff prior to construction.
 - d. Construct 8-inch minimum water main to serve the subdivision. Extend water main line to the southern boundary of the paved section of Eggleston Lane and loop to the existing water main in the southwest portion of the site. The applicant shall install an 8-inch isolation valve and blow-off at the end of the water lines, as directed by the City Engineer, in accordance with the Public Works Design Standards. Water lines shall be tested in accordance with the AWWA and the City of Scappoose PWDS.
 - e. Provide computations to the City Engineer and Fire Chief demonstrating adequate domestic and fire flow for the subdivision.
 - f. Provide sanitary sewers meeting the requirements of the City of Scappoose PWDS. Extend sanitary sewer main line to the southern boundary of the paved section of Eggleston Lane.

Following construction and paving, the existing sanitary sewer manhole and main line shall be vacuumed, or pressure tested in accordance with the Public Works Design Standards.

- g. Utilize watertight joints and manholes for all utilities placed within the floodplain.
- 3. Easements and maintenance agreements which may be required by the PWDS or Scappoose Municipal Code for the provision, extension, and maintenance of utilities shall be submitted to the City Engineer for review and approval prior to filing the Phase 1 Final Plat. All public utilities that run across private property shall be within an exclusive public utility easement, as required by the PWDS, and in all cases shall be wide enough to allow construction and/or maintenance work to proceed within the easement limits. Any easements to allow access and maintenance of private drainage lines or other common elements and their associated appurtenances shall meet the applicable requirements of the developer and the Oregon Structural Specialty Code and Oregon Plumbing Specialty Code, whichever is greater.
- 4. Combined public utility easements shall only be allowed with the consent of the City Engineer, and only when they are of sufficient width to allow work on any utility contained within the easement to be conducted within the easement limits. All required easements, including those for natural gas, cable, electric, and telephone shall be shown on the face of the Phase 1 Final Plat.
- 5. All required public utilities shall be installed and accepted by the City or a performance bond shall be provided prior to submitting the Phase 1 plat for City approval and recording.
- 6. All public utility services shall be extended to and through the property to points where a future extension may reasonably be expected prior to the issuance of building permits for individual residences (Public Works Design Standards Sections 3.0010 & 4.0010).
- 7. An 8-foot wide Public Utility Easement shall be located along the frontage of the street rightsof-way and be recorded as such on the Phase 1 Final Plat unless otherwise approved by the City Engineer.
- 8. Prior to construction document approval, a hydraulic analysis and final storm drainage report shall be submitted which demonstrates to the satisfaction of the City Engineer that the site will not flood, nor cause increased flooding of adjacent properties either upstream or downstream. This includes analysis for design of infrastructure to adequately convey any future upstream basin area flows, in compliance with the PWDS.
- 9. Provide storm drainage easements on the Phase 1 final plat in accordance with Section 2.0024 (Easements) of the Public Works Design Standards.
- 10. All site public utility infrastructure shall be constructed and accepted by the City prior to recording of Phase 1 Final Plat.
- 11. The applicant shall enter into a development agreement with the City regarding replacement and redirection of the existing sanitary sewer line in Tract B and through lots 7-9. The applicant is required to obtain all permits required by local, state, and federal agencies, as necessary.
- 12. That the applicant shall submit final drawings meeting the requirements of the City of Scappoose Public Works Design Standards, Sections 1.2020 and 1.2032.

13. As part of the site development, and prior to recording of the Phase 1 Final Plat, the Project Engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices and are of high grade and that improvements were built according to plans and specifications.

STREET SYSTEM

- 14. The applicant shall provide half-street improvements to the abutting section of JP West Road and in front of tax lots 3212-CB-00403 and 3212-CB-00404 and tax lot 3212-CB-00402. Streets shall include all subgrade improvements, curb and gutter, 6' sidewalks, 5.5' planter area with street trees (if no conflicts exist), streetlights, signing and striping and paving to a 50-year design life (perpetual pavement) from the centerline south or 18-feet, whichever is greater. If portions of the existing cross section are adequate (as determined by the City Engineer) due to prior improvements associated with Veterans Park or the JP West Road bridge, those sections may remain in place rather than being reconstructed. In lieu of constructing Eggleston Lane to the southern site boundary, the applicant shall improve JP West Road along the extents depicted on the Planned Development drawings.
- 15. The applicant shall construct Eggleston Lane in accordance with City local street standards, to include curb and gutter, 5' sidewalks, 5.5' planter area with street trees, streetlights, signing and striping, and 32' of paving to a 50-year design life within a 54' right of way. A barricade shall be installed at the edge of pavement at the southern terminus of the street, in accordance with the MUTCD (Manual on Uniform Traffic Control Devices).
- 16. Any substandard sidewalk or curb and gutter along the project frontage shall be replaced prior to Phase 1 Final Plat approval.
- 17. All street improvements shall meet the requirements of the City of Scappoose Public Works Design Standards, Transportation Master Plan, and Storm Drain System Master Plan.
- 18. The applicant shall apply for a right of way permit from the City of Scappoose prior to the issuance of Notice to Proceed.
- 19. Following construction and prior to paving, the sanitary sewer manholes and lines shall be mandreled, camera inspected, and once paved, vacuum tested in accordance with the Public Works Design Standards.
- 20. The applicant shall be responsible for the installation of all streetlights, street name signs, stop signs, stop bars, crosswalks, and any parking restriction signs or curb painting delineating parking restriction, per the requirements of the Scappoose Public Works Design Standards and Specifications, the current Manual on Uniform Traffic Control Devices, the Scappoose Rural Fire District Code and USPS. The applicant shall install a "No Outlet" sign at the subdivision entrance.
- 21. A waiver of remonstrance against assessment for the future extension of Eggleston Lane and associated public utilities shall be signed by the applicant and shall be binding on all future owners. The waiver shall be prepared by the City.

FIRE AND LIFE SAFETY

- 22. The applicant shall comply with Oregon Fire Code provisions, as determined by the Scappoose Rural Fire District, during the permitting phase.
- 23. Residential sprinklers are required for all residential units and a note to this effect shall be included on the Phase 1 and Phase 2 Final Plats.
- 24. Turnarounds and signage shall be provided as follows:
 - Address signage placed at driveway entrance for lots where residences are behind other properties (Lots 7-9 and 46-48).
 - Emergency fire truck turn-around shall be paved, with curbs provided, and placed in a tract (not in an easement as currently shown on the development plans), to be owned and maintained by the Homeowner's Association. The turnaround may be removed in the future when Eggleston Lane is extended south.
 - "No Parking" signs shall be posted by the applicant near the emergency vehicle turnaround as determined by the Fire Chief and City Engineer.
- 25. The applicant shall provide fire hydrants as required by the Scappoose Rural Fire Department:
 - Fire hydrants shall meet current City/Fire Department specifications and have an integrated Storz nozzle for the large discharge port. After market add-ons are not permitted. A blue reflector meeting the requirements of Fire District Ordinance 17-02 shall be required adjacent to hydrants.
 - The hydrant system shall be designed to meet flow requirements of the International Fire Code. All hydrants and locations shall be approved by the Fire Department prior to installation.
- 26. The applicant shall obtain Scappoose Rural Fire Department approval of proposed street names.

STREET TREES & LANDSCAPING

- 27. Prior to Notice to Proceed, the applicant shall submit a final landscape plan for the review and approval of the City Planner. The landscape plan shall indicate the location, number, and species of all proposed plantings and indicate the height, location, and material of proposed fencing.
- 28. The applicant shall submit a final landscaping plan conforming to the requirements of Scappoose Municipal Code Section 13.28.020 and Chapter 17.104 (Street Trees) of the Scappoose Development Code and shall install the required trees with root guards to protect sidewalks. All street trees shall have a two-inch minimum caliper and be spaced as appropriate for the selected species, as specified in the approved Street Tree List and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. Street trees located under or within ten feet of overhead utility lines shall be less than twenty-five feet tall at maturity. All street trees shall be of good quality and shall conform to the American Standard for Nursery Stock (ANSI Z60.1), as certified by a registered landscape architect licensed in the state of Oregon. The City Planner reserves the right to reject any plant material that does not meet this standard. An irrigation system shall be installed for use during the establishment period.

- 29. The applicant shall plant native plantings in all disturbed riparian/wetland buffers, within the disturbed area of Wetland A, and within the riparian buffer east and south of Lots 18-25. Species, size, and spacing shall be as recommended by WEST Consultants and approved by the City Planner and City Engineer prior to installation. Applicant shall submit evidence of compliance with DSL permit for the duration of the compliance period, as applicable.
- 30. Landscaping, substantially in conformance with the final approved landscaping plan, shall be installed prior to Phase 1 Final Plat approval, with the exception of street trees, which may be installed prior to occupancy of individual units where they are to be located along the frontage of a lot. Street trees along tracts shall be installed prior to Phase 1 Final Plat approval.

PLANNED DEVELOPMENT OVERLAY, OPEN SPACE, AND TRACTS

31. The applicant shall provide a minimum of two parking spaces on each lot. Garages may be utilized to satisfy this requirement.

Requirement	Detached housing units
Minimum Lot Area	3,410 square feet for structures
	outside Scappoose Creek Flood Plain
Lot Width	35 feet minimum
Lot frontage for Flag Lots	12 feet minimum
Setbacks applicable to	
yards not adjacent to	
site perimeter:	
Front/dwelling	12 feet minimum
Front/garage	20 feet minimum
Side/street	8 feet minimum
Side/internal	5 feet minimum each side
Rear	15 feet minimum
	(accessory buildings 5 feet min.)
Peripheral yards	Match minimum setback of abutting
	parcel per Section 17.81.050(A)(2)
Height	35 feet
Building Coverage	55%
Retaining wall	5 feet minimum separation between
separation	house foundations and face of
	retaining walls proposed on Lots 7-9
	and 47-48
Additional	Based on all applicable sections of
Requirements	the Development Code

32. The following dimensional standards shall apply to the project:

33. Building permits for structures will not be issued until the CC&R's are approved by the City and recorded at Columbia County. The applicant shall submit a final version of the Declaration

of Protective Covenants, Conditions, Restrictions and Easements (CC&R's) of the subdivision for review and approval by the City Planner and City Engineer. The CC&R's shall:

- a. Grant authority to the City to enforce the requirements for maintenance of the private stormwater facilities in Tracts C and G and specify that the stormwater facilities shall be maintained by the Homeowners Association.
- b. Specify that the open space areas in Tracts A, B, D, E, F, and G shall be maintained and preserved in perpetuity for the benefit of the homeowners (notwithstanding the public trail easement, which will allow the public to use the trail in Tract D).
- c. Provide an ongoing funding mechanism for the association to cover the costs of maintenance and provide a copy of the reserve fund for city review.
- d. Require City signature prior to recording at Columbia County.
- e. Specify that the CC&R's may not be amended without the written consent of the City for issues that impact the right of way, stormwater or open space tracts, or any other issues relevant to the City.
- f. Be recorded in conjunction with the Phase 1 Final Plat.
- 34. Walls or fences exceeding 4 feet in height are not permitted in front yards. Fence/wall combinations exceeding 6 feet in height (in rear/side yards) shall require building permits. Any proposed fence/wall combination exceeding 8 feet in height and not shown on the approved Planned Development plans requires separate Planning Commission approval pursuant to Section 17.100.110(A).

SENSITIVE LANDS (WETLANDS, RIPARIAN, FLOODPLAIN)

Tract	Purpose
Tract A	Park
Tract B	Open Space, Wetland, Wetland Buffer
Tract C	Stormwater Facility
Tract D	Park, Open Space, Wetlands, Wetland Buffer, Riparian Buffer
Tract E	Open Space, Wetlands, Wetland Buffer, Riparian Buffer
Tract F	Open Space, Wetland, Wetland Buffer
Tract G	Park, Stormwater Facility

35. Tracts shall be created on the Phase 1 Final Plat as follows:

- The applicant shall dedicate development rights to the City for preservation of open space tracts. Documents dedicating development rights shall be prepared by the applicant and reviewed as to form by the City Attorney.
- Tracts C and G shall be subject to public storm drainage easements on the Phase 1 Final Plat. The developer shall sign a Stormwater Access Easement and Covenant Agreement with the City for these tracts.
- Tract D shall be subject to a conservation easement on the Phase 1 Final Plat to prohibit activities that are not in compliance with the Wetlands and Fish and Riparian Corridor Overlay, while granting rights to the City to improve Tract D in the future. Trails or other improvements may be proposed within the conservation easement outside the significant wetland(s) subject to the approval of a Sensitive Lands Development Permit

demonstrating compliance with Chapters 17.85 and 17.89, as applicable. The applicant shall retain the natural features and natural vegetative cover to the maximum extent possible.

- 36. A 15-foot public access easement through Tract D shall be granted to the City on the Phase 1 Final Plat for pedestrian access. The gravel path shall utilize uniformly graded stones to ensure that the trail remains permeable.
- 37. No ground disturbance is permitted in the southwestern portion of the site outside the limits of the prior wetland delineations, unless that area is delineated, approved by DSL, and applicable Federal, state, and City permits are obtained.
- 38. The applicant shall submit a final cut/fill analysis prepared by a registered professional engineer after completion of the roads, utilities, and final grading, demonstrating compliance with the approved CLOMR, File number 22-10-0362R, prior to submitting for LOMR approval.
- 39. The applicant shall not submit the Phase 2 Final Plat application until FEMA has issued a Letter of Map Revision based on the approved CLOMR, File number 22-10-0362R. No building permits for Phase 2 lots will be issued until FEMA has issued the Letter of Map Revision which indicates that all Phase 2 lots are no longer within the mapped 100-year floodplain.
- 40. All finished floors shall be elevated at least 2 feet above the base flood elevation (BFE). Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be elevated at least 1 foot above the base flood elevation (BFE).
- 41. The applicant shall provide evidence of issuance of all applicable permits from County, State, and Federal agencies prior to commencing site clearing or development activities. This includes wetland permits from Oregon Department of State Lands and U.S. Army Corps of Engineers, as applicable. The applicant shall submit a No State Permit Required letter from DSL if no permit is required for the proposed project.

GEOTECHNICAL

- 42. The applicant shall provide a final Geotechnical report in accordance with the Public Works Design Standards that conforms to the proposed design.
- 43. Prior to issuance of Notice to Proceed for public works construction, the applicant shall submit a review by the Geotechnical Engineer of record to verify conformance of the final plan with the Geotechnical report and shall adhere to the recommendations contained in the Geotechnical report.
- 44. A Geotechnical Engineer registered to practice in the state of Oregon shall oversee earthwork portions of the development.
- 45. Site-specific geotechnical recommendations shall be provided for houses on Lots 7-9, 17-19, and 47-48 prior to issuance of building permits. Recommendations shall address foundation design, surface and subsurface drainage, structural fill, and other relevant parameters based on the geotechnical engineer's professional judgment.

MISCELLANEOUS

- 46. Development and construction on the site shall conform substantially to the preliminary plans submitted by Pioneer Design Group, included as **Exhibit 4** in this report, as amended by the conditions of approval (unless modified via subsequent land use decisions) and shall conform to final construction plans reviewed and approved by the City Engineer, the Building Official, and Scappoose Rural Fire Protection District. All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Scappoose.
- 47. The applicant shall enter into a construction Improvement Agreement with the City of Scappoose for all public improvements. A performance bond of 110% of the Public Works Construction costs shall be provided prior to the commencement of work.
- 48. Approval of a Tentative Plat shall expire twelve (12) months after the date of the formal notice of decision. In no case shall the actual construction time period for any phase be greater than two years without submitting a final plat for each completed phase, and in no case shall the total time for construction of the phased development exceed five years. The applicant is required to install all underground utilities and street improvements for the entire subdivision prior to applying for approval of the Phase 1 Final Plat.
- 49. The Phase 1 and Phase 2 Final Plats shall conform to the requirements of ORS Chapter 92 (Subdivisions and Partitions) and contain a note specifying that the plat is subject to the conditions of approval as set forth in the Land Use Approval for Local File number SB1-22.
- 50. All existing and proposed easements shall be illustrated on the Final Plats.
- 51. The applicant shall install locking cluster mailboxes to serve the development, subject to the approval of the USPS Postmaster and City Engineer. The mailboxes shall comply with Section 17.154.030(P) of the Municipal Code, Chapter 11 of the Oregon Structural Specialty Code, and U.S. Postal Service regulations and shall be approved by the U.S. Post Office and the City Planner prior to Phase 1 Final Plat approval.
- 52. The applicant shall furnish a full-size copy of the Final Subdivision Plat for each phase to the City of Scappoose for review and approval. After City approval of the Final Plat, the Plat shall be recorded with Columbia County and the applicant shall provide an electronic copy of the recorded Final Plat to the City Planner.

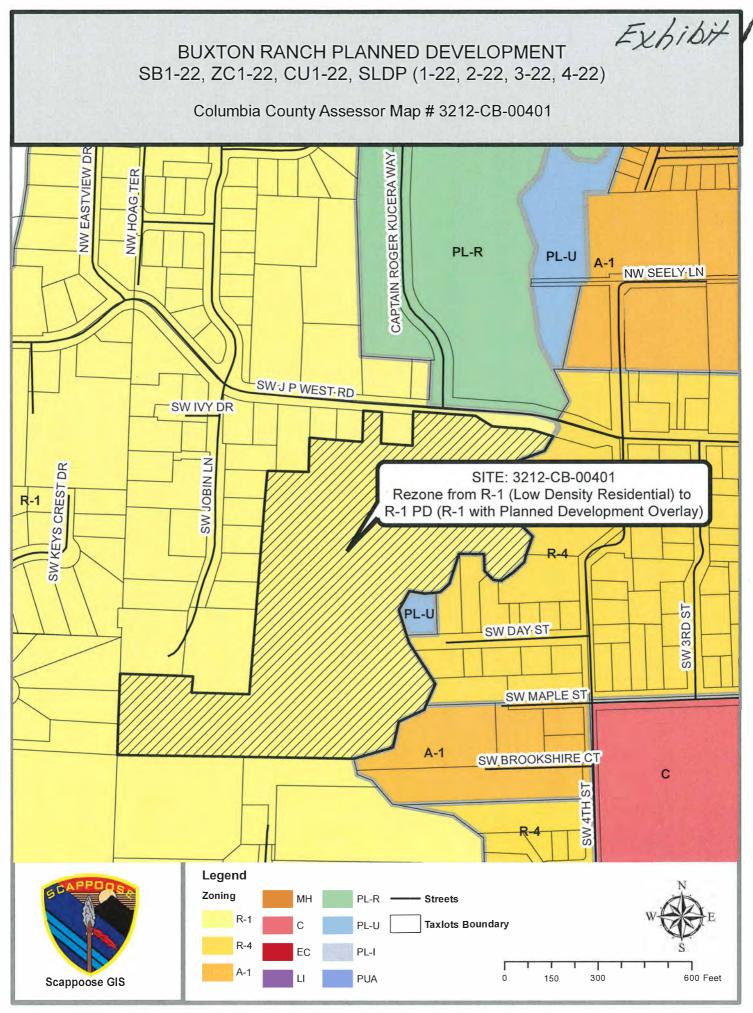


Exhibit 2



Scappoose Planning Department 33568 E. Columbia Ave. Scappoose, OR 97056 Phone: 503-543-7146 Fax: 503-543-7182

www.ci.scappoose.or.us

SUBDIVISION PRELIMINARY PLAT APPLICATION

NOTICE TO APPLICANT: On original application form, please print legibly using black/dark blue ink or type. Applicants are advised to review the list of submittal requirements and recommendations indicated on each land use application form and in the applicable code section prior to submitting an application. Applicants are also advised to schedule a pre-application meeting with staff prior to submitting final application. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED UNTIL THE PLANNING DEPARTMENT RECEIVES ALL REQUIRED SUBMITTAL MATERIALS. REFER TO SUBMITTAL CHECKLIST.

TRACKING INFORMATION (For Office Use Only)

Application Submittal Includes:			
2 Hard Copies Required (Initial Sub	omittal) 🗌 Electron	nic Submittal	Fee
7 Hard Copies Required (Final Subr	mittal, once deemed complete	by City Planner)	
Date Submitted with payment:			Receipt #:
File #	Hearing Dat	e	
SITE LOCATION & DESCRIPTION	J		
Tax Map #(s) 3N2W 12C	Tax Lo	t <u>#(s)_ </u>	
Frontage Street or Address <u>JP</u>	JestRoad (Na	Address)	
Nearest Cross Street Captain	Roger Kucera	Way	
Plan Designation_LDR	Zoning R-1	Site Size7.3]	🛛 acres 🔲 sq. ft.
Dimensions_Highly-Vacia	ble		
SUMMARY OF REQUEST			
Proposed Project Name_BUX+Ov	Ranch		
Project Type/Narrative Summary: (Prov family Residential (MFR), Commercial (C		y project type: Single Family	y Residential (SFR), Multi-
48 Lot Single Fami	ly-residential :	subdivision w	ith Planned
48 Lot Single Fami Development, Cond	Aitional Use 45	ensitive Lands	Review
NOTE: If a residential project is propose			
Is a Variance Requested?	Yes		No
If Yes, identify type of request:	Minor Variance		Major Variance
NOTE: Procedures and Applicable Criteri	la for varlances may be found ir	SDC Chapter 17.134	

Subdivision Application

rvs. 2021-Feb.24

Page **1** of **13**

SUBDIVISION PRELIMINARY PLAT

(CONTINUED)

Does the owner of this site also own any adjacent property? 🖸 Yes 💭 No (If Yes, please list tax map and tax lots)_____

	D-t-
Property Owner(s) Signature(s)	Date: es and signatures.)
Applicant: Name_Steve Puls	
Business Name_David Weekley Homes	
Mailing Address_1905 NW 169+4 Place #102 City Bee	werton State OR Zip 97006
Phone # 503-213-4403 Fax #	Email Address Spulse dwhenes.com
Applicant's Signature	Date: 2-23-23
Applicant's interest in property_ <u>Furchaser</u> / <u>Developer</u>	
Additional Project Team Members	
Applicant's Representative: Contact Name Matt Sprague	19
Business Name <u>Pioneer Design Group, Inc.</u> 90205W Wasnington Mailing Address <u>Square Road, Ste 170</u> City Por Hand	StateZip97223
Phone # 971-708-6249 Fax #	
Civil Engineer: Contact Name Brent Fitch	
Business Name Pigneer Design Group, Inc	
Mailing Address Square Quad Ste 270 City Portlan	nd
Phone #_503~6 <u>43-8286</u> Fax #	
Architect: Contact Name Steve Puls	
Business Name David Weckley Homes	
Vailing Address 1905 NW 169th Place #102 City Berver	
hone #_ <u>503-213-ЧН03</u> Fax # Ег	mail Address Spuls @ dwhomes.com
andscape Architect: Contact Name Ben Holmes	n
usiness Name Pioneer Design Group Inc. 90205W Washington	
90205W Washington nailing <u>Address Square Boad, Ste. 170 City Portland</u>	State OK Zip 97223
none # 503-643-8286 Fax #	Email Address bholmes@ pol-grp.com

Subdivision Application

rvs. 2021-Feb.24

SUBDIVISION PRELIMINARY PLAT

(CONTINUED)

Does the owner of this site also own any adjacent property? 🖸 Yes 🔚 No (If Yes, please list tax map and tax lots)_____

Property Owner(s) Signature(s) Will A-32 Date: 2/16/202	22
(If more than one property owner, please attach additional sheet with names and signatures.)	
Applicant: Name_Steve PUIS	
Business Name David Weekley Homes	
Mailing Address 1905 NW 169th Place, #102 City Beaverton State OR Zip 9700	6
Phone # 503-213-4403 Fax # Email Address <u>Spuls@dwha</u> w	<u>165</u> .01
Applicant's Signature Date:	
Applicant's interest in property_ <u>Purchaser</u> /Developer	
Additional Project Team Members	
Applicant's Representative: Contact Name Matt. Sprague	_
Business Name_PioneerDesign Group, Inc.	
90205W Wasnington Mailing Address Square Road, Ste 170 City Por Hand State OR Zip 97223	
Phone # 971-708-6249 Fax # Email Address MS progregoe and -acr	<u>7.com</u>
Civil Engineer: Contact Name Brent Fitch	_
Business Name Pigneer Design Group, Inc	
Mailing Address Square Road Ste 270 City Portland State OR Zip 97223	
Phone # 503-643-8286 Fax # Email Address bfitch @ pd-gr	p. com
Architect: Contact Name Steve Puls	_
Business Name David Weekley Homes	21
Mailing Address 1905 NW 169th Place, #102 City Berverton State OR Zip 97006	_
Phone # 503-213-4403_ Fax # Email Address Spv 15 @ dwhomes.co	211/2
Landscape Architect: Contact Name Ben Holmes	_
Business Name Pioneer Design Group Inc.	
Mailing Address Square Roud, Ste. 170 City Portland state OR zip 97223	<u>-</u> ,
phone # 503-643-8286 Fax # Email Address bholwnes@ pd-g.rp.	Low

rvs. 2021-Feb.24



Scappoose Planning Department 33568 E. Columbia Ave. Scappoose, OR 97056 Phone: 503-543-7184 www.ci.scappoose.or.us

CONDITIONAL USE APPLICATION

NOTICE TO APPLICANT: On original application form, please print legibly using black/dark blue ink or type. Applicants are advised to review the list of submittal requirements and recommendations indicated on each land use application form and in the applicable code section prior to submitting an application. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED UNTIL THE PLANNING DEPARTMENT RECEIVES ALL REQUIRED SUBMITTAL MATERIALS. REFER TO SUBMITTAL CHECKLIST PAGE.

(Tracking Information (For Office Use Only))
Application Submittal Includes:	
2 Hard Copies Required (Initial Submittal)	Fee
T 🗆 7 Hard Copies Required (Final Submittal, once deemed complete by City Planner)	>
Date Submitted with payment:	Receipt #:
File # Hearing Date)
	-
SITE LOCATION & DESCRIPTION	
Tax Map #(s)_3 N 2W 12_CII	<u>, 401</u>
Frontage Street or Address_JPWestRoad (No Address)	
Nearest Cross Street Captain Roger Kucera Way	
Plan Designation LDR Zoning R-1 Site Size 17.31	Por sq. ft.) Dimensions Variable
SUMMARY OF REQUEST	
Proposed Project Name <u>Buiton Ranch</u>	
Project Type/Narrative Summary: (Provide a brief summary including the nature of active	ilties, number of students/participants, hours
of operation, and specify project type: Single-family Residential, Multi-family Residential, Inst	
418 Lot sing le family residential subdivisi	on with Planned
Pevelopment A eview. Project also include	s sensitive lands
review for flood plain, wetlands, steep slopes a	- Fish + Riparian Corridor
See attached narroutive for additional details.	
Subject to previous Land-use approval? 🔲 Yes 🙀 No File No	(attach copy of Notice of Decision)
# of Buildings <u>H8_</u> # of Parking <u>Spaces H/uni+_</u> # of Accessible Parking Space	s_NA% of Landscaping_NA
NOTE: The summary provided above must be part of a more extensive written narrat	
justifies the requested conditional use based on the approval criteria. For more infor	mation read Approval Criteria and

CONDITIONAL USE PERMIT

Submittal Requirements attached.

CONTINUED ON PAGE 2 Rvs. 2021-Feb.24

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CONDITIONAL USE APPLICATION (CONTINUED)

DETAILED SITE INFORMATION

Are any of the following present	on the site? If so, please specify num	ber of acres and/or percentage of site	affected.
Flood Plain	Wetlands	Significant Natural Resource	es
Cultural Resources	Airport Noise Contours	Slopes Greater Than 15%	1
Water Provider: 🗹 City of Scappo	Airport Noise Contours		
Does the site have access to City	street(s) 🗹 Yes 🗖 No (Please explain,)	
Does the site have access to Cour	nty road(s) 🗖 Yes 🗹 No (Please explai	in)	
Are there existing structures on t	he site? 🗹 Yes 🗖 No (If Yes, briefly ex	plain future status of structures.)	
EXISTING shed to f	Deremoved		
4		97	
property is under-going a change owner of record is not the signing	his Burran	urchase contract must be provided if	property
	nily Investments, LLC 		
Address POBOX S03069	city White Cit	yStateZip	17503_
Phone # <u>541-930-1333</u>	Fax #	Email Address chip. buxton@	gmail.com
Does the owner of this site also ov	vn any adjacent property? 🔲 Yes 💢 N	No (If Yes, please list tax map and tax	lots)
Property Owner(s) Signature(s)		Date:	
If more than one property owner,	please attach additional sheet with n	ames and signatures.)	
Applicant: Name_Steve F	21/5		
Business Name_Pavid Wee			
Aailing Address_1905 NW 169		verton OR 97006	
hone # <u>503-213-4403</u>		nail Address Spuls@dwhome	S. Cam
pplicant's Signature	Jarlo	Date: Z-22-22	
pplicant's interest in property			
··· · · · · · · · · ·	CONTINUED ON PAGE 3	}	
ONDITIONAL USE PERMIT	Rvs. 2021-Feb.24	Pag	e 2 of 11

CONDITIONAL USE APPLICATION (CONTINUED)

DETAILED SITE INFORMATION

	WetlandsV	Significant Natural Resources	/
Cultural Resources			/
Does the site have access to Cit	ty street(s) 🗹 Yes 🗖 No (Plea	ase explain)	
Does the site have access to Co	unty road(s) 🗖 Yes 🗹 No (Pl	lease explain)	
		es, briefly explain future status of structures.)	
property is under-going a chang owner of record is not the signir	e of ownership, proof of pur ng party.)	(Property owner signature must be a wet-ink signature rchase or purchase contract must be provided if propert	y
Property Owner(s): Name(s)	Chip Buxton		
Business Name Buxton Fa	imily Investment	ts, LLC	
Mailing Address <u>P0B0K≤0306</u>	City_Whi	<u>teCity</u> state <u>OR</u> zip <u>9750</u> Email Address <u>chip. buxton@gunail.</u>	<u>5</u> _
Phone # 541-930-1333	Fax #	Email Address chiz. buxton@gmail.	low
		Yes 🕱 No (If Yes, please list tax map and tax lots)	
Does the owner of this site also o			
Property Owner(s) Signature(s)_	Worker	Date: 2/16/2022	
Property Owner(s) Signature(s)_	Worker	Date: $2/i6/2022$ heet with names and signatures.)	
roperty Owner(s) Signature(s)_ If more than one property owner	http://www.com/ r, please attach additional sh		
roperty Owner(s) Signature(s)_ if more than one property owner pplicant: NameSキeンとう	r, please attach additional sh		
roperty Owner(s) Signature(s)_ If more than one property owner pplicant: Name_Steve? usiness Name_PavidWe	WAD r, please attach additional sh PJIS eekley Howles	heet with names and signatures.)	
roperty Owner(s) Signature(s)_ if more than one property owner pplicant: Name_Steve? usiness Name_PavidWe Iailing Address_1905 NW 16	Hurden r, please attach additional sh PJIS eekley Howles g th Place, Ste 102		
Property Owner(s) Signature(s)_ If more than one property owner pplicant: Name_Steve1 usiness Name_Pavid We failing Address_1905 NW 16 hone # <u>SO3-213-4403</u>	Hurden r, please attach additional sh PUIS eekley Howles g th Place, Ste 102 _Fax #	heet with names and signatures.)	

CONDITIONAL USE PERMIT

Rvs. 2021-Feb.24

Page **2** of **1**.1

CITY OF SCAPPOOSE

Planning Department 52610 NE 1st Street, Suite 120 Mailing address: 33568 E. Columbia Avenue, Scappoose, OR 97056 Phone: (503) 543-7184 fax: (503) 543-5679

CHECK THE TYPE OF APPLIC	ATIO	N YOU ARE APPLYING FOR:	
Development Code/ Comprehensive Plan Text Amendment		Variance (Major or Minor)	4
Comprehensive Plan Map Amendment		Sign Permit	
Zone Change	de sete	Temporary Commercial Use	dist.
Annexation		Vacation (Street or Easement)	
Subdivision		Public Land Tree Removal	
Partition (Major or Minor)		Type II Home Occupation	
Property Line Adjustment	1.7	Determination of Similar Use	1.5
Sensitive Lands Development Permit	X	Modification to Previous Approval	2012
Site Development Review		Pre-Application Conference	
Conditional Use			
THE ILLO GLOGINA		2 11-	

Floodphin wetlands SteepSlopes FisheRiparian Corridor

Requirements for each specific type of application will be attached	ed to this form and constitute part of the application packet.
Applicant: David Weekley, Homes	Owner: BUXton Family Investments, LLC
Mailing Address: 1905 NW 169th Place	Mailing Address: PO Box SO3069
Suite102	
City Beaverton State OR Zip 97006	CityWhiteCity_State OR Zip 97503
Phone: 503 -213-4403 Fax:	Phone: 541-930-1333_Fax:
Email: <u>Spulso dwhomes.com</u>	Email: chip. buxton @ gmail.com
Property Address or Location: South of JP West Rodd a	cross for Captain Roger Kikern Way
Columbia County Tax Account Number: 3212-CB	-0041

A Legal Description of the Property must be attached.

A pre-application conference may be required depending on the type of application. Confirm with City Planner.

I certify that this application and its related documents are accurate to the best of my knowledge. I understand that the signature on this application authorizes the City and its agents to enter upon the subject property to gather information pertinent to this request.

Signature of Applicant (required)

Signature of Property Owner (required)

To be completed by City Staff:

Date application was submitted: Amount of Fee paid: Receipt Number:

Before this application will be processed, the Planner must certify that all applicable items are included and the application is complete. Date application accepted as complete:

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CITY OF SCAPPOOSE

Planning Department52610 NE 1st Street, Suite 120Mailing address: 33568 E. Columbia Avenue, Scappoose, OR 97056Phone: (503) 543-7184fax: (503) 543-5679

CHECK THE TYPE OF APPLICATION YOU ARE APPLYING FOR:			
Development Code/ Comprehensive Plan Text Amendment		Variance (Major or Minor)	
Comprehensive Plan Map Amendment		Sign Permit	
Zone Change		Temporary Commercial Use	
Annexation		Vacation (Street or Easement)	
Subdivision		Public Land Tree Removal	
Partition (Major or Minor)		Type II Home Occupation	
Property Line Adjustment		Determination of Similar Use	
Sensitive Lands Development Permit	Х	Modification to Previous Approval	
Site Development Review		Pre-Application Conference	
Conditional Use			
Floodphin wetlands Steep Slopes, Fish & Ripan	rian	Corridor	

Requirements for each specific type of application will be attached to this form and constitute part of the application packet. Property Owner: BUXtori Family Investments, LH Applicant David Weekley Homa

Approant. Toolo tolo tole a legs I tomes	Child Porter Damilia - Thesine 1. 2.
A A A A A A A A A A A A A A A A A A A	Mailing Address: PO Box S03069
Suite 102	2
City Beaverton State OR Zip 97006	CityWhiteCity_ State OR Zip 97503
Phone: 503 - 213 - 4403 Fax:	Phone: 541-930-1333 Fax:
Email: <u>Spuls@dwhomes.com</u>	Email: chip.buxton @ gmail.com
Property Address or Location: Swth of JP West Rodd a	
Columbia County Tax Account Number: 3212-CB	

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I certify that this application and its related documents are accurate to the best of my knowledge. I understand that the signature on this application authorizes the City and its agents to enter upon the subject property to gather information pertinent to this request.

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____ Amount of Fee paid: _____ Date application was submitted:

Receipt Number:

Before this application will be processed, the Planner must certify that all applicable items are included and the application is complete. Date application accepted as complete:

R:\PLANNING\FORMS \APPLICATION FOR LAND USE APPROVALUPDATING2.DOC

AFFIDAVIT CERTIFYING STEEP SLOPE

Pursuant to Scappoose Municipal Code 17.86.030, this affidavit declares that the applicant has no knowledge that sensitive areas on the development proposal site have been illegally altered, and that the applicant previously has not been found in violation of sensitive area regulations for any property in Columbia County.

_ day of TE Sware , 20 22 DATED this Applicant:

STATE OF OREGON

) Dated: 2/22/22

) ss COUNTY OF Washington

Personally appeared the above named and acknowledged the foregoing instrument to be their voluntary act.

Before me:

OFFICIAL STAMP YVONNE L TROUTMAN NOTARY PUBLIC-OREGON COMMISSION NO. 972247 MY COMMISSION EXPIRES FEBRUARY 28, 2022

Notary Public for Oregon

Exhibit 3

CITY OF SCAPPOOSE LAND USE REVIEW APPLICATION FOR:

Buxton Ranch 48-Lot Subdivision with Planned Development Review, Conditional Use Permit, Sensitive Lands Review and Phased Platting

Tax Lot 401, Map 3N2W 12CB

(Revised) August 8, 2022

APPLICANT: David Weekley Homes 1905 NW 169th Place, Suite 102 Beaverton, OR 97006 Contact: Steve Puls Phone: 503-213-4403 Email: SPuls@dwhomes.com

OWNER: Buxton Family Investments, LLC PO Box 503069 White City, OR 97503 Contact: Chip Buxton Email: chip.buxton@gmail.com

APPLICANT'S REPRESENTATIVE: Pioneer Design Group, Inc., Planning, Surveying, Civil Engineering 9020 SW Washington Square Road, Suite 170 Portland, OR 97223 Contact: Matthew L Sprague, Principal Phone: 503-643-8286 Email: msprague@pd-grp.com



9020 SW Washington Square Rd Suite 170 Portland, Oregon 97223 p 503.643.8286 f 844.715.4743 www.pd-grp.com

FACT SHEET

Project Name:	Buxton Ranch
Proposed Actions:	Subdivision, Planned Development, Conditional Use, Sensitive Lands Review for Floodplain, Wetlands, Slope Hazards and Fish & Riparian Corridor.
Tax Map/Lots:	Tax Lot 401, Map 3N2W 12CB
Site Size:	Approximately 17.31 acres, or 753,950 square feet, per survey
Location:	No address assigned
Zoning:	R1, Low Density Residential

APPLICANT:

David Weekley Homes 1905 NW 169th Place, Suite 102 Beaverton, OR 97006 Contact: Steve Puls Phone: 503-213-4403 Email: spuls@dwhomes.com

APPLICANT'S REPRESENTATIVE:

Pioneer Design Group, Inc. Planning, Surveying, Civil Engineering 9020 SW Washington Square Road, Suite 170 Portland, OR 97223 Contact: Matthew Sprague, Principal Phone: 503-643-8286 Email: msprague@pd-grp.com

Environmental Science & Assessment, LLC Biologists 107 NE Washington Street, Suite 249 Portland, OR 97214 Contact: Jack Dalton Phone: 503-478-0424 Email: Jack@esapdx.com

<u>Kittleson & Associates</u> 851 SW 6th Avenue, Ste 600, Portland, Oregon 97204 Matt Bell 503-228-5230 <u>mbell@kittelson.com</u>

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004

OWNER:

Buxton Family Investments, LLC PO Box 503069 White City, OR 97503 Contact: Chip Buxton <u>chip.buxton@gmail.com</u>

West Consultants, Inc. Hydraulic Analysis 2601 25th Street SE, Suite 450 Salem, OR 97032-1286 Erik McCarthy, PE 503-485-5490 emccarthy@westconsultants.com

GeoPacific Engineering, Inc.

Geotechnical Engineer 14835 SW 72nd Avenue Portland, OR 97224 Beth K. Rapp C.E.G. 503-598-8445 brapp@geopacificeng.com

GENERAL INFORMATION & PROJECT DESCRIPTION

The subject property is specifically identified as Tax Lot 401, Map 3N2W 12CB. The lot contains approximately 17.31 acres, or 753,950 square feet and is zoned R-1, Low Density Residential by the City of Scappoose, Oregon. The property is currently vacant.

Pioneer Design Group is representing the applicant, David Weekly Homes, regarding a proposed Planned Development in the City of Scappoose, Oregon.

The applicant is proposing a 48-Lot Planned Development to be named Buxton Ranch and the design was based on specific project goals in mind based upon existing site conditions to achieve a place people will enjoy living and recreating.

The Goals and Objectives of this planned development are as follows:

- 1. Take advantage of and protect the sensitive environmental, visual and recreational values of South Scappoose Creek and wetlands on the property.
- 2. Provide a quality subdivision for single family homes, with recreational amenities for residents and the public to enjoy.
- 3. Maintain floodplain storage capacity with balanced cut/fill, while ensuring the home sites and adjacent properties are safe from flooding.
- 4. Create useable recreational open space and enhance the overall visual and recreational quality of the development with a combination of parks and open spaces with quality landscaping.
- 5. Accommodate a housing type and size that provides options for the local community, is affordable and provide opportunities for next generations of Scappoose residents.
- 6. Accommodate future development via extension of the public street.

There is floodplain area within the property associated with South Scappoose Creek, which runs along the eastern boundary of the site. In October 2019, West Consultants, Inc. filed a LOMR (File 21-10-0251P) requests revision of the Effective FIRM Maps (41009C0444D & 41009C482D), by correcting the Base Flood Elevation on the subject property and others along South Scappoose Creek. The LOMR became effective April 21, 2021.

West Consultants, Inc. has filed a Conditional Letter of Map Revision, based on Fill (CLOMR-F) with FEMA, for the proposed Preliminary Plat and Grading Plan. Based on the LOMR, in December 2020, West Consultants, Inc. filed a CLOMR for the preliminary subdivision design for Buxton Ranch, a 48-Lot Planned Development Subdivision.

Prior to the submittal of the CLOMR to FEMA, the applicant was required to obtain approval of the CLOMR through the City's CLOMR review process. This approval by the City was January 26, 2022.

Existing Conditions

This property is located on the south side of SW J. P. West Road, between SW 4th Street and SW Jobin Road. The property is zoned R-1, Low Density Residential by the City of Scappoose. This property is currently vacant, except for an old barn/storage building. Cattle have recently been grazed on the site as well.

Surrounding land uses to the northwest, west and south, are zoned R-1. East of the site, properties are zoned R-4, A-1 and PL-U (Public Lands – Utility), and north of the site property is zoned PL-R (Public Lands – Recreational. There is a variety of varying zoning designations surrounding to the project site.

Topography and Natural Features

The topography of the site generally slopes from west to east downward towards South Scappoose Creek which flows along the eastern portion of the site. A small stream flows from off-site in the southwest in an easterly direction where it flows into South Scappoose Creek.

The elevations along the northern portion of the property range from 75 feet at the northwest corner to 50 feet at top of bank of South Scappoose Creek. In the southern portion the elevation at the southwest corner, adjacent to Tax Lot 2000 is 108 feet, sloping to the east 50 feet at South Scappoose Creek. Slopes on site range from 1.5% to 27%.

An environmental assessment prepared by Environmental Science & Assessments (ES&A) identified six (6) wetlands totaling approximately 1.22 acres and one unnamed stream in addition to South Scappoose Creek. The wetlands on-site were mostly vegetated and part of managed plant communities. Wetlands A, B, and C are located near the western property boundary and extend off-site to the west. Wetland D is located in the southwestern portion of the study area and extends off-site to the west and south. Wetlands 1 is located in the northern part of the study area and Wetland 2 is located in the southern part of the study area.

A small stream originates in the southwestern portion of the study area at a culvert outfall from Wetland C and flows southeast and east to a wetland associated with Scappoose Creek. A wetland concurrence of the delineation was issued by Department of State Lands (DSL) on September 26, 2019 (WD#2019-0404).

South Scappoose Creek flows north/south along the eastern boundary of the site. The SBWC South Scappoose Creek restoration project within the eastern portion of the Buxton parcel was part of a larger restoration project for South Scappoose Creek (Waterways 2018). The Buxton Ranch parcel is located within Management Zone H.

The SBWC South Scappoose Creek restoration project activities were designed to retain existing forest cover along the existing South Scappoose Creek channel to allow more channel flow capacity and to restore stability along the most eroded portions of the stream segment. The project restored the western bank of the creek in two areas and created inset floodplain side channels in two other areas.

Floodplain Revision and Fill

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004

LOMR

In October 2019 West Consultants, Inc. processed a LOMR (Case # 21-10-0-251P). The LOMR was issued by FEMA on November 30, 2020 and became effective April 19, 2021.

The LOMR was filed to account for multiple projects that have modified the hydraulic conditions with the study reach since the effective FEMA (November 2010) modeling was conducted. These projects include a JP West Road Bridge replacement in 2014; a floodplain restoration project in 2018; a park construction north of JP West Road between 2006 and 2010, and the recent floodplain restoration on Scappoose Creek which reconnected portions of the floodplain to the channel, stabilized scour prone banks, and established additional riparian vegetation.

The LOMR filed by West Consultants revises the Base Flood Elevations as reflected in the Effective FIRM Maps (41009C panels 0444D and 0482D), dated November 26, 2010, as follows:

The revision to the FIRM results in widening and narrowing of the base flood elevation (1% annual chance) (Zone AE) floodplain for South Scappoose Creek. The maximum widening of 85 feet occurs at a point approximately 1,900 feet upstream of SW EM Watts Road while the maximum narrowing of 950 feet occurs at a point near SW Maple Street.

The LOMR also revises the 100-year 1-percent-annual-chance floodway, generally located between SW Linden Street and NW Laurel Street. Specifically, the floodway shall be revised from a point 1,400 feet downstream of SW JP West Road to a point 2,250 feet upstream of SW EM Watts Road. As a result of the floodway revision, the floodway widens a maximum widening of 8 feet at a point approximately 1,500 feet upstream of SW JP West Road, and narrows with a maximum narrowing of 215 feet at a point approximately 600 feet upstream of SW JP West Road.

The proposed site grading, including balanced cut/fill, expands the flood storage capacity consistent with code requirements (CLOMR-F). The subdivision project includes proposed fill of up to approximately 2508 cubic yards within the 100-year floodplain in the north end and along the eastern edge of the subdivision. This fill volume is compensated for by 2,624 Cubic yards of cut, for a net cut of 116 cubic yards.

CLOMR-F

On January 26, 2022, the applicant received City CLOMR approval permitting subsequent submittal to FEMA.

On Februa 1, 2022 West Consultants filed a CLOMR-F request to FEMA. The CLOMR-F is based on proposed balanced cut/fill and vegetation modifications anticipated for the proposed Buxton Ranch Planned Development. The updated HEC-RAS hydraulic analysis also converted the elevation data from NGVD 29 to NAVD 88 vertical datum.

The Revised Base Flood Elevation for South Scappoose Creek, as it flows through the Buxton Ranch property, ranges between 52.59 feet at river station 12956 (south end of property) to 51.98 feet at river station 11555 (north end of property), NAVD 88, per Table 2 West CLOMR-F

report. The applicable maps are FEMA FIRM 41009C panels 0444D and 0482D. The West Hydraulic Analysis is attached hereto.

There are seven areas within the subject property where the CLOMR-F is applicable.

Supporting Documents

- Map Panel Title page, Table # and flood profile sheet are attached, see Notebook Index Tab.
- Letter of Determination from the Corps/DSL, see Notebook Index Tab
- Endangered Species Act (ESA), see Notebook Index Tab.
- ESA Wetland Delineation, see Notebook Index Tab.
- DSL Letter of Concurrence Wetland Delineation, see Notebook Index Tab.

PROPOSED DEVELOPMENT

David Weekly Homes is proposing a 48-Lot Planned Development with a Subdivision as reflected on the Preliminary Plat. Additional applications include Conditional Use, Sensitive Lands Review and Phased Platting. The project will be known as "Buxton Ranch". The Planned Development, includes floodplain encroachments (cut & fill) as shown on the attached Floodplain Cut & Fill Exhibit (Sheet 1 of 1) and Cut/Fill Report. The resultant floodplain and resource lands will then be preserved within open spaces to both protect them and to provide recreational opportunities to residents and the community at large.

COMPLIANCE WITH COMPREHENSIVE PLAN

At the Pre-Application Conference the City identified the following Plan Policies that must be addressed with this application:

- 1. Policies for Public Facilities and Services: 4 & 10;
- 2. Transportation Policies: 2.7, 3.5, 3.7, 4.7 & 5.7;
- 3. Housing Policies: 2 & 8;
- 4. Natural Factors and Local Resources Policies: 9 & 15;
- 5. Policies for the Suburban Land Use Designation: 3, 4 & 5; and
- 6. Policies for Hazard Areas: 1

Generally, the applicant believes that these Policies are appropriately implemented through the standards in the Development Code, and that compliance with the Development Code, as addressed herein, satisfies compliance with the Comprehensive Plan. Even so, the following responses are provided to demonstrate compliance with the Comprehensive Plan.

Policies for Public Facilities and Services It is the policy of the City of Scappoose to:

4) Require in new developments that water, sewer, street and other improvements be installed as part of initial construction. (Ord 672, 1998)

RESPONSE: The Proposed Development Plans provide for the construction of necessary water, sewer, streets and other public facilities consistent with this Policy.

10) Require new developments to provide adequate drainage at time of initial construction in accordance with the Scappoose Storm System Master Plan while discouraging the alteration of streams, the drainage of wetlands that are identified as significant and the removal of vegetation beside streams. Natural drainage ways shall be used to carry storm water runoff whenever possible. (Ord 694, 1999)

RESPONSE: The proposed development provides a complete storm drainage system designed in accordance with the Scappoose Strom System Master Plan. The City Engineer will complete review of the proposed development for continued compliance with the Plan.

No streams are proposed to altered in course and wetlands are proposed to be protected. As part of the flood plain alteration through the CLOMR permitting process, some removal of vegetation beside South Scappoose Creek and the southern unnamed tributary will occur. Although this is discouraged, in this case, the area will be completely replanted and the native vegetation area widened resulting in an improved overall resource and better natural habitat for fish and wildlife.

Drainage from the site will be collected, detained and treated before being released to flow into South Scappoose Creek which is a natural drainageway.

Goal 2: Transportation System Management. It is the goal of the City of Scappoose to emphasize effective and efficient management of the transportation system for all users.

It is the policy of the City of Scappoose to:

2.7) Ensure that land use approvals on properties including or adjacent to rights-of- way and street improvements which are less than that specified in the transportation plan and maps require: dedication of adequate land for public right- of-way to meet that specified in the plan; construction of the required interior street system; and construction of, or execution of a non-remonstrance deed restriction for the specified street improvements immediately adjacent to the properties.

RESPONSE: The proposed development plans provide for the dedication of additional right-ofway to meet the Neighborhood Route standards for J. P. West Road. The plans also provide for the dedication of an internal local street (Eggleston Lane).

Goal 3: Travel Choices. It is the goal of the City of Scappoose to develop and maintain a well- connected transportation system that offers convenient and available pedestrian, bicycle and transit trips.

It is the policy of the City of Scappoose to:

3.5) Require sidewalks on all new streets within the Urban Growth Boundary and that these facilities be designed to the standards in the City's adopted Transportation System Plan.

3.7) Ensure that new development and redevelopment provide pedestrian connections within the site and to adjacent sidewalks, existing and planned developments, and transit streets and facilities.

RESPONSE: The proposed development plans provide for sidewalks adjacent to and throughout the development connecting to existing sidewalk systems consistent with this Policy.

Goal 4: Economic Vitality. It is the goal of the City of Scappoose to support the development and revitalization efforts of the City, Region, and State economies and ensure the efficient movement of people and goods.

It is the policy of the City of Scappoose to:

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 4.7) Require that proposed land developments mitigate adverse traffic impacts and ensure that all new development contributes a fair and proportionate share toward on-site and off-site transportation system improvements.

RESPONSE: The Traffic Impact Analysis submitted demonstrates that no adverse traffic impacts will occur as a result of this development. The development is making half street improvements along frontage areas, dedicating right-of-way as well as constructing off-site frontage requirements along JP West Road. Additionally, internal streets are being constructed in accordance with city standards. The proposed improvements therefore are contributing a fair and proportionate share toward on-site and off-site transportation system improvements.

Goal 5: Livability. It is the goal of the City of Scappoose to provide transportation solutions that support active transportation, facilitate access to daily needs and services, and enhance the livability of the City's neighborhoods and business community. It is the policy of the City of Scappoose to:

5.7) Enhance the aesthetics of all streets and roadways through planting and maintenance of street trees.

RESPONSE: The proposed development plans provide for street trees consistent with this Policy.

Policies for Housing It is the policy of the City of Scappoose to:

2) Ensure that newly developed housing adjacent to or within Sensitive Lands receive the appropriate development permit.

RESPONSE: This application process is the very process by which the appropriate City development permits are obtained regarding sensitive lands. Additionally, all required State and Federal Permits and subsequent City Engineering approvals to finalize the required permitting for actual construction will be completed. Subsequent to construction of the subdivision, the final permit will be a Letter of Map Revision from FEMA thereby completing all permitting requirements for sensitive lands.

8) *Ensure* that subdivisions provide all necessary public services paid for by the developer.

RESPONSE: The developer is paying for all necessary public service improvements related to this development consistent with this Policy.

Policies for Natural Factors and Local Resources It is the policy of the City of Scappoose to:

9) Work with Department of Fish and Wildlife to conserve substantial fish and wildlife habitats.

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004

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RESPONSE: The proposed development has been and will continue to be reviewed in coordination with the Oregon Department of Fish and Wildlife with the goal to conserve and improve substantial fish and wildlife habitats. In a letter from Monica R. Blanchard of ODF& W dated August 29, 2019, she noted: "The riparian area, wetlands, and South Scappoose Creek are the most sensitive habitats and provide the highest quality cover and refuge for native species in the area of the project: protection and enhancement of these areas is our primary concern at this site. We appreciate the efforts to minimize wetland disturbance, add additional riparian vegetation and avoid construction in the stream corridor."

The project overall is going to improve the stream corridor including areas outside of the City's required buffering for streams and wetlands. Storm drainage will be treated and detained prior to release into the creek to ensure run-off won't adversely affect the stream corridor and native species.

15) Comply with applicable State and Federal environmental regulations.

RESPONSE: This application has been prepared and will be reviewed by in accordance with all applicable State and Federal environmental regulations consistent with this Policy.

Policies for the Suburban Residential Land Use Designation It is the policy of the City of Scappoose to:

3) Promote the development of homesites at a density and standard consistent with the level of services that can reasonably be provided, and the characteristics of the natural environment.

RESPONSE: The proposed Buxton Ranch development provides homesites in accordance with those allowed within the R-1 density standards with the flexibility allowed through the Planned Development procedures and standards. The development is adequately supported by necessary public services as demonstrated in the application. The characteristics of the natural environment surrounding the developed areas on site are being preserved and/or improved with new additional plantings. The result overall is a project with homesites consistent with the level of services that can be provided while preserving, protecting and enhancing the natural environment.

4) Review diligently all subdivision plats to ensure the establishment of a safe and efficient road system.

RESPONSE: The proposed street system is designed consistent with City standards to ensure an appropriate safe and efficient road system. This Compliance Narrative is supported by a Traffic Impact Analysis that demonstrates the proposal will not significantly affect any existing transportation facility.

5) Encourage developers to allocate land for open space or recreation in their subdivisions.

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 **RESPONSE:** The subject site contains significant natural resources and the development has been designed to set aside, protect and enhance these resources within open space tracts. Additionally, other open space areas and amenities are proposed outside of resource areas including a park located within Tract A with a picnic table and overlook area to the wetlands in Tract B. Within Tract D, a compacted gravel pathway is proposed along the outer edges of the drainageway. The pathway will be open to the public and act as an extension of the pathway system in JP West Park extending from the north end of the proposed storm facility in Tract C southward behind lots and back out to the public street.

Policies for Hazard Areas

1) Prohibit development on lands within the 100-Year Floodplain, on slopes exceeding 20 percent, on lands with recognized drainage problems, and on lands with soils classified by the SCS as having severe building constraints, unless a showing that design and construction techniques can eliminate potential loss of life and property, specifically:

A) All development within the 100-Year Floodplain shall conform to the standards set by HUD, and the proposal for development shall be approved by the City Engineer.

B) All development plans on slopes greater than 20 percent shall be reviewed and approved by the Superintendent of Public Works.

C) All development plans on lands with recognized drainage problems shall be reviewed and approved by the Superintendent of Public Works.

D) All development plans on lands with suspect soils shall be submitted with a report from a soils geologist attesting to the safety of the plans, and then shall be reviewed and approved by the City Engineer

RESPONSE: There is floodplain on this property, along with wetlands and slopes exceeding 15%. The applicant has provided a Slopes Analysis, together with a geo-technical analysis, which guided the design to ensure appropriate floodplain protection and slope stability. The application includes appropriate Sensitive Environmental Reviews consistent with this Policy.

CONCLUSION – Comprehensive Plan

Based on the Responses provided above, and within the Code Compliance section of this Compliance Narrative, the applicant has demonstrated compliance with the applicable Comprehensive Plan Policies.

CODE COMPLIANCE

Chapter 17.01 INTRODUCTION

Sections: 17.01.010 Title. 17.01.020 Purpose. 17.01.030 Severability. 17.01.040 Pre-existing approvals. 17.01.050 Interpretation. 17.01.060 Right-of-way dedications and improvements. 17.01.070 Fees.

17.01.020 Purpose. As a means of promoting the general health, safety and welfare of the public, this title is designed to set forth the standards and procedures governing the development and use of land in Scappoose and to implement the Scappoose comprehensive plan. (Ord. 634 §1 Exh. A (part), 1995)

17.01.060 Right-of-way dedications and improvements. Upon approval of any development permit or any land use approval of any property which abuts or is served by an existing substandard street or roadway, the applicant shall make the necessary right-of-way dedications for the entire frontage of the property to provide for minimum right-of-way widths according to the city's public works design standards and shall improve the abutting portion of the street or roadway providing access to the property in accordance with the standards in Chapter 17.154. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: JP West Road abuts the project site's northern boundary and is substandard for right of way width and improvement. Upon approval of the final plat, JP West Road will have a 10 foot dedication to ensure the entire frontage of the property provides the required right of way widths in accordance with the city's public works design standards. Prior to final plat approval and recording, the abutting portion of JP West Road will be fully improved in accordance with the city's public works design standards.

Chapter 17.22 AMENDMENTS TO THE TITLE, COMPREHENSIVE PLAN, AND MAPS

17.22.010 Purpose. The purpose of this chapter is to set forth the standards and purposes governing legislative and quasi-judicial amendments to this title, the acknowledged comprehensive plan, and the related maps. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law. (Ord. 828 2013; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant is requesting that this subdivision be reviewed under the Planned Development provisions of the Code. The Planned Development Overlay is approved as a Zone Change, which requires compliance with this Chapter.

17.22.030 Quasi-judicial amendments. Quasi-judicial amendments shall be in accordance with the procedures set forth in Chapter 17.162 and the following:

A. The commission shall make a recommendation to the Council to approve, approve with conditions or deny an application for a quasi-judicial comprehensive plan map amendment or zone changes.

B. The council shall decide the applications on the record. *C.* A quasi-judicial application may be approved, approved with conditions or denied. (Ord. 828 2013; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The Planned Development Overlay is a quasi-judicial review, which requires Planning Commission and City Council action.

17.22.040 Approval criteria. Planning commission review and recommendation, and Council approval, of an ordinance amending the comprehensive plan, the zoning map, or this title shall be based on the following criteria:

A. If the proposal involves an amendment to the comprehensive plan, the amendment is consistent with the Statewide Planning Goals and relevant Oregon Revised Statutes and Administrative Rules;

B. The proposal is consistent with the comprehensive plan (although the comprehensive plan may be amended concurrently with proposed changes in zoning or this title), the standards of this title, or other applicable implementing ordinances;

C. The change will not adversely affect the health, safety, and welfare of the community;

D. The proposal either responds to changes in the community or it corrects a mistake or inconsistency in the comprehensive plan, the zoning map, or this title; and

E. The amendment conforms to Section 17.22.050. (Ord. 828 2013)

RESPONSE: This proposal does not amend the Comprehensive Plan. Therefore, Sub-A is not applicable.

The proposed Planned Development (PD) (zone change) is consistent with the comprehensive plan, and the zone change will not adversely affect the health, safety, and welfare of the community. The applicant's team has completed analysis of the storm system, floodplain, geotechnical conditions, traffic, sensitive lands and natural resources. The streets and utilities are being designed to City standards and all Fire Marshall requirements are met with the plan. No report or review has demonstrated that the zone change to allow a Planned Development will adversely affect the health, safety, and welfare of the community so long as the requirements of those reports are implemented as planned. The planned streets and trail system along with the vast open spaces are an asset to the community. The streets and trails will increase health and welfare by providing opportunities for active and passive recreation in a safe environment. Additionally, by clustering homes, it provides better opportunities for neighbor interaction and security with "eyes on the street" and other public spaces. The PD zoning overlay allows for flexibility in design thereby allowing for better accommodation of the floodplain and sensitive lands within the subject property, while maintaining compliance with the allowed density under the PD code.

The proposal for a zone change goes hand in hand with an application for a Planned Development. This proposal responds to changes in the community by providing both needed housing as well as a housing type less available in the City of Scappoose. Single family detached small lot housing is not readily available within the City and providing this type of housing results in many benefits. It may permit move up opportunities from multi-family housing or encourage young residents to remain local. Additionally, with the smaller yards and less maintenance, it affords those with limited abilities or desires to overspend their time upkeeping landscaping typical of larger lots.

The Planned Development Overlay is approved as a Zone Change. Consequently, this proposal is not responding to changes in the community, nor is it correcting a mistake or inconsistency in the comprehensive plan. Rather, the proposed Planned Development Overlay is simply amending the zoning map. Compliance with Section 17.22.050 is addressed in the following Response.

17.22.050 Transportation planning rule compliance. Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and the applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law. (Ord. 828 2013)

RESPONSE: The proposed Planned Development Overlay is supported by a Traffic Impact Analysis that demonstrates the proposal will not significantly affect any existing transportation facility.

Chapter 17.44 17.44.010—17.44.030 R-1 LOW DENSITY RESIDENTIAL Sections: 17.44.010 Purpose. 17.44.030 Permitted and Conditional uses.

17.44.050 Dimensional requirements.

17.44.010 Purpose. The R-1 zone is intended to provide minimum standards for residential use in areas of low population densities. (Ord. 868, 2018; Ord. 634 §1 Exh. A (part), 1995)

17.44.030 Permitted and Conditional uses.

RESPONSE: Single family detached housing as proposed is an outright allowed use within the district.

17.44.050 Dimensional requirements. Dimensional Requirements Requirement1

Minimum lot area Single-family detached:

- Six thousand (6,000) square feet outside the Scappoose Creek Flood Plain;
- Twenty thousand (20,000) square feet when a structure is located in the Scappoose Creek Flood Plain

RESPONSE: The preliminary plat provides for 48 detached single family residential lots ranging in size from 3,410 to 13,083 square feet. The average lot size is 4,917 square feet. The reduction in lot sizes below 6,000 square feet is allowed through the planned development (PD) provisions. The average lot size reduction is only 18%.

Minimum lot width:

- Not be less than fifty feet, except the minimum lot width at front property line on the arc of an approved full cul-de-sac shall not be less than thirty feet.
- Flag lots shall provide a minimum of twenty-five feet of frontage along a public right-of-way.

RESPONSE: The preliminary plat creates lots that are not consistent with these lot design criteria, but otherwise allowed through the planned development (PD) provisions. Minimum lot width requested is 35 feet. There are 6 flag lots proposed each with less than 25 feet of frontage as allowed to be modified through the Planned Development provisions regarding frontage.

R1, Low Density Residential

Minimum setback:

Front Yard: Front of garages or carports:	Twenty feet Twenty feet from the property line where access
Side yard:	occurs. Total a minimum of fifteen feet with one setback not less than ten feet, which shall be on the street side
Rear yard:	for corner lots. Twenty feet

RESPONSE: The Applicant is proposing to modify the front, street side and rear setbacks for yards not adjacent to the perimeter of the site. The proposed setbacks under the Planned Development provisions are as follows:

Yard	R1 Code Standard	Proposed
Front	20	12 feet
Garage/Carport	20	20 feet
Side Interior	Combined 15	5 feet (combined 10)
Side Street	10	8 feet
Rear	20	15 feet

Table 1 Setbacks (feet)

Setbacks for accessory building behind a residence:

- Side: Five feet each
- *Rear: Five feet*

RESPONSE: No accessory structures are proposed at this time nor is there a request to modify these setbacks. These criteria remain in effect and will be applicable to any future accessory structure proposed by individual home owners.

Maximum height:	Thirty-five feet
Accessory Building:	Twenty-two feet
Principal building per lot:	One
Maximum building coverage:	Thirty-five percent of the lot area

RESPONSE: The homes will be designed to comply with the maximum height requirements for the zone. Only one principal building will be constructed per lot. With revisions to setbacks and lot sizes through the Planned Development process, the applicant is requesting an adjustment to the Maximum Building Coverage standards to allow up to 55% coverage.

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CONCLUSION – R-1 Zoning

Consistent with the flexibility allowed through the Planned Development provisions, the proposed development is designed to comply with the applicable R-1 Code standards.

Chapter 17.81 PLANNED DEVELOPMENT OVERLAY (PD)

17.81.010 Purpose. The purpose of this district is to provide more flexibility in the development of land; encourage variety and creativity in the development pattern of the community; conserve natural land features; facilitate aesthetic and efficient use of open space; create public and private open space; encourage the application of new techniques and technology to community development which contribute to superior living or development patterns; use land efficiently in order to reduce the costs of housing, maintenance, street systems and utility networks; promote energy conservation and crime prevention; and relate development to the natural environment and its users. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the planning commission. For purposes of implementing these objectives, two means are available:

RESPONSE: The project site is substantially encumbered by one or more of the following constraints: floodplains, floodway, steep slopes, drainageways, wetlands and riparian corridors. With these constraints, flexibility is critical for proper development of the site. Overall, the plan implements the majority of the purpose statements for a planned development.

- The development pattern provides a variety of lot sizes and respects the boundary areas of adjacent properties.
- The natural features of the site are protected, preserved and enhanced.
- Open space areas are provided throughout the project site adding aesthetic value not just to the development but the community as a whole.
- The plan proposes both public and private open space. The public amenity proposed is a compacted gravel trail along the outside of the South Scappoose Creek riparian corridor essentially expanding the trail system already developed as a part of Scappoose Veterans Park.
- New techniques and technology are utilized throughout the development and in particular the home construction which result in a superior living arrangement.
- The land is being utilized in a most efficient manner by clustering the density within developable areas of the site and protecting, preserving and enhancing natural features. By utilizing the Planned Development process and reducing overall average lot sizes, smaller, more affordable housing can be provided. These lots with a narrower street frontage compared to the based zone standard require less length in the way of streets and utilities. This also reduces the cost on a per unit basis for maintenance of these facilities.
- The homes will be constructed with energy efficient systems and products to promote reduced energy consumption. The reduced front setbacks allow for better "eyes on the street" for enhanced crime protection.

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• The natural environment surrounding the home sites provide visual amenities for the residents and community. Sidewalks and trails enhance the utilization of the natural environment being protected in open space areas.

A. The property owner or his or her representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances that it will be carried out in accordance with the procedures set forth in Section 17.81.060; or

RESPONSE: The applicant, David Weekly Homes, is proposing a 48-Lot Subdivision of this property to be named "Buxton Ranch". The owner of the property has signed the application as well. The applicant has submitted an acceptable plan and satisfactory assurances that it will be carried out in accordance with the procedures set forth in Section 17.81.060.

B. The property owner of a particular parcel, the planning commission, or the city council may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. A planned development overlay initiated by the commission or council shall address itself to the purposes set forth herein: a planned development overlay may be approved under these circumstances for a property that has unique characteristics (for example, having geological, ecological or archeological significance), and the development of which may have a significant impact upon the surrounding area or the city as a whole due to its scope, potential housing or employment density, and anticipated traffic generation. However, the commission and council shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted. (Ord. 868, 2018; Ord. 717 §1 (part), 2002)

RESPONSE: The applicant has submitted a development plan and therefore this criterion is not applicable.

17.81.020 Applicability.

A. Commercial, Industrial, and Residential. The planned development process may be applied in any zone to all commercial and industrial uses, all residential uses for site constructed housing, subject to requirements of the underlying district, the land division regulations, and sections 17.81.040 and 17.81.050 of this chapter. In the R-1 zone, the planned development overlay shall be processed as a Conditional Use.

B. Manufactured Homes. The planned development process may also be applied to manufactured home subdivisions in the MH and A-1 residential districts, subject to the requirements of the underlying district and this code. (Ord. 868, 2018; Ord. 737 §1, 2003; Ord. 717 §1 (part), 2002)

RESPONSE: The subject property is zoned for low density residential R-1. The applicant is proposing site-constructed detached homes. No manufactured homes are proposed. Therefore, as a Planned Development, this application will be processed as a Conditional Use, per 17.81.020.A.

17.81.030 Permitted uses.

A. For residential districts:

1. Uses permitted in the underlying district;

2. Housing concepts may include, but are not limited to, single-family residences, duplexes, row houses, townhouses, cluster units, multiple-family dwellings or manufactured homes;

3. Related commercial uses as part of the development;

4. Related public lands uses designed to serve the development;

5. Accessory buildings and uses, not to exceed twenty-five percent of the lot area of the principal use.

B. For commercial and industrial districts:

1. Uses permitted in the underlying district;

2. Public lands uses;

3. Other uses approved as part of the general plan;

4. Accessory buildings and uses, not to exceed twenty-five percent of the lot area of the principal use. (Ord. 868, 2018; Ord. 717 §l(part), 2002)

RESPONSE: The applicant is proposing detached single-family homes, which are a permitted use in the R-1 zone. No commercial or industrial uses are proposed.

17.81.040 Dimensional standards.

A. Lot Width, Depth, Coverage, Setback and Frontage Requirements. Minimum lot size, width, depth, coverage, setback and frontage requirements for lots in a planned development may be less than the minimums specified in the underlying district if in accordance with the approved general plan and the density standards of this section.

RESPONSE: The applicant is requesting reductions to the minimum Lot Area, Width, Frontage, (including width of a Flag Lot at the public street), Front Setback, Side Setback, Street Side Setback and Rear Setback. Additionally, Lot Coverage is proposed to increase. Requested adjustments are noted below.

REQUESTED ADJUSTMENTS

<u>Base Zone Standards</u> Lot Area = 6,000 Lot Width = 50 feet Lot Width for Flag Lot = 25 Feet Front Setback = 20 feet Garage Setback = 20 feet <u>Requested Adjustments</u> Minimum Lot area = 3,410 Lot Width = 35 feet Lot Width for Flag Lot = 12 feet Front Setback = 12 feet No Adjustment Requested

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Side Setback = Combined 15 feet Street Side Setback = 10 feet Rear Setback = 20 feet Lot Coverage = Max 35% Side Setback = 5 feet (combined 10 feet) Street Side Setback = 8 feet Rear Setback = 15 feet Lot Coverage = Max 55%

Lot Area - The preliminary plat provides for detached single family residential lots ranging in size from 3,410 to 13,083 square feet. The average lot size is 4,908 square feet which is an average reduction of only 18 percent.

The adjustments requested result in development that remains in accordance with the general plan and density standards of this section. The density calculations for the project permit 46 units to be constructed and the Planned Development criteria under criterion C.3 below permits an increase of up to 25% in the number of dwelling units that may be permitted based on specified findings. The applicant is proposing 48 dwellings which represents only a 4% increase in the number of dwelling units permitted under the R-1 standards.

An increase of up to twenty-five percent in the number of dwelling units may be permitted upon a finding by the planning commission that such increased density will contribute to

B. Minimum Site Size. A planned development shall be established on a parcel of land that is suitable for the proposed development, and shall not be established on less than four acres of contiguous land, unless the planning commission finds that property of less than four acres is suitable as a planned development by virtue of its unique character, topography or natural features, or by virtue of its qualifying as an isolated problem area as determined by the planning commission. (Ord. 868, 2018; Ord. 737 §2, 2003; Ord. 717 §1 (part), 2002)

RESPONSE: The subject site contains 17.31 acres. This site is sufficiently large enough to accommodate a residential development while appropriately protecting and enhancing the topography and natural features of this property including South Scappoose Creek. Therefore, this site is suitable for a planned development.

17.81.050 General requirements.

A. Compatibility with Neighborhoods.

1. The planned development shall present an organized arrangement of buildings, facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to ensure compatibility with the comprehensive plan and the area in which it is to be located.

2. Peripheral yards of a planned development site shall be at least as deep as those required by the yard regulations of the adjoining district, unless the planning commission finds that equal protection will be accorded through specific features of the approved plan.

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RESPONSE: The subject property is surrounded by lands zoned R-1 to the north, west and south. There is a City Park (Scappoose Veterans Park) to the north across SW JP West Road. Lands to the west, across South Scappoose Creek, are zoned A-1.

The preliminary plat provides for a well, organized layout of streets, pathways, open space and cluster of residential lots while incorporating the natural features of the property, in particular South Scappoose Creek. The smaller lots proposed are relegated to the interior area of the project site. The perimeter lots along the west boundary have lot sizes that generally exceed the R-1 standards consistent with abutting lots to the west, which are also within the R-1 zone, thereby complying with these criteria.

Peripheral yards abutting proposed lots are all located along the west and north boundaries of the project and the zoning of adjacent properties abutting proposed lots is also R-1. As such, and as shown in the plans, these yards will be at least as deep as those required by the yard regulations of the adjoining R-1 district and no requests for reductions is proposed for peripheral yards.

B. Open Space.

1. Open space in a planned development means the land area to be used for scenic landscaping, or open recreational purposes within the development. It shall not include street right-of-ways, driveways or open parking areas.

RESPONSE: The open space areas within the planned development are specifically designated for preservation and enhancement of natural resources, scenic landscaping and open recreation purposes. The open space areas do not include any street rights-of-way, driveway or open parking areas.

Tract	Tract Land Area	
		square feet
A. Park		10,914
B. Open Space		13,902
D. Park/Open Space		298,645
E. Open Space		95,947
F. Open Space		2,734
G. Park/Stormwater		6,327
	Total	428,469

Table 2Parks and Open Spaces

The combined area of the parks and open space tracts includes 428,469 square feet, which equals 56.8 percent of the gross site area.

2. Open space shall be provided for the recreational and leisure use of the individuals occupying the planned development, and designed to enhance the present and future value of the development.

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RESPONSE: The open space areas are providing for the recreational and leisure use by individuals occupying the planned development. Some of the areas are for preservation of natural features, some for scenic landscaping some for recreational uses. More specifically, Tract A is an open space park accessible to residents which contains a picnic table overlook area. Tract D contains a compacted gravel pathway for recreational purposes which his not just available to the residents but also the public via a public access easement. Unlike a standard subdivision, the design amenities, types and location of the open space areas results in the majority of lots having frontage on an open space on at least one yard. This enhances the value of the development and ensures future value remains enhanced.

3. To the maximum extent possible, natural features of the land shall be preserved and landscaping provided.

RESPONSE: The natural features on site include South Scappoose Creek, an unnamed drainage and their associated wetlands and riparian corridors. Additionally, there are isolated wetlands within Tracts B and F which are being protected. There is very little in the way of proposed impacts to the natural features and overall, native landscaping of these areas as a result of some regrading will extend the size of and improve the overall value of the Scappoose Creek riparian corridor.

4. In order to assure that open space will be permanent, dedication of development rights to the city for other than open space use may be required.

RESPONSE: If required, development rights of the open space areas will be dedicated to the City.

5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the planning commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the city attorney.

RESPONSE: The applicant has provided draft CC&R's which guarantee and detail the maintenance of open space areas. The final documents dedicating development rights to the City and maintenance responsibilities will be finalized and submitted to the City prior to final plat recording for the City Attorney to review and approve.

6. The planning commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, the city may, at its option, cause such maintenance to be done and assess the costs to the affected property owners.

RESPONSE: The applicant understands the planning commission may require instruments of conveyance so that the City may, at its option, cause maintenance to be done and assess the costs to the affected property owners.

C. Residential Density.

1. In a residential planned development, the density permitted is the same as that of the underlying district or districts. In a mixed-use planned development, the number of allowable units is based on net residential area. The net residential area for a planned development shall be calculated by taking the total area of the development less streets, commercial, industrial, public lands and other nonresidential uses. Recreational trails and areas, and open space, etc., shall be included in the net residential area. The number of dwelling units permitted in a planned development shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts. In a commercial or expanded commercial district, multifamily densities shall be permitted where limited residential use is determined to be appropriate by the planning commission.

RESPONSE: The proposed project is a residential planned development, and as such, the density permitted is the same as that of the underlying district. The net area of the site is calculated as follows:

Gross Site Area:	753,950 square feet
-Street Rights-of-way:	71,288 square feet
-Streams, wetlands, buffers (outside of floodplain)	122,710 square feet
-Floodplain (outside of rights-of-way):	283,214 square feet
Net Area:	276,738 square feet

Adjusted Net Area: 276,738 square feet

Density

276,738/6,000 = 46.12 rounded to 46

2. Greenways, streams and steep topography areas will be counted as contributing to the density only to the extent that it can be shown, through a planning commission review, that a typical development could be accommodated on the site with realistic street configuration, grades and standard lot sizes. The number of dwellings yielded from such a tentative subdivision review process shall be used as a base in determining the overall density for the site.

RESPONSE: The applicant has prepared density calculations as demonstrated above in compliance with the city's standards as clarified in the pre-app notes in response to question 5 from the applicant.

3. An increase of up to twenty-five percent in the number of dwelling units may be permitted upon a finding by the planning commission that such increased density will contribute to:

RESPONSE: The applicant is requesting a density bonus of only four percent. The base density is 46 units. Adding 25% more dwellings would equal 11.5 additional units or 57.5 total units.

The applicant is only requesting a total of 48 units which is only 2 more units than permitted by the base density and represents only a 4 percent increase.

a. Satisfaction of the need for additional urban area housing of the type proposed;

RESPONSE: The applicant is proposing "small lot single family detached housing" as the primary housing type with some larger lot single family included primarily adjacent to neighboring properties to the west of the site. Single family detached housing is currently the most desired housing type in Oregon. This type of housing is in high demand within both Scappoose and the Metro Area. The proposed housing is more affordable than typical new R-1 housing and affordability is something that is a substantial issue throughout the area. Housing demand has increased throughout Scappoose and this type of housing is one that could be beneficial through affordability to ensure local residents and their children can afford to stay within the area.

b. The provision of housing which is convenient to commercial, employment, and community services and opportunities;

RESPONSE: The site couldn't be better situated to provide housing which is convenient to commercial, employment, and community services and opportunities. It is roughly 4 blocks to the commercial areas along Hwy 30 making it very convenient to commercial as well as employment opportunities. Additionally, Scappoose Veteran's Park is right across JP West Road from the site and the Scappoose Middle School is only 5 blocks away. As such, excellent access is provided to community services and opportunities.

c. The creation of a land use pattern that is complementary to the community and its identity, and to the community design process;

RESPONSE: The land use pattern proposed is fairly limited due to natural features on the site. For example, no street can be proposed to the east due to the intervening Scappoose Creek, its floodplain, floodway, wetlands and riparian corridor. To the west, slopes are too steep to construct public streets to connect to existing public streets and meet City design standards. This compliments those properties on the east and west sides as they had the same situation in that extensions of public streets cannot be made. There is an opportunity to connect to the south in the future. With future development to Eggleston Lane which is south of the site and will promote better connectivity within the area.

Housing types within the area vary by a great degree. Housing types nearby include large acreages with single family homes, smaller R-1 standard lots with single family homes and an apartment complex across Scappoose Creek near the site's southeast corner. Adding in the smaller lot single family detached homes complements the surrounding community by adding another housing option to those already available.

The additional housing type and proposed streets thus create a land use pattern that is complementary to the community and its identity, and to the community design process.

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d. The conservation of energy;

RESPONSE: Conservation of energy can be measured in many ways. Likewise, this proposed project conserves energy in many ways. Its more energy efficient to provide smaller lots along a public street reducing the overall costs of construction and maintenance of both streets and utilities on a per unit basis with a denser land use pattern. Energy is also conserved with the location of the site being within walking and/or biking distance from City Parks, Schools and the Commercial areas near Hwy 30. Energy consumption is reduced significantly through the use of multi-modal options and the nearby commercial and city services. Energy conservation is also now built into homes with modern and upgraded building requirements making the use of electricity and natural gas substantially more efficient and conservative.

e. The efficient use of transportation facilities; and

RESPONSE: The site's location and housing type is very efficient in terms of transportation facility use. The site is located nearby both commercial and city facilities in the nearby area including the business district along Hwy 30, Scappoose Veterans Park and Scappoose Middle School. This promotes multi-modal transportation uses including cars, bikes and pedestrians. This, on an overall basis, can result in a reduction of overall car trips in favor of convenient bike and pedestrian activities nearby.

With this housing type, you have more units along less public street frontage with direct access from the new street to a neighborhood route within 5 blocks of a State Highway. Residents can leave their home and get to schools, parks and businesses or employment quite efficiently as compared to projects further out from these convenient transportation facilities.

f. The effective use of land and available utilities and facilities.

RESPONSE: The planned development process and the project proposed allows for the preservation of natural resources and construction of community amenities while providing a small lot single family product that is needed within the community. This is a very effective use of the land.

All city and franchise utilities are directly adjacent to or already extended through the site.

No utilities have to be brought to the site which makes effective use of what is available.

Nearby streets including the adjacent JP West Road (Neighborhood Route) is only 5 blocks from a major arterial (Hwy 30). These streets will be effectively used and efficiently used by the residents of this development for the streets intended use based on their classification. No street has to be extended to provide service to the site.

Scappoose Veteran's Park is across the street from the site along JP West Road. The residents of the proposed project will have efficient access to the park and increase its effectiveness in providing this service in a direct manner to area residents.

Scappoose Middle School is another nearby facility. It's close enough to allow residents to walk or bike to and adds to the participation level of events at the school increasing the effective use of the facility.

D. Employment Density...

RESPONSE: This is a residential development. Therefore, there is no employment generated.

E. Staging.

1. The applicant may elect to develop the site in successive stages in a manner indicated in the general plan. Each such stage shall be substantially complete within itself.

2. The planning commission may require that development be done in stages if public facilities are not adequate to service the entire development initially. (Ord. 868, 2018; Ord. 717 §1(part), 2002)

RESPONSE: The applicant is proposing to stage (phase) this development for platting purposes. The construction of the development improvements will all be completed in a single stage but the plat will be a two stage (Phased) plat. The staging/phasing is indicated on Sheet 1 of the plan set. The purpose of staging/phasing is to permit part of the project to record in the Stage (Phase) I plat to allow for home construction on Stage (Phase) 1 lots while the applicant completes its final Letter Of Map Revision process with FEMA which formally modifies the floodplain maps for the project site. Public facilities are adequate to serve the entire development without phasing.

17.81.060 Procedure. An application for a planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.162 of Title 17 of the Scappoose Municipal Code. A planned development, quasi-judicial zone change, and as necessary, a quasijudicial comprehensive plan map amendment, may be processed concurrently. The fee charged for initiating a planned development overlay shall be equal to that charged for zone changes.

RESPONSE: This request for a Planned Development overlay will be heard and approved under the public hearing procedures in Chapter 17.162. All applications are being submitted for concurrent review. The applicant has submitted the required fees for the applications.

17.81.070 Approval criteria. An application may be approved, approved with conditions, or denied based upon substantial conformance with the following criteria:

A. The proposed development complies with the comprehensive land use plan and is compatible with the surrounding area or its proposed future use;

RESPONSE: The subject site is designated for low density residential development and is zoned R-1, consistent with the comprehensive plan. Housing types within the area vary by a great degree. Housing types nearby include large acreages with single family homes, smaller R-1

standard lots with single family homes and an apartment complex across Scappoose Creek near the site's southeast corner. Adding in the smaller lot single family detached homes complements the surrounding community by adding another housing option to the many already available.

Additionally, the design includes larger lots on the western border of the site which are more similar to offsite properties to the west. The smaller homes are primarily internal to the site. As such, the proposed development is designed to be compatible with the existing surrounding residential neighborhoods.

B. That exceptions from the standards of the underlying district are warranted by the design and amenities such as usable common open space, cluster development, etc.;

RESPONSE: The applicant is requesting exceptions from the standards of the underlying R-1 district. In so doing, the applicant has designed amenities throughout the site. The smaller units have been clustered towards the center of the site with larger lots along the west and north property lines.

In recognition to the site's location across from Veterans' Memorial Park, the design is intended to extend the amenities provided by the park which has a robust pedestrian circulation system. This is done through the construction of a compacted gravel trail starting near the intersection of JP West Road and the proposed Eggleston Lane extension. The trail then extends into Tract D which is a 6.86 Acre open space tract protecting the creek, wetlands 1 and 2 as well as buffer areas. This park is proposed to be named "Greg Buxton Park". The trail extends south from its starting point following along the eastern edge of the Scappoose Creek riparian corridor and connects back to Eggleston Lane south of Lot 18. There is also a connection between the trail and Eggleston Lane between lots 28 and 33. These connections create two loops with the public sidewalk system and extends the public pedestrian system substantially further south. The trail is open to the public, will contain entry signage, and contains a public access easement rather than proposing it as a private trail. It's the applicant's belief that the public should benefit from the experience of being able to walk along the riparian corridor and enjoy the natural features associated with it. The area adjacent to the pathway will be replanted in native plant materials and the riparian corridor will be widened in areas beyond the City's standard requirements to increase the public's enjoyment of the area.

Tract A is a 10,914 square foot open space park area for the residents of the subdivision. There is a sidewalk for access along the driveway to lots 46-48, a crushed rock path and picnic overlook area is extended from the sidewalk. This open space lies adjacent to another open space area, Tract B, who's purpose is to protect wetland and buffers around the wetland. The picnic area in Tract A overlooks Tract B.

Finally, Tract G is located on the west side of Eggleston Lane adjacent to JP West Road. This open space tract contains a very small stormwater facility to treat runoff from JP West Road but the majority of the space is utilized to create a landscaped entry feature consisting of a lawn area framed by plantings along the west and south sides. The area is usable for both passive and active recreation.

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 C. That the proposal includes designs and construction standards in compliance with city code and that all completed infrastructure be approved by the city and ownership of all infrastructure and public utilities deeded to the city upon completion;

RESPONSE: The Preliminary Development Plans have been prepared in compliance with City design and construction standards. Final Construction Plans will be prepared and submitted following preliminary approval. When completed, the infrastructure will be approved by the city and ownership of all infrastructure and public utilities will be deeded to the City.

D. That the development can be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

RESPONSE: The site has constraints that prohibit access to the east and west. To the west is both existing development and steep slopes. A public street could not be extended to connect with SW Jobin Lane and meet City standards regardless of the type of development. To the east lies Scappoose Creek and its associated floodplain and floodway, wetlands and riparian corridor. Extension of access across the creek is not achievable.

The applicant can however increase serviceability to the west by connecting the proposed waterline in the site with the waterline that extends south from the end of Jobin Lane. This will create an improved looped water system. All other services are available to properties located east and west of the site.

The proposed development is designed to extend access to the south for future connection of the street and utilities to serve those properties. The right of way extends all the way to the south property line to ensure this connection can be completed.

E. That streets are adequate to support anticipated traffic, and the development will not overload the streets outside the planned area (as supported, when necessary, by a formal traffic impact analysis);

RESPONSE: The internal street design is adequate for the proposed 48-Lot development. The street meets the standards in the City's Engineering Design Manual. Ad determined by the Traffic Impact Analysis, there is adequate capacity to accommodate this development without overloading it.

F. That proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

RESPONSE: All necessary utilities and drainage facilities are adequate and immediately available to serve this 48-Lot development. Stormwater will be released into South Scappoose Creek after treatment and detention. Sanitary exists on the site and can be provided at adequate capacity to all of the proposed lots. Water will be looped through the site via a connection at JP West Road, then south in Eggleston and west through open space to connect to an existing city waterline resulting in a looped system. All franchise utilities are immediately available to serve the site as well and are located in JP West Road.

G. That the proposed development can be substantially completed within a reasonable period of time. (Ord. 868, 2018; Ord.

RESPONSE: The applicant proposes to complete development of this subdivision within 2-5 years, which is a reasonable time period for 48 lots. The actual site development (streets, utilities, etc.) will be completed within one year. Home sales and construction will depend on market conditions at that time.

17.81.080 Tentative plan.

A. Submission Requirements. The proponent shall submit an application with applicable fees to the planning commission for approval in principal. The tentative plan shall consist of twenty copies of all plans, maps and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description. (Scappoose 2/18) 17.81.080

RESPONSE: The applicant has submitted all applicable fees for approval in principal of the tentative plan and has also provided twenty copies of all plans, maps and diagrams in sufficient detail to indicate the nature of the plan elements. Additionally, a written narrative, supporting information and reports have also been provided.

B. Procedures.

1. The planning commission shall review the tentative plan at a regular meeting and may recommend approval, approval with modifications, or denial of the application. Such recommendation shall be based upon the comprehensive plan, this code, other regulations, and the suitability of the proposed development in relation to the character of the area.

2. The city council shall consider the tentative plan and program at a public hearing and take action based upon action recommended by the planning commission.

3. Approval of the tentative plan shall be limited to the tentative acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse precise location of uses nor engineering feasibility.

4. Tentative Plan Expiration Date. Within one year following the effective date of approval of a tentative plan, the general plan and program shall be submitted, and shall incorporate any modification or condition required by approval of the tentative plan. The planner may, upon written request by the applicant, grant an extension of the expiration date of up to six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan, and after finding that no other development approval would be affected.

RESPONSE: The applicant understands the procedures set forth by this section and intends to submit the general plan and program for this planned development within one year of preliminary plan approval.

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 *C.* Submission Materials. The tentative plan need not be a finished drawing, but it should present all relevant graphic data, and be drawn to an engineering scale. The information shall include, but is not limited to, the following:

1. Proposed land uses, building locations, housing unit densities and estimated employment densities;

2. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development;

3. Location, widths and names of all existing or platted streets or other public ways, railroad and utility right-of-ways, parks or other public open spaces, and land uses within five hundred feet of the boundaries of the development;

4. Existing sewers, water mains and other underground facilities within and adjacent to the development and their certified capacities;

5. Proposed sewers or other disposal facilities, water mains and other underground utilities;

6. A tentative subdivision plan if the property is proposed to be divided;7. Proposed grading and drainage pattern;

8. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, schools sites, public buildings or other uses dedicated or reserved to the public, if any;

9. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof;

10. A traffic flow map showing the circulation pattern within, and adjacent to, the proposed development;

11. Location and dimensions of pedestrian walkways, malls, trails or easements; 12. Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays and angle of parking, if any;

13. Location, arrangement, and dimensions of truck loading and unloading spaces and docks, if any;

RESPONSE: The plans submitted are extremely detailed and present all relevant graphic data drawn at an engineering scale. It includes all of the applicable information listed in items one through thirteen above along with additional materials to allow for a thorough review for compliance with city standards.

We have added an additional sheet to the plan that include circulation patterns, parking and vision clearance triangles. The location and dimensions of proposed walkways, trails and easements are shown in the plans. There are no truck-loading and unloading spaces and docks proposed.

14. Tentative architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units, if applicable;

RESPONSE: The applicant has provided seven (7) tentative home designs proposed for the project which indicate their general height (2 story), their bulk and appearance. One of he

designs is a single level home. Each design in turn can have multiple finished and colors resulting in more diversity in styles through the project.

15. A tentative tree planting and landscaping plan including areas of groundcover and approximate finished grades, slopes, banks and ditches. All existing trees over six inches in diameter and groves of trees shall be delineated. Trees to be removed by development shall be so marked;

RESPONSE: Landscaping plans have been provided demonstrating existing trees, trees to be retained or removed and all groundcover/plant materials proposed for the site. Finished grades, slopes, banks and ditches are all noted on the grading plans.

16. The approximate locations, height and materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included;

RESPONSE: The Preliminary Plan Set includes Landscaping Plans and Grading plans. Combined, they reflect all of the requirements under items 15 and 16 above. The landscape plans provide areas of groundcover which reflects street trees, open space landscaping, fencing and types and heights of proposed retaining walls.

17. The stages, if any, of the development construction. Stages shall be clearly marked on the general development plan;

RESPONSE: The applicant intends to develop this project in as single stage (phase).

18. Narrative statement of the goals and objectives of the planned development;

RESPONSE: The Goals and Objectives of this planned development are as follows:

- 7. Take advantage of and protect the sensitive environmental, visual and recreational values of South Scappoose Creek and wetlands on the property.
- 8. Provide a quality subdivision for single family homes, with recreational amenities for residents and the public to enjoy.
- 9. Maintain floodplain storage capacity with balanced cut/fill, while ensuring the home sites and adjacent properties are safe from flooding.
- 10. Create useable recreational open space and enhance the overall visual and recreational quality of the development with a combination of parks and open spaces with quality landscaping.
- 11. Accommodate a housing type and size that provides options for the local community, is affordable and provide opportunities for next generations of Scappoose residents.
- 12. Accommodate future development via extension of the public street.

19. A completed professional market analysis, if required by the planning commission;

RESPONSE: A Market Analysis is not required unless specifically requested by the Planning Commission.

20. Evidence of resources available to develop the project;

RESPONSE: David Weekley Homes ("Weekley") was founded in 1976 in Houston, Texas. Weekley is the 18th largest builder in the United States and the nations largest private home builder. By virtue of their size and longevity, they clearly have the capacity to complete the project.

21. Tables showing the total number of acres, the distribution of area by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools and open spaces as shown on the proposed development plan;

22. Tables showing the overall residential density of a proposed residential development, and overall employment density of a proposed commercial or industrial development, including any proposals for the limitation of density;

RESPONSE: The tables summarizing the information required in C. 21 is located below. Density tables in accordance with C.22 were provided previously within this narrative.

Land Use	Square Feet	Percentage
Single Family Residential Lots	236,037	31.30%
Street Rights-of-way	71,288	9.45%
Park Tracts	309,559	41.09%
Open Space/Resource Tracts	118,910	15.76%
Storm Water Quality Tract	18,156	2.40%
Total	753,950	100%

Table 3Land Use Distribution

23. Drafts of appropriate restrictive covenants and documents providing for the maintenance of any common open space, required dedications or reservations, public open spaces, and any dedications of development rights.

RESPONSE: The applicant has provided a draft set of CC&Rs providing for the ownership and maintenance of common open space. All required dedications or reservations, public open spaces, and all rights-of-way will be dedicated on the Plat.

D. Approval of General Plan and Program. The city council may approve the general plan with or without modifications as recommended by the planning commission.

RESPONSE: The applicant understands the City Council will approve the General Plan and Program, based on recommendations from the Planning Commission.

E. Expiration. If substantial construction or development, as determined by the director, has not taken place within four years from the date of approval of the general plan, the planning commission shall review the planned development permit at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall remove the planned development designation on the subject. (Ord. 868, 2018; Ord. 828, 2013; Ord. 717 §1(part), 2002)

RESPONSE: The applicant intends to implement the general plan within 4 years of the date of general plan approval.

17.81.090 Final plan. Following approval of the general plan by the city council, the applicant shall prepare a final plan which shall be submitted to the planner to check for compliance with the approved general plan.

RESPONSE: The applicant will submit the Final Plan in a timely manner following general plan approval.

CONCLUSIONS – Planned Development provisions.

Based on the findings presented above, the applicant has demonstrated compliance with the applicable provisions of Chapter 17.81.

Chapter 17.84 SENSITIVE LANDS--FLOODING

17.84.010 Purpose.

A. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flooding. In general, the city's flood hazard chapter is designed:

1. To protect human life and health;

2. To minimize expenditures of public money and costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard.

RESPONSE: The proposed design makes every effort to ensure human life and health is continuously maintained and that expenditures of public money and costly flood control projects will not result from approving this project. The applicant in fact has completed a LOMR to update the floodplain mapping throughout the reach in which the property is located providing the City with updated information without city expenditure to do the same. This project will not result in conditions that would require need for rescue and relief efforts that would need to be undertaken at the expense of the general public and in no way will result in business interruptions. The design also utilizes design and construction methods to ensure damage to public facilities and utilities cannot occur.

B. The city seeks to minimize or mitigate flood hazards by:

1. Implementing FEMA floodplain requirements for participation in the National Flood Insurance Program; CHAPTER 17.84 PAGE 1 (Scappoose 2/18) 17.84.010--17.84-015

2. Prohibiting all encroachments in floodways (including parking lots) unless they conform to Chapter 17.84.180;

3. Establishing a general development permit process to ensure compliance with FEMA regulations;

4. Establishing specific requirements for construction or substantial improvements in the floodway fringe and Zone AO;

5. Requiring planning commission review and approval of proposals to store, place or stockpile buoyant or hazardous materials in special flood hazard areas;
6. Advocating the construction of cluster developments in special flood hazard areas over other types of development;

7. Prohibiting filling in floodways and regulating filling in floodway fringe areas to conform to Section 17.84.170 of this title. (Ord. 868, 2018; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The proposed Planned Development, in this case, is a type of Cluster Development. This type of development is typical in situations where there are natural resources on a site that need to be preserved or impacted in a minimal way while still allowing densities that would otherwise be approved for a site without those limiting characteristics. In addition to preserving other natural resources on the site, by approving a clustered development, the design does exactly what the City of Scappoose desires under item 6 above by advocating cluster development and thereby minimizing and mitigating flood hazards.

South Scappoose Creek flows through the eastern edge of the property. The floodplain for the creek is currently defined by FEMA Firm Maps 41009C0444D and 41009C482D.

West Consultants, Inc. has previously filed a Letter of Map Revision (LOMR, #21-10-0251P) with FEMA (Effective April 19, 2021). The LOMR requested a revision of the Effective FIRM Maps (41009C, panels 0444D and 0482D), by correcting the Base Flood Elevation on the subject property and others along South Scappoose Creek.

The LOMR was filed to account for multiple projects that have modified the hydraulic conditions within the study reach since the effective FEMA (November 2010) modeling was conducted. These projects include:

- JP West Road Bridge replacement in 2014;
- Floodplain restoration project in 2018;
- Park construction north of JP West Road between 2006 and 2010: and
- Recent floodplain restoration on Scappoose Creek reconnected portions of the floodplain to the channel, stabilized scour prone banks, and established additional riparian vegetation.

The proposed Buxton Ranch development application involves balanced cut/fill for the proposed Buxton Ranch development, which is supported by a supplemental Hydraulic Analysis prepared by West Consultants, Inc. who filed the CLOMR-F with FEMA after reviewed and approved by the City of Scappoose.

The subdivision project proposes minor cuts and fills within the 100-year floodplain resulting in a net cut of 116.82 cubic yards less material in the floodplain.

17.84.030 General provisions.

A. This chapter shall apply to all special flood hazard areas (Zones A, AE, AO) within the jurisdiction of the city.

B. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled the "Flood Insurance Study for Columbia County, Oregon and Incorporated Areas," effective November 26, 2010, with accompanying Flood Insurance Rate Maps, is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Planning Department.

RESPONSE: The site contains special flood hazard areas and thus the general provisions of this section apply to the proposed project. The LOMR filed by West Consultants revises the Base Flood Elevations as reflected in the Effective FIRM Maps (41009C panels 0444D and 0482D), dated November 26, 2010, as follows:

The revision to the FIRM results in widening and narrowing of the base flood elevation (1% annual chance) (Zone AE) floodplain for South Scappoose Creek. The maximum widening of 85 feet occurs at a point approximately 1,900 feet upstream of SW EM Watts Road while the maximum narrowing of 950 feet occurs at a point near SW Maple Street.

The LOMR also revises the 100-year 1-percent-annual-chance floodway, generally located between SW Linden Street and NW Laurel Street. Specifically, the floodway shall be revised from a point 1,400 feet downstream of SW JP West Road to a point 2,250 feet upstream of SW EM Watts Road. As a result of the floodway revision, the floodway widens a maximum widening of 8 feet at a point approximately 1,500 feet upstream of SW JP West Road, and narrows with a maximum narrowing of 215 feet at a point approximately 600 feet upstream of SW JP West Road.

The proposed site grading, including balanced cut/fill, revises the boundary on site, but maintains existing flood storage capacity consistent with code requirements (CLOMR-F).

C. All new construction and substantial improvements shall be constructed with materials and utilize equipment resistant to flood damage.

RESPONSE: The project design incorporates materials and equipment resistant to flood damage in areas potentially affected by floodwaters in compliance with all City of Scappoose requirements.

D. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. CHAPTER 17.84 PAGE 6 (Scappoose 2/18) 17.84.030--17.84.040

RESPONSE: New construction and improvements will be constructed using methods and practices that minimize flood damage.

E. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

RESPONSE: The grading design of the site is such that all electrical, heating, ventilation, plumbing and air conditions equipment will be elevated so as to prevent water from entering or accumulating during a 100-year flood event.

F. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system in accordance with the state of Oregon Building Codes and Plumbing Code.

RESPONSE: All water supply systems will be designed to eliminate infiltration of floodwaters and designs will follow Oregon Building Codes and Plumbing Code.

G. All new construction, all manufactured homes and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.

RESPONSE: The new homes are located outside of the floodplain and therefore anchoring will not be needed.

H. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. (Ord. 868, 2018; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A (part),1995)

RESPONSE: Sanitary systems proposed for construction will be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters. All manholes in the floodplain will be constructed with a water tight frame and cover and underground piping will be fused to eliminate joints. All city public works design standards related to sanitary sewer will be met.

17.84.040 Permitted Uses.

B. The following uses shall be permitted in special flood hazard areas and shall require a development permit under this Chapter in addition to any applicable federal, state or county permits:

1. Residential zones: A single-family detached dwelling or a single-family manufactured home and their accessory uses on lots greater than 20,000 square feet where a structure is to be placed within an area regulated by this Chapter;

2. Commercial and Industrial zones: Permitted uses of the underlying zone and their accessory uses on lots greater than 20,000 square feet where a structure is to be placed within an area regulated by this Chapter;

3. Installation, reconstruction or improvement of underground utilities or roadway improvements including sidewalks, curbs, streetlights and driveway aprons;

4. *Minimal ground disturbance(s) but no landform alterations;*

5. Substantial improvements to existing structures;

6. Community recreation uses such as bicycle and pedestrian paths or athletic fields or parks;

7. Public and private conservation areas for water, soil, open space, forest and wildlife resources; and

8. Public works projects.

RESPONSE: The application seeks to make alterations to the existing floodplain in concert with permitted uses in the Scappoose Development Code. No homes of any kind will be constructed within the proposed special flood hazard area. The site is not located within a commercial or industrial zone. Work within the floodplain areas all fall under categories 3,4, 6 and 7.

Under item 3, the following activities are proposed: Roadway improvements along JP West and for the new street including sidewalks, curbs, and other typical street facilities along with underground utilities are proposed within portions of the floodplain on the site. This includes filling and cutting within the floodplain area for provision of those utilities and ensuring the lots proposed are above the base flood elevation. Walls are also proposed along the rears of lots to ensure grades for them are located above the base flood elevation. The result of the cuts and fills for the streets and lots is a net cut as required by this code.

Grading activities being performed as permitted by items 3 and 4 include minimal ground disturbance to maintain sheet flow without any landform alterations. This grading will be followed with extensive replanting of the riparian corridor areas as well as additional plantings between the riparian corridor and the boundary of the trail, lots, storm facility and streets. These plantings will extend the riparian corridor planting dramatically and the area will be preserved in an open space tract for the conservation of water, soil, open space and wildlife resources. The end result will be a higher value drainageway and riparian corridor than exists at this time.

Grading activities associated with item 6 include the construction of a pedestrian pathway with a public easement over its entirety extending along the rears of the lots through the project. This trial is a public benefit and extends the "park" usage beyond the boundaries of Veteran's Memorial Park.

The application is limiting impacts to the greatest degree possible while still providing access and services to the property and meeting City of Scappoose requirements.

17.84.060 Approval process.

A. The applicant for a development permit shall be the recorded owner of the property or an agent authorized in writing by the owner.

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B. The planner and public works director shall review all development permit applications to determine that all necessary permits are obtained from those federal, state, or local governmental agencies from which prior approval is also required. C. The planner shall apply the standards set forth in this chapter when reviewing an application for a development permit. (Ord. 868, 2018; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A. (part), 1995)

RESPONSE: The applicant for the proposed development will be David Weekly Homes, contract purchaser, which is consistent with criterion A. The property owner has signed the application as well. All permits required prior to approval from federal, state and local governmental agencies have been obtained. The applicant has addressed all applicable standards set forth in this chapter and demonstrated complete compliance for the planner's review.

17.84.140 Standards.

In Zone A, Zone AE, and Zone AO, the following standards are required: A. Anchoring.

 All new construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure.
 All manufactured homes shall likewise be anchored to prevent flotation, collapse and lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during condition of flooding.

RESPONSE: The proposed balanced cuts/fills for this development ensure that none of the developable portions of any of the 48 lots are within Zone A, Zone AE, or Zone AO. No manufactured homes are proposed.

All new construction and site improvements are designed to be constructed using methods and practices that minimize flood damage. All new homes will be designed and constructed with materials and utility equipment resistant to flood damage, with the habitable floor area elevated at least 2 feet above the base flood elevation. All electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during condition of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to eliminate infiltration of floodwaters into the system.

2. New and replacement sanitary sewerage systems shall be designed to eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

3. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding, consistent with Oregon Department of Environmental Quality standards.

RESPONSE: All water and sanitary systems are designed in a manner to eliminate infiltration or discharge. The primary lines are located underground outside of the floodplain however where potentially impacted by floodwaters, all city standards will be met. There are no proposed waste disposal systems on site.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, the applicant shall provide such information.

RESPONSE: The proposed development is designed so that all lots are located outside of the Revised Base Flood Elevation thus minimizing flood damage as required.

At the entrance of the site, JP West Road's cross section is proposed to be built to have a slope of 1.5% instead of the 2.5% standard cross slope. This helps keep the grade of Eggleston Lane higher in elevation to reduce the flooding depths expected in the roadway. From the intersection, Eggleson Lane will start form a shed section sloping 1% to the east matching the existing running slope of SW JP West Road and transitions to a standard crown section at a rate of 1% for every 10 feet. During the 100-year event (1% chance annually), the floodwaters would span Eggleston Lane for roughly 20 feet of its length near the site's entrances as shown on the Street Plan (Sheet 6). The maximum water depth expected at the center line is 2 inches however as the roadway is still in transition from a shed section the west side of Eggleson will have less water depth than at centerline. As the floodwaters recede, the catch basin at the east of the site's entrance will collect the water and divert it to the creek.

In summary, there may be a short duration of shallow flooding on Eggleston Lane during a 100year event however it is shallow water, completely passible by all vehicle types and the curb on the west side will remain visible. A cross section for the shed section of Eggleston Road has been placed within the preliminary plans and the narrative updated to explain the above condition.

Utilities located underground will not be damaged by floodwaters and those utilities likewise will be constructed with fused piping and all manholes in the floodplain will be constructed with a water tight frame and cover. A complete stormwater system including treatment and detention has been designed and will be provided. The design eliminates exposure to flood damage. Therefore, these criteria are met. Base flood elevation data is available to this site via a LOMR approved by FEMA in which a hydraulic analysis was performed. Additionally, the same analysis has been performed for the proposed grading within the 100-year floodplain and a CLOMR submitted to FEMA. This CLOMR application has been approved and is included within the application package.

E. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot or more above base flood elevation. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or shall meet or exceed the following minimum criteria:

 A minimum of two openings with a net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 The bottom of all openings shall be no higher than one foot above grade;
 Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters; and
 Screening, fencing or otherwise obstructing open areas between pillars on pile or pillar foundations shall be prohibited.

RESPONSE: The proposed development is designed so that all lots, roads, and utilities are located outside of the Revised Base Flood Elevation (LOMR) with the lowest floor 2 feet above the base flood. Therefore, these criteria are met.

F. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed one foot or more above the base flood elevation. The structure shall be watertight below the base flood elevation with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.84.070(C).

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RESPONSE: The proposed development will be residential. Therefore, these criteria are not applicable.

17.84.170 Regulations pertaining to fill.

A. No filling operations of any kind shall be allowed in the floodway. B. No fill in floodway fringe areas shall be allowed unless the net effect of excavation and filling operations (onsite) constitutes no positive change in fill volume, as certified by a registered professional engineer.

C. Fill shall be allowed under city fill permit procedures in shaded Zone X and shall not be regulated by this Chapter.

D. No structure shall be built nor any excavation grading, nor filling shall be done within the one hundred-year flood plain without first meeting the requirements of this chapter regulating construction, alteration, repair and moving of buildings. (Ord. 868, 2018; Ord. 828, 2013; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

RESPONSE: There is no fill proposed within the floodway, which is consistent with this Code Section.

A Balanced Cut/Fill Analysis has been provided demonstrating that the net effect of excavation and filling operations (onsite) constitutes no positive change in fill volume, as certified by our Project Engineer, who is a registered professional engineer. The actual result of the grading plan is a net cut of more than 116 cubic yards.

The applicant has demonstrated through plans and findings that the proposal meets the requirements of this chapter regulating construction. No structure is proposed to be altered, repaired or moved. Any existing structures on site will be removed with construction of the project improvements.

17.84.180 Floodways.

A. Floodways are established in special flood hazard areas (SFHA) to transport the waters of a one hundred-year flood out of the community as quickly as possible. Encroachments on the floodway generally produce a rise in base flood elevations and contribute to other hydraulic problems. Accordingly, the city prohibits encroachments, including fill, new construction, parking, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

RESPONSE: The project includes very minor grading of small areas of the floodway resulting in a cut and no fill. This work does not include *fill, new construction, parking or substantial improvements.* The applicant submitted a CLOMR application to the city for review which the

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 city approved for forwarding to FEMA for final review. Subsequently, approval of the CLOMR is required and expected by FEMA. This CLOMR application included detailed hydrologic and hydraulic analysis performed in accordance with standard engineering practice by a professional civil engineer. The CLOMR submittal packet has been included within the application packet to demonstrate compliance has been obtained. The analysis demonstrated that the result of the grading will not result in any increase in flood levels during the occurrence of the base flood discharge. Therefore, these criteria are met.

17.84.190 Special standards for Zone AO.

A. Zone AO is depicted on Flood Insurance Rate Maps (FIRMS). The zone coincides with areas subject to a one hundred-year flood where depths vary between one and three feet. Zone AO is associated with areas where sheet flow is most evident; i.e., where there is no clear channel. Flood depths appear on the FIRM.

B. Proposed construction in Zone AO shall comply with the General Standards provided in Section 17.84.140, excepting areas specifically covered in this section.

C. New construction and substantial improvements of residential structures in Zone AO shall:

 Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site a minimum of one foot above the flood depth number specified on the FIRM (at least two feet if no depth number is specified);
 Have adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

RESPONSE: The proposed development is designed so that all lots, roads, and utilities are located outside or above the Revised one-hundred year or Base Flood Elevation. The proposed floodplain fill ensures that the residential lots will be elevated 2 feet above the 100-year flood elevation. Therefore, these criteria are met.

17.84.200 Special regulations for development in the Scappoose Creek floodway fringe (Zones A, AE, and AO).

A. Proposed development or substantial improvement in the Scappoose Creek floodway fringe shall conform with applicable general and specific standards in Section 17.84.140, and special standards in Zone AO (Sections 17.84.190 and 17.84.200). (Ord. 868, 2018; Ord. 828, 2013; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A.(part), 1995)

RESPONSE: Compliance with the Scappoose Creek regulations has been addressed herein. No development is proposed within the floodway.

17.84.250 Application submission requirements.

A. All applications shall be made on forms provided by the planner and shall be accompanied by:

1. For applications proposing encroachments on the floodway a registered professional engineer's certification that the proposed project will not cause a rise in base flood elevation during a one hundred-year event as it exists on the current FIRM Flood Insurance Rate Map or create additions that would be detrimental to adjacent or neighboring properties;

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 2. One reproducible copy of the development plan(s) and necessary data or narrative which explains how the development conforms to the standards. Sheet size for the development plan(s) and required drawings shall not exceed eighteen inches by twenty-four inches and the scale for all development plans shall be an engineering scale;

3. A list of the names and addresses of all who are property owners of record within two hundred feet of the site.

RESPONSE: The project includes very minor grading of small areas of the floodway resulting in a cut and no fill. This work does not include *fill, new construction, parking or substantial improvements.* The applicant submitted a CLOMR application to the city for review which the City approved for forwarding to FEMA for final review. Subsequently, approval of the CLOMR has been issued by FEMA. This CLOMR application included detailed hydrologic and hydraulic analysis performed in accordance with standard engineering practice by a professional civil engineer. The CLOMR application packet has been included within the application packet to demonstrate compliance has been obtained. The analysis demonstrated that the result of the grading will not result in any increase in flood levels during the occurrence of the base flood discharge. Therefore, these criteria are met.

A Balanced Cut/Fill Analysis has been provided demonstrating that the net effect of excavation and filling operations (on-site) will not cause a rise in base flood elevation during a one-hundredyear event as it exists on the Revised FIRM Flood Insurance Rate Map no positive change in fill volume, as certified by our Project Engineer, who is a registered professional engineer. The proposed development is designed so that all lots, roads, and utilities are located outside of the Floodway. Therefore, these criteria are met.

Property owner mailing labels for notice to effected property owners have previously been provided to the City for the LOMR and CLOMR-F as required by this section. The City is responsible for and has previously provided the actual mailing of notices.

B. The development plan and narrative may be combined on one map and shall include the following information:

1. Existing site conditions including vicinity map showing the location of the property in relation to adjacent properties and including parcel boundaries, dimensions and gross area

2. The location, dimensions and names of all existing and platted streets and other public ways, railroad tracks and crossings, and easements on adjacent property and on the site and proposed streets or other public ways, easements on the site;

3. The location, dimensions and setback distances of all existing structures, improvements, utility and drainage facilities on adjoining properties and existing structures, water, sewer, improvements, utility and drainage facilities to remain on the site; and proposed structures, water, sewer, improvements, utility and drainage facilities on the site;

4. Contour lines at two-foot intervals for slopes from zero to ten percent and five-foot intervals from slopes over ten percent;

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5. The drainage patterns and drainage courses on the site and on adjacent lands;

RESPONSE: This Compliance Narrative addresses compliance with the floodplain fill permit as well as the proposed Development Plans. The required Balanced Cut/Fill Analysis is also provided separately. All information listed in B. 1-5. has been provided.

6. Potential natural hazard areas including:

a. Floodplain areas,
b. Areas having a high seasonal water table within zero to twenty-four inches of the surface for three or more weeks of the year,
c. Unstable ground (areas subject to slumping, earth slides or movement).
Where the site is subject to landslides or other potential hazard, a soils and engineering geologic study based on the proposed project may be required which shows the area can be made suitable for the proposed development,
d. Areas having a severe soil erosion potential, and

e. Areas having severe weak foundation soils;

RESPONSE: The Existing Conditions Plan, together with supporting documents, such as Geologic Engineer's Report and Floodplain Analysis, provide the relevant information required in 6. a. – e.

7. The location of trees having a six-inch caliper at four feet. Only those trees that will be affected by the proposed development need to be sited accurately. Where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be required;

RESPONSE: The Existing Conditions Plan identifies all existing trees on the property. The majority of the site is open pasture land, with trees primarily along eastern perimeter along the creek and the southern outer perimeter of the site.

8. Identification information, including the name and address of the owner, developer, and project designer, and the scale and north arrow;

RESPONSE: This required information is provided with this application, on the plans and in the narrative.

9. A grading and drainage plan at the same scale as the site conditions and including the following:

a. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals, b. A statement from a registered engineer supported by factual data that all drainage facilities are designed in conformance A.P.W.A standards and as reviewed and approved by the public works director. (Ord. 868, 2018; Ord. 828, 2013; Ord. 813, 2010; Ord. 809, 2010; Ord. 634 §1 Exh. A. (part), 1995)

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RESPONSE: A Preliminary Grading Plan and Storm Drainage Plan are provided at the same scale as the Existing Conditions Plan. The Storm Drainage Report and Storm Plans were prepared by the Project Engineer providing the required statements.

CONCLUSION - Sensitive Lands-Flooding

Based on the findings presented above and the supporting plans and documents, the applicant has demonstrated compliance with the applicable provisions of Chapter 17.84.

Chapter 17.85 SENSITIVE LANDS--WETLANDS

17.85.010 Purpose. The purpose of this chapter is to protect and restore significant wetland areas, thereby protecting and restoring the hydrologic, ecological and land conservation functions these areas provide. Specifically, this chapter is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, and reduce the effects of flooding. This chapter attempts to meet these goals by excluding structures from areas adjacent to significant wetlands, and by prohibiting vegetation removal or other alterations in those areas. In addition, the purpose of this chapter is to ensure implementation of requirements of the Division of State Lands and other appropriate regulatory agencies. (Ord. 736 §1, 2003)

17.85.030 Applicability of provisions. The sensitive lands - wetlands overlay shall apply to the wetlands as shown on the Scappoose Local Wetlands Inventory dated December 1998 and adopted within the city comprehensive plan, and/or within the most current version of the National Wetland Inventory and within a twenty-five-foot wetland buffer except as follows: where any portion of a significant wetland is included within a riparian corridor per Section 17.89.030(A), the standard distance (fifty feet) to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland. (Ord. 736 §1, 2003)

RESPONSE: The Environmental Assessment prepared for this development by ES&A identified 6 wetlands on the property. Some wetlands will have the required 25-foot wetland buffer while wetlands included within a riparian corridor are shown to have fifty feet to the riparian corridor boundary as measured from the upland edge of the wetland. Therefore, this Section is applicable.

17.85.040 Activities within a sensitive lands - wetlands overlay.A. The following uses are outright permitted uses within wetland areas, and do not require a sensitive lands development permit - wetlands overlay:

1. Public and private conservation areas for water, soil, open space, forest and wildlife resources

2. Removal of non-native vegetation including poison oak, tansy ragwort, blackberry or other noxious vegetation; and

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3. Maintenance or repair of existing structures or improvements (including asphalt or concrete drives) that do not involve a change in size, use or function.

RESPONSE: The Wetlands Inventory prepared for this application by ES&A identified 6 wetlands on the property (Figure 3 ES&A Report). The wetlands are reflected on the Existing Conditions Plan.

- Wetland "A" is a small isolated area in the northwest portion of the site. Wetland A is set aside in Tract "B".
- Wetland "B" is a small are on the western boundary about mid-point north to south. This wetland is set aside in Tract "F".
- Wetland's "C" & "D" are associated with adjacent stream "A" along the southwestern portion of the site and Scappoose Creek along the eastern boundary. These two stream related wetlands are outside of the proposed development area of the site and located within Tract "E".
- Wetland 1 is located in the northeastern area of the site serving as a "side channel" created through the Scappoose Bay Watershed Council project.
- Wetland 2 is a larger wetland in the southeastern area of the site

The open space tracts protecting wetlands will have conservation easements over their entirety. This includes Tract B, D, E and F. Although these conservation easements will be in place, specific uses will be permitted within the easements including pedestrian, bicycle pathways and pathway construction, utilities and utility construction, wetland and resource mitigation and enhancement, floodplain management activities, etc. The applicant will work with the city to determine final uses permitted within the conservation easement that don't have a substantial impact on the intent of the easement. Wetlands are being avoided and therefore fully protected with the design of this development plan. No alterations to wetlands are proposed.

B. The alteration of a significant wetland by grading, excavation, placement of fill, or vegetation removal subject to review under Section 17.85.090. Any proposed alteration outside of a significant wetland but within a wetland buffer requires a sensitive lands development permit - wetlands overlay. An alteration is a change in the topography or vegetation of a wetland area, as regulated by this section, which may affect the functions and values of such features and are subject to the permit procedure and standards of this chapter. An alteration includes the following activities:

1. Dredging, filling, excavation or the placement of riprap or a mooring with rock, trees, wood, etc.;

2. The clearing of any native riparian or wetland vegetation with the wetland area, or the removal of any native tree within the wetland area which has a diameter of six inches or greater at four feet above grade;

3. Streets, including bridges, when part of an approved future street plan, subdivision plan construction, improvement or alteration or city transportation

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system plan, including the installation of underground utilities and construction of roadway improvements including, but not limited to, sidewalks, curbs, streetlights, and driveway aprons;

4. Utilities such as water, stormwater, and sanitary sewer lines;

5. Bicycle pedestrian paths;

6. Parks and recreational facilities;

7. Driveways or pedestrian paths where necessary to afford access between portions of private property that may be bisected by a wetland area and/or buffer;
8. Water detention, filtration facilities and erosion control improvements such as detention ponds, bio-filtration swales or ponds, or bank stabilization measures;
9. Viewing platforms, boardwalks, and other improvements associated with the provision of public access for observation of natural areas/wetland areas; and, 10. Other development proposals determined by the planner as requiring a sensitive lands development permit - wetlands overlay.

C. Landform alterations or developments other than partitioning and subdividing that are within twenty-five feet of wetland areas that are not identified as "Local Wetlands," and that meet the jurisdictional requirements and permit criteria of the U.S. Army Corps of Engineers and the Division of State Lands, do not require a local sensitive lands development permit - wetlands overlay. However, no building permit will be issued for such activity unless all pertinent state and federal requirements are met, which the planner shall verify. (Ord. 736 §1, 2003) 17.85.050

RESPONSE: Site grading is designed to avoid any direct permanent impacts to any of the wetlands. However, both a temporary impact to Wetland A for a sanitary connection to an existing manhole and minor grading is proposed within 50-foot buffer associated with wetlands within the riparian corridor. See Preliminary Grading & Erosion Control Plan. Therefore, a sensitive lands development permit - wetlands overlay is required.

17.85.050 Wetlands area density adjustment. In order to provide incentive for siting and re-siting residential dwelling units to avoid wetland areas and buffers, any partition, subdivision, or site development review application involving land that is subject to the wetlands overlay may be paired with a sensitive lands development permit - wetlands overlay application in such a manner as to provide for the development of allowed housing types to the net density that would have existed for the base zone without the restrictions provided by the twenty-five-foot wetland buffer. However, said development shall only qualify for such a density bonus if any structures existing previous to the adoption of the wetlands overlay are relocated outside of the wetland buffer area. (Ord. 736 §1, 2003)

RESPONSE: The proposed subdivision completely avoids siting or re-siting residential dwelling units within any wetland area. This proposed Subdivision and Planned Development is paired with the sensitive lands development permit – wetlands so as to provide for the development of allowed housing types to the net density that would have existed for the base zone without the restrictions provided by the twenty-five-foot wetland buffer

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17.85.060 Variance provisions. When the wetland area buffer prohibits the development of a lot or parcel legally created before the effective date of this chapter, a property owner may request a variance to the wetland buffer, subject to the requirements of Chapter 17.134 of this title. In addition to the variance criteria listed in Section 17.134.030, granting of a variance to the sensitive lands - wetlands overlay requires further findings that strict adherence to the wetland buffer and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur on similarly zoned parcels. (Ord. 736 §1, 2003)

RESPONSE: No Variance is being requested. Therefore, this criterion is not applicable.

17.85.080 Expiration of approval--Standards for extension of time.

A. Approval of a sensitive lands development permit - wetlands overlay shall be void if: 1. Substantial construction of the approved development plan has not begun within a one-year period; or

2. Construction on the subject site is a departure from the approved plan. B. The planner may, upon written request by the applicant, grant an extension of the approval period not to exceed one year, provided that:

1. No changes are made on the original plan as approved by the approval authority;

2. The applicant can show intent of initiating construction of the site within the one-year extension period; and

3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

C. Notice of the extension shall be provided to the applicant. (Ord. 736 §1, 2003)

RESPONSE: The applicant understands the time limitation on approval and intends to construct the development within the allowed timeframe.

17.85.090 Review standards.

A. Grading, excavation, placement of fill and vegetation removal within a significant wetland shall only be permitted if the proposed alteration meets the following conditions:

The alteration is necessary to allow use of, or access to, a lot or parcel that was in existence on the date this chapter was adopted; and
The proposed alteration is the minimum necessary to provide for the proposed

2. The proposed alteration is the minimum necessary to provide for the propos use or access.

RESPONSE: No grading, excavation, placement of fill or permanent vegetation removal is proposed within a significant wetland.

B. The following criteria shall be included in review of any application to which the sensitive lands - wetlands overlay is applicable:

1. Activities within a wetland are subject to the permit requirements of the Oregon Division of State Lands (DSL) and the U.S. Army Corps of Engineers. No building permit will be issued for development projects within the wetlands overlay unless all pertinent state and federal requirements are met. DSL and, as necessary, the

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U.S. Army Corps of Engineers will be notified of any regulated development proposed in a wetland area;

RESPONSE: A very small temporary wetland impact is required for a sanitary sewer connection in Wetland A which is located in Tract B. There is an existing sanitary sewer line along the western edge of the development which the city has indicated is near the end of its lifespan and needs to be replaced. The City will be working with the applicants contractor for the replacement and redirection of this line. The impact is temporary in nature and the applicant will obtain all permitting requires by DSL and the Corp as necessary.

2. Properties that contain wetland areas shall have a wetland determination approved by DSL staff before any development permit is issued. If in making this determination DSL staff indicate that a "jurisdictional delineation" study of the boundary is necessary, the study shall be completed by the applicant and approved by DSL staff before any building permits are issued, including grading permits;

RESPONSE: DSL has Concurred with the wetland determination. The letters are included in the submittal.

3. A wetland buffer area shall be established between a wetland and a proposed development as condition of development permit approval to achieve the maintenance of vegetative cover and the water quality characteristics of the area;

RESPONSE: Wetlands buffer areas have been provided within the design of the project. Some areas within the wetland buffers will be completely replanted to achieve maintenance of vegetative cover and the water quality characteristics of the area. Other vegetated buffer areas will remain in tact for the same purpose.

4. The city will not approve a partition or subdivision in a wetland area that proposes to create a lot that would not have the ability to obtain a building permit without variance approval;

RESPONSE: The proposed subdivision has been designed so that all lots are outside of the identified wetlands and thereby are all buildable.

5. Construction sites adjacent to wetlands shall be required to install erosion/sedimentation control devices between the land area to be disturbed and the wetland. All such devices shall conform to the requirements found within the city public works design standards;

RESPONSE: The Preliminary Grading and Erosion Control Plan includes proposed erosion/sedimentation control fencing consistent with City requirements.

6. Developments adjacent to wetlands which have significant impervious surface areas will be required to have stormwater detention and filtration facilities as

part of their approved design. The design of such facilities shall conform to the requirements found within the city public works design standards; and

RESPONSE: The Proposed Storm Drainage system is designed with appropriate stormwater detention and filtration facilities (water quality) consistent with City public works design standards.

7. All proposed alterations are subject to consultation with ODFW and others potentially affected by the alteration. Agency recommendations to mitigate for the loss of wetland values and functions may be made conditions of approval of a proposed use. (Ord. 736 §1, 2003)

RESPONSE: There is a wetland impact proposed to connect to the existing sanitary sewer line located within existing wetlands. This is a temporary impact of 215 square feet with no loss of wetland values and functions as a result. The disturbed area will be replanted with appropriate wetland species. Consultation has been provided by ODFW and included within the application whereas the department "…appreciates the efforts to minimize wetland disturbance, add additional riparian vegetation and avoid construction in the stream corridor."

17.85.100 Application submission requirements.

A. All applications shall be made on forms provided by the city and shall be accompanied by:

1. One reproducible copy of the development plan(s) and necessary data or narrative which explains how the development conforms to the standards. Sheet size for the development plan(s) and required drawings shall not exceed eighteen inches by twenty-four inches and the scale for all development plans shall be to a standard engineering scale; and,

2. A list of the names and addresses of all property owners of record within two hundred feet of the site.

RESPONSE: The applicant and supporting documents provide all the information required by this Section. Compliance is confirmed through the City's "completeness review" process.

B. The development plan and narrative shall include the following information (items may be combined on one map):

1. Existing site conditions including vicinity map showing the location of the property in relation to adjacent properties and including parcel boundaries, dimensions and gross area;

2. As applicable, the location, dimensions and names of all existing and platted streets and other public ways, railroad tracks and crossings, and easements on adjacent property and on the site and proposed streets or other public ways, easements on the site;

3. The location, dimensions and setback distances of all existing structures, improvements, utility and drainage facilities on adjoining properties and existing structures, water, sewer, improvements, utility and drainage facilities to remain

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on the site; and proposed structures, water, sewer, improvements, utility and drainage facilities on the site;

4. Contour lines at two-foot intervals for slopes from zero to ten percent and five-foot intervals from slopes over ten percent;

5. The drainage patterns and drainage courses on the site and on adjacent lands;

RESPONSE: The applicant and supporting documents provide all the information required by this Section. Compliance is confirmed through the City's "completeness review" process.

6. Potential natural hazard areas including:

a. Floodplain areas;

b. Areas having a high seasonal water table within zero to twenty-four inches of the surface for three or more weeks of the year; c. Unstable ground (areas subject to slumping, earth slides or movement). Where the site is subject to landslides or other potential hazard, a soils and engineering geologic study based on the proposed project may be required which shows the area can be made suitable for the proposed development;

d. Areas having a severe soil erosion potential; and *e.* Areas having severe weak foundation soils;

RESPONSE: The floodplain is identified on the Existing Conditions Plan per the CLOMR approved by FEMA. Soils conditions and water table conditions have been addressed within the geotechnical engineer's report for the proposed project.

The site contains a floodplain which is shown within the plan set and described in detail with the submitted CLOMR application materials. There are also areas of high seasonal water table and areas of unstable ground. As such, a geotechnical report has been completed by GeoPacific. They conclude on page 6 of their report that "provided the recommendations of the report are incorporated into the design and construction phases of the project, the development is geotechnically feasible."

7. The location of trees having a six-inch caliper at four feet. Only those trees that will be affected by the proposed development need to be sited accurately. Where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be required;

RESPONSE: All existing trees over six-inch caliper at four feet are identified on the Existing Conditions Plan. An Aerial Photo of the property is also provided.

8. Identification information, including the name and address of the owner, developer, and project designer, and the scale and north arrow;

RESPONSE: The information required by this sub-section is provided on the application form or within this Compliance Narrative and supporting Plans and Documents.

9. A grading and drainage plan at the same scale as the site conditions and including the following:

a. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals, b. A statement from a registered engineer supported by factual data that all drainage facilities are designed in conformance A.P.W.A. standards and as reviewed and approved by the public works director; and

RESPONSE: The application includes a Storm Drainage Report, Preliminary Grading and Erosion Control Plan, together with appropriate slope stabilization. The Project Engineer has provided a statement that all drainage facilities are designed in conformance A.P.W.A. standards and as reviewed and approved by the public works director. The geotechnical engineering report contains slope stability recommendations.

10. The method for mitigating any adverse impacts upon wetland, riparian or wildlife habitat areas. (Ord. 736 §1, 2003)

RESPONSE: All methods for mitigation of any adverse impacts upon wetlands, riparian or wildlife habitat areas are addressed within the ES&A Environmental Assessment. The report includes proposed Mitigation, which is also reflected on the Landscaping Plan and Resource Mitigation Plan.

No permanent impacts to wetlands are proposed. A 215 square foot temporary impact is proposed in Tract B within the Wetland A area to connect to an existing sanitary sewer manhole. The buffer area along Scappoose Creek will be restored with buffer plantings and in fact increased in area above what is required by the code.

All applicable provisions of Section 17.185 have been met.

Chapter 17.86 SENSITIVE LANDS--SLOPE HAZARD

17.86.010 Purpose. The purpose of this chapter is to regulate development and alterations to steep slope areas in order to protect members of the public and public resources and facilities from injury, loss of life, property damage, or financial losses due to erosion, flooding, landslide, seismic events, soil subsidence or steep slope failures. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: As indicated on page 6 of the geotechnical report, the geotechnical engineer found that slope hazard areas as defined by the City of Scappoose are present at this site. However, the report concludes that although some soils meet the "slope hazard area" criteria, it is their opinion that these areas will remain grossly stable provided they are designed and constructed as recommended in the report and that proposed construction will not adversely affect slope stability. By following the recommendations in the report, steep slope areas will not adversely affect members of the public and public resources and facilities from injury, loss of life, property damage, or financial losses due to erosion, flooding, landslide, seismic events, soil subsidence or steep slope failures.

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17.86.020 Applicability of uses.

A. Except as provided by this section, the following uses are permitted uses:

1. Accessory uses such as lawns, gardens or play areas, except in wetlands;

2. Agricultural uses conducted without locating a structure or altering landforms;

3. Public and private conservation areas for water, soil, open space, forest and wildlife resources;

4. Removal of poison oak, tansy ragwort, blackberry or other noxious vegetation;5. Fences.

RESPONSE: Lawns and gardens are likely to be located within some of these areas. Some wetland and buffer areas are also proposed to remain in these areas and conserved for water, wildlife and open space resources. Removal of noxious vegetation will occur where necessary and fences constructed. These are all permitted uses listed above proposed within the project occurring in some of the slope hazard areas.

Other construction and grading activities will occur within these areas as well and are addressed below.

B. Separate permits shall be obtained from the appropriate state, county or city jurisdiction for the following:

1. Installation of underground utilities and construction of roadway improvements including sidewalks, curbs, streetlights and driveway aprons;

 $2.\ Minimal\ ground\ disturbance(s)\ but\ no\ landform\ alterations.$

RESPONSE: The applicant has or will obtain the necessary permits from the appropriate state, county or city jurisdictions for all proposed site improvements, consistent with these criteria.

C. For the purpose of this chapter, "slope hazard areas" means those areas subject to a severe risk of landslide or erosion. They include any of the following areas:

1. Any area containing slopes greater than or equal to fifteen percent and two of the following subsections;

a. Impermeable soils (typically silt and clay) frequently interbedded with granular soils (predominately sand and gravel),

b. Any area located on areas containing soils which, according to the current version of the soil survey of Columbia County, Oregon may experience severe to very severe erosion hazard,

c. Any area located on areas containing soils which, according to the current version of the soil survey of Columbia County, Oregon are poorly drained or subject to rapid runoff

2. Any area potentially unstable as a result of natural drainageways, rapid stream incision, or stream bank erosion;

3. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream transported sediments;4. Any area containing slopes greater than or equal to twenty percent.

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RESPONSE: The site contains "slope hazard areas" according to how they are described above. The geotechnical engineer has determined that if their report recommendations are followed, any hazards will be mitigated.

D. Landform alterations or developments within slope hazard areas that meet the jurisdictional requirements and permit criteria of the U. S. Army Corps of Engineers, Division of State Lands, and/or other federal, state or regional agencies do not require duplicate analysis or local permits. The city may require additional information not addressed above. When any provision of any other chapter of this title conflicts with this chapter, the regulations that provides more protection to the sensitive areas shall apply unless specifically provided otherwise in this chapter; provided, such exceptions shall not conflict with any federal, state or local regulation.

RESPONSE: The Existing Conditions Plan shows the various slopes throughout the site. In addition, a slope analysis has been included within the submittal. Most of the proposed uses where construction activity is occurring on steep slopes is outside of the Corp or DSL or federal, state or regional agencies.

Uses proposed in this development within sloped areas are typical of residential subdivisions where you would find grading activities, street and utility installation and typical home construction in summary. Most of these activities require local permits and approvals. This application requests approval of the proposed uses on slope hazard areas.

The applicant has or will obtain the necessary permits from the appropriate federal, state, regional or city jurisdictions for all proposed site improvements, consistent with these criteria.

E. A development permit shall be obtained before construction or development begins within any area of slope hazard as identified in subsection C of this section. The permit shall apply to all structures including manufactured homes.

RESPONSE: The proposed uses noted in D above are covered under Scappoose's local sensitive lands development permit or a Corps/DSL permit. All required development permits will be obtained prior to development on the site including areas of slope hazard.

F. Except as explicitly authorized by other provisions of this chapter, all other uses are prohibited on steep slope areas.

RESPONSE: Per the findings within D and E above, the proposed uses are permitted uses and are subject to the applicable federal, state, regional or local permit requirements.

G. A use established prior to the adoption of this title, which would be prohibited by this chapter or which would be subject to the limitations and controls imposed by this chapter, shall be considered a nonconforming use. Nonconforming uses shall be subject to the provisions of Chapter 17.132.

RESPONSE: No existing "uses" of the property will pertain after approval and construction of the proposed development.

H. The planner shall determine if a slope hazard applies based upon one or any combination described in subsection C of this section. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: It is understood the planner will review the materials submitted including the geotechnical report and determine if a slope hazard applies.

17.86.050 General provisions for slope areas.

A. Slope hazard regulations apply to those areas meeting the federal, state or local definition of "slope hazard" as identified in Section 17.86.020(c) and areas of land adjacent to and within one hundred feet of areas identified as slope hazards.
B. Slope locations may include but are not limited to those areas identified as slope hazards in the Scappoose comprehensive plan.

C. Precise boundaries may vary from those shown on maps; specific delineation of slope hazards boundaries may be necessary. Slope hazard delineation will be done by qualified professionals at the applicant's expense. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The application includes a slope analysis plan along with a geotechnical report defining areas which may be considered slope hazards.

17.86.060 Expiration of approval.

A. Approval of a development permit shall be void if:

1. Substantial construction of the approved plan has not completed within a oneyear period; or

2. Construction on the site is a departure from the approved plan.

B. The planner may, upon written request by the applicant, grant an extension of the approval period not to exceed one year, provided that:

1. No changes are made on the original plan as approved by the approval authority;

2. The applicant can show intent of initiating construction of the site within the one year extension period;

3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based;

4. There have been no naturally occurring or manmade changes to the landform. C. Notice of the extension shall be provided to the applicant. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant intends to proceed with construction in a timely manner once Preliminary Approval is authorized.

17.86.070 Approval standards.

A. The planner or the planning commission may approve or approve with conditions or deny an application request within the slope area based upon following findings:

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1. Land form alterations shall preserve or enhance slope stability;

RESPONSE: The proposed landform alterations will preserve and enhance slope stability. Starting on page 6 of the Geotechnical Report, the engineer has made recommendations to ensure slope stability from initial site preparation to completion of all house construction. The report notes that "The proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project".

2. The proposed land form alteration or development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;

RESPONSE: The geotechnical report notes that "The proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project". By following the recommendations from the geotechnical engineer, the development will not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property.

3. Land form alterations or developments address stormwater runoff, maintenance of natural drainageways, and reduction of flow intensity by the use of retention areas;

RESPONSE: The proposed development addresses stormwater run-off through completion of a public stormwater system that leads to a stormwater facility for both treatment and retention prior to release into the natural drainageway. Natural drainageways are not being altered with this development.

4. The structures are appropriately sited and designed to ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions: wet/high water table; high shrink-swell capability; compressible/organic; and shallow depth-to-bedrock;

RESPONSE: Although the Geotech did not find these specific soil conditions, they did find poorly drained soils and impermeable soils interbedded with granular soils. Their resulting recommendations in the report ensures structural stability and proper drainage of foundation and crawl space areas are provided for within the development.

5. Where natural vegetation has been removed due to land form alteration or development, the areas not covered by structures or impervious surfaces will be replanted to prevent erosion in accordance with Chapter 17.100;

RESPONSE: The engineering plans and geotechnical report both address erosion control measures necessary to prevent erosion. The geotechnical report has a section specifically regarding erosion control measures to prevent erosion and one of those recommendations is that

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areas of exposed soil be seeded with an approved grass seed mixture or hydroseeded with an approved grass seed/mulch fertilizer mixture.

6. The water flow capacity of the drainageway is not decreased or the drainageway will be replaced by a public facility of adequate size to accommodate maximum flow;

RESPONSE: The water flow capacity of the drainageway is not being decreased. There is a net cut proposed in the overall floodplain area. Additionally, a stormwater system will be constructed to direct stormwater runoff to a facility for both treatment and retention.

7. The necessary U.S. Army Corps of Engineers and state of Oregon Land Board, Division of State Lands and Department of Environmental Quality approvals shall be obtained;

RESPONSE: All necessary U.S Army Corps of Engineers and state of Oregon Land Board, Division of State Lands and DEQ approvals required with this project will be obtained.

8. No development, building, construction or grading permit may be issued on lands in the slope hazard area until the public works director approves:

a. An engineering geotechnical study and supporting data demonstrating that the site is stable for the proposed use and development,

RESPONSE: A geotechnical study demonstrating with supporting data that the site is stable for the proposed use and development has been included with the application. The report has specific recommendations to ensure stability is maintained.

b. The study shall include at a minimum geologic conditions, soil types and nature, soil strength, water table, history of area, slopes, slope stability, erosion, affects of proposed construction, and recommendations. This study shall be completed by a registered geotechnical engineer in the state of Oregon. The plans and specifications shall be based on the study recommendations shall be prepared and signed by a professional civil engineer registered in the state of Oregon,

RESPONSE: The report submitted includes all of the requirements of b. above.

c. A stabilization program for an identified hazardous condition based on established and proven engineering techniques that ensure protection of public and private property,

RESPONSE: The report submitted includes identification of hazardous conditions and their locations. Recommendations are included in the report to specifically address the requirement to ensure protection of public and private property. The recommendations are based on established and proven engineering techniques.

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d. A plan showing that the strategically important vegetative cover shall be maintained or established for stability and erosion control purposes,

RESPONSE: The geotechnical report lays out a plan regarding vegetation and revegetation for stability and erosion control. All areas of bare soil are to be replanted in accordance with that report. Additionally, other areas as shown on the landscape plan will receive planting treatments to specifically address other criteria.

e. A plan showing the proposed stormwater system. Said system will not divert stormwater into slope hazard areas.

RESPONSE: A stormwater system plan has been submitted and no water is diverted into slope hazard areas. Each discharge point is located on flatter ground within the floodplain allowing the discharge to make its way to the creek.

B. Where landform alterations and/or development are allowed within and adjacent to the one hundred-year floodplain, the requirements of Chapter 17.84 shall be met.

RESPONSE: Compliance with Chapter 17.84 is addressed herein.

C. Where landform alterations and/or development are allowed within and adjacent to wetlands, the requirements of Chapter 17.85 shall be met. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: Compliance with Chapter 17.85 is addressed herein.

17.86.080 Application submission requirements.

A. All applications shall be made on forms provided by the planner and shall be accompanied by:

1. One reproducible copy of the development plan(s) and necessary data or narrative which explains how the development conforms to the standards. Sheet size for the development plan(s) and required drawings shall not exceed eighteen inches by twenty-four inches and the scale for all development plans shall be an engineering scale;

2. A list of the names and addresses of all who are property owners of record within two hundred feet of the site.

RESPONSE: All required submittal information and documents has been provided. Compliance with these criteria is confirmed through the City's "completeness review" process.

B. The development plan and narrative shall include the following information. Items may be combined on one map:

1. Existing site conditions including vicinity map showing the location of the property in relation to adjacent properties and including parcel boundaries, dimensions and gross area;

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2. The location, dimensions and names of all existing and platted streets and other public ways, railroad tracks and crossings, and easements on adjacent property and on the site and proposed streets or other public ways, easements on the site;

3. The location, dimensions and setback distances of all existing structures, improvements, utility and drainage facilities on adjoining properties and existing structures, water, sewer, improvements, utility and drainage facilities to remain on the site; and proposed structures, water, sewer, improvements, utility and drainage facilities on the site;

4. Contour lines at two-foot intervals for slopes from zero to ten percent and five-foot intervals from slopes over ten percent;

5. The drainage patterns and drainage courses on the site and on adjacent lands; 6. Potential natural hazard areas including:

a. Floodplain areas,

b. Areas having a high seasonal water table within zero to twenty-four inches of the surface for three or more weeks of the year,

c. Unstable ground (areas subject to slumping, earth slides or movement). Where the site is subject to landslides or other potential hazard, a soils and engineering geologic study based on the proposed project may be required which shows the area can be made suitable for the proposed development,

d. Areas having a severe soil erosion potential, and *e.* Areas having severe weak foundation soils;

RESPONSE: The development plan and this Compliance Narrative include all of the information required in B. 1. through 6.

7. The location of trees having a six-inch caliper at four feet. Only those trees that will be affected by the proposed development need to be sited accurately. Where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be required;

8. Identification information, including the name and address of the owner, developer, and project designer, and the scale and north arrow;

RESPONSE: The Existing Conditions Plan identifies the location of existing trees on the property, consistent with these criteria.

9. A grading and drainage plan that includes:

a. The identification and location of the benchmark and corresponding datum,

b. Location and extent to which grading will take place indicating contour lines, slope ratios, and slope stabilization proposals,

c. When requested by the planner, a statement from a registered engineer supported by factual data substantiating:

i. The validity of the slope stabilization proposals,

ii. That other off-site impacts will not be created,

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iii. Stream flow calculations,
iv. Cut and fill calculations, and
v. Channelization measures proposed.
d. A statement from a registered engineer supported by factual data that
all drainage facilities are designed in conformance A.P.W.A standards
and as reviewed and approved by the public works director;

RESPONSE: The submittal documents include the Storm Drainage Report, Geotechnical Report and Preliminary Storm Drainage and Grading Plans, including information consistent with these criteria.

10. The method for mitigating any adverse impacts upon wetland, riparian or wildlife habitat areas. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The Environmental Assessment provided by ES&A includes concludes that based on the design, no adverse impacts upon wetland, riparian or wildlife habitat areas will result. The application protects the resources and their buffers and includes additional riparian plantings exceeding City requirements by expanding and protecting a wider riparian corridor.

Chapter 17.89 SENSITIVE LANDS--FISH AND RIPARIAN CORRIDOR OVERLAY

17.89.010 Purpose. The purpose of this chapter is to protect and restore water bodies and their associated riparian areas, thereby protecting and restoring the hydrologic, ecological and land conservation functions these areas provide. Specifically, this chapter is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, and reduce the effects of flooding. This chapter attempts to meet these goals by excluding structures from areas adjacent to fish-bearing lakes and streams, and their associated wetlands, and by prohibiting vegetation removal or other alterations in those areas. (Ord. 736 §1, 2003)

17.89.030 Applicability of provisions. The sensitive lands - fish and riparian corridor overlay shall apply to the following riparian corridors as shown on the Scappoose Riparian Inventory dated December 1998 and adopted within the city comprehensive plan. The riparian corridor boundary is fifty feet from the top of the bank except as follows:

A. Where the riparian corridor includes all or portions of a significant wetland as identified in the Scappoose Riparian Inventory, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland; and

B. Except as provided for in subsection A of this section, the measurement of distance to the riparian corridor boundary shall be from the top of bank. The measurement shall be a slope distance. In areas where the top of each bank is not clearly defined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of nonaquatic vegetation, whichever is most landward. (Ord. 736 §1, 2003)

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RESPONSE: The site contains 6 wetlands a small stream along the southern portion and South Scappoose Creek along the eastern portion. Therefore, this Section is applicable. A riparian corridor of 50 feet is being provided from the top of bank of the South Fork of Scappoose Creek and for the unnamed stream to the south as required by this section. The isolated wetland areas on site include 25-foot wetland buffers.

The plans identify all of the water resources and the applicable buffers. An Environmental Assessment has been prepared by ES&A.

17.89.040 Activities allowed within the fish and riparian corridor.

A. The permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited. However, certain activities may be allowed within the fifty-foot fish and riparian corridor boundary, provided that any intrusion into the riparian corridor is minimized, and no other options or locations are feasible. A sensitive lands development permit - fish and riparian corridor overlay is necessary to approve the following activities:

1. Streets, roads, and paths;

2. Drainage facilities, utilities, and irrigation pumps;

3. Water-related and water-dependent uses; and

4. The expansion of existing, or creation of new bank stabilization and flood control structures, shall be evaluated by the director and appropriate state natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.

RESPONSE: There are two purposes for the proposed and very minor grading activities within the riparian corridor. First is for the installation of permitted improvements under item 1 including: 1. A proposed compacted gravel pathway to provide a public amenity. This activity is proposed primarily behind lots 30-37. 2. The new public street where it connects to JP West Road. The second purpose is permitted by item 2 above falling under drainage facilities and utilities. Very basic smoothing of the floodplain is necessary including areas of the riparian corridor to allow for proper drainage to occur between the residential area and the top of bank of Scappoose Creek. In addition to this smoothing for drainage purposes, a new utility consisting of a stormwater outfall is proposed near the intersection of the new street and JP West Road.

All areas within the riparian corridor will be replanted with native species and those plantings will extend beyond the limits of the 50-foot riparian corridor to the edges of the residential area to improve and extend the riparian habitat area. The end result of these activities will be a much improved and larger riparian area benefitting the community as well as the City of Scappoose.

B. Removal of riparian vegetation is prohibited, except for:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed;

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 2. Removal of vegetation necessary for the development of approved waterrelated or water-dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use; and 3. Trees in danger of falling and thereby posing a hazard to life or property may be felled, following consultation and approval from the community development director (director). The director may require these trees, once felled, to be left in place in the riparian corridor.

RESPONSE: This section does not apply to this development because removal of vegetation is permitted by the permitted grading activities allowed under 17.89.040.A above. Riparian vegetation can be removed within the riparian corridor as permitted by 17.89.040.A which allows for grading of these areas for streets, roads, utilities and paths as well as for drainage facilities. Areas that were planted by SBWC will have vegetation removed and replanted. Based upon observation, shortly after planting by SBWC, many of the plantings were compromised by siltation from larger storm systems that came after the plantings occurred. This project will improve what exists today within those areas as well as extend the riparian corridor plantings well beyond the 50-foot buffer area.

C. Exceptions. The following activities are not required to meet the standards of this section, and do not require a sensitive lands development permit - fish and riparian corridor overlay:

1. Commercial forest practices regulated by the Oregon Forest Practices Act;

2. Normal and accepted farming practices other than buildings or structures, occurring on land used for farm use and existing in the riparian area since prior to the date of adoption of this chapter;

3. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;

4. Maintenance, planting, and replanting of existing lawn and landscape areas containing non-native vegetation. However, such areas may not be expanded to further intrude into the riparian corridor;

5. Maintenance of existing bank stabilization and flood control structures; and 6. Maintenance or repair of existing structures or improvements (including asphalt or concrete drives) that do not involve a change in size, use or function. (Ord. 736 §1, 2003)

RESPONSE: None of these activities are proposed. This item does not apply.

17.89.050 Fish and riparian corridor density adjustment.

A. In order to provide incentive for siting and re-siting residential dwelling units to avoid the fish and riparian corridor, any partition, subdivision, or site development review application involving land subject to the fish and riparian corridor overlay may be paired with a sensitive lands development permit - fish and riparian corridor overlay application in such a manner as to provide for the development of allowed housing types to the net density that would have existed for the base zone without the restrictions provided by the fifty-foot fish and riparian corridor boundary. However, said development shall only qualify for such a density bonus if any structures existing

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previous to the adoption of the fish and riparian corridor overlay are relocated outside of the fish and riparian corridor overlay area. (Ord. 736 §1, 2003)

RESPONSE: The applicant is requesting a Planned Development to allow for shifting of the density on-site, including the allowed 25% bonus, as addressed herein regarding density. The intent is to reserve sensitive lands associated with fish and riparian corridors.

17.89.060 Variance provisions. When the riparian corridor prohibits the development of a lot or parcel legally created before the effective date of this chapter, a property owner may request a variance to the riparian setback, subject to the requirements of Chapter 17.134 of this title. In addition to the variance criteria listed in Section 17.134.030, granting of a variance to the fish and riparian corridor overlay requires further findings that strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels. (Ord. 736 §1, 2003)

RESPONSE: No Variance is being requested.

17.89.080 Expiration of approval--Standards for extension of time.

A. Approval of a sensitive lands development permit - fish and riparian corridor overlay shall be void if:

1. Substantial construction of the approved development plan has not begun within a one-year period; or

2. Construction on the subject site is a departure from the approved plan.

B. The planner may, upon written request by the applicant, grant an extension of the approval period not to exceed one year, provided that:

1. No changes are made on the original plan as approved by the approval authority;

2. The applicant can show intent of initiating construction of the site within the one-year extension period; and

3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

C. Notice of the extension shall be provided to the applicant. (Ord. 736 §1, 2003)

RESPONSE: The applicant understands the approval time limitation, and intends to proceed with development in a timely manner once preliminary approval is granted.

17.89.090 Review standards. The following criteria shall be included in review of any application to which the fish and riparian corridor overlay is applicable: A. In consultation with a representative of the Oregon Department of Fish and Wildlife, the planner shall identify which areas of the site are the most sensitive and susceptible to destruction, and which are the most significant;

RESPONSE: Environmental Science and Assessment coordinated with Monica R. Blanchard of the Oregon Department of Fish and wildlife. An email in response to that coordination effort is included within the application package. The department identified the riparian area, wetlands

and South Scappoose Creek as the most sensitive habitats providing the highest quality cover and refuge for native species in the area. ODFW appreciates the efforts to minimize wetland disturbance, add additional riparian vegetation and avoid construction in the stream corridor as proposed by this project.

B. After consultation with a representative of the Oregon Department of Fish and Wildlife, the planner shall analyze what the effect of proposed development will have on the fish and wildlife, hydrology, water quality, and riparian functions; determine if there will be a significantly adverse impact on the fish and wildlife resource; and, if the fish and wildlife habitat will be adversely impacted, the planner shall investigate if other development proposals could protect the fish and riparian corridor and still reasonably allow permitted activities;

RESPONSE: By limiting impacts to the most sensitive areas of the site, providing additional riparian plantings and regulating stormwater in accordance with City standards, the proposal will not have a negative effect on the fish and wildlife, hydrology, water quality, and riparian functions.

C. The planner may condition the approval of an application to require protection of the habitat, or if the project is unable to mitigate habitat degradation, the planner may deny the application. (Ord. 736 §1, 2003)

RESPONSE: The proposed project protects the most sensitive habitats on the site and enhances the riparian plantings of the area beyond the 50-foot corridor. The compacted gravel path proposed within a small portion of the corridor will not have a negative impact either. It is a 5-foot-wide path and will have plantings on each side. Overall, there will be an improvement to increase in riparian plantings than exists at this time. No additional conditions or a denial would be necessary in a case where such care has been taken to protect sensitive lands.

17.89.100 Application submission requirements.

A. All applications shall be made on forms provided by the City of Scappoose and shall be accompanied by:

1. One reproducible copy of the development plan(s) and necessary data or narrative which explains how the development conforms to the standards. Sheet size for the development plan(s) and required drawings shall not exceed eighteen inches by twenty-four inches and the scale for all development plans shall be to a standard engineering scale; and

2. A list of the names and addresses of all property owners of record within two hundred feet of the site.

RESPONSE: These submittal requirements are met. Compliance is confirmed through the City's "completeness review" process.

B. The development plan and narrative shall include the following information (items may be combined on one map):

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1. Existing site conditions including vicinity map showing the location of the property in relation to adjacent properties and including parcel boundaries, dimensions and gross area;

2. As applicable, the location, dimensions and names of all existing and platted streets and other public ways, railroad tracks and crossings, and easements on adjacent property and on the site and proposed streets or other public ways, easements on the site;

3. The location, dimensions and setback distances of all existing structures, improvements, utility and drainage facilities on adjoining properties and existing structures, water, sewer, improvements, utility and drainage facilities to remain on the site; and proposed structures, water, sewer, improvements, utility and drainage facilities on the site;

4. Contour lines at two-foot intervals for slopes from zero to ten percent and five-foot intervals from slopes over ten percent;

5. The drainage patterns and drainage courses on the site and on adjacent lands;

RESPONSE: The development plans and this Compliance Narrative provide the information required in B. 1. Through 5.

6. Potential natural hazard areas including:

a. Floodplain areas;

b. Areas having a high seasonal water table within zero to twenty-four inches of the surface for three or more weeks of the year; c. Unstable ground (areas subject to slumping, earth slides or movement). Where the site is subject to landslides or other potential hazard, a soils and engineering geologic study based on the proposed project may be required which shows the area can be made suitable for the proposed development;

d. Areas having a severe soil erosion potential; and *e.* Areas having severe weak foundation soils;

RESPONSE: Potential natural hazard areas including floodplains areas, water tables and soil conditions are shown within the plans and/or described in this narrative and the Geotechnical Report.

7. The location of trees having a six-inch caliper at four feet. Only those trees that will be affected by the proposed development need to be sited accurately. Where the site is heavily wooded, an aerial photograph at the same scale as the site analysis may be required;

RESPONSE: The Existing Conditions Plan shows all existing trees, as required.

8. Identification information, including the name and address of the owner, developer, and project designer, and the scale and north arrow;

RESPONSE: This information is provided herein and, on the plans, submitted.

9. A grading and drainage plan at the same scale as the site conditions and including the following:

a. The location and extent to which grading will take place indicating general contour lines, slope ratios, and slope stabilization proposals; b. A statement from a registered engineer supported by factual data that all drainage facilities are designed in conformance A.P.W.A. standards and as reviewed and approved by the public works director; and

RESPONSE: The Grading and Drainage plans are provided at the same scale. The Project Engineer has provided a supported by factual data that all drainage facilities are designed in conformance A.P.W.A. and City standards, as addressed in the Storm Drainage Report.

10. The method for mitigating any adverse impacts upon wetland, riparian or wildlife habitat areas. (Ord. 736 §1, 2003)

RESPONSE: Proposed Mitigation is provided based on the Environmental Assessment Report and/or shown on the proposed landscape plans. Grading activities are not proposed within wetlands however some grading will occur within riparian areas. These areas will be fully replanted and the riparian corridor expanded and protected within a tract. The ultimate condition after development is an increased area of higher value habitat within the riparian corridor.

Chapter 17.100 LANDSCAPING, SCREENING AND FENCING

17.100.010 Purpose. The purpose of this chapter is to establish standards for landscaping, buffering and screening in order to enhance the environment of the city through the use of plant materials as a unifying element and by using trees and other landscaping materials to mitigate the effects of the sun, wind, noise and lack of privacy. (Ord. 634 §1 Exh. A (part), 1995)

17.100.020 Applicability--Approval process.

A. The provisions of this chapter shall apply to all development including the construction of new structures, major modification of existing structures as defined in Chapter 17.120, and to an application which increases the on-site parking or loading requirements or which changes the access requirements.

B. Where the provisions of Chapter 17.120 do not apply, the planner shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter. No notice is required.

C. The applicant shall submit a site plan which includes:

1. Location of underground irrigation system sprinkler heads where applicable;

2. Location and height of fences, buffers and screening;

3. Location of terraces, decks, shelters, play areas, and common open spaces;

4. Location, type, size and species of existing and proposed plant materials; and

5. A narrative which addresses soil conditions and erosion control measures.

(Ord. 634 §1 Exh. A (part), 1995)

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RESPONSE: The provisions of this chapter apply to this project. A Landscaping Plan (Sheet L1) has been provided addressing the requirements of this Section and demonstrating the applicable features proposed above. Provisions for continued maintenance is indicated within the Draft CC&R's submitted. Soil conditions are addressed within the Geotechnical Report and erosion control measures are demonstrated on the preliminary plans. Erosion control measures will follow all City of Scappoose and DEQ regulations. The final erosion control plans will be reviewed by the City and an Erosion Control Permit obtained from DEQ prior to commencement of work on the site.

17.100.030 General provisions.

A. Unless otherwise provided by the lease agreement, the owner, tenant and their agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

RESPONSE: Individual owners will be responsible for maintaining landscaping within private yard areas. Common areas will be owned and maintained by the Homeowners Association in accordance with the recorded CC&R's. Landscaping will be maintained in good conditions so as to present a healthy, neat and orderly appearance and will be kept free from refuse and debris.

B. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:

1. Public utilities can be maintained or repaired;

2. Pedestrian or vehicular access is unrestricted;

3. Visual clearance area provisions are met. (See Chapter 12.10, Visual Clearance Areas.)

RESPONSE: All plants within landscaped areas will be controlled by pruning, trimming or otherwise to ensure public utilities can be maintained or repaired, no access type is restricted and vision clearance area provisions are met and maintained.

C. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or a bond has been posted with the city to insure the completion of landscaping requirements.

RESPONSE: Landscaping requirements will be met or a bond posted with the city prior to occupancy of individual units where applicable.

D. Existing plant materials on a site shall be protected to prevent erosion. Existing plant materials may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the tree. (Ord. 820 §6, 2012; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: Existing on-site plant materials proposed for retention will be protected to prevent erosion. Existing plant materials are not being utilized to address landscaping requirements.

17.100.090 Buffering and screening requirements.

A. Buffering and screening are required to reduce the impacts on adjacent uses which are of a different type. The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening. When different uses abut one another, buffering and screening are required. When different uses would be abutting one another except for separation by a right-of-way, buffering, but not screening, shall be required.

B. A buffer consists of an area within a required interior setback adjacent to a property line, having a width of ten feet, except where the planning commission requires additional width, and a length equal to the length of the property line of the abutting use or uses.

C. Occupancy of a buffer area shall be limited to utilities, screening, and landscaping. No buildings, accessways or parking areas shall be allowed in a buffer area. D. The minimum improvements within a buffer area shall include:

1. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than ten feet high for deciduous trees and five feet high for evergreen trees measured from the ground to the top of the tree after planting. Spacing for trees shall be as follows:

a. Small or narrow stature trees, under twenty-five feet tall or less than sixteen feet wide at maturity shall be spaced no further than fifteen feet apart;

b. Medium sized trees between twenty-five feet to forty feet tall and with sixteen feet to thirty-five feet wide branching at maturity shall be spaced no greater than twenty-five feet apart;

c. Large trees, over forty feet tall and with more than thirty-five feet wide branching at maturity, shall be spaced no greater than thirty feet apart.

2. In addition, at least one five-gallon shrub shall be planted for each one hundred square feet of required buffer area.

3. The remaining area shall be planted in groundcover, or spread with bark mulch.

RESPONSE: The Scappoose Creek Riparian corridor separates the site from existing development to the east. JP-West separates the site from development to the north on the eastern half. The same conditions exist for properties to the south where riparian corridors separate developments and uses. To the north on the western half of the site and to the west and south of the site are single family detached residential uses. The proposal is for the same use being single family detached and therefore no buffering and screening is required and this section does not apply.

17.100.110 Fences or walls.

A. Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed in required front yards. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height without any additional permits. Any proposed fence or fence/berm combination

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higher than six feet shall require a building permit. Any fence or fence/berm combination greater than eight feet in height shall require planning commission approval in addition to a building permit.

RESPONSE: No fencing, walls or combinations of berms and fences or walls are proposed within front yards of the residences at this time. Should fencing be installed in the front yards by homeowners, they will be required to comply with City Standards. Rear and side yard fences proposed will not exceed 6 feet without obtaining a building permit. The Landscaping Plan shows proposed retaining wall locations and proposed retaining wall/fence locations as well. There will be some combination retaining wall/fence combinations that approach 10 feet in height. Generally, this occurs where privacy fencing is located on top of a wall or is because a wall will need fall protection which would consist of fencing. Any wall exceeding 4 feet in height, fence/wall combination exceeding 6 feet will require building permits. Likewise, wall/fence combinations exceeding 8 feet but not exceeding 10 feet in height will be approved by the Planning Commission and will also require building permits.

B. The prescribed heights of required fences, walls or landscaping shall be measured from the lowest of the adjoining levels of finished grade.
C. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood or brick, or otherwise acceptable by the planner. Corrugated metal is not considered to be acceptable fencing material. Fences and walls shall be in compliance with other city regulations. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: Fencing and walls proposed are measured from the lowest of the adjoining levels of finish grade. Fencing types proposed include black vinyl dipped chain link in some open space area boundaries with wood fencing proposed along lot boundaries. Currently, rockery walls are proposed however lock and load walls may also be utilized where appropriate. The fence and wall type details are shown on the landscape plans.

17.100.140 Re-vegetation.

A. Upon completion of construction activities, where natural vegetation or topsoil has been removed in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this section to prevent erosion.

B. Preparation for Re-vegetation. Topsoil removed from the surface is to be stored on or near the sites and protected from erosion while construction activities are underway; and

1. Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved; and

2. After completion of such activities, the topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

C. Methods of Re-vegetation.

1. Acceptable methods of re-vegetation include hydro-mulching or the planting of rye grass, barley or other seed with equivalent germination rates, and where lawn

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or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four pounds to each one thousand square feet of land area.

2. Other re-vegetation methods offering equivalent protection may be approved by the approval authority.

3. Plant materials are to be watered at intervals sufficient to ensure survival and growth. 4. The use of native plant materials is encouraged to reduce irrigation and maintenance demands. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: All areas where natural vegetation or topsoil has been removed will be replanted if they don't contain a structure of some kind preventing planting such as a house, driveway or patio. No areas will be left uncovered. Re-vegetation will occur based on design and recommendations shown on the landscape plans which provide for re-vegetation preparation and methodologies. The use of native materials is emphasized within the plan.

Chapter 17.104 STREET TREES

17.104.010 Purpose. The purpose of this chapter is to foster retention of the overall tree canopy in the city and require the planting of street trees in order to enhance the environment of the city through the use of plant materials as a unifying element and to protect the health, safety and welfare of the public by using trees to mitigate the negative effects of impervious surfaces and vehicular traffic including increased temperatures, airborne particulates, carbon dioxide, noise and stormwater runoff. (Ord. 659 §3(part), 1997)

17.104.020 Applicability.

A. The provisions of this chapter shall apply to all development as defined in Scappoose Municipal Code Chapter 17.26, Definitions, except a building permit to add to or remodel an existing single family residence.

B. All development shall be required to plant street trees. Street trees shall be defined as trees located on land lying between the property lines on either side of all streets, avenues or public rights-of-way within the city or within easements defined on a recorded plat as street tree easements.

C. All street trees required under this chapter shall be subject to the requirements of Scappoose Municipal Code Chapter 17.140 Public Land Tree Removal. (Ord. 659 §3 (part), 1997)

RESPONSE: This development project proposes street trees. Street tree plantings are shown on the Landscaping Plan (Sheets L1 & L2).

17.104.030 Approval process.

A. The applicant shall submit two copies of a site plan, drawn to an acceptable scale, which includes:

1. North arrow and map scale;

- 2. Name and phone number of contact person;
- 3. Location of all permanent structures including signs;

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4. Location of right-of-way and all utilities including underground and aboveground;5. Location, type, size and species of proposed street trees.

RESPONSE: The application includes copies of the site landscape plan drawn at 1"=60'. The plan includes all of the requirements of items 1-5 above.

B. Where the development does not require approval by the planning commission, the plan shall be submitted to the planner for determination of completeness. When the plan is determined to be complete, the planner shall send one copy to the public works director for review and comment and shall allow five days for public works comments. The planner shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter within ten business days of determining the plan to be complete. No additional public notice shall be required.

C. If no other approvals are required by the project, there shall be no fee for approval of the plan required by this section.

D. If the project requires other approvals, the following shall apply:

1. Approval of the plan required by this section shall be consolidated with all other required approvals and shall be processed pursuant to the requirements of the other approvals; and

2. One percent of the total fee for all other approvals shall be placed in a dedicated fund for the planting and maintenance of street trees; and3. All required information may be combined with plans required by other approvals.

E. Certificates of occupancy shall not be issued unless the street tree requirements have been met or a bond has been posted with the city to insure the plantings. (Ord. 659 §3(part), 1997)

RESPONSE: In compliance with the applicable criteria B through E above, this development is proposed as a Planned Development, which will be reviewed by the Planning Commission and City Council. It is understood that occupancy will not be issued unless street tree's have been planted or a bond has been posted with the city to insure the plantings.

17.104.040 Standards for street trees.A. Street trees shall be selected from the approved street tree list on file with the Planning Department.B. At the time of planting, street trees shall not be less than ten feet high for deciduous

B. At the time of planting, street trees shall not be less than ten feet high for deciduous trees and five feet high for evergreen trees.

RESPONSE: The proposed street trees have been selected from the list provided by the City and the trees proposed are deciduous in nature. They will be at least ten feet in height at the time of planting.

C. Spacing and minimum planting areas for street trees shall be as follows:
 1. Street trees under twenty-five feet tall and less than sixteen feet wide at maturity shall be spaced no further than fifteen feet apart in planting areas

containing no less than sixteen square feet of porous surface and not less than four feet wide;

2. Street trees under twenty-five feet tall and greater than sixteen feet wide at maturity shall be spaced no further than twenty feet apart in planting areas containing no less than sixteen square feet of porous surface and not less than four feet wide;

3. Street trees between twenty-five feet to forty feet tall and less than twenty-five feet wide at maturity shall be spaced no greater than twenty-five feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;

4. Street trees between twenty-five feet to forty feet tall and greater than twentyfive feet wide at maturity shall be spaced no greater than thirty feet apart in planting areas containing no less than twenty-four square feet of porous surface and not less than six feet wide;

5. Street trees greater than forty feet tall at maturity shall be spaced no greater than forty feet apart in planting areas containing not less than thirty-six square feet of porous surface and not less than eight feet wide.

RESPONSE: The street trees proposed fall under category #2 above being under twenty-five feet tall and greater than sixteen feet wide at maturity. As such, they are spaced no more than twenty feet apart in planting areas containing no less than sixteen square feet of porous surface not less than 4 feet wide.

D. Street trees located under or within ten feet of overhead utility lines shall be less than twenty-five feet tall at maturity.

RESPONSE: Overhead utilities are present along JP West Road. The street trees proposed are less than twenty-five feet tall at maturity.

E. Street trees shall be planted in accordance with the requirements of Scappoose Municipal Code Section 13.28.020(C). (Ord. 875, 2018; Ord. 659 §3(part), 1997)

RESPONSE: Street trees will be planted in accordance with the requirements of Scappoose Municipal Code Section 13.28.020(C).

Chapter 17.106 OFF-STREET PARKING AND LOADING REQUIREMENTS

17.106.010 Purpose. The purpose of these regulations is to establish parking areas that have adequate capacity and are appropriately located and designed to minimize any hazardous conditions on-site and at access points. The parking requirements are intended to provide sufficient parking in close proximity to the various uses for residents, customers and employees, and to establish standards which will maintain the traffic carrying capacity of nearby streets. (Ord. 634 §1 Exh. A (part), 1995)

17.106.015 Applicability of provisions.

A. The provisions of this chapter shall apply to all development including the construction of new structures, major modification of existing structures as defined in Chapter 17.120, and to any application which increases the on-site parking or loading requirements or which changes the access requirements.
B. Where the provisions of Chapter 17.120 do not apply, the planner shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter. No notice is required.

C. The applicant shall submit a site plan which includes:

1. The location of the structures on the property and on the adjoining property;

2. The delineation of individual parking and loading spaces and their dimensions;

3. The location and dimension of the circulation area necessary to serve the spaces;

4. The location and dimension of the access point(s) to streets, to accessways and to properties to be served;

5. The location of curb cuts;

6. The location and dimensions of all landscaping, including the type and size of plant material to be used, as well as any other landscape material incorporated into the overall plan;

7. The proposed grading and drainage plans; and 8. Specifications as to signs and humper quarks (Ord 634

8. Specifications as to signs and bumper guards. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The circulation plan shows the location of structures on adjoining properties. This project is a single family detached residential subdivision. Individual parking spaces will be as follows:

- Each new home will have a minimum 20 foot wide and 20 foot-deep driveway.
- Each new home will have with a minimum 20 foot wide by 20 feet deep garage.
- Each new home will provide for 4 off-street parking spaces per unit including both driveway and garage spaces.

Circulation areas necessary to serve the spaces include public streets and some shared driveways all of which have been dimensioned in the plans and provide adequate circulation to utilize the proposed parking spaces. Curb cuts have been shown on the plans along with landscaping including type and size of plant material to be used as well as other landscape materials such as rockery walls, etc. Grading and drainage plans are included in the submittal and no signage or bumper guards are required for the type of parking proposed.

17.106.020 General provisions.

A. The dimensions for parking spaces are subject to the requirements in Section 17.106.050, and as follows:

Nine feet wide and eighteen feet long for a standard space; space; and
 In accordance with the applicable state and federal standards, at least twelve feet wide and eighteen feet long for designated handicapped parking spaces.

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RESPONSE: The dimensional standards listed here are typical of commercial parking lot standards. Parking for single family homes generally exceeds these standards by providing 10 foot wide and 20 foot deep parking spaces on individual lots. No ADA parking spaces are required.

B. The provision and maintenance of off-street and loading spaces are the continuing obligations of the property owner:

1. No building or other permit shall be issued until plans are presented to the planner to show that property is and will remain available for exclusive use as off-street parking and loading space; and

2. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title.

RESPONSE: This is a residential development, so there are no parking lots or structures. All parking will be on each lot in garages and driveways, or on-street, as shown in the Preliminary Street Plan (Sheet 5).

P. Bicycle Parking.

1. Standards. At a minimum, bicycle parking shall be provided based on the standards in Subsection 5 below. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant with Subsection 17.80.050.E or Subsection 17.106.020.Z, the planning commission may require bicycle parking spaces in addition to those in Subsection 5...

RESPONSE: There is no requirement for bike parking for detached single family development. However, the garages will provide safe storage for any bicycles homeowners may have.

17.106.030 Minimum off-street parking requirements.A. Residential Uses.1. Single-family 2 spaces for each dwelling unit residence or duplex

RESPONSE: All units will be detached single family homes. The homes to be built will provide two-car garages, with space for 2 cars in the driveway at a minimum which is double the standard listed in this section.

Chapter 17.130 CONDITIONAL USE

17.130.010 Purpose. The purpose of this chapter is to provide standards and procedures under which conditional use may be permitted, enlarged or altered if the site is appropriate and if other conditions can be met. (Ord. 634 §1 Exh. A (part), 1995)

17.130.020 Administration and approval process.

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A. The applicant of a conditional use proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
B. Action on the application shall be in accordance with Chapter 17.162. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant is proposing a Planned Development, which in the R-1 zone is a Conditional Use. Therefore, this Section is applicable.

17.130.030 Expiration of approval.

A. Approval of a conditional use by the planning commission shall be void if:

1. Substantial construction of the approved plan has not been completed within a one-year period; or

2. Construction on the site is a departure from the approved plan.

B. The planner may, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year, provided that:

1. No changes are made on the original conditional use plan as approved by the planning commission;

2. The applicant can show intent of initiating construction on the site within the one year extension period; and

3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

C. Notice of the decision shall be provided to the applicant. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant understands the approval time limitation, and intends to proceed with development in a timely manner once preliminary approval is granted.

17.130.040 Phased development or existing development.

A. The planning commission may approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than three years without reapplying for conditional use review.

B. The following criteria shall be satisfied in order to approve a phased conditional use review proposal.

1. All underground utilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is an interim facility not constructed to the applicable city or district standard; and

3. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required by an approved development proposal. (Ord. 828, 2013; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant is not proposing a phased development. All construction improvements will be completed in a single construction stage. However, the project will be

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 platted in two phases to permit building permits to be issued on 18 of the lots while the applicant completes their final LOMR application with FEMA.

17.130.050 Approval standards and conditions.

A. The planning commission shall approve, approve with conditions, or deny an application for a conditional use based on findings of fact with respect to each of the following criteria:

1. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;

2. All required public facilities have adequate capacity to serve the proposal;

3. The applicable requirements of the zoning district are met;

4. The use is compatible with surrounding properties or will be made compatible by imposing conditions.

RESPONSE: This property contains 6 wetlands, two creeks, a 100-year floodplain plus slopes in excess of 15%. Given the natural features and the desire to protect them to the greatest degree possible, the characteristics of this site are very suitable for a planned development proposing single family homes.

As demonstrated herein and on the Development Plans, all required public facilities are available and adequate to serve the proposed 48-Lot development.

Compliance with the R-1 zoning is addressed herein as are permitted adjustments to those standards through standards within the Planned Development Code Section.

The applicant is proposed detached single-family homes, which are compatible with the surrounding neighborhoods. Additionally, the design provides for larger lots along the north and west perimeters to not only demonstrate compatibility by use but also by size.

B. An enlargement or alteration of an existing conditional use shall be subject to the approval standards of this Chapter.

RESPONSE: This is a new Conditional Use, not a modification or expansion of and existing permit.

C. The planning commission may impose conditions on its approval of a conditional use, which it finds are necessary to ensure the use is compatible with other use in the vicinity. These conditions may include, but are not limited to, the following:

1. Limiting the hours, days, place and manner of operation;

2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;

3. Requiring additional setback areas, lot area, or lot depth or width;

4. Limiting the building height, size or lot coverage, or location on the site;

5. Designating the size, number, location and design of vehicle access points;

6. Requiring street right-of-way to be dedicated and the street to be improved;

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7. *Requiring landscaping, screening, drainage and surfacing of parking and loading areas;*

8. Limiting the number, size, location, height and lighting of signs;

9. Limiting or setting standards for the location and intensity of outdoor lighting; 10. Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location and materials for fences; 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas;

13. Requiring the dedication of sufficient open land area for a greenway adjoining and within the floodplain when land form alterations and development are allowed within the one hundred-year floodplain. (Ord. 828, 2013; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant understands the Planning Commission may impose conditions which it finds are necessary to ensure the use is compatible with other use in the vicinity. The applicant reserves the right to comment on any proposed Conditions of Approval.

17.130.080 Application submission requirements.

A. All applications shall be made on forms provided by the planner and shall be accompanied by:

1. Copies of the development permit proposal and necessary data or narrative which explains how the proposal conforms to the standards; and

2. Site development plans drawn to a standard engineering scale.

B. The required information may be combined on one map. (Ord. 828, 2013; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The application packet satisfies these criteria. Compliance is confirmed through the City's "completeness review" process.

17.130.090 Site development plans.

A. Site development plan(s), data and narrative shall include the following information:

1. A vicinity map showing the proposed site and surrounding properties;

2. The site size and its dimensions;

3. The location, dimensions, and names of all:

a. Existing and platted streets and other public ways and easements on the site and on adjoining properties, and b. Proposed streets or other public ways and easements on the site;

RESPONSE: The information required in Sub-A. 1.-3. Are provided with this application packet.

4. The location and dimension of:

- a. Entrances and exits on the site,
- b. Parking and traffic circulation areas,
- c. Loading and services areas, where applicable,

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d. Pedestrian and bicycle facilities, e. Utilities;

RESPONSE: The proposed Preliminary Plat and Preliminary Street Plan provide the information required by Sub-A.4 where applicable.

5. The location, dimensions and setback distances of all:
a. Existing structures, improvements and utilities which are located on adjacent property within twenty-five feet of the site and are permanent in nature, and
b. Proposed structures, improvements, and utilities on the site,

RESPONSE: Existing structures and improvements located on adjacent properties are shown submitted circulation plan. Proposed building setback areas, improvements and utilities on the site are shown throughout the plan set. Examples of proposed structures that will fit within the proposed setbacks have been submitted as well.

6. Contour lines at two-foot intervals for grades zero to ten percent and five-foot intervals for grades over ten percent;

RESPONSE: The project site contains a variety of topography with areas between zero and 27%. In order to more clearly understand the proposed grading, the applicant has utilized one foot contour intervals. This is primarily important to the flatter areas of the site containing floodplain.

7. A grading plan that includes:

a. The identification and location of the benchmark and corresponding datum,

b. Location and extent to which grading will take place indicating contour lines, slope ratios, and slope stabilization proposals, and c. When requested by the planner, a statement from a registered engineer

supported by factual data substantiating: i. The validity of the slope stabilization proposals, ii. That other off site impacts will not be created

ii. That other off-site impacts will not be created,

iii. Stream flow calculations,

iv. Cut and fill calculations, and

v. Channelization measures proposed;

RESPONSE: The Grading and Erosion Control Plan includes a description of the benchmark location and corresponding datum. The location and extent of grading is indicated with contours, slope arrows, ratios and wall locations. Stabilization proposals include walls and following the recommendations of the geo-tech report for cuts, fills and walls in addition to erosion control techniques. The planner has requested and the applicant has provided information related to slope stabilization (Geotechnical Report) and cut and fill calculations. The items requested by the planner have been provided.

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8. The location of drainage patterns and drainage courses;

9. The location of any natural hazard areas including:

a. Floodplain areas (one hundred-year floodplain and floodway),

b. Slopes in excess of fifteen percent;

c. Unstable ground (areas subject to slumping, earth slides or movement), d. Areas having a high seasonal water table within twenty-four inches of the surface for three or more weeks of the year,

e. Areas having a severe soil erosion potential as defined by the Soil Conservation Service, and

f. Areas having severe weak foundation soils;

10. If applicable, the location of resource areas or site features including:

a. Wildlife habitat, and

b. Wetlands,

c. Rock outcroppings, and

d. Trees with six inches caliper or greater measured four feet from ground level;

RESPONSE: The location of drainage patterns and courses, floodplains, slopes in excess of fifteen feet, areas having high seasonal water table, wildlife habitat, wetlands and trees are all demonstrated in the plans or in the case of water table and soils, described within the Geotechnical Report.

11. The method for mitigating any adverse impacts upon wetland, riparian or wildfire habitat areas.

RESPONSE: The applicant's overall plan will result in improved conditions for wetlands, riparian or wildlife habitat. First, no impacts are proposed to wetlands. For riparian areas, the landscape plans demonstrate replanting of areas impacted by grading within Tract D. Native plant materials will be utilized and variety will be implemented to provide habitat within these areas and includes an expansion of the riparian corridors in some locations exceeding City of Scappoose standards. All recommendations from the project biologist will be followed.

12. The location of areas to be landscaped including:
a. Location and height of fences, buffers and screening,
b. Location of terraces, decks, shelters, play areas, and common open spaces where applicable, and
c. Location, type, and size of existing and proposed plant materials,
d. Soil conditions, and
e. Erosion control measures that will be used. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The Landscaping Plan (Sheet L1 & L2) provides the information required by Sub -A.12.a-c. Soil conditions are noted for plantings on L2 as well as described within the Geotechnical Report. Erosion Control measures are demonstrated on the grading plan and specified in detail in the Geotechnical Report.

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Chapter 17.150 LAND DIVISION—SUBDIVISION

17.150.010 Purpose. The purpose of this chapter is to provide rules, regulations and standards governing the approval of plats of subdivisions; to carry out the development pattern and plan of the city; to promote the public health, safety and general welfare; to lessen congestion in the streets; secure safety from fire, flood, pollution and other dangers; to provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and to encourage the conservation of energy resources. (Ord. 727 §1, 2002; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant is proposing a 48-Lot subdivision including a Planned Development Application. Therefore, this chapter is applicable.

17.150.020 General provisions. A. An application for a subdivision shall be processed through a two-step process, the tentative plan and the final plat:

 The tentative plan shall be approved by the planning commission before the final plat can be submitted for approval consideration; and
 The final plat shall reflect all conditions of approval of the tentative plan.

RESPONSE: This application is for Tentative Plan approval.

B. All subdivision proposals shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.

RESPONSE: The preliminary plat has been prepared in conformity with state regulations set forth in ORS Chapter 92.

C. When subdividing tracts into large lots, the planning commission shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this title.

RESPONSE: The applicant is not proposing large lots that could be further subdivided. As such, this criterion is not applicable.

D. Where landfill and/or development is allowed within and adjacent to the one hundredyear floodplain, the city may require the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain.

RESPONSE: There is floodplain associated with South Scappoose Creek along the eastern 1/3 of the property. This land is set aside (Tract D) as a park, containing 298,644 square feet. The applicant is constructing a compacted gravel trail within the floodplain within a public easement to enhance the circulation system along the creek as an extension of the Scappoose Veteran's

Park system. In addition, the entire tract will be preserved in a conservation easement with rights given to the City to improve the trail and/or construct a paved pedestrian/bicycle pathway which could ultimately be extended further south.

E. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located to minimize flood damage and constructed according to public works design standards and specifications.

RESPONSE: All public utilities and facilities such as sewer, gas, electrical and water systems will be located to minimize flood damage and will be constructed according to public works design standards and specifications.

F. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

RESPONSE: The storm drainage system will collect stormwater runoff from the project and direct them through stormwater facilities before being discharged into floodplain areas. The design eliminates exposure to flood damage during a 100-year event. A Storm Drainage Report has been prepared for this development. The proposed Preliminary Storm design is based on the findings of the Storm Report and is designed consistent with City standards.

G. Where base flood elevation has not been provided or is not available from another authoritative source, it shall be generated by the developer.

RESPONSE: The base flood elevation has been provided, based on FEMA approved LOMR, as discussed herein.

H. All subdivision proposals shall include neighborhood circulation plans that conceptualize future street plans and lot patterns to parcels within five hundred feet of the subject site. Circulation plans address future vehicular/bicycle/pedestrian transportation systems including bike lanes, sidewalks, bicycle/pedestrian paths, and destination points and must meet the criteria in 17.120(Q). A circulation plan is conceptual in that its adoption does not establish a precise alignment. (Ord. 857, 2016; Ord. 828, 2013; Ord. 711 §1 Exh. A (part), 2001; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The Preliminary Development Plans provide a Neighborhood Circulation Plan, which reflects existing and the potential for future streets and lotting plans within 500 feet of the property.

17.150.050 Phased development.

A. The planning commission may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without submitting a final plat for each completed phase. In no case shall

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the total time for construction of the development exceed five years. The planning commission may require a new application for a tentative plan for subsequent phases following the final plat approval.

RESPONSE: The applicant is proposing a phased development for platting purposes. All of the required improvements for the project will be built with the initial construction. Only the platting will occur in phases. The applicant will wait for the FEMA Letter of Map Revision to be approved prior to submitting a final plat for Phase 2. The expected timeframe for the LOMR approval is expected to be 9-12 months. As such, Phase 2 will be platted shortly after the LOMR approval and easily within the 2 years of Phase 1 plat recording.

17.150.060 Approval standards--Tentative plan. A. The planning commission may approve, approve with conditions or deny a tentative plan based on the following approval criteria:

1. The proposed tentative plan shall comply with the city's comprehensive plan, the applicable chapters of this title, the public works design standards, and other applicable ordinances and regulations;

RESPONSE: As demonstrated herein, the proposed development complies with the City's comprehensive plan, and the applicable provisions of the Development Code.

2. The proposed plat name is not duplicative and otherwise satisfies the provisions of ORS Chapter 92.090(1);

RESPONSE: The proposed plat name (Buxton Ranch) is not be a duplicate of any other development in the County and otherwise satisfies the provisions of ORS Chapter 92.090(1).

3. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects, including conformance with neighborhood circulation plans, unless the city determines it is in the public interest to modify the street or road pattern; and

RESPONSE: The proposed streets are laid out consistent with the established neighborhood streets and surrounding subdivisions and major partitions. The primary internal street is design for future extension to the south as adjacent properties are developed. Extensions to the west are not possible due to slope conditions and the inability to meet city street standards. Extension's east are prohibited by Scappoose Creek and its floodplain and floodway

4. An explanation has been provided for all public improvements.

RESPONSE: The explanations for public improvements is provided herein.

B. The planning commission may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require reserve strips be granted to the city for the purpose of controlling access to adjoining

undeveloped properties. (Ord. 727 §1, 2002; Ord. 711 §1 Exh. A (part), 2001; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant understands that Conditions may be attached, and reserves the right to comment on any such Conditions which may be proposed.

17.150.070 Application submission requirements-- Tentative plan.

A. All applications shall be made on forms provided by the planner and shall be accompanied by:

1. Seven copies of the tentative plan map and required data or narrative. A reproducible copy of the tentative plan and required data or narrative may be substituted for the seven required copies; and 2. The required fee.

RESPONSE: The applicant has provided 7 copies of the tentative plan map, together with the required supporting data and code compliance narrative. The applicable application fees have also been paid.

B. The tentative plan map and data or narrative shall include the following:
1. Sheet size for the tentative plan shall preferably not exceed eighteen inches by twenty-four inches;

2. The scale shall be an engineering scale, and limited to one phase per sheet;

3. Vicinity map showing the general location of the subject property in relationship to arterial and collector streets;

4. Names, addresses and telephone numbers of the owner, developer, engineer, surveyor and designer, as applicable;

5. The date of application;

RESPONSE: The tentative plans have been provided on an appropriately sized 24X36 page based upon the overall site size and detail required by the City. All plans are at suitable engineering scales. The plans are dated and the all parties are listed on the Cover Sheet.

6. The assessor's map and tax lot number and a legal description sufficient to define the location and boundaries of the proposed subdivision;7. The boundary lines of the tract to be subdivided;

RESPONSE: The applicant includes the assessor's map and tax lot number in the plans. The boundary is clearly discernable.

8. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land;

RESPONSE: The Cover Sheet of the Proposed Development Plans identify the names of adjoining subdivisions, tax lots and tax lot numbers. The recorded property owners of adjoining

parcels of un-subdivided land can be found in the mailing list provided within this application package.

9. Contour lines related to a city established benchmark at two-foot intervals for grades zero to ten percent and five-foot intervals for grades over ten percent;

RESPONSE: The Existing Conditions Plan provides the detailed topography of the site. Due to the variation in topography from very flat to sloping, one foot contour intervals are provided to ensure the most detail can be provided.

10. The purpose, location, type and size of all the following (within and adjacent to the proposed subdivision) existing and proposed:

a. Public and private rights-of-way and easements,
b. Public and private sanitary and storm sewer lines, domestic water mains including fire hydrants, gas mains, major power (fifty thousand volts or better), telephone transmission lines, and watercourses, and
c. Deed reservations for parks, open spaces, path ways and any other land encumbrances;

RESPONSE: Existing and proposed public and private rights-of-way and easements are indicated in the plans. Public sanitary, storm and water mains including fire hydrants are also indicated in the plans. Existing gas mains and overhead utilities as well as watercourses are indicated in the plans. The applicant has described in detail reservations for parks, open spaces and pathways. Easements will be provided for specified uses as needed and CC&R's indicate ownership and maintenance responsibilities.

11. Approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plans of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;

RESPONSE: The plans proposed are plan and profile in nature and include sanitary and storm with grades and pipe sizes. Plans for the proposed water system including sizes, valve locations and fire hydrants have been provided.

12. Approximate centerline profiles showing the finished grade of all streets including street extensions for a reasonable distance beyond the limits of the proposed subdivision;

RESPONSE: Centerline profiles showing finished grades of streets and street extensions are provided within the plans.

13. Scaled cross-sections of proposed street rights-of-way;

RESPONSE: Cross sections of proposed street rights-of-way are provided on sheet 5.

14. The location of all areas subject to inundation or stormwater overflow, and the location, width and direction of flow of all watercourses and drainageways;

RESPONSE: The plans submitted indicate the location of all areas subject to inundation or stormwater overflow. The location, width and direction of flow of all watercourses are indicated on or can be scaled on the plans.

15. The proposed lot configurations, approximate lot dimensions and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots. Each lot shall abut upon a public street;

RESPONSE: The Preliminary Plat provides the proposed lot configurations, together with lot dimensions and lot areas. The Plat is design such that each lot has frontage on a public street.

16. The location of all trees with a diameter six inches or greater measured at four feet above ground level (if any), and the location of proposed tree plantings, and a designation of trees to be removed and those that will remain; 17. The existing use of the property, including location of all structures and present use of the structures, and a statement of which structures are to remain after platting;

RESPONSE: The Existing Conditions Plan identifies all existing trees on the property as well as existing uses. The only existing structure on the property is a cattle shelter. No structures will remain.

18. Supplemental information including proposed deed restrictions, if any, proof of property ownership, and a proposed plan for provision of subdivision improvements;

RESPONSE: The applicant has provided a preliminary title report as well as draft CC&Rs. A proposed plan for provision of subdivision improvements has not been requested. However, after obtaining all approvals for construction, David Weekley Homes will hire a contractor to perform all of the construction work. With completion of the improvements, a final plat will be submitted to the County Surveyor for review and recording.

19. Existing natural features including rock outcroppings, wetlands and marsh areas;

RESPONSE: Existing natural features, such as the creeks, wetlands, floodplain, floodway, trees and topography are provided on the Existing Conditions Plan.

20. Unless specifically exempted by the planner, a neighborhood circulation plan that conceptualizes future street plans and lot patterns to parcels within five hundred feet of the subject site. Circulation plans address future

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vehicular/bicycle/pedestrian transportation systems including bike lanes, sidewalks, bicycle/pedestrian paths, and destination points.

RESPONSE: A neighborhood circulation plan conceptualizing future street and lot patterns to parcels within five hundred feet of the subject site has been provided. The only area impacted by future extension of streets is to the south where potential future circulation plans are shown.

C. If any of the foregoing information cannot practicably be shown on the tentative plan, it shall be incorporated into a narrative and submitted with the application. (Ord. 828, 2013; Ord. 711 §1 Exh. A (part), 2001; Ord. 635 §1 (part), 1996; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: All necessary information has been provided on the Preliminary Plan Set, in supporting documents, i.e., floodplain analysis; Geotechnical Report, Traffic Analysis, wetlands inventory, etc., or described within this compliance narrative.

17.150.140 Application submission requirements--Final plat. Unless otherwise provided in Section 17.150.020, the applicant shall submit final plat and two copies to the planner within one year which complies with the approved tentative plan. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: Final Plat submittal requirements will be addressed in a timely manner following preliminary approval and site development.

Chapter 17.154 STREET AND UTILITY IMPROVEMENT STANDARDS

17.154.010 Purpose. The purpose of this chapter is to inform applicants of general design standards for street and utility improvements and maintain consistency between this title and the Scappoose public works design standards and standard specifications. (Ord. 634 §1 Exh. A (part), 1995)

17.154.020 General provisions.

A. The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements within the city shall occur in accordance with the standards of this title, the public works design standards, the transportation system plan, and in accordance with county or state standards where appropriate.
B. The public works director may require changes or supplements to the standard specifications consistent with the application of engineering principles.
C. Subject to approval of the planner and the public works director, street sections may be modified administratively based on geographical constraints of steep slopes, wetlands, floodplains, and constraints imposed by existing structures. Modifications may include, but are not limited to, reduced paving widths, elimination of on-street parking and eliminating sidewalks on one side of the street. (Ord. 857, 2016; Ord. 658 §3(part), 1997; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The proposed streets are designed consistent with City standards.

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 The Site has frontage on SW J. P. West Road, which is classified as a Neighborhood Route, Figure 12 of Transportation System Plan (TSP).

Figure 15 of the TSP calls for a local street to be extended between SW J. P. West Road and E.M. Watts Road, conceptually aligned with Eggleston Lane, which would be through the subject site.

The TSP also anticipates pedestrian connections to be established from SW Maple Street and SW Jobin Road. However, there are no existing rights-of-way or easements from these two streets that would accommodate such a pedestrian link. Therefore, the applicant is not capable of providing this connectivity.

17.154.030 Streets.

A. No development shall occur unless the development has frontage or approved access to a public street:

1. Streets within a development and streets adjacent to a development shall be improved in accordance with this title and the public works design standards and specifications.

2. Any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this title and the public works design standards and specifications.

RESPONSE: The subject site has frontage on SW J. P. West Road along the north property line. This street is classified as a Neighborhood Route, which has a design standard of 60-foot right-of-way, 36-foot paved section, 5.5-foot planter strip and 6-foot sidewalk.

The Preliminary Plat provides for dedication of 10 feet of additional right-of-way for SW J. P. West Road along the site frontage.

The proposed development includes a primary internal local street (Eggleston Lane), which is aligned with the existing intersection of Captain Roger Kucera Way and SW J. P. West Road. The street is designed to extend through the site to the abutting property to the south, which will accommodate future extension, when that property is developed.

Because Eggleston Lane will be a temporary dead-end street a temporary interim turn-around has been provided at the south end within an easement.

3. Subject to approval of the city engineer and the planner, the planner may accept and record a non-remonstrance agreement in lieu of street improvements if two or more of the following conditions exist:

a. A partial improvement is not feasible due to the inability to achieve a cohesive design for the overall street;

b. A partial improvement may create a potential safety hazard to motorists or pedestrians;

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c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;

d. The improvement would be in conflict with an adopted capital improvement plan;

e. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

RESPONSE: The SW Eggleston Lane Right-of-way is proposed to extend to the southern boundary of the site. The improvements are proposed to stop just before the riparian corridor. The reason the applicant has to stop short of the stream crossing is because the stream itself is so close to the site boundary, that there is not enough room to constructing the last portion of the street without impacting the stream or without needing to construct improvements on off-site properties. Therefore, a partial improvement is not feasible due to the inability to achieve a cohesive design for the overall street. Constructing this small stretch of roadway may also result in a potential safety hazard with a longer street extension with no available turn-around.

The applicant will record a non-remonstrance agreement in lieu of street improvements. In addition to this non-remonstrance agreement, the applicant is also voluntarily constructing additional half street improvements along JP West Road which would not be required by the city. The improvement will occur in front of tax lot 403 between Lot 1 and Tract G of the proposed development. The length of this improvement is approximately 100 feet.

B. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the council for the purpose of general traffic circulation:

1. The council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or major partitions if any one or more of the following conditions are found by the council to be present:

a. Establishment of a street is initiated by the council and is found to be essential for the purpose of general traffic circulation, and partitioning of subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; and b. The tract in which the road or street is to be dedicated is an isolated ownership of one acre or less and such dedication is recommended by the commission to the council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or major partitions. **RESPONSE:** The Preliminary Plat demonstrates the proposed rights-of-way for proposed internal streets and widening of SW J. P. West Road. These rights-of-way will be officially created (dedicated) when the Plat is recorded. No deed of dedication is necessary.

2. With each application for approval of a road or street right-of-way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of subdivision and major partition approval:

a. The applicant shall submit such additional information and justification as may be necessary to enable the commission in its review to determine whether or not a recommendation for approval by the council shall be made;

b. The recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the purpose of this title or the city's public works design standards relating to street standards and street acceptance policies;

c. The commission, in submitting the proposal with a recommendation to the council, may attach conditions which are necessary to preserve the standards of this title;

d. All deeds of dedication shall be in a form prescribed by the city and shall name "the city of Scappoose, Oregon" or "the public," whichever the city may require, as grantee;

e. All instruments dedicating land to public use shall bear the approval by the city manager accepting the dedication prior to recording.

3. No person shall create a street or road for the purpose of partitioning an area or tract of land without the approval of the city.

RESPONSE: The Preliminary Plat creates the rights-of-way for proposed internal streets and widening of SW J. P. West Road. These rights-of-way will be officially created when the Plat is recorded, consistent with these criteria.

C. The planning commission may approve an access easement established by deed without full compliance with this title provided such an easement is the only reasonable method by which a lot large enough to develop can develop:

1. Vehicular access easements which exceed one hundred fifty feet shall be improved in accordance with the Uniform Fire Code.

2. Vehicular access shall be improved in accordance with the public works design standards.

RESPONSE: The Preliminary Plat creates the following access easements:

- 1. Access easement to flag lots 46, 47 and 48.
- 2. Access easement to flag lots 7 and 8.
- 3. Interim access easement over lots 16 and 17 for an interim emergency fire truck turnaround. The turn-around may be removed in the future when Eggleston Lane is eventually extended south.

These easements will be improved in accordance with the public works design standards and are necessary as the provide access to areas that are difficult to access with a traditional street. Providing a public street to access so few lots would unnecessarily create more impervious surfaces and require additional costs to the city for maintenance. These types of easements for flag lots are permitted by the development code.

D. The location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the public works director in accordance with the city's public works design standards; and

2. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:

a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or

b. Conform to a plan adopted by the council, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

3. New streets shall be laid out to provide reasonably direct and convenient routes for walking and cycling within neighborhoods and accessing adjacent development.

RESPONSE: The Preliminary Plat creates the rights-of-way for proposed internal streets and widening of SW J. P. West Road in accordance with these criteria.

The primary local street (Buxton Lane) is aligned to provide for the logical extension of Captain Roger Kucera Way, and is extended through the site to the southern boundary, to accommodate future extension and connection to the existing Eggleston Lane further south when those properties develop. This street is designed to local street standard with 54-foot right-of-way and 32-foot paved section, with curbs, planter strip and sidewalks on both sides.

Other street connections are prohibited to the west and east by natural resources, floodplains and slopes. Therefore, no additional street connections can be made.

All street grades will be approved by public works in accordance with the city's design standards. The approved street plan does not indicate any specified street locations however provides for the appropriate projections of Eggleston Lane based on its current terminus to the south and the proposed intersection on JP West Road direction across from Captain Roger Kucera Way.

The new street is laid out to provide reasonably direct and convenient routes for walking and cycling within neighborhoods and walking is enhanced through the proposed public trail along the Scappoose Creek riparian corridor.

F. The street right-of-way and roadway widths shall not be less than the minimum widths described in the city's public works design standards.

RESPONSE: The street widths are consistent with the city's public works design standards.

F. Where necessary to give access or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed. A reserve strip across the end of a dedicated street shall be deeded to the city; and a barricade shall be constructed at the end of the street by the property owners which shall not be removed until authorized by the public works director, the cost of which shall be included in the street construction cost.

RESPONSE: The primary local street (Eggleston Lane) is aligned to provide for the logical extension to the south and is intended to accommodate future extension and connection to the existing terminus of Eggleston Lane south of the project site. Due to natural features and slopes, street connections to the east or west that meet City requirements cannot be accommodated. The terminus of Eggleson Lane at the south boundary will include a reserve strip dedicated to the city and a barricaded will be constructed which will not be removed until authorized by the public works director.

G. No street name shall be used which will duplicate or be confused with the names of existing streets within the city's urban growth boundary, except for extensions of existing streets. Street names and numbers are subject to review and approval the Scappoose rural fire district.

RESPONSE: Eggleston Lane is the only new street and the City has indicated that this name is appropriate because it will ultimately connect with the existing Eggleson Lane south of this development when that property is developed. The name is a prior approved name by the Scappoose rural fire district to ensure they do no duplicate existing street names.

H. Concrete vertical curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in this chapter and the city's public works design standards. Concrete curbs and driveway approaches are required and shall be built to the city's configuration standards.

RESPONSE: All street improvements have been designed and will be constructed in accordance with standards specified in this chapter and the City's public works design standards.

I. Wherever the proposed development contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land, and the distance shall be determined with due consideration at cross streets or the minimum distance required for approach grades and to provide sufficient depth to allow screen planting along the railroad right-of-way in nonindustrial areas.

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RESPONSE: This site is not adjacent to a railroad. Therefore, this criterion is no applicable.

J. Where a development abuts or is traversed by an existing or proposed arterial street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design requirements shall include any of the following:

1. A parallel access street along the arterial;

2. Lots of suitable depth abutting the arterial to provide adequate buffering with frontage along another street;

3. Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial; or

4. Other treatment suitable to meet the objectives of this subsection.

RESPONSE: This site is not adjacent or traversed by an arterial. Therefore, this criterion is not applicable.

K. Upon completion of a street improvement and prior to acceptance by the city, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the city that all boundary and interior monuments shall be established or re-established, protected and recorded.

RESPONSE: This criterion will be complied with at the time of Final Plat review and recording.

L. Private streets are permitted within manufactured home parks, and the city shall require legal assurances for the continued maintenance of private streets, such as:

1. A bonded maintenance agreement; and

2. The creation of a homeowners association;

RESPONSE: No private streets are proposed. This criterion does not apply.

M. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the public works director and approved by the commission.

RESPONSE: There are no nearby railroad lines. This criterion is not applicable.

O. The developer shall install all street signs, relative to traffic control and street names, as specified by the public works director for any development. The cost of signs shall be the responsibility of the developer.

RESPONSE: As part of the site development the applicant will install street signs, relative to traffic control and street names, as specified by the public works director.

P. Joint mailbox facilities shall be provided in all residential developments, with each joint mailbox serving at least two dwelling units.

 Joint mailbox structures shall be placed adjacent to roadway curbs and shall comply with provisions of the Americans with Disabilities Act and implementing federal and state regulations; on a copy of the tentative plan, and shall be approved by the U.S. Post Office prior to plan approval; and
 Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan, and shall be approved by the U.S. Post Office prior to plan

3. Plans for the joint mailbox structures to be used shall be submitted for approval by the planner prior to final approval.

RESPONSE: Joint mailboxes will be located adjacent to roadway curbs and will comply with provisions of the Americans with Disabilities Act and implementing federal and state regulations as directed by the U.S. Postal Service. Plans for the joint mailbox structures to be used will be submitted for approval by the planner prior to final approval. Repeated attempts have been made to coordinate locations of joint mailboxes. To date, the applicant has not received any responses from the U.S. Post Office.

Q. The location of traffic signals shall be noted on approved street plans, and where a proposed street intersection will result in an immediate need for a traffic signal, a city-approved signal shall be installed. The cost shall be included as a condition of development.

R. Street lights shall be installed in accordance with the city's public works design standards.

RESPONSE: No traffic signals are warranted by this development and Street lights will be installed in accordance with the city's public works design standards.

S. A Transportation Impact Study (TIS) must be submitted with a land use application if the conditions in (1) or (2) apply in order to determine whether conditions are needed to protect and minimize impacts to transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

1. Applicability – TIS letter. A TIS letter shall be required to be submitted with a land use application to document the expected vehicle trip generation of the proposal. The expected number of trips shall be documented in both total peak hour trips and total daily trips. Trip generation shall be estimated for the proposed project using the latest edition of the Institute of Engineers Trip Generation Manual or, when verified with the City prior to use, trip generation surveys conducted at similar facilities.

2. Applicability – TIS report. A TIS report shall be required to be submitted with a land use application if the proposal is expected to involve one or more of the following:

a. The proposed development would generate more than 10 peak hour trips or more than 100 daily trips.

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approval; and

b. The proposal is immediately adjacent to an intersection that is functioning at a poor level of service, as determined by the city engineer. c. A new direct approach to US 30 is proposed.

d. A proposed development or land use action that the road authority states may contribute to operational or safety concerns on its facility(ies). e. An amendment to the Scappoose Comprehensive Plan or Zoning Map is proposed.

3. Consistent with the city's Traffic Impact Study (TIS) Guidelines, the city engineer will determine the project study area, intersections for analysis, scenarios to be evaluated and any other pertinent information concerning the study and what must be addressed in either a TIS letter or a TIS report.
4. Approval Criteria. When a TIS Letter or Report is required, a proposal is subject to the following criteria:

a. The TIS addresses the applicable elements identified by the city engineer, consistent with the Traffic Impact Study Guidelines;
b. The TIS demonstrates that adequate transportation facilities exist to serve the proposed development or, in the case of a TIS report, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the city engineer and, when state highway facilities are affected, to ODOT;

c. For affected non-highway facilities, the TIS report establishes that mobility standards adopted by the city have been met; and d. Proposed public improvements are designed and will be constructed consistent with Public Works Design Standards and access standards in the Transportation System Plan.

RESPONSE: A Transportation Impact Study (TIS) has been prepared by Kittelson & Associates consistent with these criteria. The study is included within the submittal package.

5. Conditions of Approval.

a. The city may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.

b. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to city standards. c. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development. **RESPONSE:** The applicant reserves the right to comment on any proposed Conditions of Approval.

17.154.040 Blocks.

A. The length width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated, consideration of needs for safe and convenient pedestrian and vehicular access and circulation and recognition of limitations and opportunities of topography.

B. Except for arterial streets, no block face shall be more than five hundred and thirty (530) feet in length between street corner lines and no block perimeter formed by the intersection of pedestrian access ways and local, collector and arterial streets shall be more than one thousand five hundred feet in length. If the maximum block size is exceeded, mid-block pedestrian and bicycle access ways should be provided at spacing no more than 330 feet, unless one or all of the conditions in Subsection C can be met. Minimum access spacing along an arterial street must meet the standards in the city's adopted Transportation System Plan. A block shall have sufficient width to provide for two tiers of building sites. Reverse frontage on arterial streets may be required by the planning commission.

RESPONSE: The primary local street within this development (Eggleston Lane) is aligned to provide for the logical extension of Captain Roger Kucera Way, and is extended through the site to the southern boundary. This will accommodate future extension and connection to the existing stub street of Eggleston Lane further south. There are no other existing streets that are stubbed to this property allowing for logical extension.

The issue with creating blocks within the area between JP West Road as far south as Keys Road is that there is a relatively narrow band of developable land sandwiched between the South Scappoose Creek Floodplain on the west and steep slopes and some steep drainageways rising above the valley floor to the west. The block length for Eggleston Lane could exceed 2,000 feet due to these natural conditions which don't permit city design standards to be met. It may be possible with future development to the south to shorten this length to 1,500 feet if either slope conditions to the west get gentler or the width of the valley between the floodplain and slope area gets wider. Through the Buxton Ranch project site, the valley floor area outside of floodplain is not wide enough to create a block or have 2 parallel streets to help create a block. Unfortunately, these natural conditions do not permit development on the site to comply strictly with the block length criterion however, those criteria are met to the degree practicable.

There are limitations associated with topography which prevent street connections to the east or west as additionally described in Subsection C below addressing exemptions permitted.

C. Exemptions from requirement of Subsection B of this section may be allowed, upon approval by the planner and the city engineer, where one or all of the following conditions apply:

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 1. Where topography and/or other natural conditions, such as wetlands or stream corridors, preclude a local street connection consistent with the stated block length standards. When such conditions exist, a pedestrian access way shall be required in lieu of a public street connection if the access way is necessary to provide safe, direct and convenient circulation and access to nearby destinations such as schools, parks, stores, etc.

RESPONSE: The project site has both topographical and natural resource constraints to the west and natural resource constraints to the east which prohibit street connections that would otherwise address block length requirements and therefore an exemption is requested.

The west side of the site contains steep slopes on site and off-site between the site and Jobin Lane. Additionally, there are isolated wetlands and buffers along with a stream and riparian corridor including buffers. At the request of the City Engineer, the applicant's engineer analyzed trying to make an emergency vehicle connection to Jobin however, slopes for such a connection would exceed eighteen percent or would otherwise impact large areas of resource if attempted further south. Additionally, pedestrian connections in this area would be overly steep and likely require substantial stair construction.

The east side of the project site is dominated by Scappoose Creek, its floodplains, wetlands and buffers and riparian corridors. Day Street would be the only connection point to the east however the impacts to resources, floodplain and floodway that would occur and a bridge construction project makes such a connection inadvisable with costs and maintenance in excess of proportionality requirements. Additionally, a pedestrian connection similarly would require substantial impacts, fill in the floodplain and floodway and an expensive bridge crossing.

Accessways to the east and west are not necessary to provide safe, direct and convenient circulation. To the west, an accessway would be extremely steep and contains steps which would make the connection less safe or convenient. To the east, an existing sidewalk system along JP West Road already provides safe, direct and convenient circulation.

Additionally, accessways are not necessary to provide access to nearby destinations such as schools, parks, stores, etc. The project site is creating a public street connecting to JP West Road which provides direct access to the park across the street and a sidewalk connection to commercial areas and schools to the east with very little out of direction travel for pedestrians.

2. Where access management standards along an arterial street preclude a full local street connection. Where such conditions exist, and in order to provide for adequate connectivity and respect the needs for access management, the approval authority shall require either a right-in/right-out public street connection or public roadway connection to the arterial in lieu of a full public street connection. Where a right-in/right-out street connection is provided, turning movements shall be defined and limited by raised medians to preclude inappropriate turning movements.

Buxton Ranch – Planned Development Subdivision Revised June 2022 PDG 359-004 **RESPONSE:** There are no arterials affecting full local street connections. This criterion does not apply.

3. A cul-de-sac street shall only be used where the city engineer and planner determine that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, all of the following standards shall be met:

a. The cul-de-sac shall not exceed a length of 500 feet, except where the city engineer and planner determine that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac. b. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code and the standards of Public Works Design Standards.

c. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to the standards in Section 17.120.180(Q), as applicable. (Ord. 857, 2016; Ord. 828, 2013; Ord. 658 §3 (part), 1997; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: No cul-de-sac is proposed. These criteria do not apply.

17.154.050 Easements.

A. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be either dedicated or provided for in the deed restrictions, and where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

RESPONSE: Easements for sewers, drainage, water mains, or other pubic utilities will be dedicated on the plat and are shown in the tentative plans. Where deemed necessary by the City, a stormwater easement or drainage right-of-way will be provided over the entirety of the specified tracts containing known water features.

B. A property owner proposing a development shall make arrangements with the city, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The final plat, when recorded will result in the creation of all easements necessary for all utility and utility types within the development to provide full services.

17.154.070 Sidewalks.

A. Sidewalks are required and shall be constructed, replaced or repaired in accordance with the city's public works design standards.

RESPONSE: Sidewalks will be constructed in accordance with the city's public works design standards.

B. Maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.

RESPONSE: It is understood that sidewalk and curb maintenance is the continuing obligation of the adjacent property owner.

C. Subject to approval by the public works director and planner, planner may accept and record a non-remonstrance agreement for the required sidewalks from the applicant for a building permit for a single-family residence when the public works director determines the construction of the sidewalk is impractical for one or more of the following reasons:

1. The residence is an in-fill property in an existing neighborhood and adjacent residences do not have sidewalks;

2. Sidewalk grades have not and will not be established for the property in question within a one-year period;

3. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical.

RESPONSE: A non-remonstrance agreement is not proposed in lieu of sidewalk construction.

D. In the event one or more of the following situations are found by the council to exist, the council may adopt a resolution to initiate construction of a sidewalk in accordance with city ordinances:

1. A safety hazard exists for children walking to or from school and sidewalks are necessary to eliminate the hazard;

2. A safety hazard exists for pedestrians walking to or from a public building, commercial area, place of assembly or other general pedestrian traffic, and sidewalks are necessary to eliminate the hazard;

3. Fifty percent or more of the area in a given block has been improved by the construction of dwellings, multiple dwellings, commercial buildings or public buildings and/or parks. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant is constructing sidewalks along proposed street improvement areas. None of the above situations is applicable to this development.

17.154.080 Public use areas.

A. Where a proposed park, playground or other public use shown in a development plan adopted by the city is located in whole or in part in a subdivision, the commission may require the dedication or reservation of such area within the subdivision.

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RESPONSE: No development plan adopted by the city is located in whole or in part in this project site.

B. Where considered desirable by the commission in accordance with adopted comprehensive plan policies, and where a development plan of the city does not indicate proposed public use areas, the commission may require the dedication or reservation of areas within the subdivision or sites of a character, extent and location suitable for the development of parks and other public use.

RESPONSE: The east side of the property located within Tract D may be considered to have character suitable for additional public uses. The applicant is proposing a compacted gravel trail along Tract D's east edge however recognizes that in the future, the City may want to expand the pedestrian/bicycle network. To ensure this could occur if ever determined by the City to be desirable, its recommended that the City also require reservation of an easement not just for conservation but for other public purposes over this tract.

C. If the declarant is required to reserve land area for a park, playground or other public use, such land shall be acquired by the appropriate public agency within eighteen months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the declarant. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: There is currently no requirement to reserve land area for a park, playground or other public use on this property. The applicant however is providing a public compacted gravel trail as part of an extension of the facilities developed within Scappoose Veterans Park and to allow the public enjoyment of the resource areas.

17.154.090 Sanitary sewers.

A. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth by the city's public works design standards and the adopted policies of the comprehensive plan.
B. The public works director shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

C. Proposed sewer systems shall include consideration of additional development within the area as projected by the comprehensive plan and the wastewater treatment facility plan and potential flow upstream in the sewer sub-basin.

D. Applications shall be denied by the approval authority where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The proposed sanitary sewer system to serve this development is shown on the Preliminary plans. The system has been designed and will be installed to serve new development and connect developments to existing mains. The public works director will review and approve sanitary sewer plans prior to issuance of development permits. The proposed system can be

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extended to provide service to properties to the south where its needed. No deficiency has been identified to exist and adequate capacity is available to serve this development.

17.154.100 Storm drainage.

A. The planner and public works director shall issue permits only where adequate provisions for stormwater and floodwater runoff have been made, and:

1. The stormwater drainage system shall be separate and independent of any sanitary sewerage system.

2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street.

3. Surface water drainage patterns shall be shown on every development proposal plan.

4. All stormwater analysis and calculations shall be submitted with proposed plans for public works directors review and approval.

5. All stormwater construction materials shall be subject to approval of the public works director.

RESPONSE: The design includes an adequate system for stormwater and floodwater run-off as evidenced in the city approved CLOMR application and the FEMA approved CLOMR application. This includes the design for the stormwater system and details form the storm drainage report to demonstrate compliance with City stormwater requirements.

Inlets are provided so that surface water is not carried across intersection or allowed to flood on any street. The exception to this is the limited ability to fill within the floodplain. Rather than creating additional floodplain fill when its unnecessary the applicant has adjusted the design for Eggleston Lane.

At the entrance of the site, JP West Road's cross section is proposed to be built to have a slope of 1.5% instead of the 2.5% standard cross slope. This helps keep the grade of Eggleston Lane higher in elevation to reduce the flooding depths expected in the roadway. From the intersection, Eggleson Lane will start form a shed section sloping 1% to the east matching the existing running slope of SW JP West Road and transitions to a standard crown section at a rate of 1% for every 10 feet. During the 100-year event (1% chance annually), the floodwaters would span Eggleston Lane for roughly 20 feet of its length near the site's entrances as shown on the Street Plan (Sheet 6). The maximum water depth expected at the center line is 2 inches however as the roadway is still in transition from a shed section the west side of Eggleson will have less water depth than at centerline. As the floodwaters recede, the catch basin at the east of the site's entrance will collect the water and divert it to the creek.

In summary, there may be a short duration of shallow flooding on Eggleston Lane during a 100year event however it is shallow water, completely passible by all vehicle types and the curb on the west side will remain visible.

A cross section for the shed section of Eggleston Road has been placed within the preliminary plans and the narrative updated to explain the above condition.

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B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

RESPONSE: Where deemed necessary by the city, a stormwater easement or drainage right-ofway will be provided over the entirety of the specified tracts containing known water features.

C. A culvert or other drainage facility shall, and in each case be, large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The public works director shall determine the necessary size of the facility.

RESPONSE: There are no culverts proposed with this project. This item does not apply.

D. Where it is anticipated by the public works director that the additional runoff resulting from the development will overload an existing drainage facility, the planner and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: There is no anticipation that runoff from this development will overload an existing drainage facility. Detail for storm drainage has been provided within the submitted Storm Drainage Report.

17.154.105 Water system. The planner and public works director shall issue permits only where provisions for municipal water system extensions have been made, and: A. Any water system extension shall be designed in compliance with the comprehensive plan existing water system plans. B. Extensions shall be made in such a manner as to provide for adequate flow and gridding of the system. C. The public works director shall approve all water system construction materials. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The proposed water system includes a connection between the proposed waterline in the street extending from JP West Road looping south and west to connect into an existing 12-inch waterline located within Tract E. This creates a looped system providing for adequate flow and gridding of the system. The system will be constructed with Ductile Iron piping as required.

17.154.107 Erosion controls.

A. Any time the natural soils are disturbed and the potential for erosion exists, measures shall be taken to prevent the movement of any soils off site. The public works director shall determine if the potential for erosion exists and appropriate control measures.
B. The city shall use the city's public works design standards as the guidelines for erosion control. (Ord. 634 §1 Exh. A (part), 1995)

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RESPONSE: The Preliminary Grading and Erosion Control Plan includes appropriate erosion control consistent with these criteria.

17.154.110 Bikeways.

A. Developments adjoining proposed bikeways shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way.B. Where possible, bikeways should be separated from other modes of travel including pedestrians.

C. Minimum width for bikeways is four paved feet per travel lane. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The TSP does not identify any bikeways associated with or adjoining this property.

17.154.120 Utilities.

A. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at fifty thousand volts or above, and:

1. The applicant shall make all necessary arrangements with the serving utility to provide the underground services;

2. The city reserves the right to approve location of all surface mounted facilities;

3. All underground utilities, including sanitary sewers, water lines, and storm drains installed in streets by the applicant, shall be constructed prior to the surfacing of the streets; and

4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. The applicant for a subdivision shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and:

1. Plans showing the location of all underground facilities as described herein shall be submitted to the public works director for review and approval; and 2. Above ground equipment shall not obstruct visual clearance areas for vehicular traffic. (Ord. 820 §11, 2012; Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: All utilities, except for surface mounted transformers, surface mounted connection boxes and meter cabinets, are designed underground consistent with these criteria and will be placed underground. Appropriate Public Utility Easements, (PUE's) are shown on the tentative plans and will be recorded on the plat. Actual design of franchise utilities is completed by the providers and not the applicant or its representative.

17.154.200 Engineer's certification required. The land divider's engineer shall provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade and that improvements were built according to plans and specifications, prior to city

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acceptance of the subdivision's improvements or any portion thereof for operation and maintenance. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: As part of the site development, and prior to final plat, the Project Engineer will provide written certification that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, and are of high grade and that improvements were built according to plans and specifications.

Chapter 17.162 PROCEDURES FOR DECISION MAKING--QUASI-JUDICIAL

17.162.010 Purpose. The purpose of this chapter is to establish procedures for the consideration of development applications, for the consideration of quasi-judicial comprehensive plan or zoning amendments and for appeal of quasi-judicial decisions. (Ord. 634 §1 Exh. A (part), 1995)

17.162.020 Application process.

A. The applicant shall be required to meet with the planner for a pre-application conference. Such a requirement may be waived in writing by the applicant.
B. The planner will invite city staff from other departments to provide technical expertise applicable to the proposal, as necessary, as well as other public agency staff.
C. At such conference, the planner shall:

1. Cite the applicable comprehensive plan policies and map designation; provisions;

3. Provide available technical data and assistance which will aid the applicant as provided by the public works director;

4. Identify other policies and regulations that relate to the application; and

5. Identify other opportunities or constraints that relate to the application.

D. Another preapplication conference is required if an application is submitted six months after the preapplication conference.

E. Failure of the planner to provide any of the information required by this chapter shall not constitute a waiver of the standards, criteria or requirements of the applications. Neither the city nor the planner shall be liable for any incorrect information provided in the preapplication conferences.

RESPONSE: The applicant held a pre-application conference with the City in December 2018. The Applicant's Design Team has been in close coordination with the Planning Staff throughout preparation of this application. The application includes all information requested by the Planning Staff and other agency personnel.

F. Applications for approval required under this title may be initiated by:

1. Resolution of the city council;

2. Resolution of the planning commission;

3. The planner;

4. A recognized neighborhood planning organization or city advisory board or commission; or

5. Application of a record owner of property or contract purchaser.

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G. Any persons authorized by this title to submit an application for approval may be represented by an agent authorized in writing to make the application. *H.* The application shall be made on forms provided by the planner.

RESPONSE: This application is initiated by David Weekley Homes, a contract purchaser.

I. The application shall:

1. Include the information requested on the application form;

2. Address appropriate criteria in sufficient detail for review and action; and

3. Be accompanied by the required fee.

RESPONSE: The application includes all information listed requested on the application form and the plans, reports and narrative address the appropriate criteria in sufficient detail for review and action. Fees have been paid.

J. The planner may require information in addition to that required by a specific provision of this title, provided the planner determines this information is needed to properly evaluate the proposed development proposal; and the need can be justified on the basis of a special or unforeseen circumstance.

RESPONSE: The applicant has provided all of the information requested by the planner and will continue to do this through the completeness review process.

K. The planner may waive the submission of information for a specific requirement provided the planner finds that specific information is not necessary to properly evaluate the application; or the planner finds that a specific approval standard is not applicable to the application.

RESPONSE: This applicant is not aware of any submission waivers at this time.

L. Where a requirement is found by the planner to be inapplicable, the planner shall: 1. Indicate for the record and to the applicant the specific requirements found inapplicable; and

2. Advise the applicant in writing that the finding may be challenged on appeal or at the hearing or decision on the matter and may be denied by the approval authority; and

3. Cite in the staff report on the application the specific requirements found inapplicable, the reasons therefor and the specific grant of authority.

RESPONSE: This applicant is unaware of any inapplicable requirements being addressed.

M. An application shall be deemed incomplete unless it addresses each element required to be considered under applicable provisions of this title and the application form, unless that requirement has been found inapplicable by the planner. The planner shall not accept an incomplete application.

RESPONSE: This application will go through the completeness review process establishing each required element is addressed under applicable provisions of this title and application form unless that requirement has been found inapplicable by the planner. The applicant reserves there right under Oregon State Law to request that the application be deemed complete.

N. If an application is incomplete, the planner shall: 1. Notify the applicant within thirty days of receipt of the application of exactly what information is missing; and 2. Allow the applicant to submit the missing information.

O. The application shall be deemed complete when the missing information is provided and at that time the one hundred twenty-day time period shall begin to run for the purposes of satisfying state law.

P. If the applicant refuses to submit the missing information, the application shall be deemed incomplete on the thirty-first day after the planner first received the application and returned to the applicant.

RESPONSE: The applicant will diligently work with the planner to provide all applicable information for completeness. The applicant reserves their right under Oregon State law to request the application be deemed complete.

Q. Referrals will be sent to interested agencies such as city departments, police department, fire district, school district, utility companies, and applicable city, county, and state agencies. Affected jurisdiction and agencies could include the Department of Environmental Quality, the Oregon Department of Transportation, and Columbia County Rider. (Ord. 634 91 Exh. A (part), 1995)

RESPONSE: All actions required by this section are the City's responsibility.

17.162.021 Consolidation of proceedings.

A. Except as provided in subsection C of this section, whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding.

B. In such cases as stated in subsection A of this section, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under Section 17.164.110, in the following order of preference: the council, the commission, or the planner.

C. Where there is a consolidation of proceedings:

1. The notice shall identify each action to be taken;

2. The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions. Plan map amendments are not subject to the one hundred twenty-day decision making period prescribed by state law and such amendments may involve complex issues. Therefore, the planner shall not be required to consolidate a plan map amendment and a zone change or other permit applications requested unless the applicant requests the proceedings be consolidated and signs a waiver of the one hundred twenty-day time limit prescribed by state law for zone change and permit applications; and

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3. Separate actions shall be taken on each application.

D. Consolidated Permit Procedure.

1. Use of the consolidated permit procedures described in this section shall be at the election of the applicant.

2. When the consolidated procedure is elected, application and fee requirements shall remain as provided by resolution approved by the council. If more than one permit is required by this title or other ordinance to be heard by the planning commission or city council, each such hearing shall be combined with any other permit also requiring such hearing. The standards applicable to each permit by this or any other ordinance shall be applied in the consolidated procedures to each application.

3. In a consolidated proceeding, the staff report and recommendation provided by the planner shall be consolidated into a single report.

4. All rules and ordinances of the city not in conflict with this section shall apply in a consolidated permit procedure. (Ord. 634 §1 Exh. A (part), 1995)

RESPONSE: The applicant is requesting consolidation of the following land use requests:

- 1. Subdivision;
- 2. Planned Development;
- 3. Conditional Use;
- 4. Sensitive Lands Review:
 - a. Floodplain;
 - b. Wetlands;
 - c. Slope Hazards;
 - d. Fish and Riparian Corridor

LOMR and CLOMR documentation has previously been provided. The CLOMR has been approved by the City and submitted to FEMA.

Therefore, the provisions of this Chapter are applicable.

17.162.025 Noticing requirements. A. Notice of a pending quasi-judicial public hearing shall be given by the planner in the following manner:

RESPONSE: The City is responsible for providing all required notices.

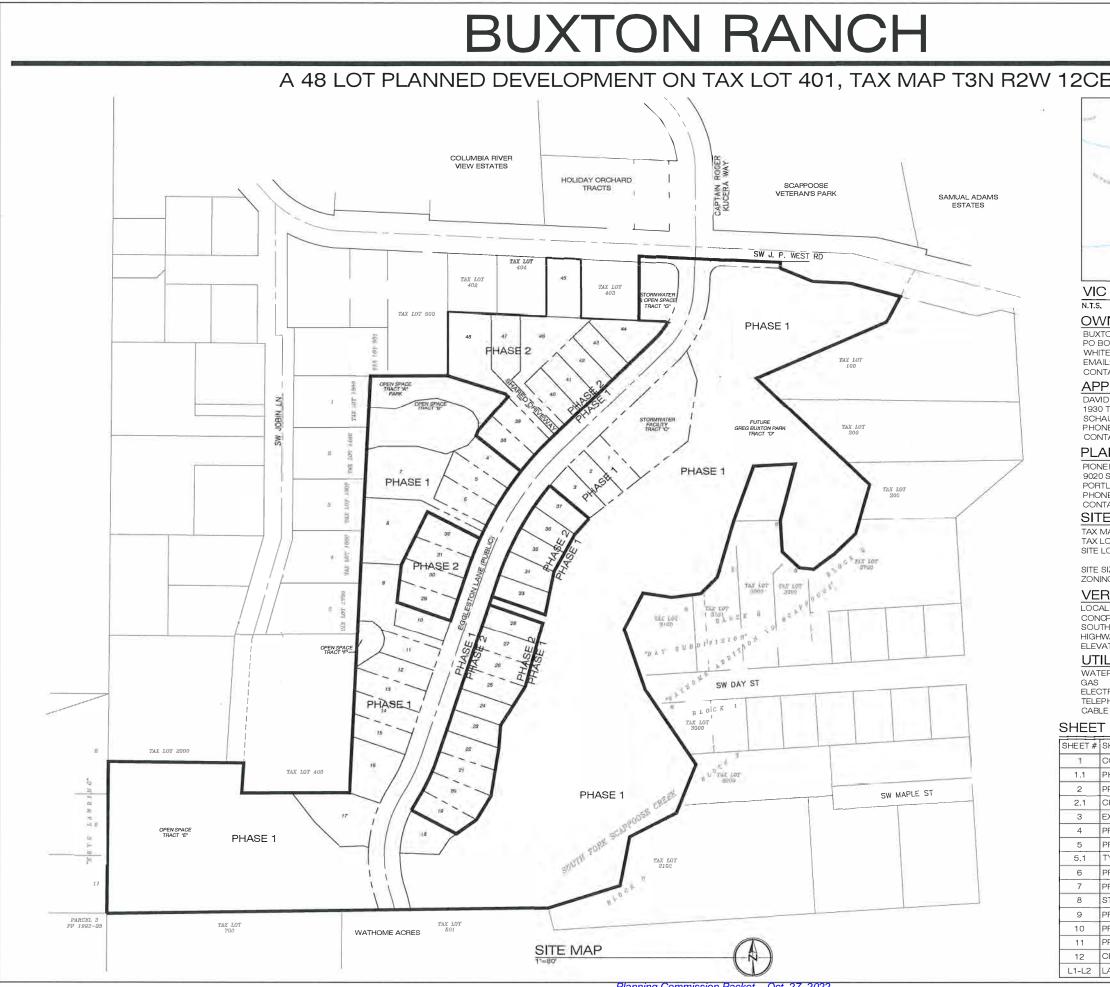
FINAL CONCLUSION

Based on the findings provided herein, the applicant has demonstrated the proposed 48-Lot Buxton Ranch subdivision, planned development, complies with the comprehensive plan, and applicable provisions of Chapters 17.01; 17.22 17.44; 17.81; 17.84; 17.85; 17.86; 17.89; 17.104; 17.106; 17.130; 17.150; 17.154; and 17.162 of the Development Code.

Therefore, the applicant respectfully requests approval of this application.

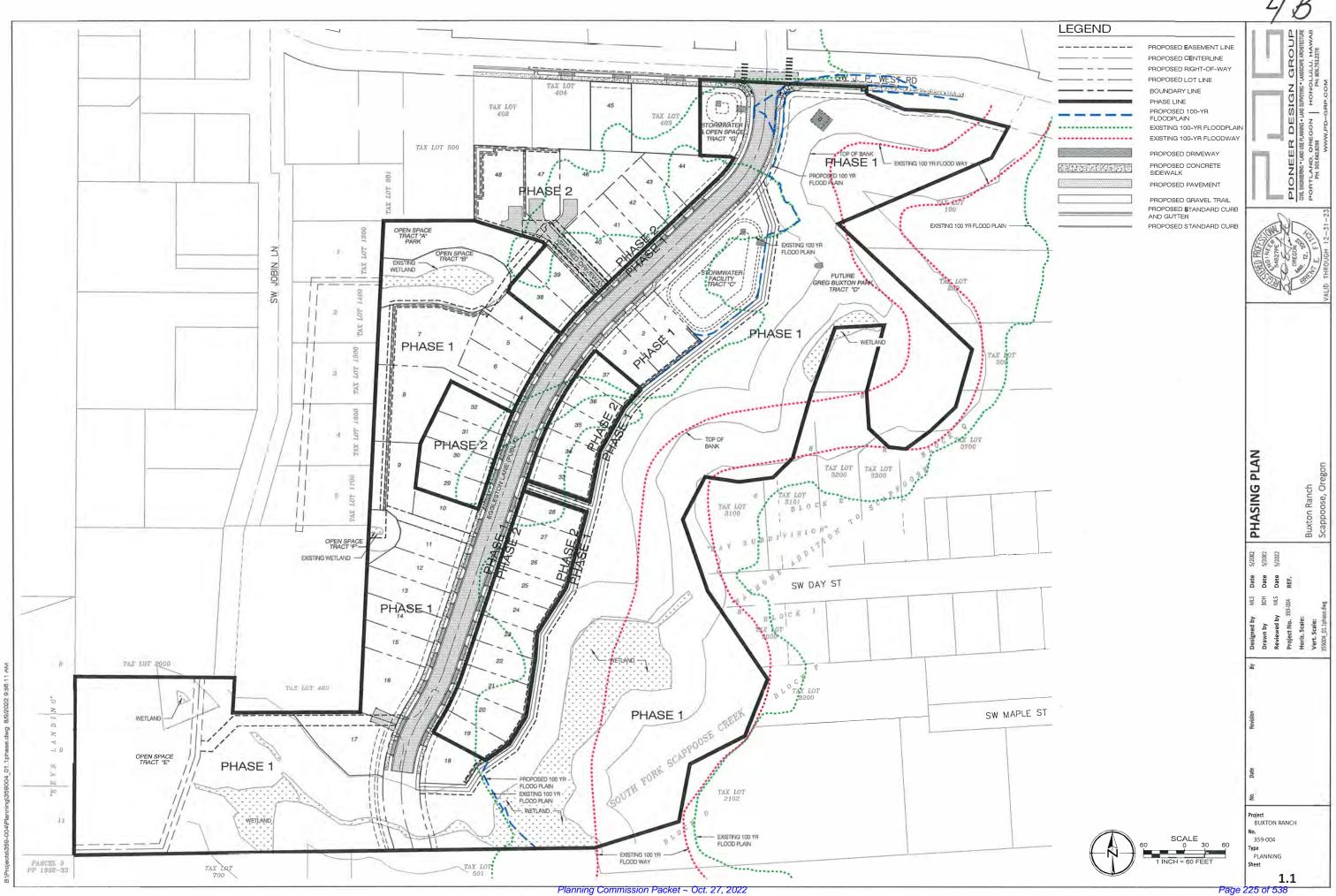
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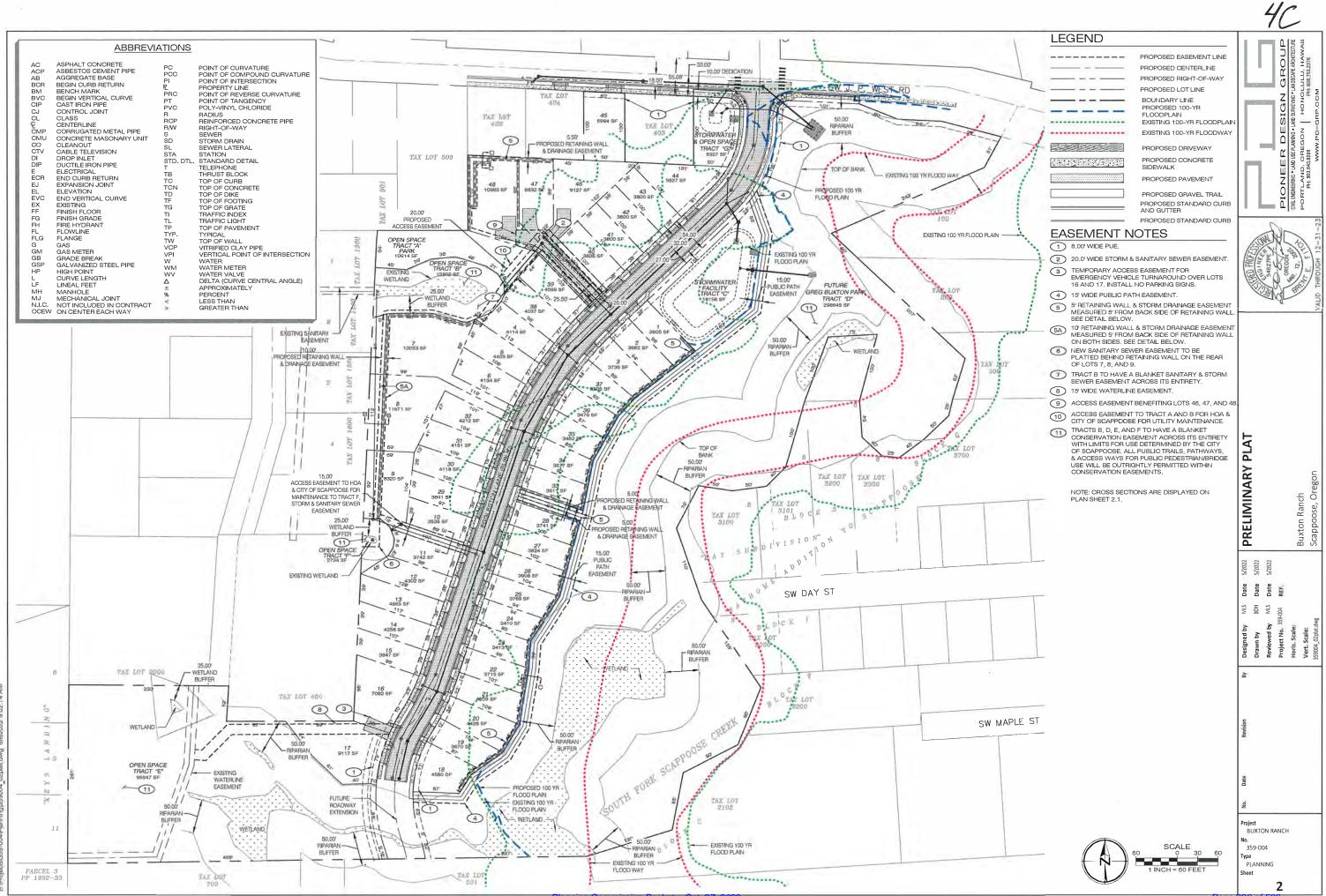
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PRELIMINARY GRADING AND EROSION CONTROL PLAN PRELIMINARY STREET PLAN	
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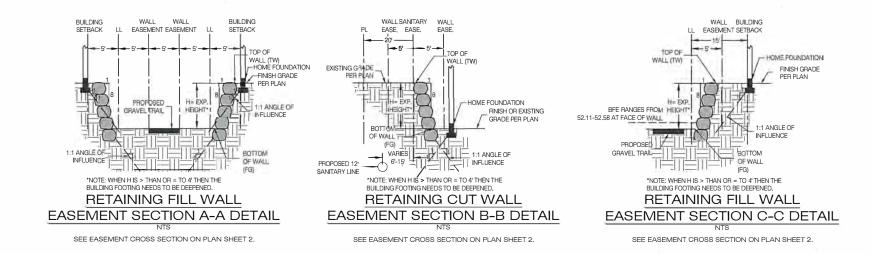


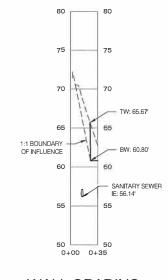


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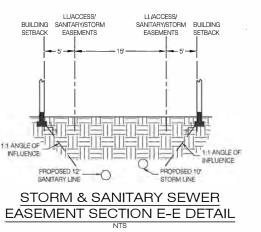
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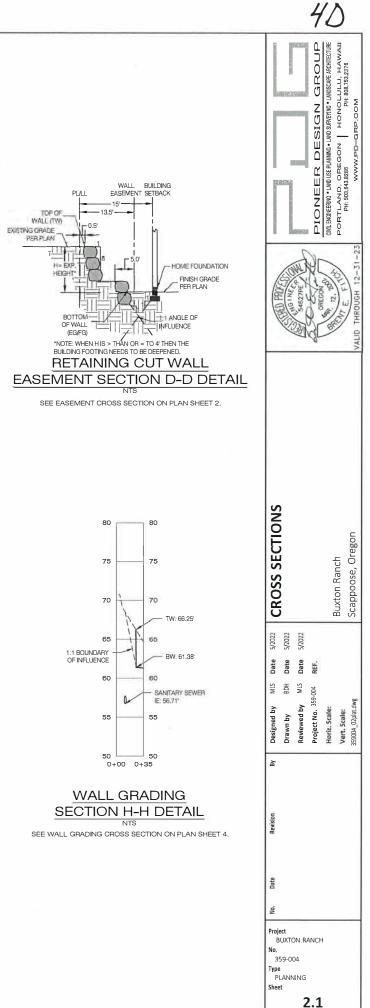
SEE WALL GRADING CROSS SECTION ON PLAN SHEET 4.



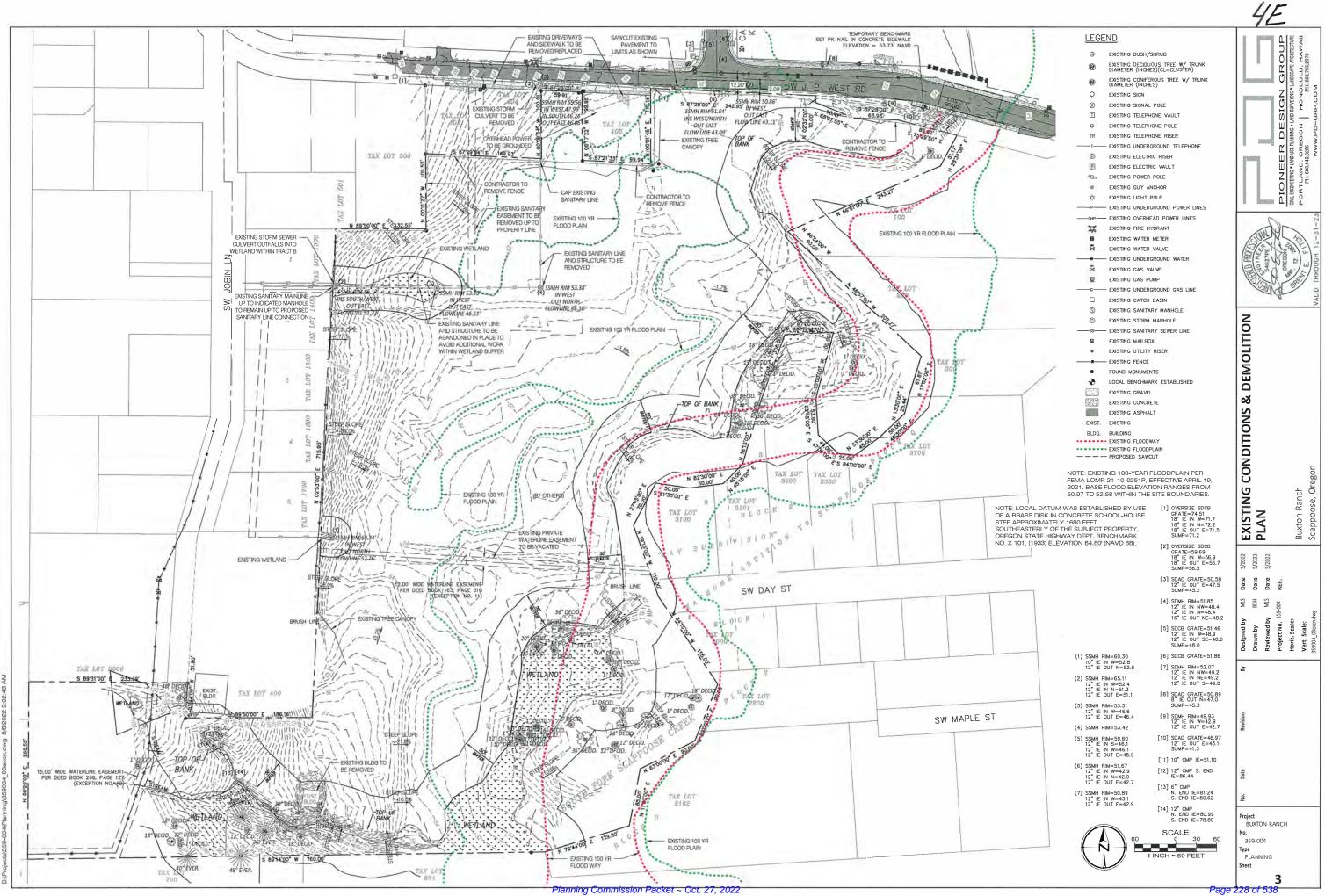
SEE EASEMENT CROSS SECTION ON PLAN SHEET 2.

SEE WALL GRADING CROSS SECTION ON PLAN SHEET 4.

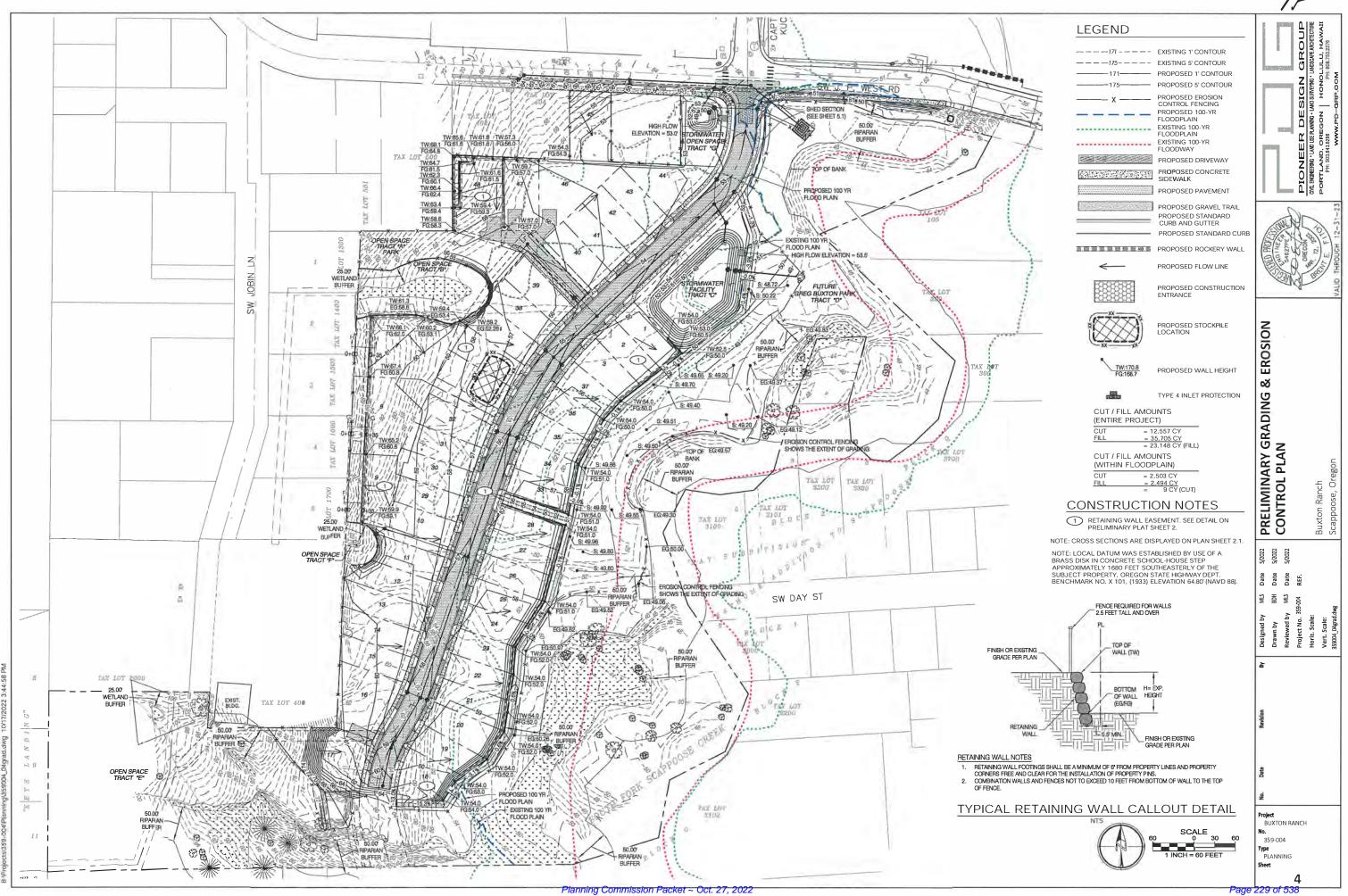
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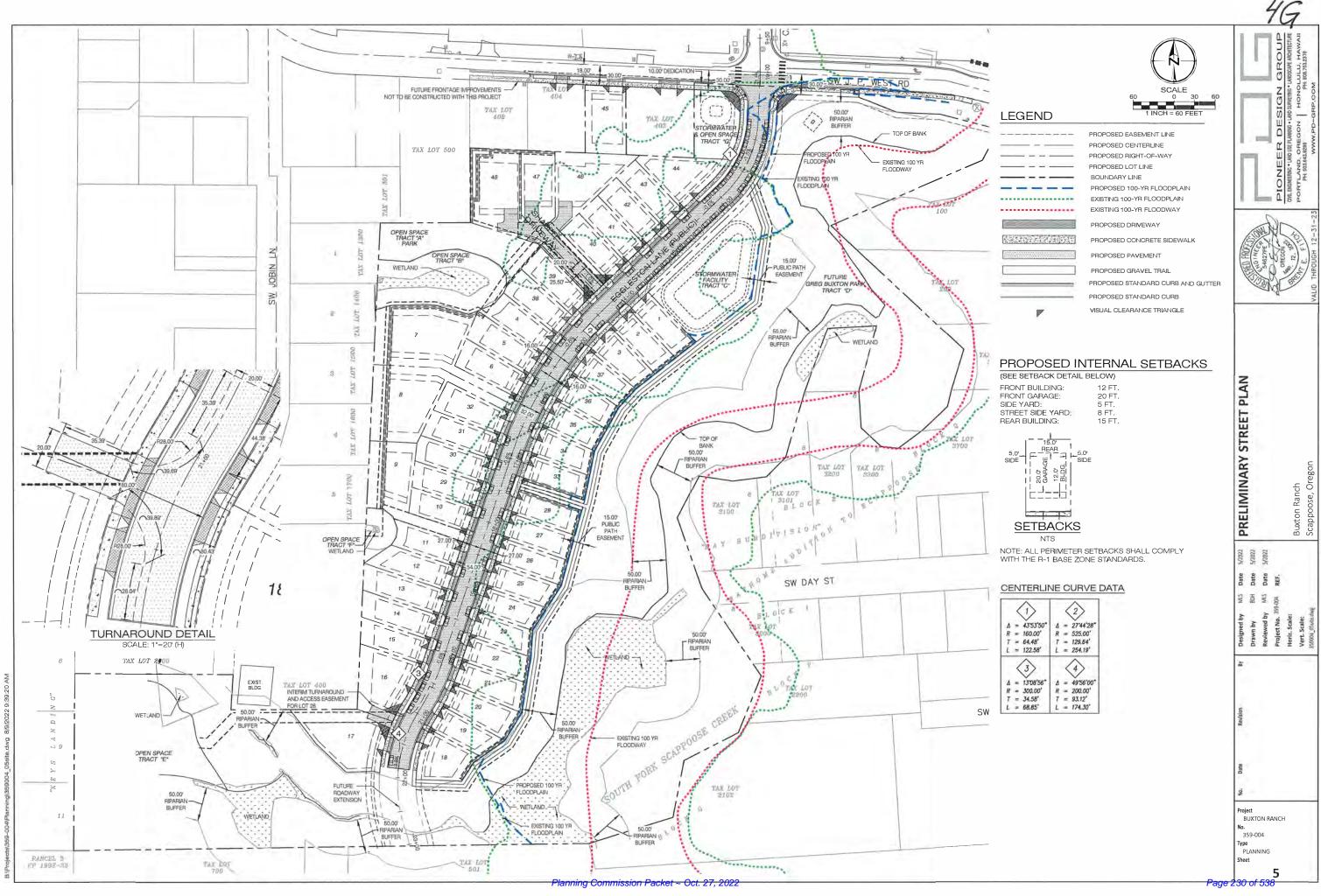
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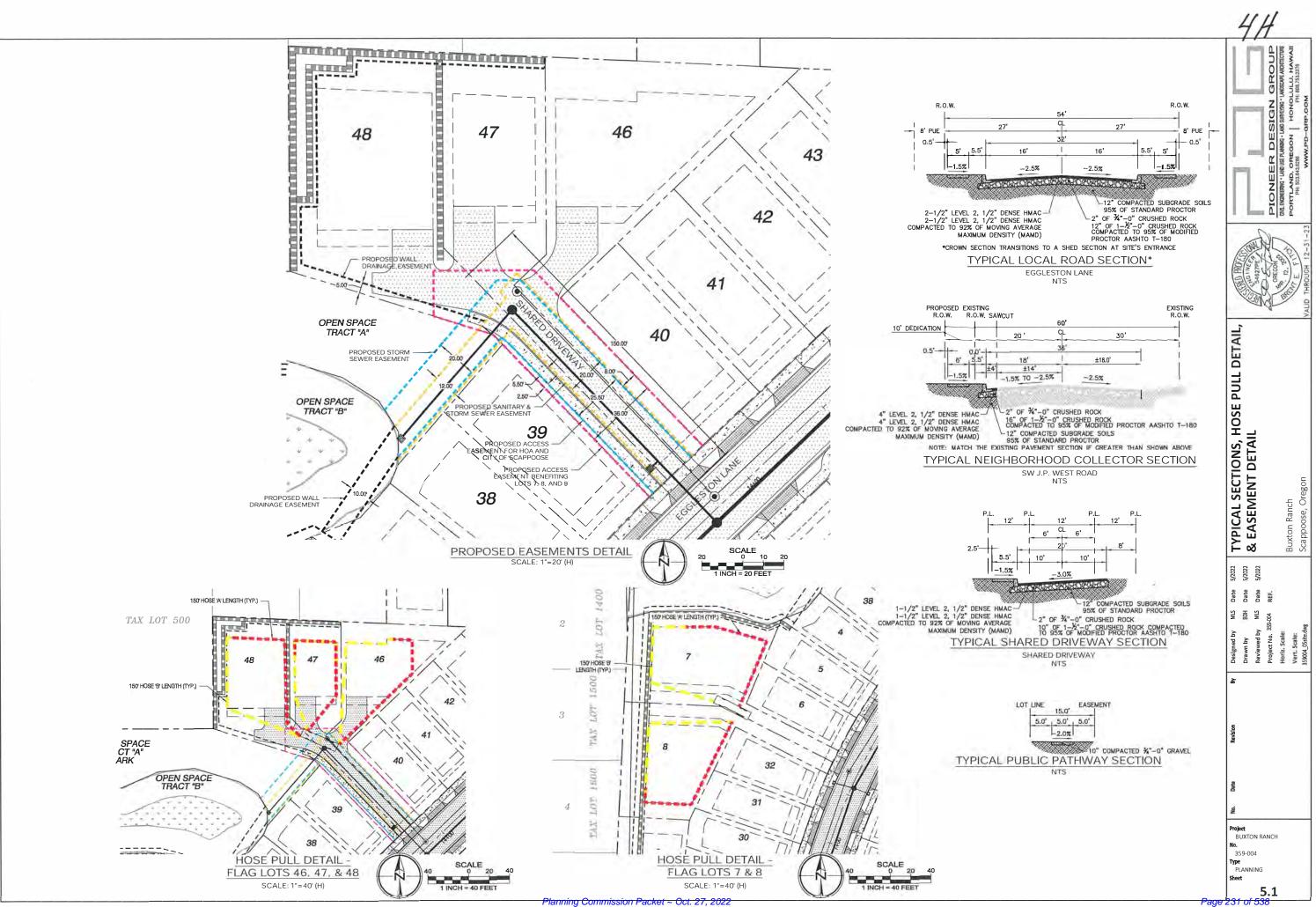
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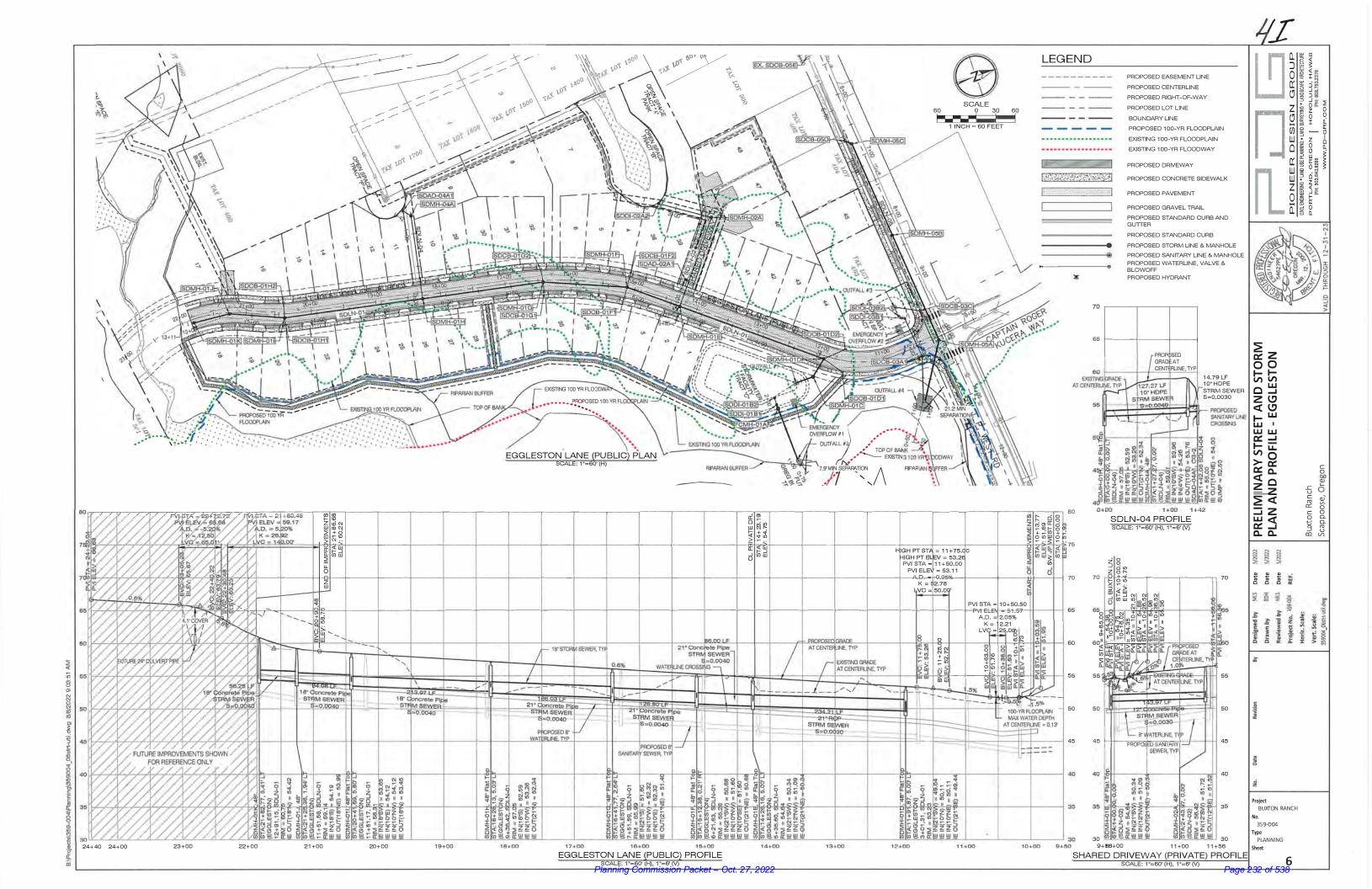


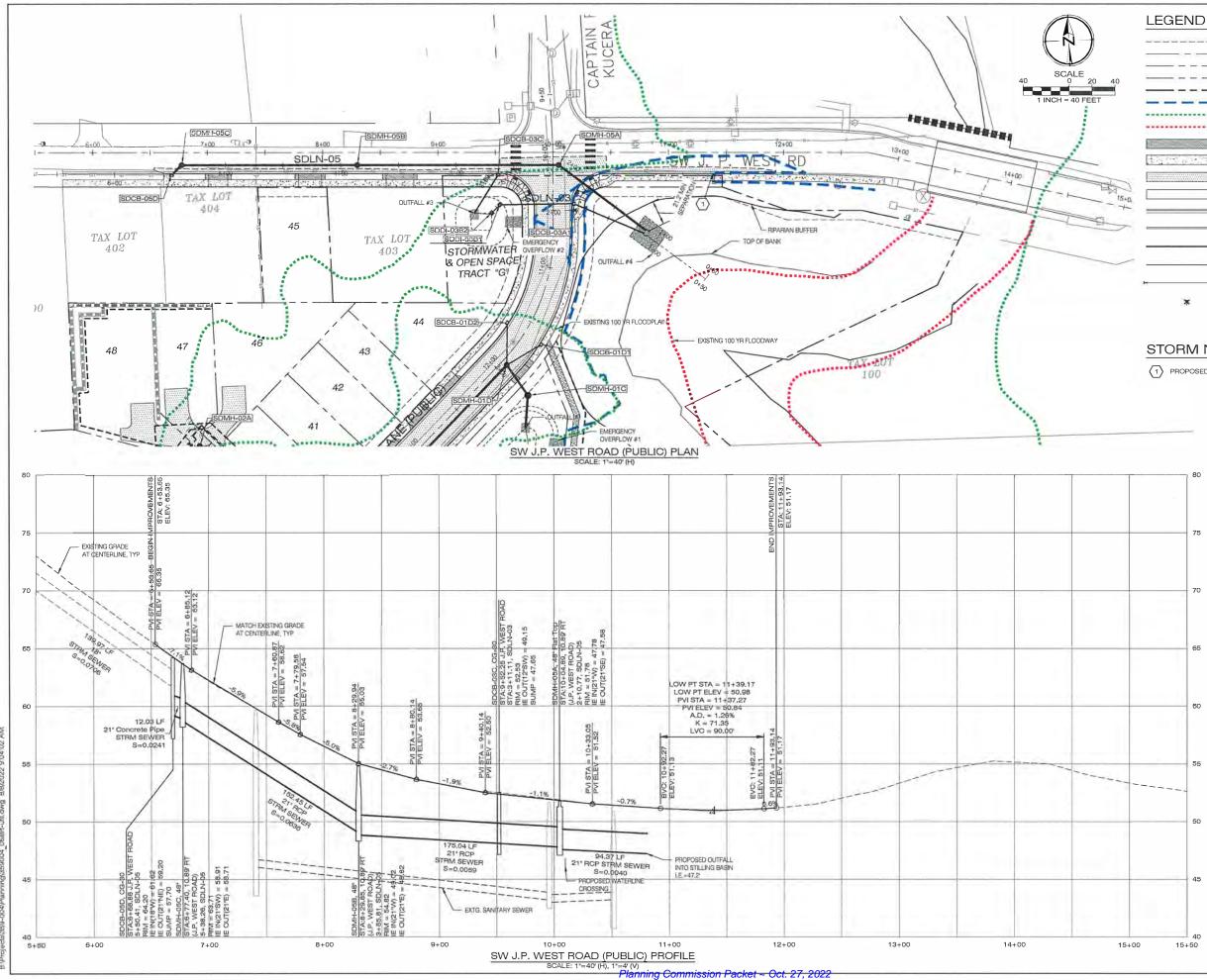
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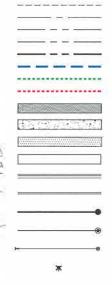
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PROPOSED EASEMENT LINE
PROPOSED CENTERLINE
PROPOSED RIGHT-OF-WAY
PROPOSED LOT LINE
BOUNDARY LINE
PROPOSED 100-YR FLOODPLAIN
EXISTING 100-YR FLOODPLAIN
EXISTING 100-YR FLOODWAY
PROPOSED DRIVEWAY
PROPOSED CONCRETE SIDEWALK
PROPOSED PAVEMENT
PROPOSED GRAVEL TRAIL
PROPOSED STANDARD CURB AND GUTTER
PROPOSED STANDARD CURB
PROPOSED STORM LINE & MANHOLI
PROPOSED SANITARY LINE & MANHOLE

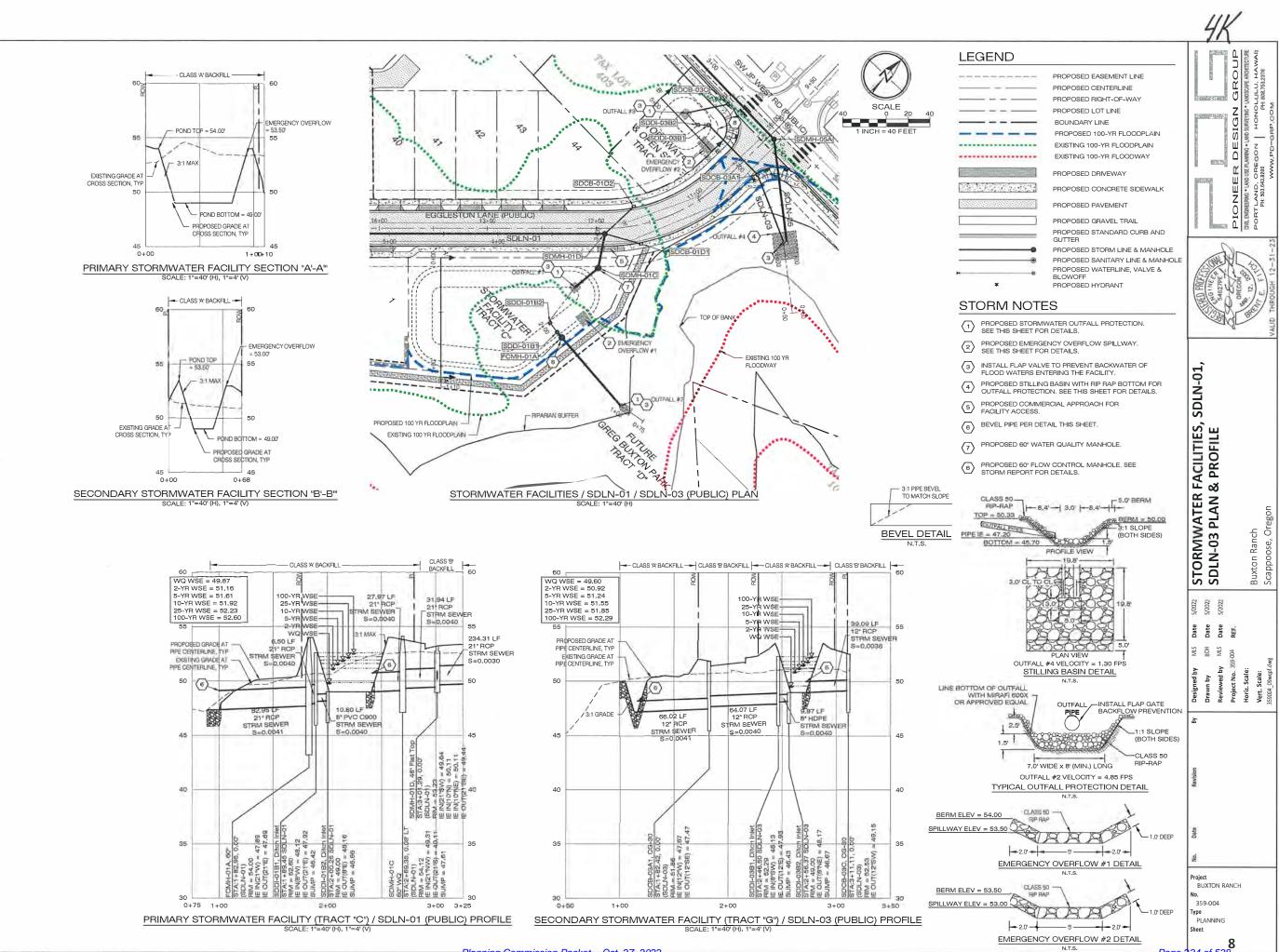
PROPOSED WATERLINE, VALVE & BLOWOFF

PROPOSED HYDRANT

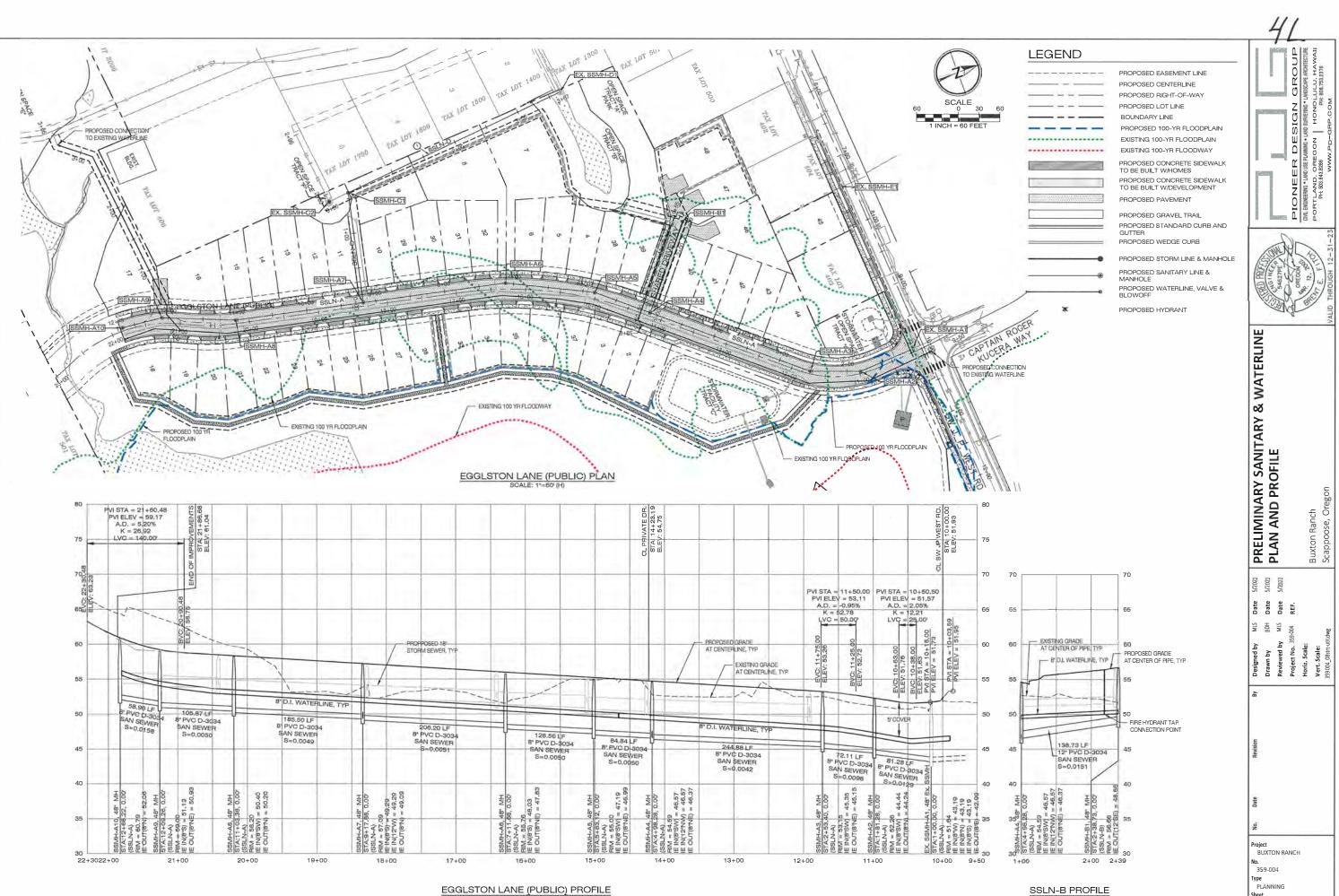
STORM NOTES

1 PROPOSED CURB CUT OUT.





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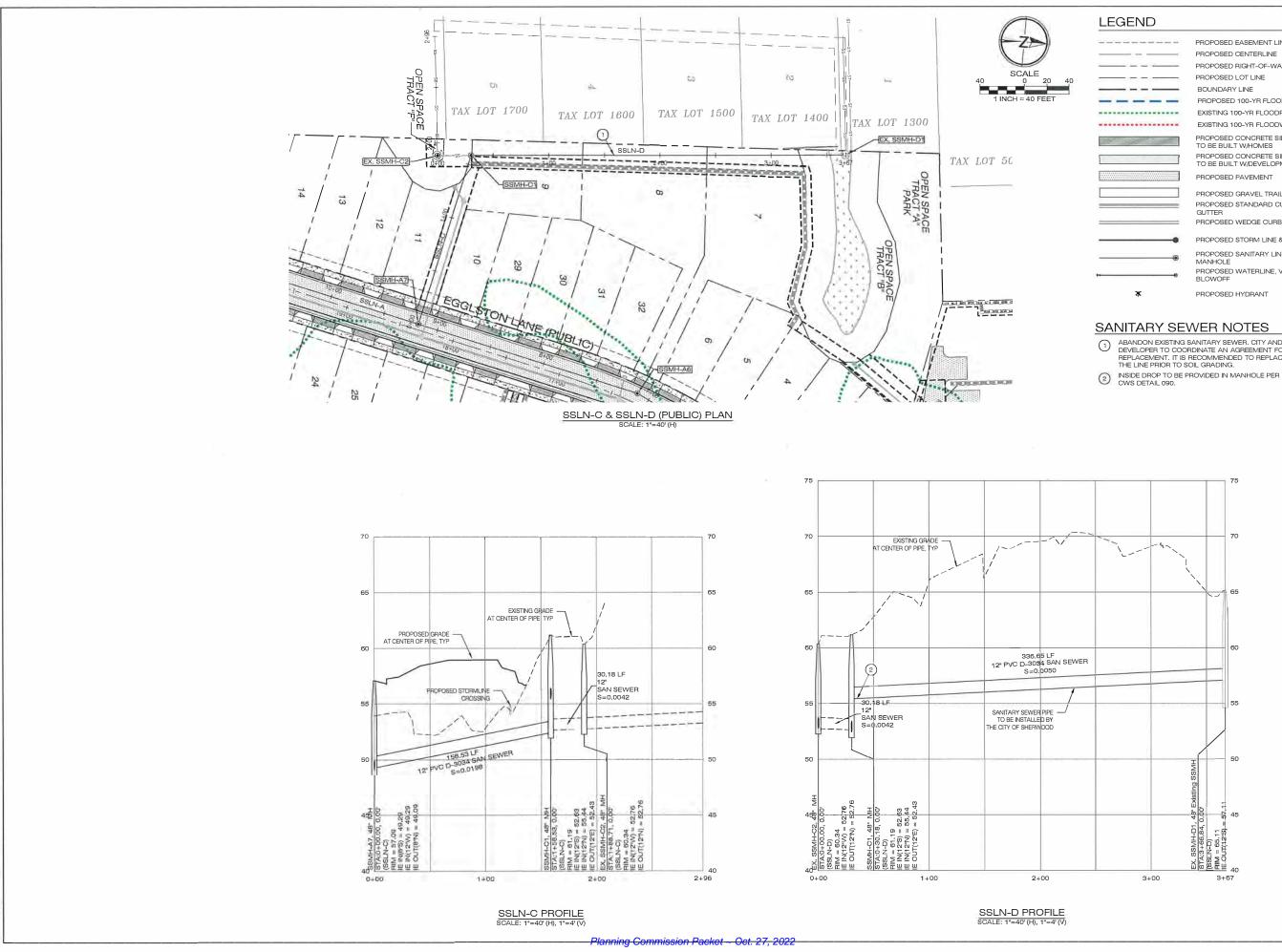
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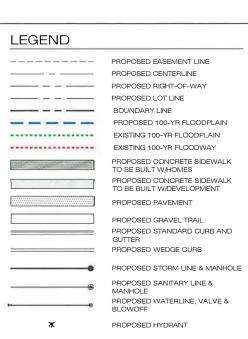
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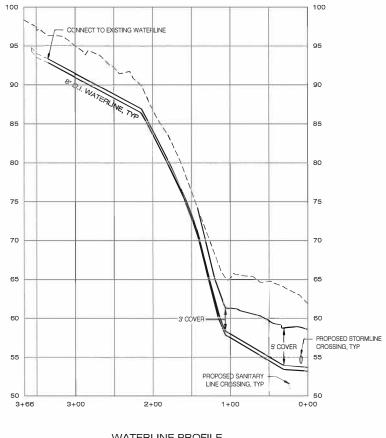
SANITARY SEWER NOTES

- ABANDON EXISTING SANITARY SEWER. CITY AND DEVELOPER TO COORDINATE AN AGREEMENT FOR REPLACEMENT. IT IS RECOMMENDED TO REPLACE THE LINE PRIOR TO SOIL GRADING.









WATERLINE PROFILE SCALE: 1"=60' (H), 1"=6' (V)

Packet ~ Oct. 27, 2022

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PROPOSED EASEMENT LINE PROPOSED CENTERLINE PROPOSED RIGHT-OF-WAY PROPOSED LOT LINE BOUNDARY LINE PROPOSED 100-YR FLOODPLAIN EXISTING 100-YR FLOODPLAIN PROPOSED CONCRETE SIDEWALK TO BE BUILT W/DEVELOPMENT PROPOSED PAVEMENT PROPOSED PAVEMENT PROPOSED GRAVEL TRAIL PROPOSED STANDARD CURB AND GUTTER PROPOSED WEDGE CURB

PROPOSED STORM LINE & MANHOLE PROPOSED SANITARY LINE & MANHOLE PROPOSED WATERLINE, VALVE & BLOWOFF

PROPOSED HYDRANT



BUXTON RANCH

11

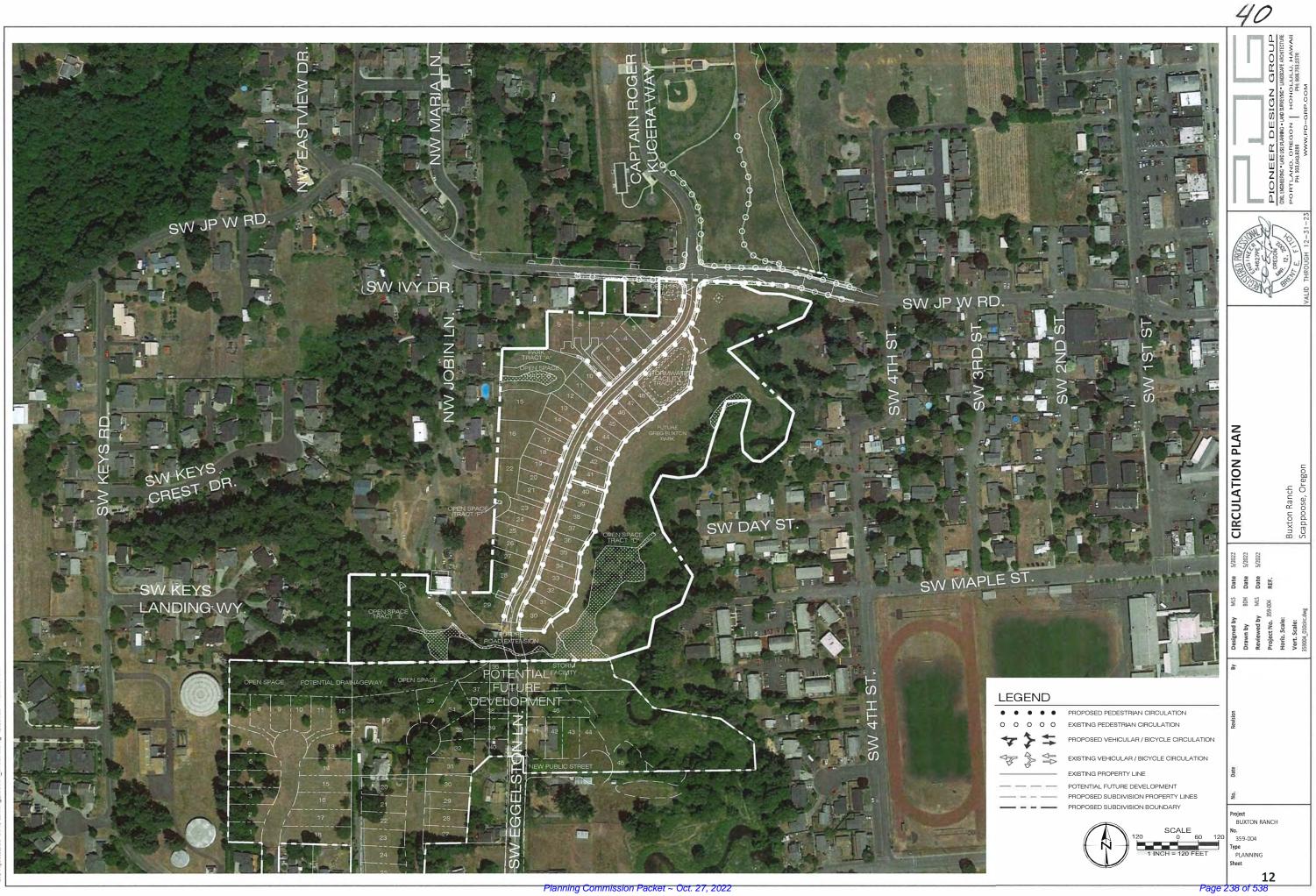
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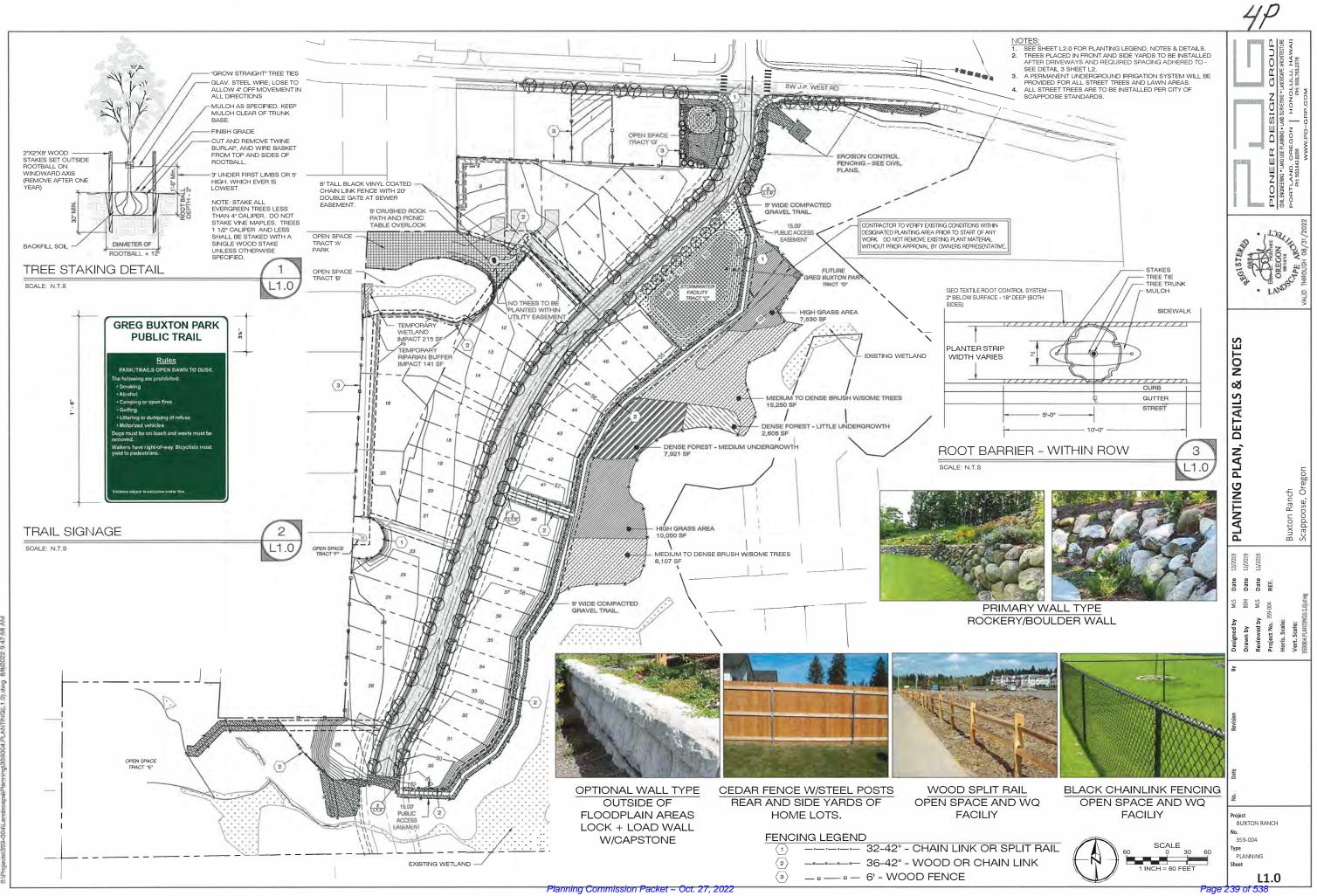
WATERLINE NOTES

ALL DUCTILE IRON WATERLINE TO BE WRAPPED IN POLYETHYLENE PER TVWD REQUIREMENT, REFER TO WATER SYSTEM STANDARDS.

THE CONTRACTOR SHALL FIELD VERIFY THE SIZE, LOCATION, AND DEPTH OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.



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STREET TREE - PLANTING LEGEND		WATER F	ACILITY TRACT 'C' - PLANTING LEGEND	VEGETATED CORRIDOR - PLANTING LEGEN
SYMBOL QTY. COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION	TREES SYMBOL	QTY.	COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION	DISTURBED AREA WITHIN VEGETATED CORRIDOR -
45 CITY SPRITE ZELKOVA / ZELKOVA SERATA 'JFS-KW1': 2" CAL., B&B, MIN. 10' HT. JAPANESE SNOWBELL / STYRAX JAPONICUS: 2" CAL., B&B, MIN. 10' HT.	Ø	8	RED ALDER (ALNUS RUBRA) : 2° CAL., B&B, MIN. 10' HT.	GRASS SEED SYMBOL QTY. COMMON NAME / BOTANICAL NAME: 1 SUNMARK SEEDS - NATIVE RIPARIAN 18,733 S.F. SUNMARK SEEDS - SHRUB SWAMP MI CONDENSION
GROUNDCOVER	SHRUBS			OR APPROVED EQUAL
SYMBOL QTY, SIZE AND DESCRIPTION:	SYMBOL	QTY. 69	COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION CONDITION MOCK ORANGE / PHILADELPHUS LEWISII: 1 GAL. / 2' HT. / CLUSTER WET /DRY NAT	AND WEED FREE COVERAGE. RE-SEED AND WEED AS NEEDED.
6,000 S.F. LAWN (SOD)	+ + +	69	RED TWIG DOGWOOD / CORNUS SERICEA: 1 GAL. / 2' HT. / CLUSTER WET/DRY NAT	IVE DENSE FOREST - LITTLE UNDERGROWTH - 2,605 SP
	+ + + + + + + + + + + + + + + + + + + +	69 65	PACIFIC NINEBARK / PHYSOCARPUS CAPITATUS: 1 GAL. / 2' HT. / SINGLE MOIST NAT OCEANSPRAY / HOLODISCUS DISCOLOR: 1 GAL. / 1.5' HT. / SINGLE DRY NAT	IVE 13 RED ALDER / ALNUS RUBRA
TRACT 'G' - PLANTING LEGEND TREES	+ + +	69 69	SERVICEBERRY / ALMELANCHIER ALNIFOLIA: 1 GAL. / 2'HT. / SINGLE DRY NAT CLUSTER ROSE / ROSA PISOCARPA: 1 GAL. / 1.5'HT. / CLUSTER MOIST NAT	
SYMBOL QTY. COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION	+ + +	69 69	SNOWBERRY / SYMPHORICARPUS ALBUS: 1 GAL. / 1.5' HT. / CLUSTER DRY NAT DOUGLAS SPIREA / SPIREA DOUGLASII: 1 GAL. / 1.5' HT. / CLUSTER WET NAT	
3 CHINESE REDBUD / CERCIS CHINENSIS: 2" CAL., B&B, MIN. 10' HT. 6 INCENSE CEDAR / CALOCEDRUS DECURRENS: MIN.10' HT., B&B	TOTAL	548	10,952 S.F X .O5 = 548 REQUIRED SHRUBS	GRASS SEED
in an and the second	HERBACE	OUS PLANT QTY.	COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION CONDITION	SYMBOL QTY. COMMON NAME / BOTANICAL NAME:
SHRUBS SYMBOL QTY. COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION		24,978	SPREADING RUSH / JUNCUS PATENS: PLUGS 1"X6" MOIST NAT	
7 DWARF BURNING BUSH / EUONYMUS ALATA 'COMPACTA': 2 GAL.	TOTAL	24,978		
4 DOUBLFILE VIBURNUM / VIBURNUM P. TOMENTOSUM: 2 GAL.			TS ABOVE ARE TO BE LIVE VIABLE PLUGS - 1*X6" LONG, NURSERY GROWN.	DENSE FOREST - MEDIUM AMOUNTS OF UNDERGR
FOREST FLAME PIERIS / PIERIS JAPONICA 'FOREST FLAME': 2 GAL.	GRASS SE	QTY.	COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION	
KELSEY'S DWARF RED-OSIER / DOGWOOD CORNUS SERICEA 'KELSEYI': 2 GAL. THUNBERG SPIREA / SPIREA THUNBERGII : 2 GAL.			CLEAN WATER "LOWGROW" SEED MIX: 120 LB PER ACRE	- 40 RED ALDER / ALNUS RUBRA
GROUNDCOVER	+ + +		DWARF TALL FESCUE / FESTUCA ARUNDINACEA 40% PR8820 DWARF PERENNIAL RYEGRASS / LOLIUM PERENNE 'PR8820' 30%	40 VINE MAPLE / ACER CIRCINATUM
SYMBOL QTY. SIZE AND DESCRIPTION:	+ + + + +	10,952 S.F.	CREEPING RED FESCUE / FESTUCA RUBRA 25%	40 OREGON ASH / FRAXINUS LATIFOLIA
3,224 S.F. LAWN (SOD)	الم من من ا		HIGHLAND COLONIAL BENTGRASS / AGROSTIS TENUIS 'HIGHLAND' 05%	40 PACIFIC WILLOW / SALIX LASIANDRA SHRUBS
			/ER OF GREEN DUED FINE GROUND WOOD CELLULOSE MULCH. PROVIDE 100% EROSION AND WEE D AND WEED AS NEEDED.	D SYMBOL QTY. COMMON NAME / BOTANICAL NAME
TRACT 'A' - PLANTING LEGEND TREES	STORM		ACILITY TRACT 'G' - PLANTING LEGEND	60 PACIFIC NINEBARK / PHYSOCARPUS C
SYMBOL QTY. COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION	SHRUBS			60 RED TWIG DOGWOOD / CORNUS SERI
25 BIG LEAF MAPLE / ACER MACROPHYLLUM: 3' HT., 10 O.C. 1 1 25 RED ALDER / ALNUS RUBRA: 3' HT., 10 O.C.	SYMBOL	QTY.	COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION CONDITION	50 SNOWBERRY / SYMPHORICARPUS ALE 60 OCEANSPRAY / HOLODISCUS DISCOLO
DOUGLAS FIR / PSEUDOTSUGA MENZIESII: 3'HT., 10 O.C.	++++	23 23	RED TWIG DOGWOOD / CORNUS SERICEA: 1 GAL. / 2' HT. / CLUSTER WET/DRY NAT CLUSTER ROSE / ROSA PISOCARPA: 1 GAL. / 1.5' HT. / CLUSTER MOIST NAT	IVE
LALIN 25 CASCARA / RHAMNUS PURSHIANA: 2' HT., 10 O.C.	TOTAL	22 68	SNOWBERRY / SYMPHORICARPUS ALBUS: 1 GAL. / 1.5' HT. / CLUSTER DRY NAT 1,355 S.F X .05 = 68 REQUIRED SHRUBS	IVE GRASS SEED SYMBOL QTY. COMMON NAME / BOTANICAL NAME: 1
SHRUBS SYMBOL QTY. COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION		OUS PLANT		SUNMARK SEEDS - NATIVE RIPARIAN N
91 RED TWIG DOGWOOD / CORNUS SERICEA: 1 GAL. / 2' HT. / CLUSTER 91 PACIFIC NINEBARK / PHYSOCARPUS CAPITATUS: 1 GAL. / 2' HT. / SINGLE		QTY. 696	COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION CONDITION SPREADING RUSH / JUNCUS PATENS: PLUGS 1*X6* MOIST NAT	7,921 S.F. SUNMARK SEEDS - SHRUB SWAMP MI OR APPROVED EQUAL
91 SERVICEBERRY / ALMELANCHIER ALNIFOLIA: 1 GAL. / 2' HT. / SINGLE		696	SLOUGH SEDGE / CAREX OBNUPTA: PLUGS 1*X6* MOIST NAT	MEDIUM TO DENSE BRUSH WITH SOME TREES - 23
SNOWBERRY / SYMPHORICARPUS ALBUS: 1 GAL. / 1.5' HT. / CLUSTER	TOTAL *ALL HERBA	1,392 CEOUS PLANT	232 S.F X 6 (6 PLUGS PER SQ. FT.) = 1,392 REQUIRED EMERGENTS IS ABOVE ARE TO BE LIVE VIABLE PLUGS - 1°X6° LONG, NURSERY GROWN.	INCLUDES TRACT B TEMPORARY WETLAND/RIPARI/ TREES
DOUGLAS SPIREA / SPIREA DOUGLASII: 1 GAL. / 1.5' HT. / CLUSTER	GRASS SE	ED QTY.	COMMON NAME / BOTANICAL NAME: SIZE AND DESCRIPTION	SYMBOL QTY. COMMON NAME / BOTANICAL NAME
	STINDOL	Gri.	CLEAN WATER "LOWGROW" SEED MIX: 120 LB PER ACRE	- 87 OREGON ASH / FRAXINUS LATIFOLIA
	+ + +		DWARF TALL FESCUE / FESTUCA ARUNDINACEA 40%	PACIFIC WILLOW / SALIX LASIANDRA
	+ + + + +	232 S.F.	PR8820 DWARF PERENNIAL RYEGRASS / LOLIUM PERENNE 'PR8820' 30% CREEPING RED FESCUE / FESTUCA RUBRA 25%	SYMBOL QTY. COMMON NAME / BOTANICAL NAME
	+		HIGHLAND COLONIAL BENTGRASS / AGROSTIS TENUIS 'HIGHLAND' 05%	292 PACIFICNINEBARK/PHYSOCARPUS C
			VER OF GREEN DUED FINE GROUND WOOD CELLULOSE MULCH. PROVIDE 100% EROSION AND WEE 2D AND WEED AS NEEDED.	
	NOTES:			
	DESIGNE	ED BY CONTRA	LITY PLANT MATERIAL SHALL BE PROVIDED WITH A TEMPORARY AUTOMATIC IRRIGATION SYSTEM ACTOR. CONTRACTOR WILL PROVIDE MATERIALS AND INSTALL ALL IRRIGATION DOWNSTREAM OF	THE SYMBOL OTY COMMON NAME (BOTANICAL NAME)
	2. REQUIRE	EMENTS INDIC	PORARY IRRIGATION SYSTEM SHALL BE MAINTAINED A MINIMUM OF THREE (3) GROWING SEASONS PATED ARE IN ACCORDANCE WITH CLEAN WATER SERVICES (CWS) R&O 07-20; APPENDIX A - PLANT	
	REQUIRE	EMENTS.		23,713 S.F. SUNMARK SEEDS - SHRUB SWAMP MI OR APPROVED EQUAL
				*APPLY WITH ³ " THICK COVER OF GREEN DUED FINE GROUND WO
				AND WEED FREE COVERAGE. RE-SEED AND WEED AS NEEDED.
GENERAL NOTES: LANDSCAPE PLAN			CORRIDOR PLANTING NOTES: NOULD BE MULCHED A MINIMUM OF THREE INCHES IN DEPTH AND 18 INCHES IN DIAMETER TO RETA	HIGH GRASS AREA - 17,530 SF GRASS SEED
 THE CONTRACTOR SHALL VERIFY WITH OWNER AND UTILITY COMPANIES THE LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL DETERMINE IN THE FIELD THE ACTUAL LOCATIONS AND ELEVATIONS OF ALL EXISTING 			D DISCOURAGE WEED GROWTH AROUND NEWLY INSTALLED PLANT MATERIAL.	SYMBOL QTY. COMMON NAME / BOTANICAL NAME:
UTILITIES WHETHER SHOWN ON THE PLANS OR NOT. THE CONTRACTOR SHALL CALL UTILITY PROTECTION SERVICE 72 HOURS PRIO TO CONSTRUCTION.			GS SHOULD BE PROTECTED FROM WILDLIFE DAMAGE (DEER BROWSE) BY INSTALLING TOR TUBES OR WIRE MESH CYLINDERS AROUND NEWLY INSTALLED PLANTINGS. (SEE NAM	SUNMARK SEEDS - NATIVE RIPARIAN M 17,530 S.F. SUNMARK SEEDS - SHRUB SWAMP MI
2. THE CONTRACTOR SHALL EXAMINE FINISH SURFACE, GRADES, TOPSOIL QUALITY AND DEPTH, DO NOT START ANY WORK UNTIL		GUIDELINES)	TON TODES ON WINE MEST OTEMPENS ANOTHER AT MOTALLED FEATURINGS, (SEE WANT	OR APPROVED EQUAL
UNSATISFACTORY CONDITIONS HAVE BEEN CORRECTED. VERIFY LIMITS OF WORK BEFORE STARTING.	MAIN	ITENANCE PLA	<u>AN:</u>	*APPLY WITH 2" THICK COVER OF GREEN DUED FINE GROUND WO AND WEED FREE COVERAGE. RE-SEED AND WEED AS NEEDED.
 CONTRACTOR TO REPORT ALL DAMAGES TO EXISTING CONDITIONS AND INCONSISTENCIES WITH PLANS TO OWNERS REPRESENTITIVE. 	11	NSPECTED AN	VAINTENANCE PERIOD FOR VEGETATED CORRIDOR MITIGATION. THE MITIGATION SITE IS TO BE INUALLY, A MINIMUM OF THREE TIMES DURING THE GROWING SEASON AND ONE TIME PRIOR TO : GROWING SEASON, INVASIVE SPECIES CONTROL IS TO BE CONDUCTED AS NEEDED BASED JPON	
4. QUANTITIES SHOWN ARE INTENDED TO ASSIST CONTRACTOR IN EVALUATING THEIR OWN TAKE-OFFS AND ARE NOT GUARANTEED AS ACCURATE REPRESENTATIONS OF REQUIRED MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS BID QUANTITIES	г	THE SITE INSPE		
AS REQUIRED BY THE PLANS AND SPECIFICATIONS. IF THERE IS A DISCREPANCY BETWEEN THE NUMBER LABELED ON THE PLANT TAG AND THE QUANTITY OF GRAPHIC SYMBOLS SHOWN, THE GRAPHIC SYMBOL QUANTITY SHALL GOVERN.	4. 5		TERION FOR VEGETATED CORRIDOR LANDSCAPING IS 80% SURVIVAL OF TREE AND SHRUB PLANTIN	3S
5. WITH THE EXCEPTION OF THOSE TREES INDICATED ON THE TREE REMOVAL PLAN, CONTRACTOR SHALL NOT REMOVE ANY TREES	G	GROWING SEA	WO YEARS FOLLOWING PLANTING, LANDSCAPING SHALL BE MONITORED ANNUALLY DURING THE SON TO ASSESS SURVIVAL OF TREE AND SHRUB PLANTINGS. IF ANY MORTALITY IS NOTED ON THE TO A DURING AND CONFERENCE OF A DURING TO BE ADDINED AND CONFERENCE OF THE DURING AND CONFERENCE OF THE DURING THE DURING THE DURING AND CONFERENCE OF THE DURING THE DURING THE DURING AND CONFERENCE OF THE DURING THE D	
 WITH THE EXCEPTION OF THOSE THEES INDICATED ON THE THEE REMOVAL PLAN, CONTRACTOR SHALL NOT REMOVE ANY THEES DURING CONSTRUCTION WITHOUT THE EXPRESS WRITTEN CONSENT OF THE ODR, EXISTING VEGETATION TO REMAIN SHALL BE PROTECTED AS DIRECTED BY THE ODR. 	F	OSSIBLE. IF S	TOR LIKELY TO HAVE CAUSED MORTALITY OF PLANTINGS IS TO BE DETERMINED AND CORRECTED I URVIVAL FALLS BELOW 80% AT ANY TIME DURING THE TWO-YEAR MAINTENANCE PERIOD, THE	
	F	PROTECTION, I	IALL BE REPLACED, AND OTHER CORRECTIVE MEASURES, SUCH AS ADDITIONAL BROWSE MULCHING, OR IRRIGATION, MAY NEED TO BE IMPLEMENTED. IF REPLANTING IS NECESSARY, THE	
 LANDSCAPE MAINTENANCE PERIOD BEGINS IMMEDIATELY AFTER THE COMPLETION OF ALL PLANTING OPERATIONS AND WRITTEN NOTIFICATION TO THE OWNERS REPRESENTITIVE. MAINTAIN TREES, SHPUBS, LAWINS AND OTHER PLANTS UNTIL FINAL 			PERIOD WILL BE EXTENDED FOR TWO YEARS FROM THE DATE OF REPLANTING.	
ACCEPTANCE OR 90 DAYS AFTER NOTIFICATION AND ACCEPTANCE, WHICHEVER IS LONGER.			CIES CONTROL IS TO BE CONDUCTED AS NEEDED BASED UPON THE SITE INSPECTIONS. INVASIVE JDE: HIMALAYAN AND EVERGREEN BLACKBERRY (RUBUS DISCOLOR(ARMENIACUS) AND R.	
7. CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FOR ALL PLANT MATERIAL SUBSTITUTIONS FROM THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. PLANT SUBSTITUTIONS WITHOUT PRIOR WRITTEN APPROVAL THAT DO NOT COMPLY WITH THE DRAWING AND SPECIFICATIONS MAY BE REJECTED BY THE LANDSCAPE ARCHITECT AT NO COST TO THE OWNER. THESE ITEMS MAY BE REQUIRED TO BE REPLACED WITH PLANT MATERIALS THAT ARE IN COMPLIANCE WITH THE DRAWINGS.	S T (I	ACINIATUS), F THISTLE (CIRSI LYTHRUM SAL CALYSTEGIA S	REED CANARYGRASS (PHALARIS ARUNDINACEA), TEASEL (DIPSACUS FULLONUM), CANADA AND BU UM ARVENSE AND C. VULGARE), SCOTCH BROOM (CYTISUS SCOPARIUS), PURPLE LOOSESTRIFE J.GARIA), JAPANESE KNOTWEED (POLYGONIUM CUSPIDATUM), MORNING GLORY (CONVOLVULUS AI PECIES), GIANT HOGWEED (HERACLEUM MANTEGAZZIANUM), ENGLISH IVY (HEDERA HELK),	
 ALL PLANT MATERIALS SHALL BE NURSERY GROWN WITH HEALTHY ROOT SYSTEMS AND FULL BRANCHING, DISEASE AND INSECT FREE AND WITHOUT DEFEOTS SUCH AS SUN SCALD, ABRASIONS, INJURIES AND DISFIGUREMENT. 	М	NIGHTSHADE (SOLANUM SPECIES), AND WILD CLEMATIS (CLEMATIS LIGUSTICIFOLIAAND C. VITALBA).	

- 9. ALL PLANT MATERIAL SHALL BE INSTALLED AT THE SIZE AND QUANTITY SPECIFIED. THE LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR SUB-STANDARD RESULTS CAUSED BY REDUCTION IN SIZE AND/OR QUANTITY OF PLANT MATERIALS.
- 10. LANDSCAPE AREAS WILL BE PROVIDED WITH A TEMPORARY IRRIGATION SYSTEM DESIGNED BY CONTRACTOR. CONTRACTOR WILL PROVIDE MATERIALS AND INSTALL ALL IRRIGATION DOWNSTREAM OF THE WATER METER.

PLANTING LEGEND

ETATED CORRIDOR - 21,165 SF

IAME / BOTANICAL NAME: SIZE AND DESCRIPTION

SEEDS - NATIVE RIPARIAN MIX - 1 LB / 1,000 S.F. SEEDS - SHRUB SWAMP MIX - 1 LB / 1,000 S.F.

N DUED FINE GROUND WOOD CELLULOSE MULCH. PROVIDE 100% EROSION D AND WEED AS NEEDED.

2 GAL. / 3' HT.

10' ON CENTER

DERGROWTH - 2,605 SF		
N NAME / BOTANICAL NAME	SIZE	SPACING
ER / ALNUS RUBRA	2 GAL. / 3' HT.	10' ON CENTER
PLE / ACER CIRCINATUM	2 GAL. / 3' HT.	10' ON CENTER
I ASH / FRAXINUS LATIFOLIA	2 GAL. / 3' HT.	10' ON CENTER

IAME / BOTANICAL NAME: SIZE AND DESCRIPTION

SEEDS - NATIVE RIPARIAN MIX - 1 LB / 1,000 S.F. SEEDS - SHRUB SWAMP MIX - 1 LB / 1,000 S.F. ED EQUAL

OUNTS OF UNDERGROWTH - 7,921 SF

N NAME / BOTANICAL NAME	SIZE	SPACING
ER / ALNUS RUBRA	2 GAL. / 3' HT.	10' ON CENTER
PLE / ACER CIRCINATUM	2 GAL. / 3' HT.	10' ON CENTER
ASH / FRAXINUS LATIFOLIA	2 GAL. / 3' HT.	10' ON CENTER
VILLOW / SALIX LASIANDRA	2 GAL. / 3' HT.	10' ON CENTER

SIZE / SPACING

NAME / BOTANICAL NAME

NEBARK / PHYSOCARPUS CAPITATUS: 1 GAL. / 2' HT. / SINGLE DOGWOOD / CORNUS SERICEA: 1 GAL. / 2' HT. / CLUSTER RY / SYMPHORICARPUS ALBUS: 1 GAL. / 1.5' HT. / CLUSTER AY / HOLODISCUS DISCOLOR: 1 GAL. / 1.5' HT. / SINGLE

IAME / BOTANICAL NAME: SIZE AND DESCRIPTION

SEEDS - NATIVE RIPARIAN MIX - 1 LB / 1,000 S.F. SEEDS - SHRUB SWAMP MIX - 1 LB / 1,000 S.F.

ED EQUAL

ITH SOME TREES - 23,713 SF RY WETLAND/RIPARIAN IMPACT AREA

N NAME / BOTANICAL NAME	SIZE	SPACING
ASH / FRAXINUS LATIFOLIA	2 GAL. / 3' HT.	10' ON CENTER
VILLOW / SALIX LASIANDRA	2 GAL. / 3' HT.	10' ON CENTER

NAME / BOTANICAL NAME SIZE / SPACING

NEBARK / PHYSOCARPUS CAPITATUS: 1 GAL. / 2' HT. / SINGLE DOGWOOD / CORNUS SERICEA: 1 GAL, / 2' HT. / CLUSTER RY / SYMPHORICARPUS ALBUS: 1 GAL. / 1.5' HT. / CLUSTER

AME / BOTANICAL NAME: SIZE AND DESCRIPTION SEEDS - NATIVE RIPARIAN MIX - 1 LB / 1,000 S.F. SEEDS - SHRUB SWAMP MIX - 1 LB / 1,000 S.F. ED EQUAL

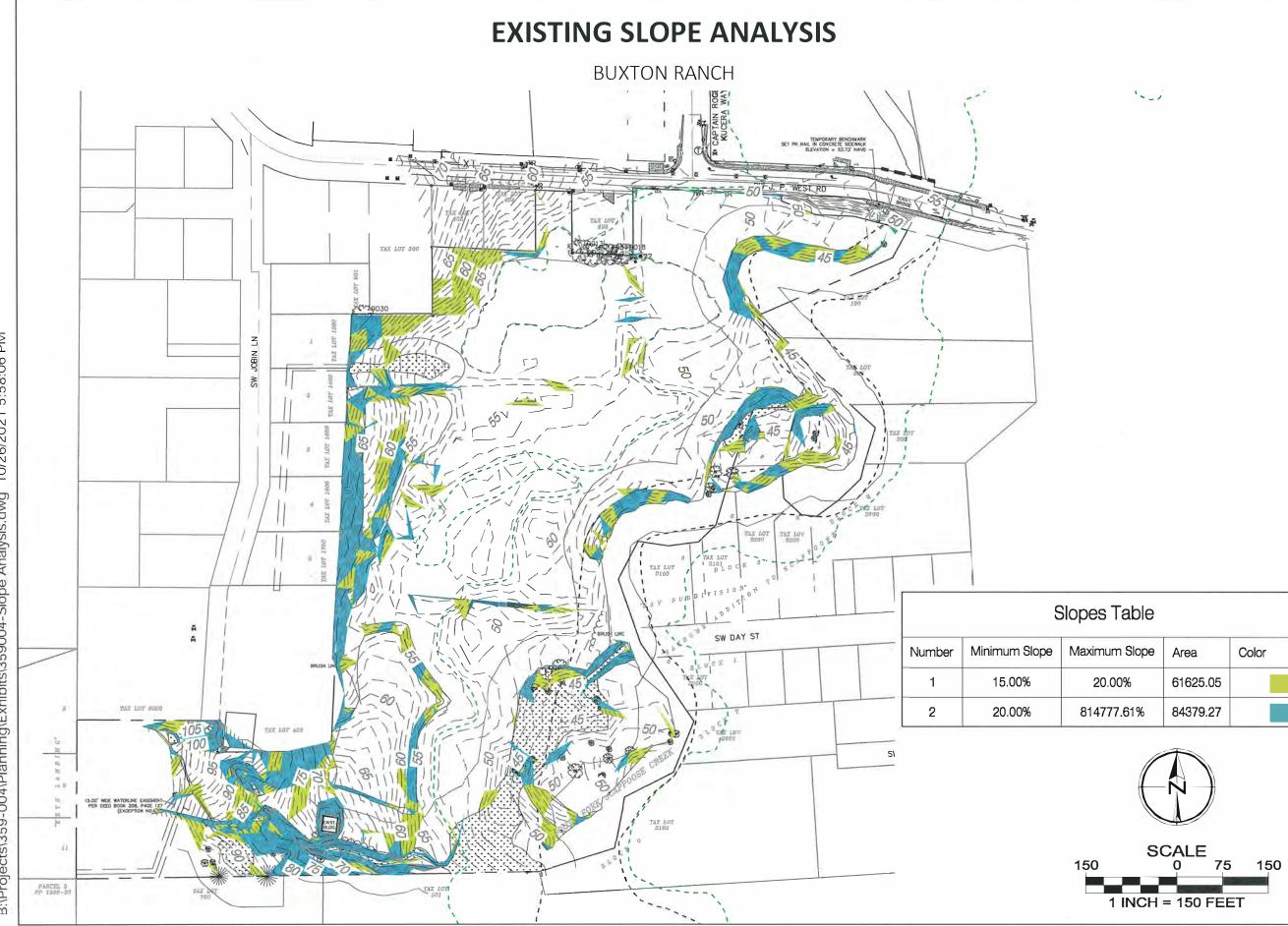
N DUED FINE GROUND WOOD CELLULOSE MULCH. PROVIDE 100% EROSION D AND WEED AS NEEDED.

IAME / BOTANICAL NAME: SIZE AND DESCRIPTION

- SEEDS NATIVE RIPARIAN MIX 1 LB / 1,000 S.F.
- SEEDS SHRUB SWAMP MIX 1 LB / 1,000 S.F. /ED EQUAL

N DUED FINE GROUND WOOD CELLULOSE MULCH. PROVIDE 100% EROSION D AND WEED AS NEEDED.





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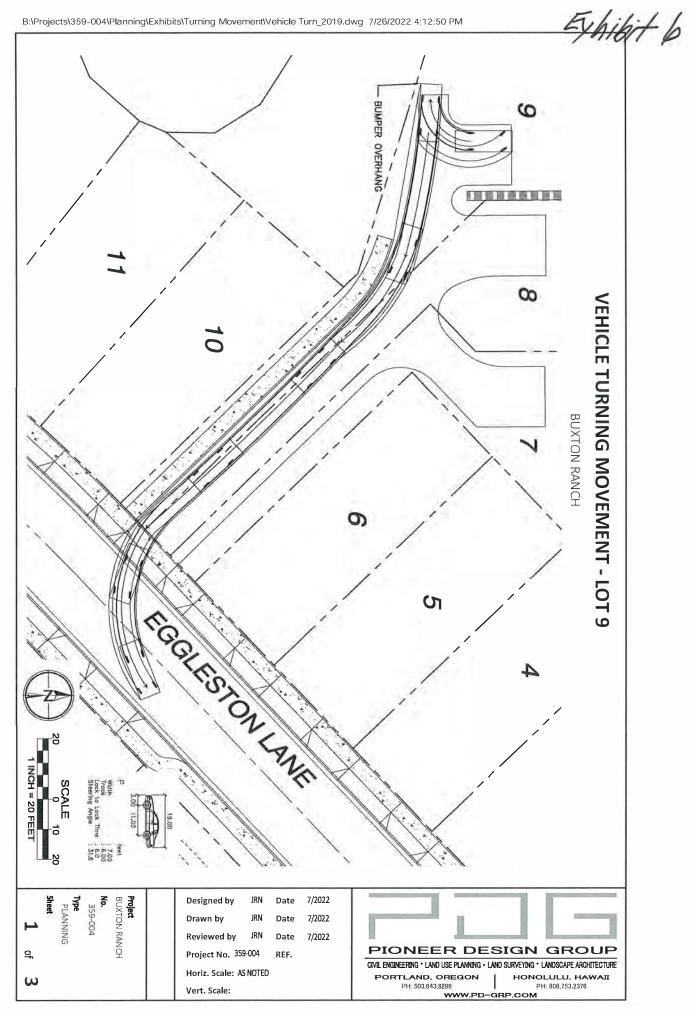
Planning Commission Packet ~ Oct. 27, 2022

Exhibit5	-
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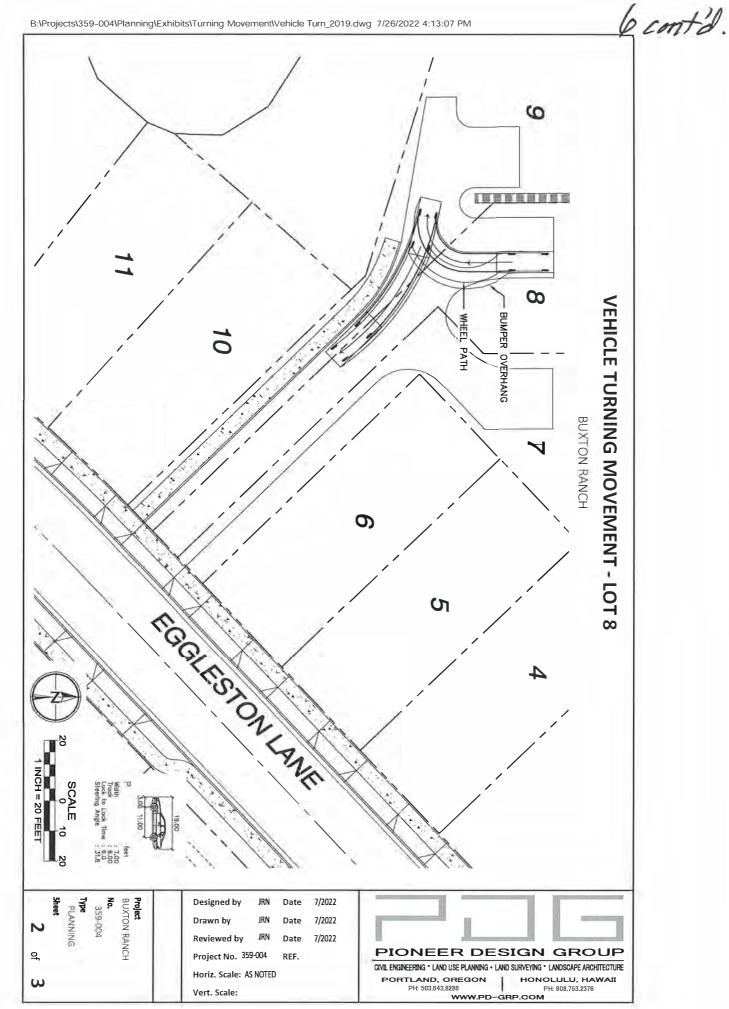
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			PIONEER DESIGN GROUP	CIVIL ENGINEERING • LAND USE PLANNING • LAND SURVEVING • LANDSOAPE ARCHITECTURE	9020 SW WASHINGTON SQUARE RD., SUITE 170 PORTLAND, OREGON 97223 p 503.643.8286 www.pd-grp.com
Date 10/2021	10/2021	10/2021			
Date	Date	Date	REF.		
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Designed by	Drawn by	Reviewed by	Project No. 359-004	Horiz, Scale: 1"=150'	Vert. Scale:
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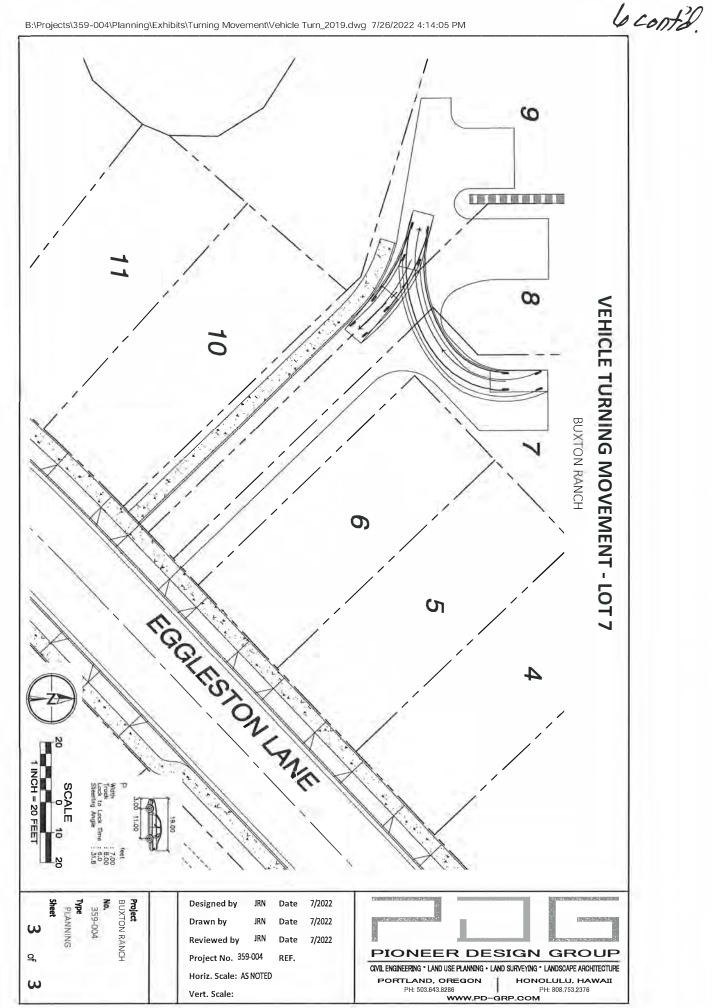
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Exhibit 7 Page 1 of 1 7

Cut/Fill Report

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By user: jneath

Drawing:

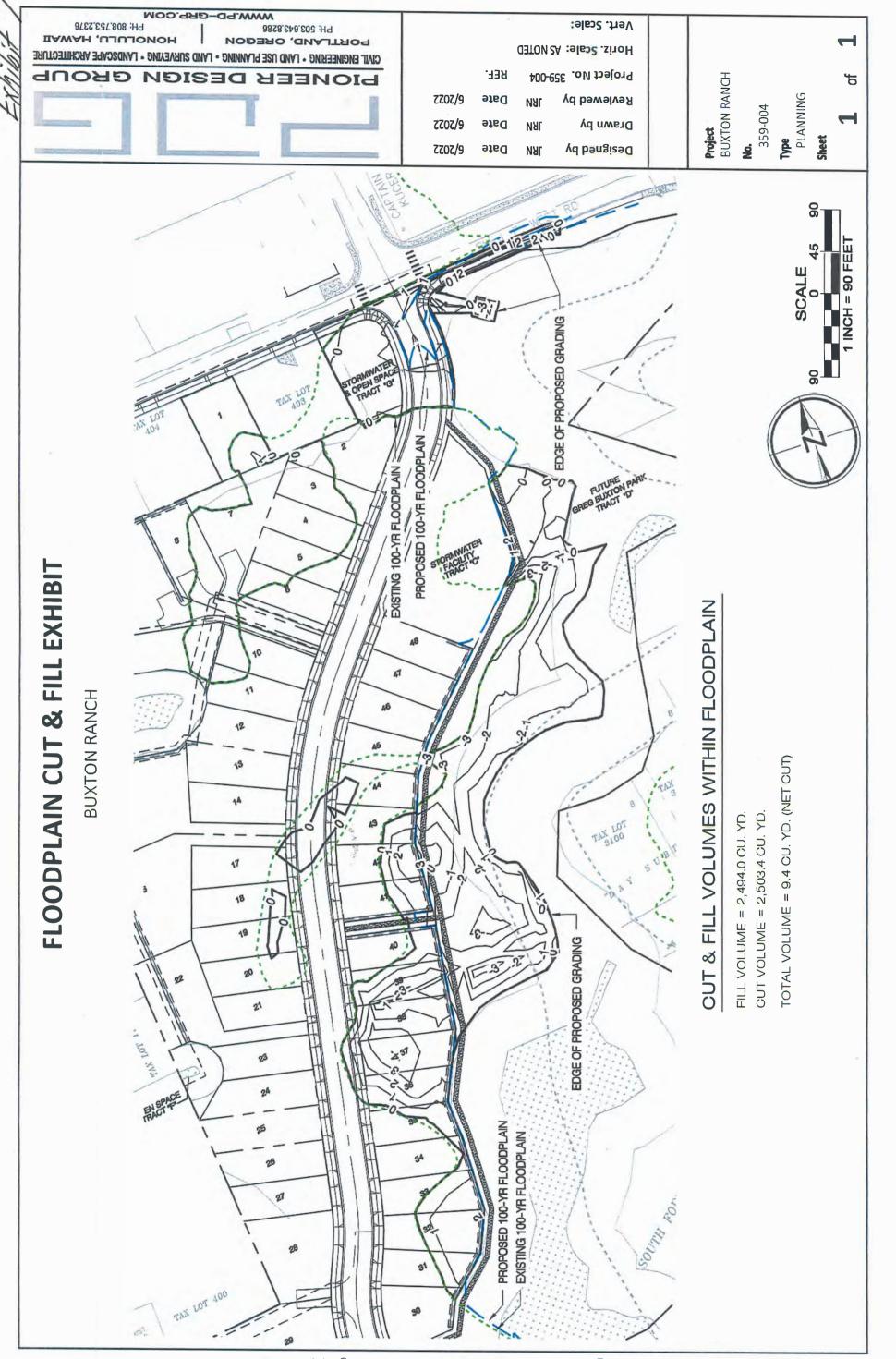
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Volume Summary									
Name	Туре	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)		
FLOODPLAIN	full	1.000	1.000	129191.27	2503.44	2494.04	9.40 <cut></cut>		

Totals				
	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	129191.27	2503.44	2494.04	9.40 <cut></cut>

* Value adjusted by cut or fill factor other than 1.0





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Exhibit 8



Federal Emergency Management Agency

Washington, D.C. 20472

April 26, 2021

CERTIFIED MAIL RETURN RECEIPT REQUESTED

The Honorable Scott Burge Mayor, City of Scappoose 33568 E. Columbia Avenue Scappoose, OR 97056 IN REPLY REFER TO: Case No.: 21-10-0251P Previous Case No.: 20-10-0117P Community Name: City of Scappoose, OR Community No.: 410039 FIRM Panel Affected: 41009C0444D, 41009C0482D

116

Dear Mayor Burge:

In a Letter of Map Revision (LOMR) dated November 30, 2020, you were notified of proposed flood hazard determinations affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Scappoose, Columbia County, Oregon. These determinations were for Scappoose Creek – from approximately 955 feet upstream of NW E.J. Smith Road to approximately 2,200 feet upstream of E.M. Watts Road. The 90-day appeal period that was initiated on December 18, 2020, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed Flood Hazard Determinations in *The Columbia County Spotlight* has elapsed.

FEMA received no valid requests for changes to the modified flood hazard information. Therefore, the modified flood hazard information for your community that became effective on April 19, 2021, remains valid and revises the FIRM and FIS report that were in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. The community number(s) and suffix code(s) are unaffected by this revision. The community number and appropriate suffix code as shown above will be used by the National Flood Insurance Program (NFIP) for all flood insurance policies and renewals issued for your community.

FEMA has developed criteria for floodplain management as required under the above-mentioned Acts of 1968 and 1973. To continue participation in the NFIP, your community must use the modified flood hazard information to carry out the floodplain management regulations for the NFIP. The modified flood hazard information will also be used to calculate the appropriate flood insurance premium rates for all new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, please contact the Mitigation Division Director, FEMA Region X, in Bothel, Washington, either by telephone at (425) 487-4600, or in writing at Federal Regional Center, 130 228th Street, Southwest, Bothell, WA 98021.

If you have any questions regarding the LOMR, the proposed flood hazard determinations, or mapping issues in general, please call the FEMA Mapping and Insurance eXchange, toll free, at (877) 336-2627 (877-FEMA MAP).

Sincerely,

filt

Patrick "Rick" F. Sacbibit, P.E., Branch Chief Engineering Services Branch Federal Insurance and Mitigation Administration

cc: Mr. Chris Negelspach City Engineer City of Scappoose

> Ms. Laurie Oliver City Planner City of Scappoose Planning Department

Ms. Celinda Adair, CFM State NFIP Coordinator Department of Land Conservation & Development

Mr. Erik McCarthy, P.E. Senior Hydraulic Engineer WEST Consultants, Inc. Page 1 of 5 Issue Date: June 17, 2022



Federal Emergency Management Agency

Case No.: 22-10-0362R

CLOMR-APP

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT

	COMMUNITY INFO	ORMATION		PROPOS	ED PROJECT D	ESCRIPTION	BASIS OF CONDITIONAL REQUEST
COMMUNITY	Co	y of Scappoose Iumbia County Oregon		FILL			1D HYDRAULIC ANALYSIS UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 410	139					
IDENTIFIER	Buxton CLOMR-F			APPROXII SOURCE:		E & LONGITUD M: NAD 83	E: 45.759, -122.882
	AFFECTED MAP	PANELS					
TYPE: FIRM*	NO.: 41009C0444D	DATE: November 26,	2010	* FIRM - FI	ood Insurance R	ate Map	
		FLOODIN	IG SOURC AN	DREACH	DESCRIPTION		
Scappoose Creek -	from approximately 1,470	feet downstream of SW	JP West Road	to approxin	nately 1,730 feet	upstream of SV	V JP West Road
		PRC	POSED PROJ	JECT DESC	RIPTION		
Flooding Source Scappoose Creek		Proposed Project Fill Placement			Location of Pro At approximately		stream of SW JP West Road
		SUMMARY	OF IMPACTS	TO FLOOD	HAZARD DATA		
Flooding Source Scappoose Creek		Effective Flooding BFEs*	Proposed F BFEs	looding	Increases Yes	Decrease Yes	S
ocappoose creek		Zone AE	Zone AE		Yes	Yes	
* BFEs - Base (1-pe	ercent-annual-chance) Floo	d Elevations					
			COM	MENT			
This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State/Commonwealth law have been received. State/Commonwealth, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood). If the State/Commonwealth, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria. This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304- 6426. Additional Information about the NFIP is available on the FEMA website at https://www.fema.gov/flood-insurance.							
Patrick "Rick" F. Sacbibit, P.E., Branch Chief							

Engineering Services Branch Federal Insurance and Mitigation Administration

22-10-0362R 104

5 Issue Date: June 17,	2022		Case No.: 22-10-0362R	CLOMR-APF
ST ET AND SECURE		Emergency Manag Washington, D.C. 20472		
2		LETTER OF MAP REVI		
	COM	UNITY INFORMATION		
eferred to as the proposed con model). If the effective mode uped to provide this detail. Th	nditions model) to the hydel el does not provide enough his existing conditions mo in flood hazards caused b	y the proposed project, we compared the fraulic modeling used to prepare the Floor h detail to evaluate the effects of the prop del is then compared to the effective mod by more detailed modeling from the incre BFE Comparison Table	d Insurance Study (FIS) (referre sosed project, an existing condit del and the proposed conditions	ed to as the ions model must model to
Source: Scappoose Creek	BFE Change (feet)	Location of maximum change		
g vs. Maximum increase ive Maximum decrease	0.00		N/A N/A	
d vs. Maximum increase	0.00		N/A	
ng Maximum decrease	0.07		eet upstream of SW JP West Road	
d vs. Maximum increase ive Maximum decrease	0.03		eet upstream of SW JP West Road	
ree at 1-877-336-2627 (1-8	77-FEI	77-FEMA MAP) or by letter address		

×1-14

Patrick "Rick" F. Sacbibit, P.E., Branch Chief Engineering Services Branch Federal Insurance and Mitigation Administration

22-10-0362R 104 Page 3 of 5 Issue Date: June 17, 2022

CLOMR-APP



Federal Emergency Management Agency Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR

Upon completion of the project, your community must submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report. If the project is built as proposed and the data below are received, a revision to the FIRM and FIS report would be warranted.

• Form 1, entitled "Overview & Concurrence Form". Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1 must be included. If as-built conditions differ from the proposed plans, please submit new forms, which may be accessed at https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms/mt-2, or annotated copies of the previously submitted forms showing the revised information.

• Form 2, entitled "Riverine Hydrology & Hydraulics Form."

• Form 3, entitled "Riverine Structures Form."

• Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent, 2-percent, and 0.2-percent-annual-chance floods and floodway together with a topographic work map showing the revised floodplain boundaries. Please ensure that the revised information ties in with the current effective information at the downstream and upstream ends of the revised reach.

• An annotated copy of the FIRM, at the scale of the effective FIRM, that shows the revised floodplain boundary delineations shown on the submitted work map and how they tie into the floodplain boundary delineations shown on the current effective FIRM at the downstream and upstream ends of the revised reach.

• As-built plans, certified by a registered professional engineer, of all proposed project elements.

• Documentation of the individual legal notices sent to property owners who will be affected by any widening/shifting of the base floodplain and/or any BFE increases along Scappoose Creek.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at https://www.fema.gov/flood-insurance.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief Engineering Services Branch Federal Insurance and Mitigation Administration

22-10-0362R 104

Planning Commission Packet ~ Oct. 27, 2022

Exhibit 10

ENGINEERING "NO-RISE" CERTIFICATION

This is to certify that I am a duly qualified engineer licensed to practice in the State of Oregon.

It is to further certify that the attached technical data supports the fact that proposed Buxton Development ______ will

(Name of Development) not impact the 100-year flood elevations, floodway elevations and floodway widths on <u>Scappoose Creek</u> ______at published sections (Name of Stream)

in the Flood Insurance Study for The City of Scappoose

(Name of Community)

dated <u>April 19, 2021</u> and will not impact the 100-year flood elevations, floodway elevations, and floodway widths at unpublished cross-sections in the vicinity of the proposed development.

Attached are the following documents that support my findings:

• Hydraulic Analysis for Scappoose Creek Conditional Letter of Map Revision based on Fill (CLOMR-F) Technical Memo

April 11, 2022

J. Erik McCarthy WEST Consultants, Inc. 2601 25th St. SE Suite 450 Salem, OR 97302-1286 (503) 485 5490

Senior Hydraulic Engineer



EXMINED: 12/3// 2022

Technical Memo

WEST Consultants, Inc. 2601 25th St. SE Suite 450 Salem, OR 97302-1286 (503) 485 5490 (503) 485-5491 Fax www.westconsultants.com



Name:	Aziz Siddiqui
Company:	David Weekley Homes
Date:	October 28, 2021
From:	Erik McCarthy, P.E., Senior Hydraulic Engineer
Subject:	Hydraulic Analysis for Scappoose Creek Conditional Letter of Map Revision based on Fill (CLOMR-F)

Introduction

WEST Consultants, Inc. (WEST) previously conducted an updated hydraulic analysis for a section of Scappoose Creek in Scappoose, OR (Columbia County) as part of an application for a Letter of Map Revision (LOMR) which was submitted to FEMA in October 2019 (Case #21-10-0251P). The revised model extends 1.4 miles from FEMA Cross Section Letter W (approximately 1,500 ft downstream of JP WEST Road) to FEMA Cross Section Letter AA (approximately 2,200 ft upstream of Em Watts Road). The LOMR was issued by FEMA on November 30, 2020 and became effective on April 19, 2021. The LOMR issued by FEMA is included in the supplemental material in the CLOMR-F package. At the Request of David Weekley Homes (DWH), WEST conducted an updated hydraulic analysis and developed revised floodplain mapping based on proposed fill, cut, and vegetation modifications for privately owned property located west of Scappoose Creek, upstream of JP West Road. The proposed conditions hydraulic analysis was conducted as part of an application for a Conditional Letter of Map Revision based on Fill (CLOMR-F). The reach of Scappoose Creek included in the CLOMR-F is located within the LOMR study limits and extends 0.7 miles from FEMA Cross Section Letter X (immediately downstream of JP WEST Road) to FEMA Cross Section Letter Z (immediately upstream of Em Watts Road). A project location map showing the pending effective FEMA flood hazard zones for the study reach and the location of the proposed project site is provided in Figure 1 (all figures provided in Appendix A). For consistency with the FEMA Flood Insurance Study (FIS) for Columbia County, OR (FEMA 2010), all elevations in this document are based on the NAVD 88 vertical datum, unless otherwise stated. All elevation data that were provided in NGVD 29 were converted to NAVD 88 by adding 3.42 ft, which is consistent with the effective Columbia County FIS.

Background

The effective FEMA FIS for Columbia County and unincorporated areas was last revised on November 26, 2010. The reach of Scappoose Creek restudied for this CLOMR-F is located entirely within LOMR Case #21-10-0251P, which became effective on April 19, 2021. The hydraulic analysis used to develop the flood profiles is based on the HEC-RAS model used to develop the LOMR. The reach of Scappoose Creek restudied for this CLOMR-F is located on Flood Insurance Rate Map (FIRM) No. 41009C0444D. The flood hazard zones along this reach are Zone AE and Zone X. Two bridges are located within the study area, JP West Road and SW Em Watts Road.

The proposed project site is on private property located north of Scappoose Creek and upstream of JP West Road. The proposed project will place fill in the floodplain, modify the existing topography in the floodplain and floodway, and modify the vegetation in the floodplain and floodway. The City of Scappoose is requiring that the proposed modifications result in a no-rise condition for the regulatory flood and floodway and FEMA requires a no-rise condition for the floodway.

Hydrology

Steady inflows for the hydraulic model were obtained from the effective FEMA hydraulic model. The FIS contains flood profiles for the 10-, 2-, 1-, and 0.2-percent annual chance flood events, which were modeled in the CLOMR-F HEC-RAS hydraulic model. **Table 1** lists the flows used in the hydraulic analysis.

HEC-RAS	Flow Change		Annual Chanc	Annual Chance Discharge (cfs)	
River Station	Location	10%	2%	1%	0.2%
14,702	FEMA XS Z	1,930	2,900	3,360	4,450

Table 1. Flows used in hydraulic model

Hydraulics

A Duplicate Effective Model (DEM) was developed for Scappoose Creek using the LOMR HEC-RAS (v 5.0.7) 1-dimension steady state hydraulic model. The water surface elevations for the downstream boundary are based on the LOMR hydraulic model results for RS 11,156 (Section X). The DEM results for the base flood and floodway are provided in **Table 2** and **Table 3**, respectively. No issues were found in the DEM that would warrant the development of a Corrected Effective Model (CEM). As seen in the tables, there were no differences between the effective model and the DEM water surface elevations.

LOMR ²	FEMA	1% Annual Chance Flood Event		
River Station	XS Letter	LOMR ² BFE	DEM BFE	Difference
Station	Letter	(ft -NAVD88)	(ft -NAVD88)	(ft)
14702	Z	55.76	55.76	0.00
14676		54.38	54.38	0.00
14626		54.10	54.10	0.00
13045		52.58	52.58	0.00
12956		52.59	52.59	0.00
12887		52.58	52.58	0.00
12786		52.52	52.52	0.00
12744		52.5	52.5	0.00
12660		52.47	52.47	0.00
12549		52.40	52.40	0.00
12376 ¹	Y	52.26	52.26	0.00
12157		52.13	52.13	0.00
12024		52.17	52.17	0.00
11892		52.11	52.11	0.00
11786		52.09	52.09	0.00
11673		52.05	52.05	0.00
11618		52.00	52.00	0.00
11555		51.98	51.98	0.00
11394		51.95	51.95	0.00
11302		51.81	51.81	0.00
11239		51.16	51.16	0.00
11156	Х	50.97	50.97	0.00

Table 2. DEM regulatory model results

¹ According to the FEMA approved LOMR, XS Letter Y is located at river station 12,476 which is equivalent to station 12376 in the DEM.

² The reach of Scappoose Creek restudied for this CLOMR-F is located entirely within LOMR Case #21-10-0251P, which became effective on April 19, 2021.

LOMR ² FEMA		1% Annual Chance Flood Event			
River Station	XS Letter	LOMR Floodway ²	DEM Floodway	Difference	
otation	Lotter	(ft -NAVD88)	(ft -NAVD88)	(ft)	
14702	Z	55.91	55.91	0.00	
14676		55.13	55.13	0.00	
14626		54.95	54.95	0.00	
13045		53.57	53.57	0.00	
12956		53.58	53.58	0.00	
12887		53.54	53.54	0.00	
12786		53.47	53.47	0.00	
12744		53.48	53.48	0.00	
12660		53.45	53.45	0.00	
12549		53.33	53.33	0.00	
12376 ¹	Y	53.22	53.22	0.00	
12157		53.11	53.11	0.00	
12024		53.13	53.13	0.00	
11892		52.92	52.92	0.00	
11786		52.89	52.89	0.00	
11673		52.80	52.80	0.00	
11618		52.77	52.77	0.00	
11555		52.77	52.77	0.00	
11394		52.62	52.62	0.00	
11302		52.53	52.53	0.00	
11239		52.12	52.12	0.00	
11156	Х	51.95	51.95	0.00	

Table 3. DEM floodway model results

¹ According to the FEMA approved LOMR, XS Letter Y is located at river station 12,476 which is equivalent to station 12376 in the DEM.

² The reach of Scappoose Creek restudied for this CLOMR-F is located entirely within LOMR Case #21-10-0251P, which became effective on April 19, 2021.

The DEM was duplicated to create the Existing Conditions Model (ECM). Since the hydraulic conditions have not changed in the study reach since the development of the LOMR, no modifications were made to the ECM. Hydraulic cross section locations for the ECM are shown in **Figure 2**. The ECM results for the base flood are provided in **Table 4**.

A Proposed Conditions Model (PCM) was developed by updating the ECM to include proposed changes to the hydraulic conditions at the project site which includes the placement of fill within the floodplain, the removal of soil within the floodplain and floodway, and vegetation

modifications in both the floodplain and floodway. The proposed grading plan and planting plan are included in the supplemental material in the CLOMR-F package. Hydraulic cross section locations for the PCM are the same as the ECM (see **Figure 2**). No changes were made to the floodway delineation. A comparison of the PCM and ECM results for the base flood are provided in **Table 6**. The results of the updated floodway analysis are provided in **Table 7**. As seen in the tables, a no-rise condition was achieved for both the regulatory flood and floodway.

ECM	FEMA	1% Annual Chance Flood Event		
River Station	XS Letter	ECM BFE	PCM BFE	Difference
Station	Letter	(ft -NAVD88)	(ft -NAVD88)	(ft)
14702	Z	55.76	55.76	0.00
14676		54.38	54.38	0.00
14626		54.10	54.10	0.00
13045		52.58	52.58	0.00
12956		52.59	52.58	-0.01
12887		52.58	52.57	-0.01
12786		52.52	52.50	-0.02
12744		52.50	52.49	-0.01
12660		52.47	52.46	-0.01
12549		52.40	52.33	-0.07
12376 ¹	Y	52.26	52.26	0.00
12157		52.13	52.13	0.00
12024		52.17	52.17	0.00
11892		52.11	52.11	0.00
11786		52.09	52.09	0.00
11673		52.05	52.05	0.00
11618		52.00	52.00	0.00
11555		51.98	51.98	0.00
11394		51.95	51.95	0.00
11302		51.81	51.81	0.00
11239		51.16	51.16	0.00
11156	Х	50.97	50.97	0.00

 Table 6. Comparison of PCM and ECM regulatory flood results

¹ According to the FEMA approved LOMR, XS Letter Y is located at river station 12,476 which is equivalent to station 12376 in the DEM, ECM, and PCM.

ECM River Station	FEMA	1% Annual Chance Flood Event			
	XS Letter	ECM Floodway (ft -NAVD88)	PCM Floodway (ft -NAVD88)	Difference (ft)	
14702	Z	55.91	55.91	0.00	
14676		55.13	55.13	0.00	
14626		54.95	54.95	0.00	
13045		53.57	53.57	0.00	
12956		53.58	53.58	0.00	
12887		53.54	53.54	0.00	
12786		53.47	53.47	0.00	
12744		53.48	53.48	0.00	
12660		53.45	53.45	0.00	
12549		53.33	53.33	0.00	
12376 ¹	Y	53.22	53.22	0.00	
12157		53.11	53.11	0.00	
12024		53.13	53.13	0.00	
11892		52.92	52.92	0.00	
11786		52.89	52.89	0.00	
11673		52.80	52.80	0.00	
11618		52.77	52.77	0.00	
11555		52.77	52.77	0.00	
11394		52.62	52.62	0.00	
11302		52.53	52.53	0.00	
11239		52.12	52.12	0.00	
11156	Х	51.95	51.95	0.00	

Table 7. Comparison of PCM and ECM floodway results

According to the FEMA approved LOMR, XS Letter Y is located at river station 12,476 which is equivalent to station 12376 in the DEM, ECM, and PCM.

Results

The DEM/ECM and PCM model output are provided in **Table B-1** and **Table B-2** (see **Appendix B**). Water surface elevations for the 1- and 0.2-percent annual chance floods that were simulated in the PCM were used to delineate the floodplain boundaries using the proposed grading plan. A work map, annotated FIRM panel, revised floodway data table, flood profiles, and MT-2 forms are all provided within the submitted digital CLOMR-F files.

References

Federal Emergency Management Agency (FEMA). *Flood Insurance Study, Columbia County, Oregon and Incorporated Areas, Volume 1 of 1.* Flood Insurance Study Number 41009CV000A. November 26, 2010.

Exhibit 11

Environmental Science & Assessment, LLC

MEMORANDUM

September 4, 2019	Revised: July 31, 2022
City of Scappoose Planning Depa	artment
Jack Dalton (Environmental Scie	ence & Assessment, LLC)
Buxton Ranch Subdivision – FEN	IA/ESA Compliance Assessment
	City of Scappoose Planning Depa Jack Dalton (Environmental Scie

The purpose of this memo is to provide findings of an assessment of the proposed Buxton Ranch Subdivision for compliance with the Endangered Species Act (ESA). This assessment concerns activities proposed for the 10.27acre Buxton Ranch project site west of U.S. Highway 30 along JP West Road in Scappoose, Oregon (Figure 1). The site is located in Township 3 North, Range 2 West, Section 12. The study area occupies tax lot (TL) 401 on Columbia County Assessor's Map 3212CB (Figure 2).

Alternations of the 100-year floodplain along the segment of South Scappoose Creek are proposed within the parcel as part of the Buxton Ranch Subdivision project. Environmental Science & Assessment (ES&A) evaluated potential direct or indirect effects of the proposed subdivision development on species listed or proposed for listing under the ESA. The species at issue included those subject to the jurisdiction of the National Marine Fisheries Service (NMFS) and US Fish and Wildlife Service (USFWS).

Another factor considered in the evaluation was a stream restoration project completed by the Scappoose Bay Watershed Council (SBWC) along the creek segment east of the proposed subdivision in 2018. The stream restoration was part of the overall South Scappoose Creek Restoration Management Plan described in a 2009 restoration planning document prepared by Swanson Hydrology and Geomorphology (SHG). The Buxton family worked with SBWC to provide a disposal area of the excavated bank material in the pasture (within the subdivision project area) outside of the 100 year floodplain, which reduced hauloff costs for the restoration project.

This document supplements the Buxton Ranch Conditional Letter of Map Revision based on Fill (CLOMR-F) application to the Federal Emergency Management Agency (FEMA). This evaluation considered both the stream restoration and the subdivision activities in determining the potential for the Buxton Ranch project to effect ESA species that may be present in the project area, and provides an assessment of ESA compliance.

4831 NE Fremont Street, Ste 2B Portland, OR. 97213 v 503.478.0424 www.esapdx.com

The following attachments are included with this memo.

Attachment A	Figures
Attachment B	SBWC Restoration Plan – Buxton Parcel

PROJECT SITE

The 10.27-acre project area is located south of Scappoose Veteran's Park, along JP West Road, and east of SW Jobin Lane. The majority of the northern portion of the study area is within the 100-year flood plain of South Scappoose Creek. A livestock barn and some fencing are the only structures that currently exist onsite. Topography slopes down from west to east towards Scappoose Creek offsite to the east. Surrounding land use is zoned and developed single family residential to the west, south, and east and public recreational to the north of JP West Road (Figure 3).

Topography slopes down from west to east towards Scappoose Creek off-site to the east. A small stream flows from off-site in the southwest, east across the south end of the site approximately 415 feet, and continues to an off-site wetland associated with Scappoose Creek.

Within the Buxton Ranch project site, comprising the western portion of TL 401, ES&A staff identified four (4) wetlands totaling approximately 0.24 acres and one stream (Figure 3). The wetlands on-site were mostly vegetated and part of managed plant communities. Wetlands A, B, and C are located near the western property boundary and extend off-site to the west. Wetland D is located in the southwestern portion of the study area and extends off-site to the west and south. Stream A originates in the southwestern portion of the study area at a culvert outfall from Wetland C and flows southeast and east off-site to a wetland associated with Scappoose Creek. A wetland concurrence of the delineation was issued by Department of State Lands (DSL) on April 29, 2019 (WD#2019-0035).

The SBWC restoration within the in the eastern portion of the Buxton parcel was part of a larger restoration project for South Scappoose Creek. Waterways Consulting, Incorporated prepared a design report in 2018, *South Scappoose Restoration Management Zones G & H*, to develop a floodplain restoration alternatives analysis to evaluate restoration constraints and opportunities and assist in developing restoration objectives and design for the restoration project (Waterways 2018). The Buxton Ranch parcel is located within Management Zone H (Attachment B).

The SBWC South Scappoose Creek restoration project activities were designed to retain existing forest cover along the existing South Scappoose Creek channel to allow more channel flow capacity and to restore stability along the most eroded portions of the stream segment. The project restored the western bank of the creek in two areas and created inset floodplain side channels in two other

areas. The approximately 3600 cubic yards of excavated soil material along the creek was disposed of in the adjacent pasture outside the 100-year floodplain. Once the restoration grading was completed, native plantings were installed along the western channel banks and wetland (Attachment B).

The restoration project provided limits of wetlands and the creek Ordinary High Water (OHW) limits to comply with the state and federal wetland permitting. The new creek channel top of bank and OHW and the two inset floodplain channels were delineated by ES&A staff in 2019 to verify the limits of jurisdictional waters and wetlands. This delineation is currently under state review.

PROJECT AREA HABITAT DESCRIPTION

ES&A staff identified four (4) wetlands totaling approximately 0.24 acres and one stream (Figure 3). The wetlands on-site were mostly vegetated and part of managed plant communities. Wetlands A, B, and C are located near the western property boundary and extend off-site to the west. Wetland D is located in the southwestern portion of the study area and extends off-site to the west and south. Stream A originates in the southwestern portion of the study area at a culvert outfall from Wetland C and flows southeast and east off-site to a wetland associated with Scappoose Creek (Figure 3).

Currently the majority of the site is cultivated with pasture grasses and forbs such as field meadow foxtail (*Alopecurus pratensis*), Kentucky bluegrass (*Poa pratensis*), tall fescue (*Schedonorus arundinaceus*), lawn daisy (*Bellis perennis*), lesser hawkbit (*Leontondon taraxacoides*), and clover species (*Trifolium* spp.) and is regularly grazed by cows.

Wetland A and B are small slope wetlands along the base of the steep slopes on western property line. The vegetative community is primarily Kentucky bluegrass and field meadow foxtail with traces of lawn daisy, big chickweed (*Cerastium fontanum* ssp. *vulgare*), bird's-foot trefoil (*Lotus corniculatus*), and white clover (*Trifolium repens*). The soil mapped within Wetland A and B is Wapato silt loam. A culvert outfalls onto the site through a concrete retaining wall, upslope of Wetland A, at the western property boundary (Figure 3).

Wetland C and D are small slope wetlands that occupies 0.005 acres within the site and extends on-site from the west (Figures 6b). The wetlands both drain into Stream A, which then drains to the wetlands along South Scappoose Creek. The wetland vegetative community is primarily vegetated with Pacific water leaf, water parsley (*Oenanthe sarmentosa*), reed canary grass, Himalayan blackberry (*Rubus armeniacus*), stinging nettles (*Urtica dioica*) and Pacific waterleaf (*Hydrophyllum tenuipes*). The soil mapped within Wetland C and D is Quatama silt loam.

Stream A originates at the culvert outflow from Wetland C, flows southeast for approximately 50 feet, is directed into a culvert for approximately 20 feet and

then outfalls again to an open channel. The open channel flows southeast and then east near the southern property boundary and discharges to an off-site wetland to the east associated with Scappoose Creek (Figure 3).

The eastern and lowest segment of Stream A is very trampled by cattle and was likely a more defined channel at one time. The upper and lower segments lack aerial canopy and shrub layers and are primarily vegetated with pasture grasses and weedy forbs such as tall fescue and creeping buttercup. The central segment of Stream A is more densely vegetated and contains a canopy of primarily bigleaf maple, a shrub layer of primarily beaked hazelnut (*Corylus cornuta*), English holly (*Ilex aquifolium*), and osoberry (*Oemleria cerasiformis*), and a sparser herbaceous layer of primarily Pacific waterleaf and western swordfern (*Polystichum munitum*).

Four manholes are located in the pasture area on-site, which partially capture subsurface and groundwater flow near the small wetlands along western property line. One is near Wetland B near the western property boundary in the central portion of site. The other three are located in the northwestern end, down slope of Wetland A and are part of the sanitary easement to northwest end of site (Figure 3).

PROJECT SITE ACTIVITIES

The Buxton Ranch Subdivision proposes a 48-lot subdivision with access south from SW JP West Road (Figure 4). A mix of house footprints in the lots is proposed and Buxton Lane will extend through subdivision to south end and a small loop road will provide access to lots on west end.

The water quality facility (Tract C) will be located in the lower elevation in the northeastern end of the subdivision site that will discharge treated storm water to the South Scappoose Creek (Figure 5). The water quality facility berm is 0.5 foot above the 100-year flood elevation. If a storm event flow into the facility exceeds the capacity, the facility is designed to allow the flows to overtop the berm. The water quality facility outfall will be designed with a one-way flood gate in order to maintain flow to stream and prevent storm impounding within the facility.

Floodplain Grading and Impacts

The project proposes to fill within a portion of the South Scappoose Creek 100year floodplain within the Buxton parcel. The subdivision project proposes a cut of 2625.0 cubic yards and fill of 2508.1 cubic yards (Net Cut 116.8 CY) impacting the 100-year floodplain in the north end and along the eastern edge of the subdivision (Figure 5).

The subdivision project was planned to preserve the SBWC restoration project area on the eastern edge of the parcel and will retain all riparian forest cover within the restoration project area. The entire subdivision is located within a

pasture and no trees will be impacted by the proposed project (Figure 2). A minimum 50-foot buffer will be maintained along the western edge of the wetland and stream top-of-bank adjacent to project area as part of the measures to address potential floodplain habitat function impacts from site grading (Figure 5). A pedestrian trail will extend the entire length of site south to north within the outer edge of the 50-foot buffer. The project will include installation of native shrub and tree species within the 50-foot buffer to meet City requirements and supplement the restoration project plantings installed in 2018. The buffer planting will use the plant list installed in the SBWC restoration site (Appendix B).

Shallow grading east of the proposed retaining wall will occur within the 50-foot buffer along the back of Lots 38 to 48 as part of the grading for the retaining wall. The grading results in a net cut of approximately 116 CY, which will effectively to create additional flood flow storage within the 100-YR floodplain. The grading will not impact existing trees along the streambank but will likely impact some of the native understory vegetation. All graded areas will be restored with proposed buffer plantings and erosion control measures (i.e., silt fence, inlet protection) will be installed to protect stream and floodway No impacts to trees or the adjacent stream bank will occur, and the entire area will be restored (Figure 5).

Sanitary Sewer Connection

The sanitary sewer connection for project will require replacement of the sanitary sewer line along the western end of site which will result in temporary impacts to the wetland and 25-foot buffer within Open Space Tract B. This work is outside the 100-year floodplain. The sanitary trunk line will be constructed with water-tight structures and connections to minimize water infiltration to the sewer system (Figure 5-5a).

The impacts include a narrow trench with in the 25-foot buffer (141 SF) and an excavated area around an existing manhole within the wetland (215 SF) (Figure 5). The temporary impact will be restored in place with the soil being backfilled in the trench and around the manhole and the disturbance area being reseeded once construction is completed. The wetland and buffer disturbance areas will be replanted with native species following the open space medium to dense brush planting plan per the Pioneer Design Group (PDG) Landscape Plan. The wetland disturbance area to be replanted with eight (8) shrubs and the buffer disturbance area to be replanted with five (5) shrubs and both areas will be reseeded with the Sunmark Seeds Native Riparian and Shrub Swamp mix at 11b/1000 SF. See PDG *Buxton Ranch Planting Plan*.

USFWS REGULATED SPECIES

A list of ESA species potentially present within the project vicinity was obtained through the USFWS on-line Information, Planning and Conservation System (IPAC) (USFWS 2019). The USFWS Endangered Species Program lists a total

of eight (8) threatened or endangered species potentially occurring within the project vicinity, including three bird species and five plant species.

The three bird species include the marbled murrelet (*Brachyramphus marmoratus*), northern spotted owl (*Strix occidentalis caurina*) and streaked horned lark (*Eremophila alpestris strigata*). Habitat requirements for the murrelet and northern spotted owl include old growth coniferous forests and the streaked horned lark requires open dry grassland. Neither of these habitat types is present within the project site. The site has been heavily grazed over the years. The vegetative cover has been significantly altered as well by agricultural practices.

The five (5) listed plants include Brashaw's desert-parsley (*Lomatium bradshawii*), Kincaid's lupine (*Lupinus sulphureus ssp. kincaidii*), Nelson's checker-mallow (*Sidalcea nelsoniana*), Willamette Daisy (*Erigeron decumbens var. decumbens*) and water howellia (*Howellia aquatilis*). Habitat requirements for the first four species include wet prairie and upland prairie. Neither of these habitat types is present within or adjacent to the project site. Water howellia requires seasonally inundated wetland habitat that is typically forested. No forested wetland habitat is present in the project site and the forested wetland along the South Scappoose creek segment does not meet the hydrologic regime needed for this species.

Nelson's checker-mallow may occur in wet ditches and emergent wetland. However, the probability that Nelson's checker-mallow would be present given the highly disturbed condition of the on-site emergent wetland within the pasture is extremely low.

NMFS REGULATED SPECIES

Three species of anadromous fish under the jurisdiction of NMFS are present in Scappoose Creek. There are no offsite barriers downstream, south of the site and all three of these fish species show up on *StreamNet Mapper* as being present in the waterways (StreamNet 2019).

A database search request for rare, threatened and endangered plant and animal records for the proposed project site was made to the Oregon Biodiversity Information Center (ORBIC) (Letter from Lindsey Wise dated October 15, 2018).

Listed Species Review

ORBIC database search results documented three (3) potential federal or state listed species within a two-mile radius of the project site:

- 1. Coho salmon (Lower Columbia River ESU) (*Oncorhynchus kisutch pop. 1*)
- 2. Steelhead (Lower Columbia River ESU, winter run) (*Oncorhynchus mykiss pop.27*)

Environmental Science & Assessment, LLC

3. Chinook salmon (Lower Columbia River ESU, fall run) (*Oncorhynchus tshawytscha pop. 22*)

After review of the listed habitat requirements and regions where these species are expected to occur, the following is a summary of their expected occurrence on-site.

1. Coho salmon (Lower Columbia River ESU) (*Oncorhynchus kisutch pop. 1*) Fed: LT State: LE

This population of Coho salmon is listed as threatened federally and endangered in the state of Oregon. The Lower Columbia River Coho Salmon ESU includes naturally spawned salmon originating from the Columbia River and its tributaries downstream of a transitional point east of the Hood and White Salmon Rivers, and any such fish originating from the Willamette River and its tributaries below Willamette Falls. Three records of occurrence are recorded for the Lower Columbia River ESU. The first is within Scappoose Bay, Multnomah Channel and Willamette River within watersheds of South Scappoose Creek (HUC 170900120301), and North Scappoose Creek (HUC 170900120302) approximately 1 mile north of the site. The second is listed within North Scappoose Creek watershed (HUC 170900120302) for spawning and rearing. The third is listed within South Scappoose Creek, which passes through the site, and tributaries (HUC 170900120301). Coho salmon are mapped by StreamNet for rearing and migration within the South Scappoose Creek segment on site and are documented as spawning and rearing about a mile upstream on South Scappoose Creek.

2. Steelhead (Lower Columbia River ESU, winter run) (*Oncorhynchus mykiss pop.27*) Fed: LT State: SC

This population of Steelhead is listed as threatened federally and sensitivecritical in the state of Oregon. The lower Columbia River ESU includes naturally spawned steelhead originating from the mainstem Columbia River and to the Willamette River and its tributaries below Willamette Falls. Six records of occurrence are recorded for the Lower Columbia River ESU, winter run. The first second and third are within South Scappoose Creek (HUC 170900120301) which passes through the site The fourth and fifth are listed within North Scappoose Creek (HUC 170900120302) as well as Scappoose Creek watershed (HUC 170900120304) approximately 1 mile north of the site. The sixth record is listed within North Scappoose Creek watershed (HUC 170900120304), approximately 0.7 miles from confluence with Scappoose Creek. StreamNet maps the occurrence of winter-run steelhead in the stream segment within the project area as migration only. Steelhead are documented as spawning and rearing about a mile southwest of the site in the South Scappoose Creek segment.

3. Chinook salmon (Lower Columbia River ESU, fall run) (*Oncorhynchus tshawytscha pop. 22*) Fed: LT State: SC

Environmental Science & Assessment, LLC

This population of Chinook salmon is listed as threatened federally and sensitive-critical in the state of Oregon. The Lower Columbia River Chinook Salmon ESU includes naturally spawned Chinook salmon originating from the Columbia River and its tributaries downstream of a transitional point east of the Hood and Big White Rivers, and any such fish originating from the Willamette River and its tributaries below Willamette Falls. There are two report occurrences for the Lower Columbia River ESU, fall run. The first is within multiple watersheds including South Scappoose Creek (HUC 170900120301), which passes through the site, and Scappoose Creek watershed (HUC 170900120302) and Scappoose Creek watershed (HUC 170900120302), which resides approximately 1 mile north of the site. This species was mapped by StreamNet as spawning and rearing in North Scappoose Creek located approximately one mile north of the site and are not listed within the South Scappoose Creek segment on site.

Additional species were listed within the ORBIC report, but they are either not listed or listed as species of concern or sensitive vulnerable/critical. These species include:

Western pond turtle (Actinemys marmorata); Fed: SOC State: SC Fungus (Balsamia alba); Fed: N/A State: N/A Painted turtle (Chrysemys picta); Fed: N/A State: SC Western pearlshell (Margaritifera falcate); Fed: N/A State: N/A Pacific lamprey (Entosphenus tridentatus); Fed: SOC State: SV

ES&A consulted Oregon Department of Fish and Wildlife (ODFW) and conducted a site visit with Monica Blanchard, the North Willamette Watershed Assistant District Biologist on August 9, 2019. ODFW recommended reducing storm water inputs, use of permeable building techniques and expanded water quality facility to minimize impacts to aquatic species present in the South Scappoose Creek reach extending through the site (ODFW 2019).

ODFW also noted that several additional species were present in the creek and used the aquatic habitat for rearing and migration. These species include: Western brook lamprey (*Lampetra richardsoni*); Fed: SOC State: S Cutthroat Trout (*Oncorhynchus clarkii clarkii*); Fed: N/A State: N/A

The proposed project will not alter the South Scappoose Creek channel stream habitat used by these species and the project will meet local stormwater treatment and detention requirements to minimize impacts to water quality and quantity in the creek. Current habitat use will not be impacted by project.

PROPOSED FLOODPLAIN ALTERATION DESIGN ELEMENTS

A hydraulic analysis was completed by West Consultants for Scappoose Creek as part of the revised Buxton Ranch Subdivision development application. The proposed subdivision fill and excavation will lower the floodplain in some areas by between 0.01 and 0.07 feet and will have a no rise at 0.00 or less in the remainder of the site. The analysis concluded that a no-rise condition was achieved in the Scappoose Creek floodplain adjacent to the proposed subdivision for both the base flood and floodway (West Consultants 2019).

The modeling of earlier site plans concluded that the pre-development and proposed condition in a small area in the south end of the proposed subdivision would result in a rise in the 100-year flood elevation, but this level was less than 0.01 feet (West Consultants 2019). In order to meet the no net rise determination, the site plan was revised and adjusting the grading in the site and in the buffer behind Lots 38 to 48 (Figure 5).

The location of the 100-year flood elevation contour is identified on the Buxton Ranch Existing Flood Plain Plan (Figure 5). The 100-year flood elevation was calculated for this project site post-SBWC stream mitigation at 52.70 feet on south end of site and at 51.98 feet at north end along JP West Street (Figure 5). The 500-year floodplain elevation is approximately 0.8 to 1.0 feet above the 100-year flood elevation. The 2-year storm elevation calculated for the creek after the proposed subdivision is constructed ranges from 48.85 feet in the south end of site to 48.69 feet at north end.

The subdivision has been designed to comply with the City of Scappoose sensitive lands- flooding ordinance (17.84.010 - 17.84.250). The subdivision lots will be elevated a minimum of two feet above the 100-year flood elevation. The rear property line of the lots directly adjacent to 100-year floodplain will have a retaining wall to avoid grading within the 100-year floodplain. All public utilities within the site are located above the 100-year flood elevation (Figure 5).

The water quality facility is designed to treat and detain the 25-year storm event. The berm of the water quality facility is 0.5 foot above the 100-year flood elevation and if a storm event flow into the facility exceeds the capacity, the facility is designed to allow the flows to overtop the berm (Figure 5).

Alterations within the floodplain are designed to meet City of Scappoose Standards. A summary of the specific design elements includes:

1. All cut and fill activity has been designed to avoid impacts beyond the boundaries of the subdivision footprint. Any temporary grading for a storm outfall or other utility connections within the adjacent floodplain will be restored to their natural state.

- 2. Portions of the subdivision located within existing floodplain are designed to maintain existing drainage patterns without impounding water.
- 3. Water quality facility will use a one-way flood gate to allow flow to stream and keep flood water from backing up into the facility in order to avoid trapping aquatic species in the facility.
- 4. An erosion and sediment control plan will be included with the engineering plans that will stabilize the altered soils with vegetation to prevent erosion.
- 5. Construction activity and stabilization will be completed in a single year between May 1st and September 1st.
- 6. Alterations within the floodplain are designed to maintain a no net rise. The on-site flood way and floodplain storage capacity within the adjacent stream segment will be retained.
- 7. Install tree and shrub plantings within the 50-foot buffer, supplementing the existing SBWC restoration area.
- 8. Proposed cuts or fills will be less than 3 feet in depth.
- 9. Use permeable material for any trails adjacent to project and locate trails on outer edge of 50-foot riparian buffer where possible, as recommended by ODFW.

ENDANGERED SPECIES ACT COMPLIANCE PROVISIONS

FEMA prepared a Program Level Biological Assessment (PLBA) for the National Flood Insurance Program (NFIP) for Oregon state in February 2013. This document was prepared to determine what effects, if any, the NFIP will have on listed salmon, steelhead or habitat throughout Oregon (FEMA 2013). Subsequently, FEMA has issued a letter to Oregon communities participating in the FEMA NFIP on February 6, 2019 that the National Marine Fisheries Service (NMFS) Biological Opinion BiOP was still not complete and would not be implemented until 2021.

In the absence of state or local guidance in Oregon for evaluating ESA compliance of proposed floodplain alteration activities, ES&A used the Biological Opinion (BiOP) Checklist for the National Flood Insurance Program and Endangered Species Act produced by FEMA - Region 10, which provides guidance in Washington state (FEMA 2012). The FEMA BiOP provides performance criteria set forth in the Biological Opinion Reasonable and Prudent Alternative (RPA) elements 2 and 3 for local jurisdictions to evaluate ESA compliance in Region 10 (FEMA 2012).

Since the FEMA BiOP checklist is used for creating local community ordinances in Washington State, it was adapted in this analysis to apply to floodplain alterations in the City of Scappoose. The performance criteria address proposed activities and mapping requirements, and provide a checklist for general development and habitat protection standards.

The criteria are presented below followed by a determination of whether the Buxton Ranch Subdivision CLOMR-F meets each of the criteria.

Criteria Evaluation

1. Activities Affected

- a. Local requirements are met for any man-made change to improved or unimproved real estate
- b. Local requirements are met for any removal of substantial amounts of vegetation, or alteration of natural site characteristics

Assessment: The proposed activity improves currently unimproved portions of a single tax lot within a livestock pasture. No forest cover will be disturbed with the proposed project. The project avoids permanent impacts to the existing Scappoose Bay Watershed Council restoration project along the South Scappoose Creek, east of the project, within the existing taxlot. A small area of temporary impact within the 50-foot buffer will be restored as per buffer restoration landscape plan.

DETERMINATION: CRITERIA MET

2. Mapping Criteria

- a. Riparian buffer zones
- b. New mapping must consider future conditions and the cumulative effects from future land-use change

Assessment: A minimum of 50 feet of riparian buffer will be provided along all wetlands and the waterway OHW limits east of the between the project area. The project meets significant lands – Fish and Riparian Corridor Overlay standards which will minimize cumulative effects from the proposed land use action.

DETERMINATION: CRITERIA MET

- 3. General Development Standards
 - a. If a lot has a buildable site out of the Special Flood Hazard Area, all new structures shall be located there, when feasible. If the lot is fully in the floodplain, structures must be located to have the least impact on salmon

- b. Stormwater and drainage features shall incorporate low impact development techniques that mimic pre-development hydrologic conditions, when technically feasible
- c. Any loss of floodplain storage and fish habitat functions shall be avoided, rectified or compensated for. New flood storage/habitat areas must be graded and vegetated to allow fish refuge during flood events and return to main channel as floodwaters recede without creating stranding risks. Any compensation off site must be in a priority floodplain restoration area identified in the associated ESU Recovery Plan for listed species.

Assessment: A no-rise analysis was completed for the development application and it was determined that the project will have a negligible effect on the creek storage capacity of the floodplain. The proposed subdivision fill will lower the floodplain in one location by 0.07 feet and will have a no rise at 0.00 or less in the remainder of the site (West Consultants 2019). The subdivision site plan revised to meet the no rise calculation. The revisions include reducing the subdivision by three lots and altering the site grading was and grading in a portion of the buffer behind Lots 40 to 46 (Figure 5). The water quality facility berm of the is 0.5 foot above the 100-year flood elevation and the facility outfall will use a one-way flood gate to allow flow to stream and keep flood water from backing up into the facility in order to avoid trapping aquatic species in the facility.

DETERMINATION: CRITERIA MET

4. Habitat Protection Standards

- a. Riparian Buffers Scappoose 50-foot
- b. Floodplain habitat
- c. Water Quality (WQ) treatment
- d. Riparian vegetation
- e. Wetlands: Wetland function must be maintained or replaced by providing equivalent function
- f. Large woody debris

Assessment: A minimum of 50 feet of riparian buffer will be provided along all wetlands and the waterway OHW limits east of the between the project area. The project meets significant lands – Fish and Riparian Corridor Overlay standards. The SBWC restoration project will be preserved along the eastern edge of project and the open space and 50-

foot buffers will be planted to supplement the existing restoration project plantings to meet City of Scappoose natural area standards. All existing mature forest cover along the stream will be preserved.

DETERMINATION: CRITERIA MET

5. Low Impact Design Measures (LID)

- a. Low density of floodplain development, cluster development, planned unit development
- b. The proposed action must be designed and located so that new structural flood protection is not needed
- c. New road crossings over streams are prohibited outside the Protected Area
- d. Bank stabilization measures

Assessment: The project is proposed as a planned unit development, with average lot sizes of 4500 SF rather than the code requirement of 6000 SF for this zoning. No additional flood protection structures are proposed for the lot development. Road crossings over streams in the floodplain are not proposed. There is no bank stabilization proposed along the eastern project edge, however, the adjacent SBWC restoration project stabilized portion of the South Scappoose Creek banks in 2018. This improved the existing stream function.

DETERMINATION: CRITERIA MET

ENDANGERED SPECIES ACT COMPLIANCE

This project is a non-federal project and as such ESA compliance determination has been evaluated as per FEMA guidance for private development. A determination of the potential for "Take" has been completed for this project based on the documentation provided in this memo. "Take" is understood to mean the potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct to threatened or endangered species.

USFWS Regulated Species

Based on the site habitat evaluation and consultation with local fish and wildlife staff, it was determined there is no suitable habitat present at the project site for any of the ESA-listed terrestrial species subject to the jurisdiction of USFWS.

The Buxton Ranch Subdivision will have **no potential for "Take**" on marbled murrelet, northern spotted owl, streaked horned lark, Brashaw's desert-parsley, Kincaid's lupine, Nelson's checker-mallow, Willamette Daisy or water howellia.

NMFS Regulated Species

Elements have been incorporated into the project design that avoid and minimize potential effects to floodplain habitat and to ESA-listed fish species.

The project does not propose alterations of the South Scappoose Creek channel. No permanent structures will be place in or over the channel or floodway. Project will meet No Rise for the 100-year floodplain and will maintain the creek floodway conveyance function. The proposed alteration within the 100-year floodplain occurs entirely within an existing livestock pasture and project will preserve all existing mature forest cover along the creek within the project parcel. The stormwater facility for the development will facility outfall will use a one-way flood gate to allow flow to stream and keep flood water from backing up into the facility in order to avoid trapping aquatic species in the facility. The SBWC restoration project enhancements to the creek bank and the adjacent wetland habitat along the creek will be preserved and supplemented with riparian corridor plantings within the 50-foot buffer and open space along the eastern edge of the proposed project area.

The Buxton Ranch Subdivision will have **no potential for "Take**" of Coho salmon (Lower Columbia River ESU).

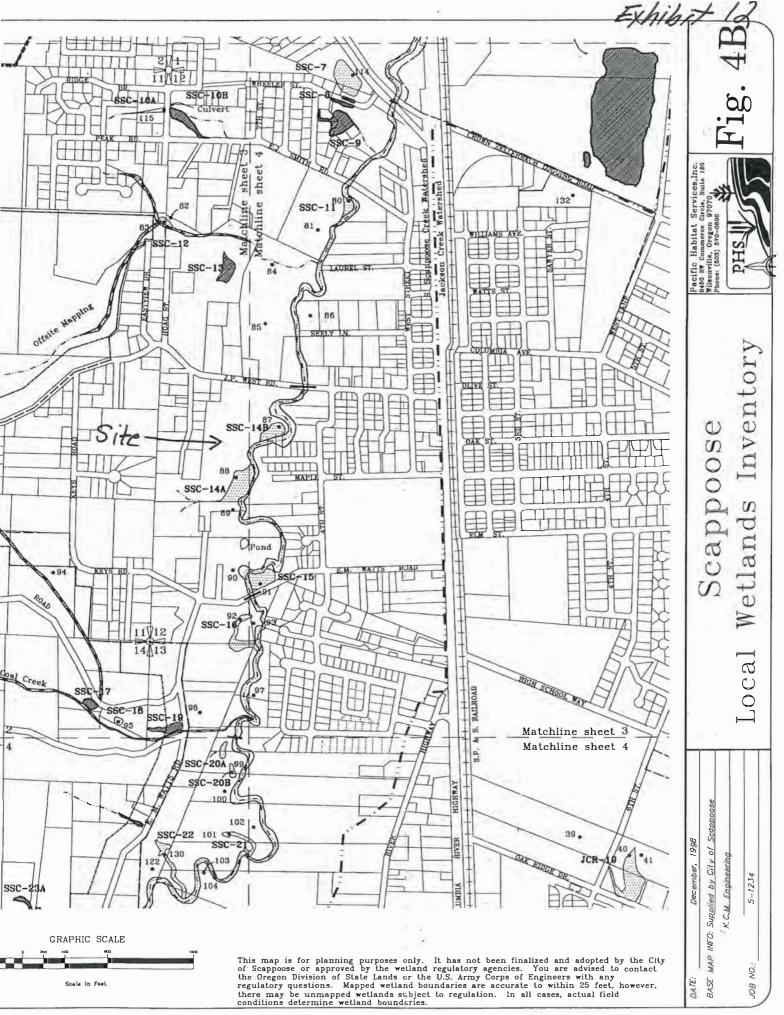
The Buxton Ranch Subdivision will have **no potential for "Take**" of Steelhead (Lower Columbia River ESU, winter run).

The Buxton Ranch Subdivision will have **no potential for "Take**" of Chinook salmon (Lower Columbia River ESU, fall run).

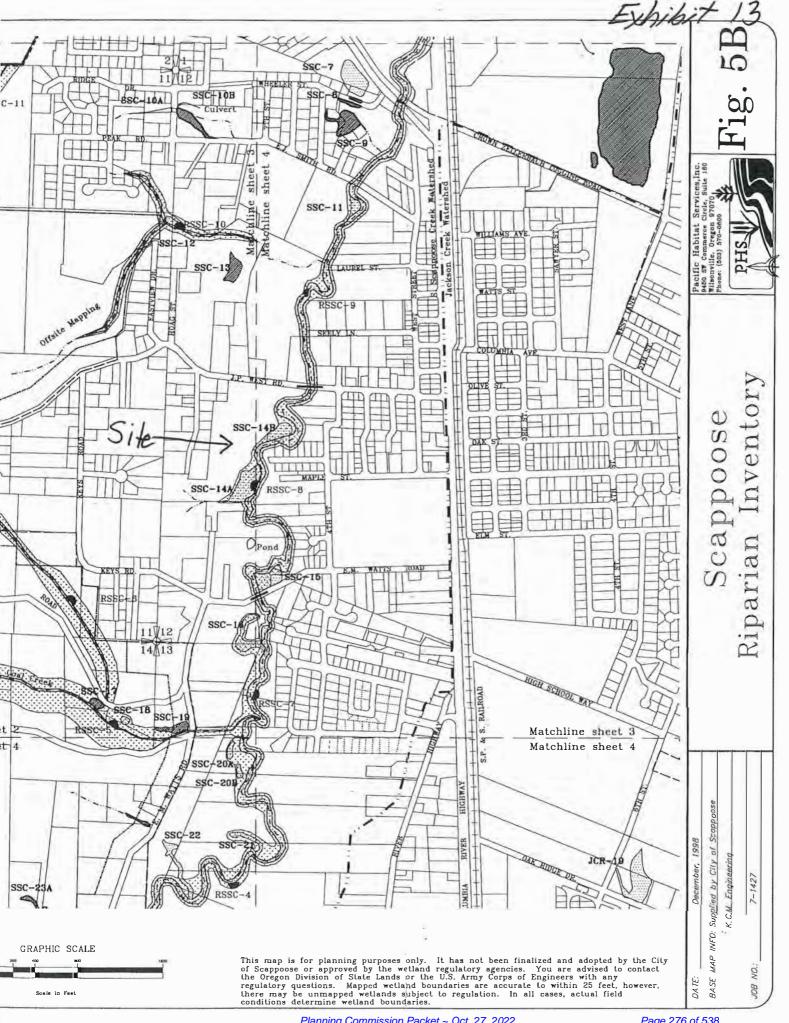
ESA Compliance Determination provided by:

Jack Dalton Biologist Environmental Science & Assessment, LLC

Jel Octo



Planning Commission Packet ~ Oct. 27, 2022



Planning Commission Packet ~ Oct. 27, 2022

8/24/2021

Exhibit 14



Environmental Science & Assessment Mail - Buxton Subdivision Project - Scappoose - South Scappoose Creek

Jack Dalton <jack@esapdx.com>

Buxton Subdivision Project - Scappoose - South Scappoose Creek

Monica R Blanchard <Monica.R.Blanchard@state.or.us> To: Jack Dalton <jack@esapdx.com>, Tom Murtagh <Tom.Murtagh@state.or.us> Thu, Aug 29, 2019 at 3:14 PM

Jack,

The Oregon Department of Fish and Wildlife appreciates the opportunity to comment on the Buxton Ranch Subdivision Development. After our discussion on site on 8/9/2019 and reviewing the FEMA/ESA-memo, our main concerns with this project are related to the location of the development in the floodplain of South Scappoose Creek. The expansion of nonpermeable surfaces associated with new roads and houses will lead to increased runoff and increased storm water inputs into South Scappoose Creek. Storm water runoff can have adverse impacts on aquatic organisms including the species listed under the Endangered Species Act and Oregon State's Sensitive Species List that are present in this reach of South Scappoose Creek. Much of this proposed development is in the hundred year floodplain and flooding has occurred in this parcel as recently as winter 2019, as well as in 2015. We recommend every attempt to incorporate permeable building techniques or expansion of water quality facilities to reduce run-off impacts on the stream, and to slow water entering the creek during high water events. We also would recommend planting the entirety of the area between the proposed house units and the creek with native vegetation (not just the 50 foot buffer area) and using a permeable material for the trail. Where possible, we would also like to see the main alignment of the trail placed outside the 50ft riparian buffer, rather than on the outer edge, with shorter trails into this area for creek viewing and access.

The riparian area, wetlands, and South Scappoose Creek are the most sensitive habitats and provide the highest quality cover and refuge for native species in the area of the project; protection and enhancement of these areas is our primary concern at this site. We appreciate the efforts to minimize wetland disturbance, add additional riparian vegetation, and avoid construction in the stream corridor.

Please add additional information regarding other Oregon Sensitive Species present at the Buxton Floodplain development site:

There are juvenile and adults of multiple Lamprey species present at the site. This area acts as rearing and migration corridor for Pacific Lamprey as well as Western Brook Lamprey (*Lampetra richardsoni*).

There are Cutthroat Trout (*Oncorhynchus clarkii clarkii*) present in this section of South Scappoose Creek, as well. This site includes rearing and migration habitat.

Apologies for the delay in getting our review back to you. Let me know if you have any questions.

Sincerely,

Monica Blanchard

Assistant District Fish Biologist

North Willamette Watershed District

Oregon Department of Fish and Wildlife

17330 SE Evelyn St | Clackamas, OR 97015

Echibit 15



April 29, 2019

Department of State Lands

775 Summer Street NE, Suite 100 Salem, OR 97301-1279 (503) 986-5200 FAX (503) 378-4844 www.oregon.gov/dsl

State Land Board

Kate Brown Governor

Bev Clarno Secretary of State

> Tobias Read State Treasurer

Ryan O'Brien 1862 NE Estate Drive Hillsboro OR 97124

Re: WD #2019-0035 Wetland Delineation Report for Buxton Ranch, Columbia County; T 3N R 2W S 12CB TL 401 (Portion) Scappoose Local Wetlands Inventory, Wetland SSC 14-A;

Dear Mr. O'Brien:

The Department of State Lands has reviewed the wetland delineation report prepared by Environmental Science & Assessment, LLC for the site referenced above. Please note that the study area includes only a portion of the tax lot described above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figures 6, 6A and 6B of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study area, four wetlands (Wetland A-D), totaling approximately 0.24 acres, and one waterway (Stream A) were identified. They are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will determine jurisdiction for purposes of the Clean Water Act. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of impacts to wetlands or other waters. Because measures to avoid and minimize impacts to wetlands or other waters may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at 503-986-5271 if you have any questions.

Sincerely,

Daniel Evans

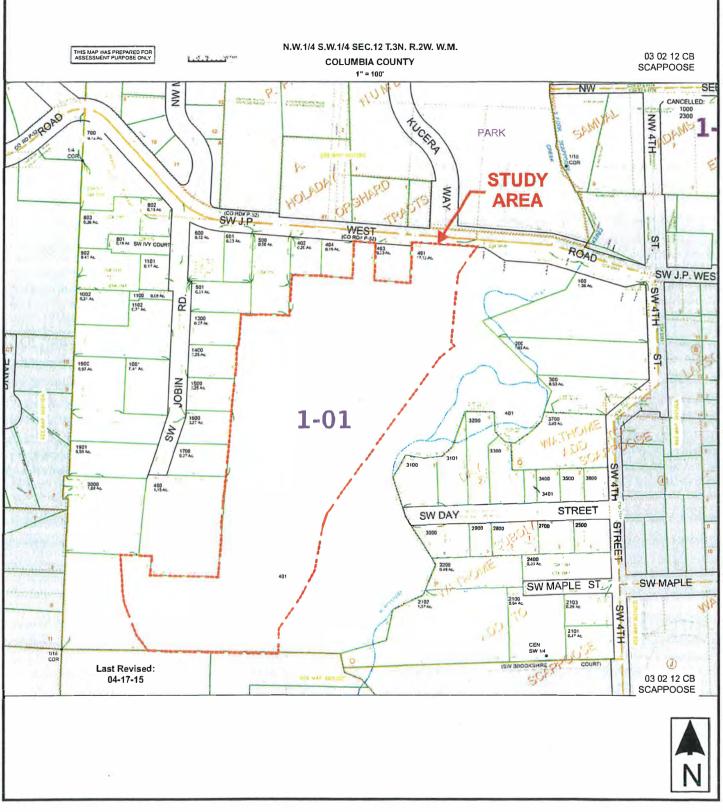
Daniel Evans, PWS Jurisdiction Coordinator

Enclosures

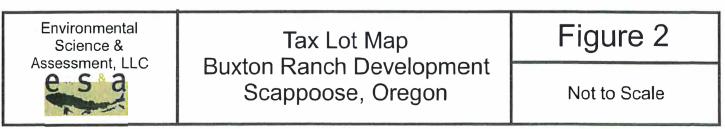
Approved by

Peter Ryan, PWS Aquatic Resource Specialist

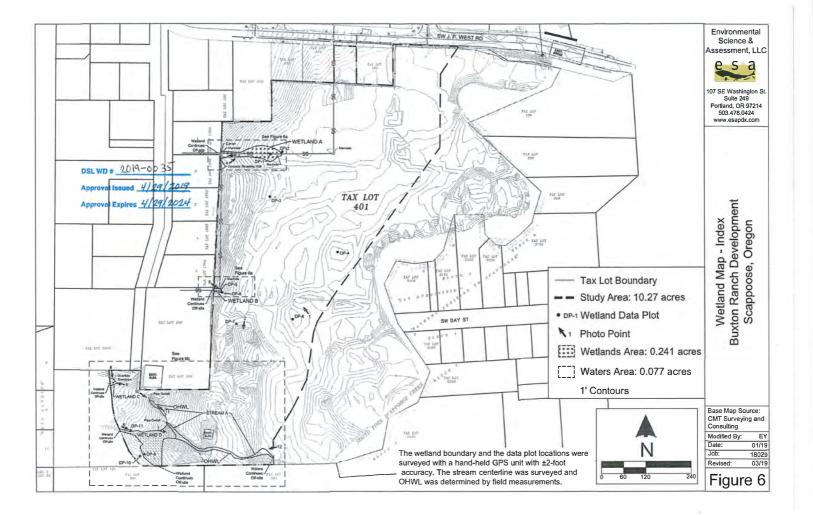
ec: Kim Reavis, Environmental Science & Assessment, LLC City of Scappoose Planning Department (Maps enclosed for updating LWI) Danielle Erb, Corps of Engineers Dan Cary, DSL Buxton Family Investments, LLC

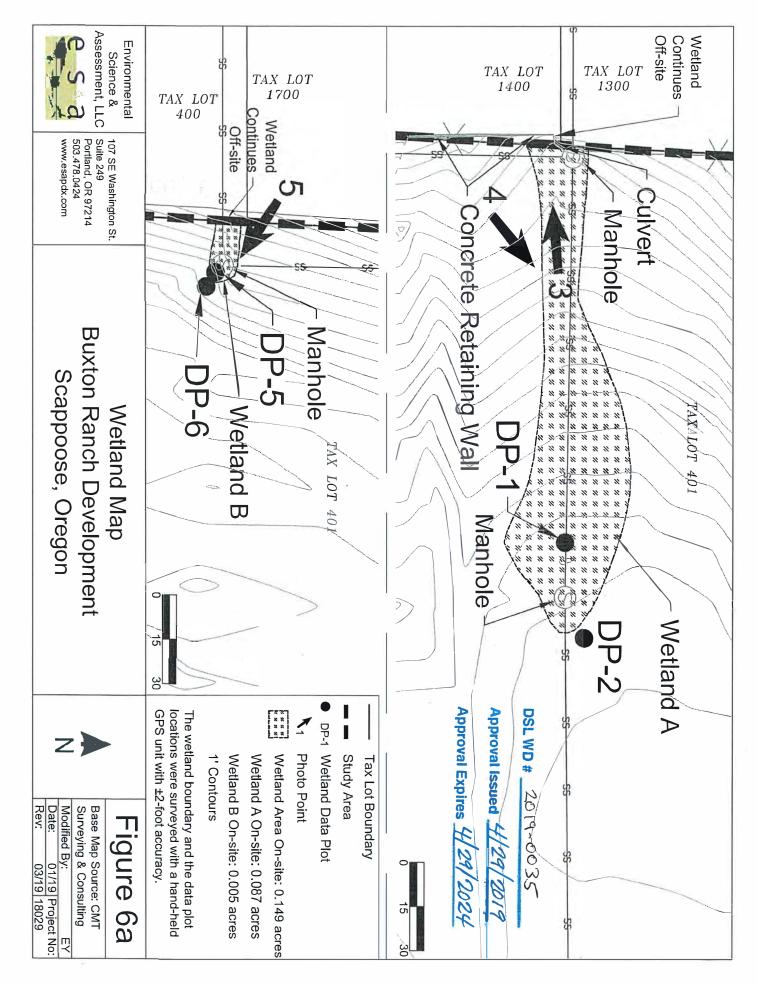


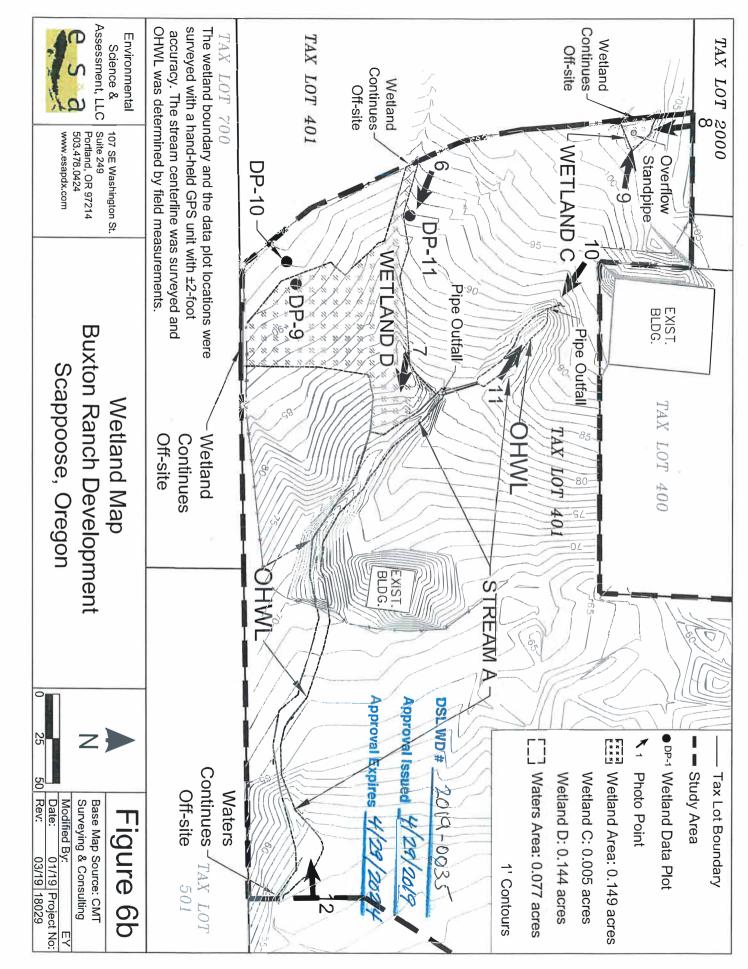
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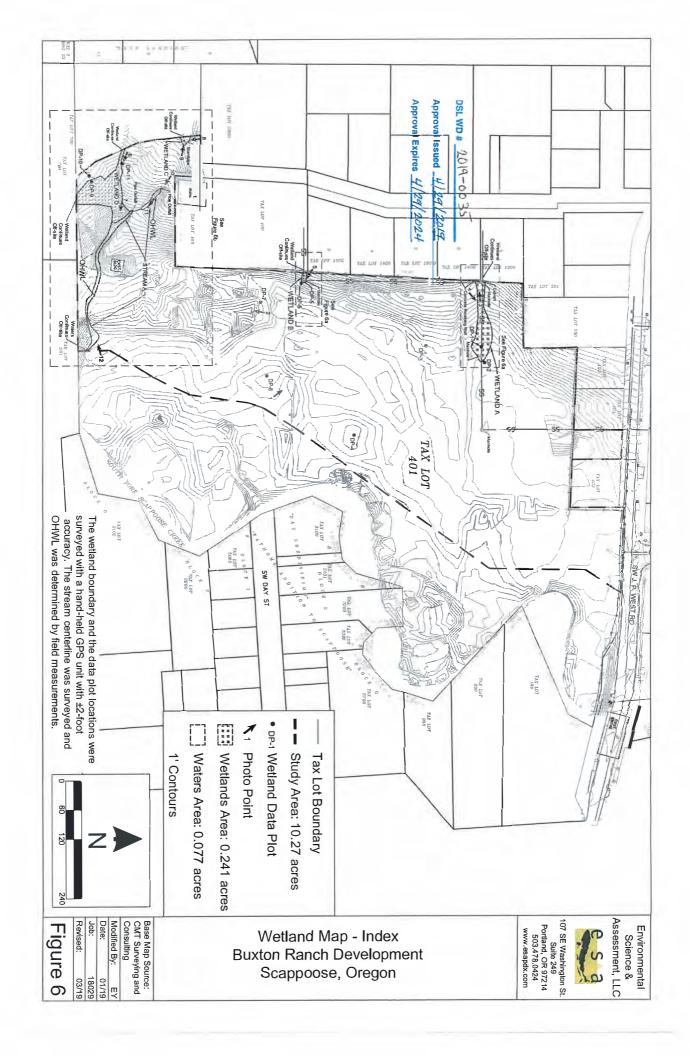


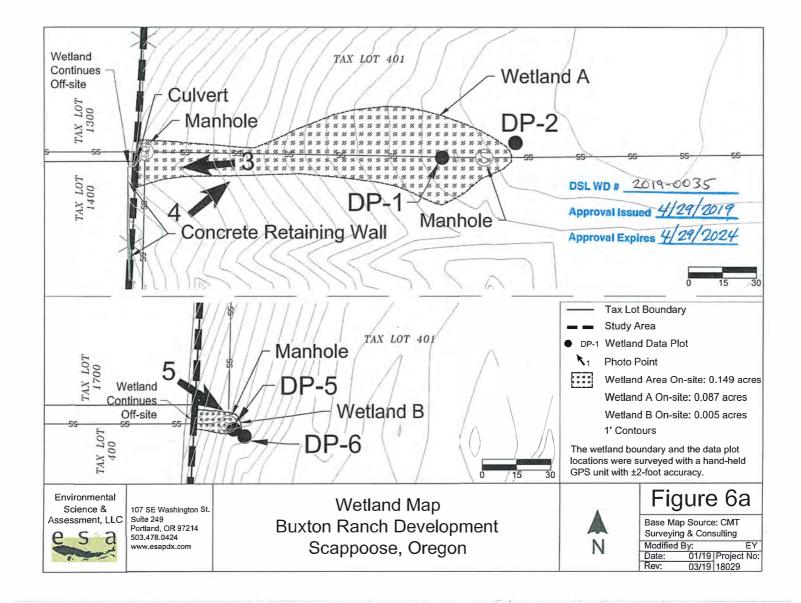




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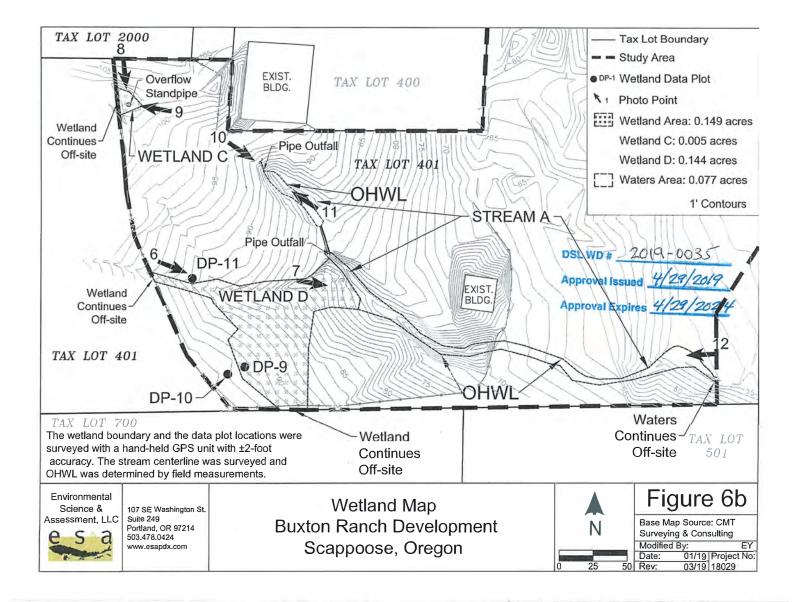


Exhibit 15 cont's



September 26, 2019

Buxton Family Investments LLC Attn: Ryan O'Brien PO Box 503069 White City, OR 97503 **Department of State Lands**

775 Summer Street NE, Suite 100 Salem, OR 97301-1279 (503) 986-5200 FAX (503) 378-4844 www.oregon.gov/dsl

State Land Board

Kate Brown Governor

Bev Clarno Secretary of State

Re: WD # 2019-0404 **Approved** Wetland Delineation Report for Buxton Family Investments, LLC Columbia County; T3N R2W S12CB, TL401 (Portion) Scappoose Local Wetlands Inventory, Wetland SSC-14A, SSC-14B

Tobias Read State Treasurer

Dear Mr. O'Brien:

The Department of State Lands has reviewed the wetland delineation report prepared by Environmental Science & Assessment, LLC for the site referenced above. Please note that the study area includes only a portion of the tax lot described above (see the attached map). Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figures 6, 6A, and 6B of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study area, 2 wetlands (Wetland 1-2, totaling approximately 0.98 acres) and one waterway (South Fork Scappoose Creek) were identified. They are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). However, the South Fork Scappoose Creek is an essential salmonid stream; therefore, fill or removal of any amount of material below its OHWL, or within hydrologically connected wetlands (Wetland 1-2), may require a state permit.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include

reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Columbia County, Daniel Evans at (503) 986-5271.

Sincerely,

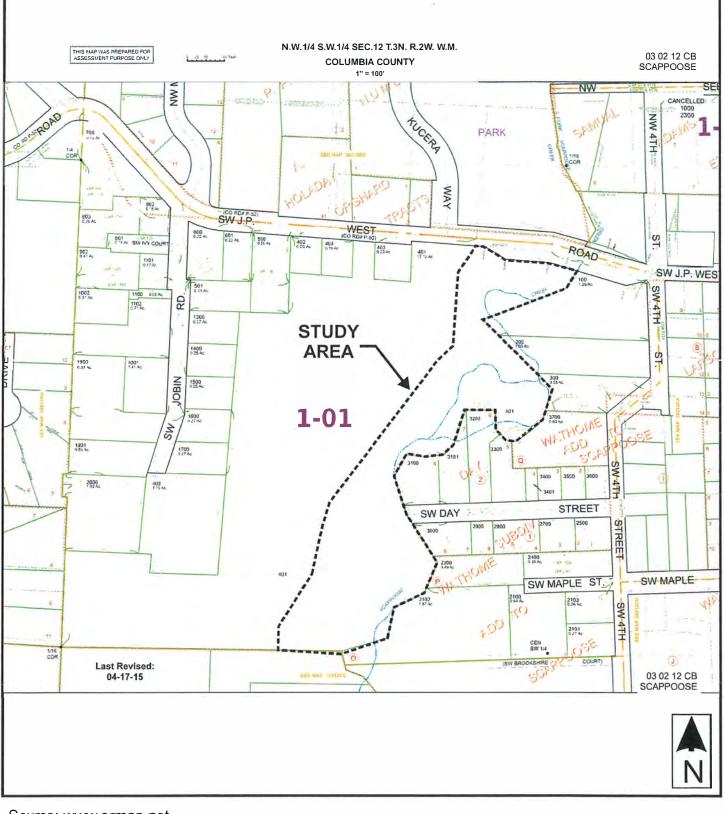
Digitally signed by Peter Ryan Peter Ryan Date: 2019.09.26 17:11:05

Peter Ryan, PWS Aquatic Resource Specialist

Enclosures

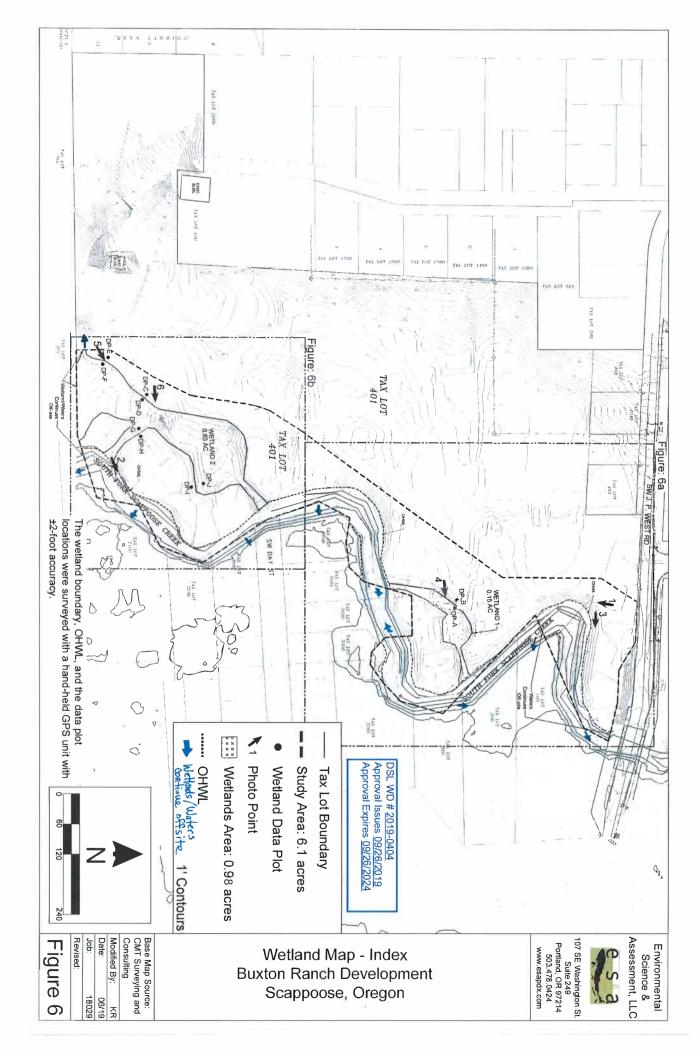
ec: Kim Reavis, Environmental Science & Assessment, LLC City of Scappoose Planning Department (Maps enclosed for updating LWI) Caila Heintz, Corps of Engineers Dan Cary, DSL

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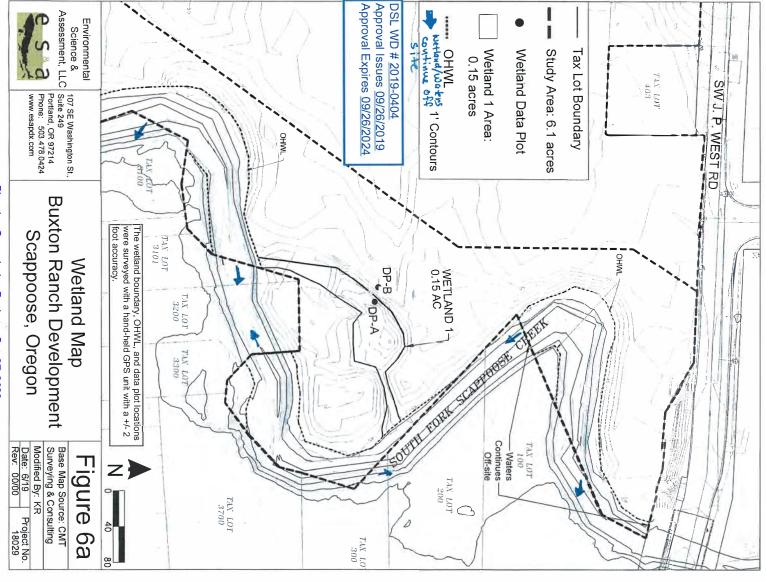
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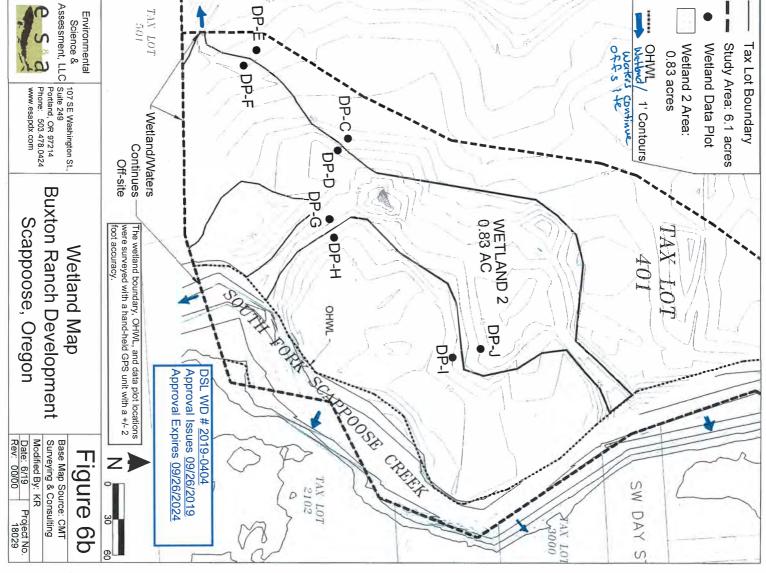




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xhibit 16



Real-World Geotechnical Solutions Investigation • Design • Construction Support

December 4, 2019 Project No. 19-5312

Aziz Siddiqui David Weekley Homes 1930 Thoreau Drive, Suite 160 Schaumburg, Illinois 60173 Via email: <u>asiddigui@dwhomes.com</u>

CC: Darren Meyer, Pioneer Design Group, Inc. via email: dmeyer@pd-grp.com

SUBJECT: PRELIMINARY GEOTECHNICAL ENGINEERING REPORT BUXTON SUBDIVISION SW JP WEST ROAD SCAPPOOSE, OREGON

Reference: Phase I Environmental Site Assessment, Buxton Subdivision, SW JP West Road and SW Jobin Lane, Scappoose, Oregon, GeoPacific Engineering, Inc. report dated September 27, 2019.

This report presents the results of a geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above-referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal No. P-7085, dated August 16, 2019, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*. This report is considered preliminary because the grading plan has not been finalized at this time.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The subject site is approximately 17.3 acres in size located on the south side of SW JP West Road in the City of Scappoose, Columbia County, Oregon (Figures 1 and 2). South Scappoose Creek is located in the eastern portion of the property with an unnamed tributary present in the southern portion of the site. Several wetland areas have been delineated by others near the creek and along the western property line. Topography is predominantly gently to moderately sloping to the east with grades of approximately 2 to 30 percent (Figure 2). Some short slopes up to 40 percent are present along the western property line. Elevation ranges from 45 feet mean sea level (MSL) in the vicinity of South Scappoose Creek to 110 feet MSL in the southwestern portion of the site. Vegetation consists primarily of short grasses and sparse trees. A livestock barn is located in the southern portion of the site. It is our understanding that the site has been historically used for agricultural purposes and that some stream restoration was performed in 2018.

The preliminary site plan indicates that the proposed development will consist of a 49 lot subdivision for single family homes, new public street, stormwater facility, open space, and

associated underground utilities. The structures will likely be wood-framed and supported by conventional spread footing foundations. A grading plan has not been provided for our review; however, we anticipate maximum cuts and fills will be on the order of 5 feet. It is our understanding that retaining walls will be incorporated.

REGIONAL AND LOCAL GEOLOGIC SETTING

Regionally, the subject site lies within the Willamette Valley/Puget Sound lowland, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. A series of discontinuous faults subdivide the Willamette Valley into a mosaic of fault-bounded, structural blocks (Yeats et al., 1996). Uplifted structural blocks form bedrock highlands, while down-warped structural blocks form sedimentary basins.

The subject site is underlain by the Quaternary (recent) aged (last 10,000 years) alluvium associated with the Columbia River flood plain (Wilkinson et al., 1946). The alluvium generally consists of silt and fine to medium grained sand deposits.

The alluvium is underlain by Pleistocene aged (10,000 to 1.8 million years ago) terrace sands and gravels (Wilkinson et al., 1946). The sand and gravel deposits are correlated to the Portland delta stage deposits of Treasher (1942) and are interpreted to be analogous to the catastrophic flood deposit associated with repeated glacial outburst flooding of the Willamette Valley (Yeats et al., 1996). The last of these outburst floods occurred about 10,000 years ago. In this vicinity, these coarse grained deposits typically consist of pebbles and boulders in a silt and coarse sand matrix (Wilkinson et al., 1946).

The terrace sand and gravel deposits are underlain by the Columbia River Basalt Formation (Wilkinson et al., 1946). The Miocene aged (about 14.5 to 16.5 million years ago) Columbia River Basalts are a thick sequence of lava flows which form the crystalline basement of the Tualatin Valley. The basalts are composed of dense, finely crystalline rock that is commonly fractured along blocky and columnar vertical joints. Individual basalt flow units typically range from 25 to 125 feet thick and interflow zones are typically vesicular, scoriaceous, brecciated, and sometimes include sedimentary rocks.

REGIONAL SEISMIC SETTING

At least three potential source zones capable of generating damaging earthquakes are thought to exist in the region. These include the Portland Hills Fault Zone, the Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone, as discussed below.

Portland Hills Fault Zone

The Portland Hills Fault Zone is a series of NW-trending faults that include the central Portland Hills Fault, the western Oatfield Fault, and the eastern East Bank Fault. These faults occur in a northwest-trending zone that varies in width between 3.5 and 5.0 miles. The combined three faults vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The Portland Hills Fault occurs along the Willamette River at the base of the Portland Hills, and is approximately 3.1 miles southwest of the site. The East Bank Fault occurs along the eastern margin of the Willamette River, and is located approximately 9.8 miles southeast of the site. The Oatfield Fault occurs along the western side of the Portland Hills, and is approximately 12.7 miles south of the site. The accuracy of

the fault mapping is stated to be within 500 meters (Wong, et al., 2000). No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is assumed to be potentially active (Geomatrix Consultants, 1995).

Gales Creek-Newberg-Mt. Angel Structural Zone

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NWtrending faults that lies approximately 19.3 miles southwest of the subject site. These faults are recognized in the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone (Unruh et al., 1994). No seismicity has been recorded on the Gales Creek Fault or Newberg Fault; however, these faults are considered to be potentially active because they may connect with the seismically active Mount Angel Fault and the rupture plane of the 1993 M5.6 Scotts Mills earthquake (Werner et al. 1992; Geomatrix Consultants, 1995).

Cascadia Subduction Zone

The Cascadia Subduction Zone is a 680-mile-long zone of active tectonic convergence where oceanic crust of the Juan de Fuca Plate is subducting beneath the North American continent at a rate of 4 cm per year (Goldfinger et al., 1996). A growing body of geologic evidence suggests that prehistoric subduction zone earthquakes have occurred (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). This evidence includes: (1) buried tidal marshes recording episodic, sudden subsidence along the coast of northern California, Oregon, and Washington, (2) burial of subsided tidal marshes by tsunami wave deposits, (3) paleoliquefaction features, and (4) geodetic uplift patterns on the Oregon coast. Radiocarbon dates on buried tidal marshes indicate a recurrence interval for major subduction zone earthquakes of 250 to 650 years with the last event occurring 300 years ago (Atwater, 1992; Carver, 1992; Peterson et al., 1993; Geomatrix Consultants, 1995). The inferred seismogenic portion of the plate interface lies approximately 50 miles west of the Portland Basin at depths of between 20 and 40 kilometers below the surface.

FIELD EXPLORATION

Our site-specific exploration for this report was conducted on September 16, 2019. Twelve exploratory test pits were excavated with a medium sized backhoe to depths ranging between 10 and 16 feet at the approximate locations shown on Figure 2. It should be noted that exploration locations were located in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate.

A GeoPacific Engineering Geologist continuously monitored the field exploration program and logged the explorations. Soils observed in the explorations were classified in general accordance with the Unified Soil Classification System (USCS). During exploration, our geologist also noted geotechnical conditions such as soil consistency, moisture and groundwater conditions. Logs of the test pits are attached to this report. The following report sections are based on the exploration program and summarize subsurface conditions encountered at the site.

On-site soils consist of undocumented fill, topsoil horizon, buried topsoil horizon, and quaternary alluvium soils as described below.

Undocumented Fill: Undocumented fill was encountered at the ground surface in test pits TP-1, TP-3, and TP-4. The fill generally consisted of soft to medium stiff silt (ML) with trace clay, sand, and gravel to loose to medium dense silty sand (SM). The undocumented fill contained trace roots and extended to a depth of 2.5 to 4 feet in test pits TP-1, TP-3, and TP-4. A thin topsoil horizon had developed at the ground surface. Other areas and thicker areas of undocumented fill may be present outside our exploration locations. Our review of aerial photography of the site vicinity indicates soil stockpiles and disturbed soil areas are present in the northwestern and southwestern portions of the site, as indicated on Figure 2 (Google Earth Pro, 2019). Table 1 presents the depths of undocumented fill encountered in explorations.

Test Pit	Depth of Undocumented Fill (feet)	Soil Type Undocumented Fill	Depth of Buried Topsoil Horizon (feet)
TP-1	0-2.5	Sandy Silt (ML) to Silty SAND (SM)	2.5-3.0
TP-3	0-4.0	Silt (ML) trace sand, trace gravel	
TP-4	0-3.5	Silt (ML) trace Gravel	3.5-4.0

Table 1. Thickness of Undocumented Fill and Buried Topsoil Horizon Encountered in Explorations.

Buried Topsoil Horizon: A buried topsoil horizon was encountered beneath the undocumented fill in test pits TP-1 and TP-4. The buried topsoil horizon generally consisted of approximately 6 inches of low to moderately organic, brown silt (ML-OL) and extended to a depth of 3 feet below the ground surface in test pit TP-1 and 4 feet in test pit TP-4. The thickness of the buried topsoil horizon in presented in Table 1 with the undocumented fill depths.

Topsoil Horizon: The ground surface in test pits TP-2 and TP-5 through TP-12 was directly underlain by topsoil horizon. The topsoil horizon generally consisted of approximately 9 to 10 inches of moderately organic, brown silt (OL-M) that contained fine roots throughout.

Quaternary Alluvium: Underlying the undocumented fill in test pit TP-3; the buried topsoil horizon in test pits TP-1 and TP-4; and the topsoil horizon in test pits TP-2 and TP-5 through TP-12 was alluvium associated with the Columbia River flood plain and South Fork Scappoose Creek. These soils typically consisted of light brown, stiff to very stiff, clayey to sandy silt (ML) that displayed subtle to strong orange and gray mottling. In many test pits, the clayey to sandy silt transitioned to sandy silt (ML) with interbeds of silty sand (SM) below depths of 7 to 10 feet. The quaternary alluvium soils extended beyond the maximum depths of exploration in test pits TP-1 through TP-12 (10 to 16 feet).

Soil Moisture and Groundwater

On September 16, 2019 soils encountered in explorations were damp to wet. Neither static groundwater nor perched groundwater seepage was encountered in explorations. The blue gray

soils encountered in test pit TP-5 at depths of 10 to 13 feet indicate that these soils are saturated during the majority of the year. Regional groundwater mapping indicates static groundwater is present at a depth of 20 to 30 feet below the ground surface (Snyder, 2009). Shallow groundwater conditions are likely to exist in the winter and spring months. Experience has shown that temporary perched storm-related groundwater conditions often occur within the surface soils over fine-grained native deposits such as those beneath the site, particularly during the wet season. It is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in site utilization, and other factors.

SLOPE STABILITY

For the purpose of evaluating slope stability, we reviewed regional site topography (Figure 1A), reviewed published geologic mapping and Lidar based high resolution digital elevation maps (Figure 1B), performed a field reconnaissance, and explored subsurface conditions at the site with twelve exploratory test pits, as presented on Figure 2.

Our review of Lidar based high resolution digital elevation maps (Dogami, 2019), 1:24,000 scale topographic mapping by the U.S. Geological Survey, and 1:720 scale topographic mapping provided by Pioneer Design Group, Inc. indicate that the vicinity topography is generally smooth and uniform, consistent with relatively stable slope conditions. The statewide landslide database and available geologic mapping indicates no mapped landslides are present on the site; however, two small landslides and three debris flows are mapped in the vicinity of the site, as presented on Figure 1B (Wilkinson et al., 1946; Gannett and Caldwell, 1998; Dogami SLIDO, 2019). These landslide and debris flow features are mapped in excess of 1,000 feet to the southwest of the site.

The subject site is situated on the western side of South Fork Scappoose Creek. Topography is predominantly gently sloping with grades of 2 to 10 percent (Figure 2) with moderately sloping topography (up to 30 percent) present along the western property margins away from South Fork Scappoose Creek. Some short slopes up to 40 percent grade are present along the western property line. Moderate to steep slopes are present immediately adjacent to South Fork Scappoose Creek. Elevations range from approximately 45 feet mean sea level (MSL) in the vicinity of South Scappoose Creek to 110 feet MSL in the southwestern portion of the site.

Exploratory test pits indicate that the site is underlain by stiff to very stiff alluvium. Regional geologic mapping indicates the alluvium is underlain by terrace sands and gravels underlain by the Columbia River Basalt Formation (Wilkinson et al., 1946). No weak zones such as volcanic ash layers were observed in explorations and contacts between the layers appeared to be gradational. Our explorations indicate that native soils underlying the site are characterized by moderate shear strength and a moderate to high resistance to slope instability on gently sloping topography. The moderately to steeply sloping portion of the property immediately adjacent to South Fork Scappoose Creek is to remain as open space.

Field reconnaissance indicates that slope morphology is generally smooth and uniform, consistent with relatively stable slope conditions over the last 10,000 years. No evidence of active slope instability such as fresh scarps, hummocky and/or irregular topography, etc. was observed on the subject site. Some subtle features interpreted as former terraces of the South Fork Scappoose Creek are present. No geomorphic evidence of prior, large scale slope instability was observed during our reconnaissance. No seeps or springs were observed.

In our opinion, slopes on the subject property are relatively stable and the potential for damaging deep-seated slope instability is considered to be low provided that the site is developed and constructed in accordance with our recommendations.

SLOPE HAZARD AREAS

The City of Scappoose defines "slope hazard areas" as areas subject to severe risk of landslide or erosion and include areas with:

- Slopes equal to or greater than 15 percent grade and two of the following conditions: impermeable soils interbedded with granular soils, soils delineated by the Columbia County soil survey as susceptible to severe or very severe erosion, poorly drained soils or soils susceptible to rapid runoff, or areas with ground water seepage or springs.
- 2) Areas that are potentially unstable due to natural drainageways, rapid stream incision, or stream bank erosion
- Areas located on alluvial fans or debris flows, at risk for debris flows, or deposition of stream sediment
- 4) Any area containing slopes greater than or equal to 20 percent grade.

The western portion of the site contains slopes greater than 20 percent in localized areas (Lots 17, 23, and 25-32) and slopes greater than 15 percent (Lots 11 and 16) that are poorly drained and contain impermeable soils interbedded with granular soils therefore meeting the "slope hazard area" criteria. The soils are mapped as Wapato silt loam, Cloquato silt loam, Quatama silt loam, and Quaferno silt loam by the Columbia County Soil Survey are presented on Figure 3 (United States Department of Agriculture Web Soil Survey, 2019).

CONCLUSIONS AND RECOMMENDATIONS

Our investigation indicates that the proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. The primary geotechnical conditions detrimental to development include the potential for encountering shallow groundwater levels in the winter and spring months and the presence of undocumented fill in test pits TP-1, TP-3, and TP-4. Approximately 2.5 to 4 feet of undocumented fill underlain by a buried topsoil horizon was encountered. Our review of aerial photographs indicate soil stockpiles or disturbed soils are present in the northwestern and southwestern portions of the site, as shown on Figure 2 (Google Earth Pro, 2019). Other areas of fill may be present outside our exploration locations. Undocumented fill should be completely removed and replaced with engineered fill as described in the *Engineered Fill* section of this report.

Slope Hazard Areas as defined by the City of Scappoose are present at the site. Our explorations indicated these areas are underlain by stiff soils with a moderate resistance to slope instability. No areas of prior instability were observed during our reconnaissance. Although some soils on the site meet the "slope hazard area" criteria, it is our opinion that these areas will remain grossly stable provided they are designed and constructed as recommended in this report and that proposed construction will not adversely affect slope stability.

Site Preparation

Areas of proposed buildings, streets, and areas to receive fill should be cleared of vegetation and any organic and inorganic debris. Existing drain tiles and buried structures such as septic tanks, should be demolished and any cavities structurally backfilled. Inorganic debris should be removed

from the site. Organic-rich topsoil should then be stripped from native soil areas of the site. Depth of stripping of cut and fill areas is estimated to average 6 to 9 inches, respectively. Deeper removals, root picking, and ripping may be necessary in areas of the property. The final depth of soil removal will be determined on the basis of a site inspection after the stripping/ excavation has been performed. Stripped topsoil should preferably be removed from the site due to the high density of the proposed development. Any remaining topsoil should be stockpiled only in designated areas and stripping operations should be observed and documented by the geotechnical engineer or his representative.

Undocumented fill was encountered in test pits TP-1, TP-3, and TP-4 to depths of 2.5 to 4 feet. An approximately 6 inch thick buried topsoil horizon was encountered beneath the fill in test pits TP-1 and TP-4. Other areas and thicker areas of undocumented fill may be present outside our exploration locations, especially in the northwestern and southwestern portions of the site and in the vicinity of the existing structure. Undocumented fill should be removed to firm inorganic native soils, and replaced with properly compacted engineered fill. Organic or otherwise deleterious portions of the fill should be exported from the site. Portions of undocumented fill soils that do not contain significant percentages of organics may be stockpiled for later use as engineered fill provided they are properly moisture conditioned for compaction and not mixed with topsoil or other organic/unsuitable materials. The final depth of removal should be determined on the basis of a site inspection after the initial stripping / fill excavation has been performed.

Once topsoil stripping and removal of organic and inorganic debris are approved in a particular area, the area must be ripped or tilled to a depth of 12 inches, moisture conditioned, root-picked, and compacted in-place prior to the placement of engineered fill or crushed aggregate base for pavement. Exposed subgrade soils should be evaluated by the geotechnical engineer. For large areas, this evaluation is normally performed by proof-rolling the exposed subgrade with a fully loaded scraper or dump truck. For smaller areas where access is restricted, the subgrade should be evaluated by probing the soil with a steel probe. Soft/loose soils identified during subgrade preparation should be compacted to a firm and unyielding condition, over-excavated and replaced with engineered fill (as described below), or stabilized with rock prior to placement of engineer at the time of construction.

Engineered Fill

In general, we anticipate that soils from planned cuts and utility trench excavations will be suitable for use as engineered fill provided they are adequately moisture conditioned prior to compacting. Imported fill material should be reviewed by GeoPacific prior to being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

All grading for the proposed construction should be performed as engineered grading in accordance with the applicable building code at time of construction with the exceptions and additions noted herein. Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 95% of the maximum dry density determined by ASTM D698 (Standard Proctor) or equivalent. Field density testing should conform to ASTM D2922 and D3017, or D1556. All engineered fill should be observed and tested by the project geotechnical engineer or his representative. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd³, whichever

requires more testing. Because testing is performed on an on-call basis, we recommend that the earthwork contractor be held contractually responsible for test scheduling and frequency.

Site earthwork will be impacted by soil moisture and shallow groundwater conditions. Earthwork in wet weather would likely require extensive use of cement or lime treatment, or other special measures, at considerable additional cost compared to earthwork performed under dry-weather conditions.

Excavating Conditions and Utility Trenches

We anticipate that on-site soils can be excavated using conventional heavy equipment such as trackhoes to a depth of 13 feet. All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soil is classified as Type B and C Soils and temporary excavation side slope inclinations as steep as 1.5H:1V may be assumed for planning purposes. This cut slope inclination is applicable to excavations above the water table only. Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions.

Soft, saturated soils and groundwater may be encountered in utility trenches, particularly during the wet season. We anticipate that dewatering systems consisting of ditches, sumps and pumps would be adequate for control of perched groundwater. Regardless of the dewatering system used, it should be installed and operated such that in-place soils are prevented from being removed along with the groundwater. Trench bottom stabilization, such as one to two feet of compacted crushed aggregate base, may be necessary in deeper trenches.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

PVC pipe should be installed in accordance with the procedures specified in ASTM D2321. We recommend that trench backfill be compacted to at least 95% of the maximum dry density obtained by Standard Proctor ASTM D698 or equivalent. Initial backfill lift thickness for a ¾"-0 crushed aggregate base may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, one density test is taken for every 4 vertical feet of backfill on each 200-lineal-foot section of trench.

Erosion Control Considerations

During our field exploration program, we did not observe soil types that would be considered highly susceptible to erosion, except in areas of moderately sloping topography. In our opinion, the primary concern regarding erosion potential will occur during construction, in areas that have been stripped of vegetation. Erosion at the site during construction can be minimized by implementing

the project erosion control plan, which should include judicious use of straw bales and silt fences. If used, these erosion control devices should be in place and remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

Wet Weather Earthwork

Soils underlying the site are likely to be moisture sensitive and may be difficult to handle or traverse with construction equipment during periods of wet weather. Earthwork is typically most economical when performed under dry weather conditions. Earthwork performed during the wet-weather season will probably require expensive measures such as cement treatment or imported granular material to compact fill to the recommended engineering specifications. If earthwork is to be performed or fill is to be placed in wet weather or under wet conditions when soil moisture content is difficult to control, the following recommendations should be incorporated into the contract specifications.

- Earthwork should be performed in small areas to minimize exposure to wet weather. Excavation or the removal of unsuitable soils should be followed promptly by the placement and compaction of clean engineered fill. The size and type of construction equipment used may have to be limited to prevent soil disturbance. Under some circumstances, it may be necessary to excavate soils with a backhoe to minimize subgrade disturbance caused by equipment traffic;
- The ground surface within the construction area should be graded to promote run-off of surface water and to prevent the ponding of water;
- Material used as engineered fill should consist of clean, granular soil containing less than 5 percent fines. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement;
- The ground surface within the construction area should be sealed by a smooth drum vibratory roller, or equivalent, and under no circumstances should be left uncompacted and exposed to moisture. Soils which become too wet for compaction should be removed and replaced with clean granular materials;
- Excavation and placement of fill should be observed by the geotechnical engineer to verify that all unsuitable materials are removed and suitable compaction and site drainage is achieved; and
- > Straw wattles and/or geotextile silt fences should be strategically located to control erosion.

If cement or lime treatment is used to facilitate wet weather construction, GeoPacific should be contacted to provide additional recommendations and field monitoring.

Spread Foundations

The proposed residential structures may likely be supported on shallow foundations bearing on competent undisturbed, native soils and/or engineered fill, appropriately designed and constructed as recommended in this report. Foundation design, construction, and setback requirements should conform to the applicable building code at the time of construction. For maximization of bearing strength and protection against frost heave, spread footings should be embedded at a minimum depth of 12 inches below exterior grade. The recommended minimum widths for continuous footings supporting wood-framed walls without masonry are 12 inches for single-story, 15 inches for two-story, and 18 inches for three-story structures. Minimum foundation reinforcement should consist of a No. 4 bar at the top of the stem walls, and a No. 4 bar at the bottom of the footings. Concrete slab-on-grade reinforcement should consist of No. 4 bars placed on 24-inch centers in a grid pattern.

The anticipated allowable soil bearing pressure is 1,500 lbs/ft² for footings bearing on competent, low to moderately expansive, native soil and/or engineered fill. A maximum chimney and column load of 40 kips is recommended for the site. The recommended maximum allowable bearing pressure may be increased by 1/3 for short-term transient conditions such as wind and seismic loading. For heavier loads, the geotechnical engineer should be consulted. The coefficient of friction between on-site soil and poured-in-place concrete may be taken as 0.42, which includes no factor of safety. The maximum anticipated total and differential footing movements (generally from soil expansion and/or settlement) are 1 inch and ³/₄ inch over a span of 20 feet, respectively. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied. Excavations near structural footings should not extend within a 1H:1V plane projected downward from the bottom edge of footings.

Footing excavations should penetrate through topsoil and any loose soil to competent subgrade that is suitable for bearing support. All footing excavations should be trimmed neat, and all loose or softened soil should be removed from the excavation bottom prior to placing reinforcing steel bars. Due to the moisture sensitivity of on-site native soils, foundations constructed during the wet weather season may require overexcavation of footings and backfill with compacted, crushed aggregate.

Our recommendations are for house construction incorporating raised wood floors and conventional spread footing foundations. If living space of the structures will incorporate basements, a geotechnical engineer should be consulted to make additional recommendations for retaining walls, water-proofing, underslab drainage and wall subdrains. After site development, a Final Soil Engineer's Report should either confirm or modify the above recommendations.

Concrete Slabs-on-Grade

Preparation of areas beneath concrete slab-on-grade floors should be performed as recommended in the *Site Preparation and Undocumented Fill Removal* section. Care should be taken during excavation for foundations and floor slabs, to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed and the removal zone backfilled with additional crushed rock.

For evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 150 kcf (87 pci) should be assumed for the medium stiff native silt soils anticipated at subgrade depth. This value assumes the concrete slab system is designed and

constructed as recommended herein, with a minimum thickness of crushed rock of 8 inches beneath the slab.

Interior slab-on-grade floors should be provided with an adequate moisture break. The capillary break material should consist of ODOT open graded aggregate per ODOT Standard Specifications 02630-2. The minimum recommended thickness of capillary break materials on re-compacted soil subgrade is 8 inches. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction, and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 90% of its maximum dry density as determined by ASTM D1557 or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. A commonly applied vapor barrier system consists of a 10-mil polyethylene vapor barrier placed directly over the capillary break material. Other damp/vapor barrier systems may also be feasible. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection and mold prevention issues, which are outside GeoPacific's area of expertise.

Permanent Below-Grade Walls

Lateral earth pressures against below-grade retaining walls will depend upon the inclination of any adjacent slopes, type of backfill, degree of wall restraint, method of backfill placement, degree of backfill compaction, drainage provisions, and magnitude and location of any adjacent surcharge loads. At-rest soil pressure is exerted on a retaining wall when it is restrained against rotation. In contrast, active soil pressure will be exerted on a wall if its top is allowed to rotate or yield a distance of roughly 0.001 times its height or greater.

If the subject retaining walls will be free to rotate at the top, they should be designed for an active earth pressure equivalent to that generated by a fluid weighing 35 pcf for level backfill against the wall. For restrained wall, an at-rest equivalent fluid pressure of 55 pcf should be used in design, again assuming level backfill against the wall. These values assume that drainage provisions are incorporated, free draining gravel backfill is used, and hydrostatic pressures are not allowed to develop against the wall.

During a seismic event, lateral earth pressures acting on below-grade structural walls will increase by an incremental amount that corresponds to the earthquake loading. Based on the Mononobe-Okabe equation and peak horizontal accelerations appropriate for the site location, seismic loading should be modeled using the active or at-rest earth pressures recommended above, plus an incremental rectangular-shaped seismic load of magnitude 6.5H, where H is the total height of the wall.

We assume relatively level ground surface below the base of the walls. As such, we recommend passive earth pressure of 320 pcf for use in design, assuming wall footings are cast against competent native soils or engineered fill. If the ground surface slopes down and away from the base of any of the walls, a lower passive earth pressure should be used and GeoPacific should be contacted for additional recommendations.

A coefficient of friction of 0.42 may be assumed along the interface between the base of the wall footing and subgrade soils. The recommended coefficient of friction and passive earth pressure values do not include a safety factor, and an appropriate safety factor should be included in design.

The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

The above recommendations for lateral earth pressures assume that the backfill behind the subsurface walls will consist of properly compacted structural fill, and no adjacent surcharge loading. If the walls will be subjected to the influence of surcharge loading within a horizontal distance equal to or less than the height of the wall, the walls should be designed for the additional horizontal pressure. For uniform surcharge pressures, a uniformly distributed lateral pressure of 0.3 times the surcharge pressure should be added. Traffic surcharges may be estimated using an additional vertical load of 250 psf (2 feet of additional fill), in accordance with local practice.

The recommended equivalent fluid densities assume a free-draining condition behind the walls so that hydrostatic pressures do not build-up. This can be accomplished by placing a 12 to 18-inch wide zone of sand and gravel containing less than 5 percent passing the No. 200 sieve against the walls. A 3-inch minimum diameter perforated, plastic drain pipe should be installed at the base of the walls and connected to a suitable discharge point to remove water in this zone of sand and gravel. The drain pipe should be wrapped in filter fabric (Mirafi 140N or other as approved by the geotechnical engineer) to minimize clogging.

Wall drains are recommended to prevent detrimental effects of surface water runoff on foundations – not to dewater groundwater. Drains should not be expected to eliminate all potential sources of water entering a basement or beneath a slab-on-grade. An adequate grade to a low point outlet drain in the crawlspace is required by code. Underslab drains are sometimes added beneath the slab when placed over soils of low permeability and shallow, perched groundwater.

Water collected from the wall drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. Down spouts and roof drains should not be connected to the wall drains in order to reduce the potential for clogging. The drains should include clean-outs to allow periodic maintenance and inspection. Grades around the proposed structure should be sloped such that surface water drains away from the building.

GeoPacific should be contacted during construction to verify subgrade strength in wall keyway excavations, to verify that backslope soils are in accordance with our assumptions, and to take density tests on the wall backfill materials.

Structures should be located a horizontal distance of at least 1.5H away from the back of the retaining wall, where H is the total height of the wall. GeoPacific should be contacted for additional foundation recommendations where structures are located closer than 1.5H to the top of any wall.

Pavement Design

For design purposes, we used an estimated resilient modulus of 9,000 for compacted native soil. Table 2 presents our recommended minimum pavement section for dry weather construction.

Material Layer	Light-duty Public Streets	Compaction Standard	
Asphaltic Concrete (AC)	3 in.	92% of Rice Density AASHTO T-209	
Crushed Aggregate Base ¾"-0 (leveling course)	2 in.	95% of Modified Proctor AASHTO T-180	
Crushed Aggregate Base 1½"-0	8 in.	95% of Modified Proctor AASHTO T-180	
Subgrade	12 in.	95% of Standard Proctor AASHTO T-99 or equivalent	

Table 2. Recommended Minimum Dry-Weather Pavement Section

Any pockets of organic debris or loose fill encountered during ripping or tilling should be removed and replaced with engineered fill (see *Site Preparation* Section). In order to verify subgrade strength, we recommend proof-rolling directly on subgrade with a loaded dump truck during dry weather and on top of base course in wet weather. Soft areas that pump, rut, or weave should be stabilized prior to paving. If pavement areas are to be constructed during wet weather, the subgrade and construction plan should be reviewed by the project geotechnical engineer at the time of construction so that condition specific recommendations can be provided. The moisture sensitive subgrade soils make the site a difficult wet weather construction project.

During placement of pavement section materials, density testing should be performed to verify compliance with project specifications. Generally, one subgrade, one base course, and one asphalt compaction test is performed for every 100 to 200 linear feet of paving.

Seismic Design

The Oregon Department of Geology and Mineral Industries (Dogami), Oregon HazVu: 2019 Statewide GeoHazards Viewer indicates that the site is in an area where *very strong* ground shaking is anticipated during an earthquake. Structures should be designed to resist earthquake loading in accordance with the methodology described in the 2018 International Building Code (IBC) with applicable Oregon Structural Specialty Code (OSSC) revisions (current 2019). We recommend Site Class D be used for design as defined in ASCE 7-16, Chapter 20, and Table 20.3-1. Design values determined for the site using the Applied Technology Council (ATC) 2019 Hazards By Location Online Tool are summarized in Table 3, and are based upon existing soil conditions. Buxton Subdivision Project No. 19-5312

Parameter	Value			
Location (Lat, Long), degrees	45.756, -122.885			
Probabilistic Ground Motion	n Values,			
2% Probability of Exceedance	e in 50 yrs			
Peak Ground Acceleration PGA _M	0.481			
Short Period, S₅	0.872 g			
1.0 Sec Period, S ₁	0.419 g			
Soil Factors for Site Class D:				
Fa	1.151			
Fv	1.881*			
$SD_s = 2/3 \times F_a \times S_s$	0.669 g			
Residential Seismic Design Category	D			

Table 3. Recommended Earth	quake Ground Motion Parameters (/	ASCE 7-16)
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* F_v value reported in the above table is a straight-line interpolation of mapped spectral response acceleration at 1-second period, S₁ per Table 1613.2.3(2) with the assumption that Exception 2 of ASCE 7-16 Chapter 11.4.8 is met per the Structural Engineer. If Exception 2 is not met, GeoPacific Engineering can be consulted to provide a site specific spectral analysis.

Soil liquefaction is a phenomenon wherein saturated soil deposits temporarily lose strength and behave as a liquid in response to earthquake shaking. Soil liquefaction is generally limited to loose, granular soils located below the water table. According to the Oregon HazVu: Statewide Geohazards Viewer, the subject site is regionally characterized as having a moderate risk of soil liquefaction (DOGAMI:HazVu, 2019).

Footing and Roof Drains

Construction should include typical measures for controlling subsurface water beneath the homes, including positive crawlspace drainage to an adequate low-point drain exiting the foundation, visqueen covering the exposed ground in the crawlspace, and crawlspace ventilation (foundation vents). The homebuyers should be informed and educated that some slow flowing water in the crawlspaces is considered normal and not necessarily detrimental to the home given these other design elements incorporated into its construction. Appropriate design professionals should be consulted regarding crawlspace ventilation, building material selection and mold prevention issues, which are outside GeoPacific's area of expertise.

Down spouts and roof drains should collect roof water in a system separate from the footing drains to reduce the potential for clogging. Roof drain water should be directed to an appropriate discharge point and storm system well away from structural foundations. Grades should be sloped downward and away from buildings to reduce the potential for ponded water near structures.

If the proposed structures will have a raised floor, and no concrete slab-on-grade floors in living spaces are used, perimeter footing drains would not be required based on soil conditions encountered at the site and experience with standard local construction practices. Where it is desired to reduce the potential for moist crawl spaces, footing drains may be installed. If concrete slab-on-grade floors are used, perimeter footing drains should be installed as recommended below.

Buxton Subdivision Project No. 19-5312

Where necessary, perimeter footing drains should consist of 3 or 4-inch diameter, perforated plastic pipe embedded in a minimum of 1 ft³ per lineal foot of clean, free-draining drain rock. The drain pipe and surrounding drain rock should be wrapped in non-woven geotextile (Mirafi 140N, or approved equivalent) to minimize the potential for clogging and/or ground loss due to piping. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. In our opinion, footing drains may outlet at the curb, or on the back sides of lots where sufficient fall is not available to allow drainage to meet the street.

Buxton Subdivision Project No. 19-5312

UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. The checklist attached to this report outlines recommended geotechnical observations and testing for the project. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

We appreciate this opportunity to be of service.

Sincerely,

GEOPACIFIC ENGINEERING, INC.



Beth K. Rapp, C.E.G. Senior Engineering Geologist



EXPIRES; 06/30/202

James D. Imbrie, G.E., C.E.G. Principal Geotechnical Engineer

Attachments: References Figure 1A – Vicinity Map Figure 1B – Lidar Based Vicinity Map-With Mapped Landslides Figure 2 – Site Plan and Exploration Locations Figure 3 – Site Plan and Soil Map Test Pit Logs (TP-1 - TP-12)

GEOPACIFIC ENGINEERING, INC.

xhibit 17



Real-World Geotechnical Solutions Investigation • Design • Construction Support

September 29, 2021 Project No. 19-5312

David Weekley Homes 1930 Thoreau Drive, Suite 160 Schaumburg, Illinois 60173 Via email: <u>asiddigui@dwhomes.com</u>

CC: Brent Fitch, Pioneer Design Group, Inc. via email: bfitch@pd-grp.com

MEMORANDUM : ROCK WALL IN FLOODPLAIN BUXTON SUBDIVISION SCAPPOOSE, OREGON

Reference: Preliminary Geotechnical Engineering Report, Buxton Subdivision, SW JP West Road, Scappoose, Oregon, GeoPacific Engineering, Inc. report dated December 4, 2019.

This memorandum presents our preliminary review of the proposed rockery walls to be located in a flood plain along lots 32 through 48. Previously GeoPacific performed a geotechnical engineering study for this site. This report was considered preliminary because the grading plan had not been finalized at the time. Plans are not yet finalized, but we understand that preliminary plans show 4-foot tall boulder wall or less along the previously listed lots. The city comment presents their concerns below:

17.84.030(C) requires that "All new construction and substantial improvements shall be constructed with materials and utilize equipment resistant to flood damage." Staff's concern is that the proposed retaining wall would be undermined by floodwaters. Since wall footings and portions of the wall would be sub-grade and likely below the base flood elevation, in a flood event the soil would become saturated and may lose its stability, likely leading to failure of some portion of the wall. During flooding events, the Scappoose Creek rises fast, and the waters can move at a high velocity, which neighbors are very aware of since the creek floods every few years. These are questions that will be asked during the hearings, so staff wants to understand how this will be addressed.

Based on our experience in design of boulders walls, we believe that it is likely that these walls will require designing with higher than typical lateral earth pressures to model a partial height, rapid drawdown condition. This will result in larger boulders being required for shorter wall heights. We believe the maximum height achievable under such conditions will be about 5 feet or less in retained height. Based on our experience, it seems highly unlikely that the wall itself will be subject to scour. Once floodplain velocities are known, we can address scour potential around the wall and any need for reinforcement at that time.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental

Buxton Subdivision- Rock Wall Memo Project No. 19-5312

assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

We appreciate this opportunity to be of service.

Sincerely,

GEOPACIFIC ENGINEERING, INC.



James D. Imbrie, G.E., C.E.G. Principal Geotechnical Engineer

hibit 1



Real-World Geotechnical Solutions Investigation • Design • Construction Support

November 3, 2021 Project No. 19-5312

Mr. Max Bondar David Weekley Homes 1930 Thoreau Drive, Suite 160 Schaumburg, Illinois 60173 Email: mbondar@dwhomes.com

SUBJECT: FLEXIBLE PAVEMENT DESIGN BUXTON RANCH SW JP WEST ROAD AND CAPTAIN ROGER KUCERA WAY COLUMBIA COUNTY TAX LOT 401, TAX MAP T3N R2W 12CB SCAPPOOSE, OREGON 97056

References:

1. GeoPacific Engineering, Inc., Preliminary Geotechnical Engineering Report, Buxton Subdivision, GeoPacific Project No. 19-5312, dated December 4, 2019.

GeoPacific is pleased to submit additional engineering design for the above referenced property located in Scappoose, Oregon. The purpose of this letter is to provide flexible pavement design calculations and recommendations for construction of public street improvements for frontage roadways and new public and private interior roadways.

FLEXIBLE PAVEMENT DESIGN

We understand that development at the site may include a new curb and street-widening improvement to the southern lane of SW JP West Road along the northern property frontage, and that new interior pavement sections will be constructed consisting of a new public local street (Eggleston Lane), and a new private driveway. GeoPacific conducted investigation of the existing subgrade soil conditions along the northern property frontage adjacent to SW JP West Road, and along the planned new public and private interior roadways, and conducted pavement design calculations for the noted roadway sections. Our study included evaluating the current subgrade conditions and provided traffic data to provide a 50-year design life per the requirements of the city of Scappoose public works design standards.

1.0 SUBGRADE RESILIENT MODULUS

On November 1, 2021 we conducted a subsurface investigation and evaluation of the existing subgrade sections of SW JP West Road along the northern property frontage, and along the proposed alignments of the new interior roadways. In order to obtain strength measurements of the soil subgrade we performed inplace field testing of native subgrade soil strength using a portable dynamic cone penetrometer (PDCP) within each testing location. Testing was conducted utilizing a KSE DCP K-100 Model with a 17.6 lbs hammer. Testing was conducted in accordance with ASTM D6951. The locations of the PDCP tests are indicated on Figures 2 and 3. Results of the PDCP testing are presented in the appendix to this report. Table 1 summarizes the results of our PDCP testing.

Field Test Designation	Test Location	Material Tested	Depth Interval of Test (inches) bgs	Average Penetration Per Blow (mm)	Correlated CBR Value
PDCP-1	See Figures 2 and 3	SILT	8.8 to 37.0	47.8	3.9
PDCP-2	See Figures 2 and 3	SILT	11.0 to 37.4	44.7	4.5
PDCP-3	See Figures 2 and 3	SILT	9.6 to 36.3	45.2	4.3
PDCP-4 See Figures 2 and 3		SILT	8.1 to 37.2	61.6	3.3
PDCP-5 See Figures 2 and 3		SILT	9.4 to 37.4	47.4	4.2
PDCP-6	See Figures 2 and 3	SILT	10.5 to 37.4	75.9	2.6
PDCP-7	See Figures 2 and 3	SILT	10.5 to 37.3	61.9	2.9

Table 1: PDCP Field Test Results and Representative CBR Values	;
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Based on the results of PDCP testing, we estimate that the native subgrade underlying the proposed improvement area exhibited a resilient modulus ranging from approximately 3,900 to 6,700 psi. For analysis and design purposes, we conservatively assume that the native subgrade soils will exhibit a resilient modulus of at least 6,000 psi following earthworks improvements and re-compaction of subgrade soils, which correlates to a CBR value of 4.

2.0 ADT, ESAL CALCULATIONS, AND 50 YEAR PAVEMENT STRUCTURAL NUMBERS

Based upon review of anticipated average daily traffic counts provided by the project civil engineer we utilized an average daily traffic count (ADT) of 5,000 for the southern lane of SW JP West Road, which is considered to be the maximum anticipated ADT for a neighborhood collector road in Scappoose. We understand that a traffic impact study may be conducted along the roadway at a later date. GeoPacific can revise our pavement design calculations in accordance with the findings of the new traffic impact study if needed. We utilized an average daily traffic count (ADT) of 470 for Eggleston Lane, based on the number of anticipated homes that will be constructed within the development, and accounting for construction vehicle traffic during home building, and occasional fire trucks and trash trucks. Three percent population growth annually was then assumed from 2021 through the year 2071.

ESAL calculations were conducted using the noted ADT values. We assumed that 5 percent of the vehicles traveling the roadways will be heavy trucks (FHWA Class 5 or greater), with occasional fire trucks weighing up to 75,000 lbs. Based upon the anticipated traffic we calculated 18-kip ESAL counts for each roadway over 50 years (through 2071), accounting for 3 percent projected population growth annually. Table 2 presents a summary of design input parameters and required structural numbers to support 50 years of vehicle traffic for the SW JP West Rd frontage street expansion. Table 3 presents a summary of design input parameters to support 50 years of vehicle traffic for the proposed interior public roadway. Table 4 presents a summary of design input parameters and required structural numbers to support 50 years of vehicle traffic for the proposed interior public roadway. Table 4 presents a summary of design input parameters and required structural numbers to support 50 years of vehicle traffic for the proposed private driveway. Pavement design calculations are attached to this report.

Table 2: Pavement Design Input Parameters and Required Structural Number: SW JP West Road Expansion

Input Parameter	Design Value	
18-kip ESAL Initial Performance Period (50 Years)	6,532,131	
Initial Serviceability	4.2	
Terminal Serviceability	2.5	
Reliability Level	90 Percent	
Overall Standard Deviation	0.5	
Roadbed Soil Resilient Modulus (PSI)	6,000	
Required Structural Number (50 Years)	5.13	

Table 3: Pavement Design Input Parameters and Required Structural Number: Eggleston Lane

Input Parameter	Design Value	
18-kip ESAL Initial Performance Period (50 Years)	535,728	
Initial Serviceability	4.2	
Terminal Serviceability	2.5	
Reliability Level	90 Percent	
Overall Standard Deviation	0.5	
Roadbed Soil Resilient Modulus (PSI)	6,000	
Required Structural Number (50 Years)	3.50	

Table 4: Pavement Design Input Parameters and Required Structural Number: Private Driveway

Input Parameter	Design Value
18-kip ESAL Initial Performance Period (50 Years)	50,000
Initial Serviceability	4.2
Terminal Serviceability	2.5
Reliability Level	90 Percent
Overall Standard Deviation	0.5
Roadbed Soil Resilient Modulus (PSI)	6,000
Required Structural Number (50 Years)	2.36

3.0 50-YEAR FLEXIBLE PAVEMENT DESIGN: FRONTAGE AND INTERIOR ROADWAYS

We understand that street improvements to SW JP West Road will include construction of a new curb and widening to the south. Table 5 presents our recommended minimum dry-weather pavement section for the proposed widening supporting 50 years of vehicle traffic per City of Scappoose standards. Pavement design calculations are attached to this report.

Material Layer	Material Layer Section Thickness (in.)		Compaction Standard
Asphaltic Concrete (AC)	8 in.	.42	91%/ 92% of Rice Density AASHTO T-209
Crushed Aggregate Base ¾"-0 (leveling course)	2 in.	.10	95% of Modified Proctor AASHTO T-180
Crushed Aggregate Base 1½"-0 16 in.		.10	95% of Modified Proctor AASHTO T-180
Subgrade 12 in.		6,000	95% of Standard Proctor AASHTO T-99 or equivalent
Total Calculated Struct	ural Number	5.16	

Table 5: Recommended Minimum Dry-Weather Pavement Section: SW Gassner Road

We understand that a new public street (Eggleston Lane) will be constructed extending approximately north to south through the site. Table 6 presents our recommended minimum dry-weather pavement sections for the new public pavement construction supporting 50 years of vehicle traffic per City of Scappoose standards. Pavement design calculations are attached to this report.

Material Layer Section Thickness (in.)		Structural Coefficient	Compaction Standard	
Asphaltic Concrete (AC)	5 in.	.42	91%/ 92% of Rice Density AASHTO T-209	
Crushed Aggregate Base ¾"-0 (leveling course)	2 in.	.10	95% of Modified Proctor AASHTO T-180	
Crushed Aggregate Base 1½"-0	12 in.	.10	95% of Modified Proctor AASHTO T-180	
Subgrade 12 in.		6,000	95% of Standard Proctor AASHTO T-99 or equivalent	
Total Calculated Struct	ural Number	3.50		

We understand that a new private driveway will be constructed at the site. Table 7 presents our recommended minimum dry-weather pavement sections for the new private driveway construction. Pavement design calculations are attached to this report.

Material Layer	Section Thickness (in.)	Structural Coefficient	Compaction Standard
Asphaltic Concrete (AC) 3 in.		.42	91%/ 92% of Rice Density AASHTO T-209
Crushed Aggregate Base ¾"-0 (leveling course)	2 in.	.10	95% of Modified Proctor AASHTO T-180
Crushed Aggregate Base 1½"-0 10 in.		.10	95% of Modified Proctor AASHTO T-180
Subgrade 12 in.		6,000 PSI	95% of Standard Proctor AASHTO T-99 or equivalent
Total Calculated Struct	ural Number	2.46	

Table 7: Recommended Minimum Dry-Weather Pavement Section: Private Driveway

4.0 SUBGRADE PREPARATION

Roadway subgrade soils should be compacted and inspected by GeoPacific prior to the placement of crushed aggregate base for pavement. Typically, a proofroll with a fully loaded water or haul truck is conducted by travelling slowly across the grade and observing the subgrade for rutting, deflection, or movement. Any pockets of organic debris or loose fill encountered during ripping or tilling should be removed and replaced with engineered fill. In order to verify subgrade strength, we recommend proof-rolling directly on subgrade with a loaded dump truck during dry weather and on top of base course in wet weather. Soft areas that pump, rut, or weave should be stabilized prior to paving.

If pavement areas are to be constructed during wet weather, the subgrade and construction plan should be reviewed by the project geotechnical engineer at the time of construction so that condition specific recommendations can be provided. The moisture sensitive subgrade soils make the site a difficult wet weather construction project. General recommendations for wet weather pavement sections are provided below.

During placement of pavement section materials, density testing should be performed to verify compliance with project specifications. Generally, one subgrade, one base course, and one asphalt compaction test is performed for every 100 to 200 linear feet of paving.

5.0 WET WEATHER CONSTRUCTION PAVEMENT SECTION

This section presents our recommendations for wet weather pavement sections and construction for new pavement sections at the project. These wet weather pavement section recommendations are intended for use in situations where it is not feasible to compact the subgrade soils to project requirements, due to wet subgrade soil conditions, and/or construction during wet weather. Based on our site review, we recommend a wet weather section with a minimum subgrade deepening of 6 to 12 inches to accommodate a working subbase of additional 1½"-0 crushed rock. Geotextile fabric, Mirafi 500x or equivalent, should be placed on subgrade soils prior to placement of base rock.

In some instances, it may be preferable to use a subbase material in combination with over-excavation and increasing the thickness of the rock section. GeoPacific should be consulted for additional recommendations regarding use of additional subbase in wet weather pavement sections if it is desired to pursue this alternative. Cement treatment of the subgrade may also be considered instead of over-excavation. For planning purposes, we anticipate that treatment of the onsite soils would involve mixing

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cement powder to approximately 6 percent cement content and a mixing depth on the order of 12 to 18 inches.

With implementation of the above recommendations, it is our opinion that the resulting pavement section will provide equivalent or greater structural strength than the dry weather pavement section currently planned. However, it should be noted that construction in wet weather is risky and the performance of pavement subgrades depend on a number of factors including the weather conditions, the contractor's methods, and the amount of traffic the road is subjected to. There is a potential that soft spots may develop even with implementation of the wet weather provisions recommended in this report. If soft spots in the subgrade are identified during roadway excavation, or develop prior to paving, the soft spots should be over-excavated and backfilled with additional crushed rock.

During subgrade excavation, care should be taken to avoid disturbing the subgrade soils. Removals should be performed using an excavator with a smooth-bladed bucket. Truck traffic should be limited until an adequate working surface has been established. We suggest that the crushed rock be spread using bulldozer equipment rather than dump trucks, to reduce the amount of traffic and potential disturbance of subgrade soils. Care should be taken to avoid over-compaction of the base course materials, which could create pumping, unstable subgrade soil conditions. Heavy and/or vibratory compaction efforts should be applied with caution. Following placement and compaction of the crushed rock to project specifications (95 percent of Modified Proctor), a finish proof-roll should be performed before paving.

The above recommendations are subject to field verification. GeoPacific should be on-site during construction to verify subgrade strength and to take density tests on the engineered fill, base rock and asphaltic pavement materials.

6.0 UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.

Please call if you have any questions or need further information.

Sincerely,

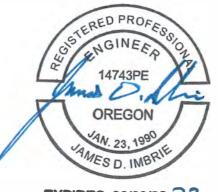
GeoPacific Engineering, Inc.



Benjamin L. Cook, C.E.G. Associate Engineering Geologist

Attachments:

Figures Site Plan Portable Dynamic Cone Penetrometer Results Pavement Design Calculations



EXPIRES: 06/30/20 23 James D. Imbrie, P.E., G.E. Principal Geotechnical Engineer

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Page 7

Exhibit 19



Real-World Geotechnical Solutions Investigation • Design • Construction Support

December 2, 2021 Project No. 19-5312

Max Bondar David Weekley Homes 1930 Thoreau Drive, Suite 160 Schaumburg, Illinois 60173 Via email: <u>mbondar@dwhomes.com</u>

CC: Darren Meyer, Pioneer Design Group, Inc. via email: dmeyer@pd-grp.com

SUBJECT: RESULTS OF INFILTRATION TESTING BUXTON SUBDIVISION SW JP WEST ROAD SCAPPOOSE, OREGON

Reference: *Preliminary Geotechnical Engineering Report, Buxton Subdivision, SW JP West Road, Scappoose, Oregon,* GeoPacific Engineering, Inc. report dated December 4, 2019.

This report presents the results of a supplemental geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above-referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal P-7910 dated October 26, 2021, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The subject site is approximately 17.3 acres in size located on the south side of SW JP West Road in the City of Scappoose, Columbia County, Oregon (Figures 1 and 2). South Scappoose Creek is located in the eastern portion of the property with an unnamed tributary present in the southern portion of the site. Several wetland areas have been delineated by others near the creek and along the western property line. Topography is predominantly gently to moderately sloping to the east with grades of approximately 2 to 30 percent (Figure 2). Some short slopes up to 40 percent are present along the western property line. Elevation ranges from 45 feet mean sea level (MSL) in the vicinity of South Scappoose Creek to 110 feet MSL in the southwestern portion of the site. Vegetation consists primarily of short grasses and sparse trees. A livestock barn is located in the southern portion of the site. It is our understanding that the site has been historically used for agricultural purposes and that some stream restoration was performed in 2018.

Buxton Ranch Project No. 19-5312

The preliminary site plan indicates that the proposed development will consist of a 48 lot subdivision for single family homes, new public street, stormwater facility, open space, and associated underground utilities. The structures will likely be wood-framed and supported by conventional spread footing foundations. The grading plan provided for our review indicates maximum cuts and fills will be on the order of 5 feet and retaining walls will be incorporated.

FIELD EXPLORATION

Our site-specific exploration for this report was conducted on December 1, 2021. Two supplemental exploratory test pits (designated TP-13 and TP-14) were excavated with a medium sized backhoe to depths ranging between 5 and 6 feet at the approximate locations shown on Figure 2. It should be noted that exploration locations were located in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate.

A GeoPacific Engineering Geologist continuously monitored the field exploration program and logged the explorations. Soils observed in the explorations were classified in general accordance with the Unified Soil Classification System (USCS). During exploration, our geologist also noted geotechnical conditions such as soil consistency, moisture and groundwater conditions. Logs of the test pits are attached to this report. The following report sections are based on the exploration program and summarize subsurface conditions encountered at the site.

SOIL CONDITIONS

Soils in test pits TP-13 and TP-14 generally consisted of approximately 10 to 15 inches of moderately to highly organic topsoil underlain by stiff, clayey silt (ML). The clayey silt transitioned to silty clay (CL) to clayey silt (ML) below a depth of approximately 2.5 to 3 feet. The clayey silt to silty clay was stiff to very stiff and extended beyond the maximum depth of exploration (6 feet).

Groundwater

On December 1, 2021, neither static groundwater nor perched groundwater seepage was encountered in explorations. Blue gray soils were encountered at a depth of 10 to 13 feet in the southern portion of the site, indicating that these soils are saturated during the majority of the year. Regional groundwater mapping indicates static groundwater is present at a depth of 20 to 30 feet below the ground surface (Snyder, 2009). Shallow groundwater conditions are likely to exist in the winter and spring months. Experience has shown that temporary perched storm-related groundwater conditions often occur within the surface soils over fine-grained native deposits such as those beneath the site, particularly during the wet season. It is anticipated that groundwater conditions, changes in site utilization, and other factors.

INFILTRATION TESTING

5312-Buxton Ranch Infiltration

Soil infiltration testing was performed using the pushed pipe infiltration method in test pits TP-13 and TP-14. Soil in the test pits was pre-saturated for a period of over 1 hour. The water level was measured to the nearest tenth of an inch every fifteen minutes to half hour with reference to the ground surface. Table 1 presents the results of our falling head infiltration tests.



Test Pit	Depth (feet)	Elevation (above mean sea level)	Soil Type	Ultimate Infiltration Rate (in/hr)	Hydraulic Head Range (inches)
TP-13	6	46	Clayey Silt (ML) to Silty Clay (CL)	0	20-21
TP-14	5	46	Clayey Silt (ML) to Silty Clay (CL)	0	15

Table 1. Summary of Infiltration Test Results

CONCLUSIONS AND RECOMMENDATIONS

The measured vertical infiltration rate in test pits TP-13 and TP-14 at depths of 6 and 5 feet, respectively, was 0 inches per hour. The results of our infiltration testing indicate the soils exhibit low permeability and the site is not suitable for infiltration of stormwater.

UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and their consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, GeoPacific should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. The checklist attached to this report outlines recommended geotechnical observations and testing for the project. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.



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Buxton Ranch Project No. 19-5312

We appreciate this opportunity to be of service.

Sincerely,

GEOPACIFIC ENGINEERING, INC.



Beth K. Rapp, C.E.G. Senior Engineering Geologist



James D. Imbrie, G.E., C.E.G. Principal Geotechnical Engineer

Attachments: Figure 1 – Vicinity Map Figure 2 – Site Grading and Exploration Plan Test Pit Logs (TP-13 & TP-14)

REFERENCES

Snyder, D.T., 2008, Estimated Depth to Ground Water and Configuration of the Water Table in the Portland, Oregon Area: U.S. Geological Survey Scientific Investigations Report 2008–5059, 41 p., 3 pls, scale 1:62,500.





Preliminary Storm Drainage Report

Buxton Ranch Scappoose, Oregon

Applicant: David Weekley Homes 1905 NW 169th Place, #102 Beaverton, Oregon 97006 503.516.5078

Engineer: Pioneer Design Group, Inc. 9020 SW Washington Sq. Rd. Suite 170 Portland, Oregon 97223 503.643.8286



VALID THROUGH 12-31-23

Date: November 25, 2019 Revised: October 17, 2022 Prepared by: Josh Neath, EIT Reviewed by: Brent Fitch, PE PDG Job No. 359-004



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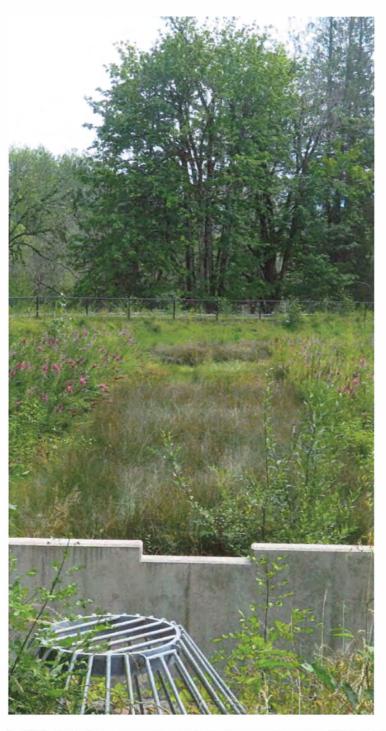


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1.0 INTRODUCTION

This report represents the **preliminary** storm drainage and stormwater analysis for the Buxton Ranch planned development. The basis of this report is to comply with the City of Scappoose and the State of Oregon's regulations and engineering standards as well as the latest edition of the Oregon Plumbing Specialty Code (OSPC). Compiled in this report are the design criteria for the site, the hydrologic methodology, and the **preliminary** drainage analysis.

2.0 SITE DESCRIPTION AND LOCATION

The subject property is specifically identified as Tax Lot 401, Map 3N2W 12CB. The lot contains approximately 17.13 acres, or 746,183 square feet and is zoned R-1, Low Density Residential by the City of Scappoose, Oregon. The property is currently vacant.

There is flood plain area within the property related to South Scappoose Creek, which runs along the eastern boundary of the site. West Consultants, Inc. has previously filed a Letter of Map Revision (LOMR) with FEMA (October 2019). The LOMR requests revision of the Effective FIRM Maps (41009C0444D and 41009C482D), by adjusting the Base Flood Elevation on the subject property and others along South Scappoose Creek.

3.0 EXISTING CONDITIONS

This property is located on the south side of SW J. P. West Road, between SW 4th Street and SW Jobin Road. The property is zoned R-1, Low Density Residential by the City of Scappoose. This property is currently vacant, except for an old storage building.

The site is current vacant pastureland, except for a livestock barn and some fencing and is used for grazing of livestock.

Surrounding land use is zoned and developed single family residential to the west, south, and east and public recreational to the north of JP West Road.

3.1 Site Topography

The topography of the site generally slopes from west to southeast down towards South Scappoose Creek which flows along the eastern portion of the site. A small stream flows from off-site in the southwest, east across the south end of the site where it connects with South Scappoose Creek. The elevations along the northern portion of the property range from 75 feet at the northwest corner to 50 feet at top of bank of South Scappoose Creek. In the southern portion the elevation at the southwest corner, adjacent to Tax Lot 2000 is 108 feet, sloping to the east 50 feet at South Scappoose Creek. Slopes on site range from 1.5% to 27%.



An environmental assessment prepared for this project identified four (4) wetlands totaling approximately 0.24 acres and one stream. The wetlands on-site were mostly vegetated and part of managed plant communities. Wetlands A, B, and C are located near the western property boundary and extend off-site to the west. Wetland D is in the southwestern portion of the study area and extends off-site to the west and south.

A small stream originates in the southwestern portion of the study area at a culvert outfall from Wetland C and flows southeast and east off-site to a wetland associated with Scappoose Creek. A wetland concurrence of the delineation was issued by Department of State Lands (DSL) on September 26, 2019 (WD#2019-0404).

South Scappoose Creek flows off-site along the eastern boundary of the site. The SBWC South Scappoose Creek restoration project within the eastern portion of the Buxton parcel was part of a larger restoration project for South Scappoose Creek (Waterways 2018). The Buxton Ranch parcel is located within Management Zone H.

The SBWC South Scappoose Creek restoration project activities were designed to retain existing forest cover along the existing South Scappoose Creek channel to allow more channel flow capacity and to restore stability along the most eroded portions of the stream segment. The project restored the western bank of the creek in two areas and created inset flood plain side channels in two other areas.

3.2 Soil Type

The predominant soils found on site are Cloquato Silt Loam (13) with a corresponding hydrologic soil group (HSG) designation of 'B' and Wapato silt loam (63) with a corresponding hydrologic soil group (HSG) designation of 'C/D'. Because we are proposing to develop the site and provide proposed slopes with positive drainage, we have used a designation of 'C' in this case based on the NRCS recommendation. Other outlying soils found on site that make up the minority of the site are Quafeno loams (39A, 39B) and Quatama silt loam (40C) with corresponding hydrologic soil groups (HSG) designated as 'C'.

3.3 Runoff Curve Numbers

For the subject site, existing pervious areas represent runoff curve numbers (RCN) of 79 and 86 for "Meadow or pasture with grazing" with HSG designations 'B' and 'C' per the **NRCS – Appendix B**. Developed pervious areas represent a runoff curve number of 78 and 88 respectively for HSG 'B' and 'C' soils corresponding to "Open Space" cover type in good condition per the **TR.55 SCS – Appendix B**. A composite RCN of 83 has been used for the existing pervious areas and a composite RCN of 83 has also been used for the developed pervious areas.



4.1 <u>Hydrology/Hydraulic Methodology</u>

Using the *City of Scappoose Public Works Design Standards* and the Santa Barbara Urban Hydrograph (SBUH) method based on a Type 1A rainfall distribution, the site has been analyzed to determine the proposed peak runoff rates for the 2-, 5-, 10-, 25-, and 100-year 24-hour storm event. The SBUH method uses runoff curve numbers in conjunction with the property's hydrologic soil group to model the site's permeability.

A predeveloped time of concentration of 15.94 minutes and a developed time of concentration of 10.80 minutes were calculated using the methodology outlined in the TR-55 technical manual *(refer to the Time of Concentration Calculations and Exhibits).*

Rainfall depths for all storm events, except for WQ depth, used in the calculations and design of the proposed storm drainage system are provided by the *City of Scappoose* as shown below.

Table 4-1: 24-Hour Rainfall Depths (City of Scappoose)						
Recurrence Interval, Years	WQ	2	5	10	25	100
24-Hour Depths, Inches	0.83	2.3	2.8	3.3	3.8	4.7

The project will apply a water quality storm depth of 0.83 inches which will be used for the water quality treatment analysis. The 2-, 5-, 10-, 25-, and 100-year storms will be used for water quantity analysis and the 25-year storm will additionally be used for conveyance capacity analysis.

4.2 Water Quality

As required by the *City of Scappoose Public Works Design Standards*, we will treat runoff from most of the new impervious surface created as a result of the proposed development. Eggleston Road roadway stormwater runoff south of STA 11+61.67 and supplemental driveways, sidewalks, and turnaround will be collected via catch basins and directed to the primary stormwater facility located in Tract 'C' where it will be treated. SW J.P West Road roadway stormwater runoff between STA 6+68.88 to 9+52.25 will be collected by a catch basin and directed to the secondary stormwater facility located in Tract 'G' where it will be treated.

Some of the sheet flow runoff from the basin flowing onto the Southwest portion of the site will flow directly into the nearby stream. The sheet flow that does not travel into the nearby stream will instead travel across lot 27 through 29 and into Eggleston Avenue where it will be collected by the proposed stormwater system. North of lot 27, the basin sheet flow routes into the closest existing wetland located within Tracts 'B' and 'F' as shown by the proposed grades.



The water quality facilities have been designed to treat storm water generated by 0.83 inches of precipitation falling in 24 hours. The water quality facilities, in conjunction with the sumped catch basins, will remove a minimum of 65% of the Total Phosphorous (TP) from the storm water runoff.

The primary stormwater facility will treat a total of 167,488 square feet of on-site impervious area. The secondary stormwater facility will treat a total of 3,245 square feet of off-site impervious area. By treating the impervious surfaces in front of neighboring tax lots 403 and 404, we are over treating what is required for the project in order to compensate for the impervious surfaces that are not being treated due to the inability to convey to our stormwater facilities.

A water quality manhole upstream of the primary stormwater facility will provide pretreatment for the stormwater removing trash, sediment, and debris from the runoff. Tables 4-2 and 4-3 summarize both water quality ponds' parameters of the development:

Table 4-2: Primary Water Quality Pond (On-Site)					
Watershed Area 13.03 acres					
Impervious Area to be Treated	3.84 acres				
Water Quality Inflow	0.37 cfs (per Appendix A Report pg. 2)				
Water Quality Outflow	0.09 cfs (per Appendix A Report pg. 2)				
Water Quality Depth	0.87 feet (Elevation = 49.87 ft.)				
Water Quality Treated Volume	5,818 cubic feet				

Table 4-3: Secondary Water Quality Pond (Off-Site)				
Watershed Area	0.16 acres			
Impervious Area to be Treated	0.07 acres			
Water Quality Inflow	0.02 cfs (per Appendix B Report pg. 2)			
Water Quality Outflow	>0.00 cfs (per Appendix B Report pg. 2)			
Water Quality Depth0.60 feet (Elevation = 49.60 ft.)				
Water Quality Treated Volume	222 cubic feet			

4.3 Detention

Water quantity control (detention) within the primary stormwater facility is being provided meeting the requirements of the *City of Scappoose Storm Drain System Master Plan*, by matching (or releasing less than) the 2-year developed storm to ½ of the existing 2-year storm, the 5-year developed storm to the existing 5-year storm, the 10-year developed storm to the existing 10-year, and the 100-year developed storm to the 100-year existing storm per table below:



Table 4-4: Stormwater Quantity Facility – On-Site							
Storm Event (yr)Pre-Developed (cfs)Post-Developed Outflow (cfs)Released Outflow (cfs)Elevation (ft)							
2	1.34	2.83	0.67 (1/2 the pre)	50.90			
5	2.06	3.82	0.86	51.50			
10	2.84	4.82	1.29	51.97			
25	3.68	5.82	2.39	52.10			
100	5.26	7.64	5.24	52.31			

The 100-year base flood plain elevation at the primary stormwater facility's location ranges between 52.00 and 52.10 feet. The pond will detain the 100-year storm event up to elevation 52.31 and release the stormwater to the creek. The outlet from the pond will have a Flap Valve on the discharge pipe to restrict the floodwater from backing into the pond.

We are proposing a berm on the perimeter of the pond to an elevation of 53.00 along with an overflow spillway at elevation 52.50 to properly release the stormwater from the facility to creek should the system become plugged, or a larger intensity storm event occur. This overflow spillway will have rip rap protection to prevent erosion and undercutting.

Water quantity control (detention) within the off-site stormwater facility is being provided meeting the same requirements of the *City of Scappoose Storm Drain System Master Plan* per the table below:

Table 4-5: Stormwater Quantity Facility – Off-Site							
Storm Event (yr) Pre-Developed (cfs) Post-Developed Outflow (cfs) Released Outflow H							
2	0.07	0.07	0.00 (1/2 the pre)	50.92			
5	0.09	0.09	>0.00*	51.24			
10	0.11	0.11	>0.00*	51.55			
25	0.13	0.13	>0.00*	51.85			
100	0.16	0.17	>0.00*	52.29			

*Released outflow is less than 0.01 cfs due to the small amount of water runoff flowing through the facility and the orifice size.

Due to the secondary stormwater facility having a berm elevation of 53.50 feet and a Flap Valve on the discharge pipe, the floodwater from the creek will not backup into this facility. The berm will provide the necessary storage for the collected surface water from JP West Road and our flow control structure will restrict the release of the stormwater to meet the City's requirements. Should the system become plugged or not function

properly the stormwater will overflow into Eggleston Street where it will be collected and piped to the creek. It is imperative to be vigilant in maintaining the stormwater facilities, water quality manholes, and flow control manholes, since this area is known to flood. Both stormwater facilities shall be maintained using the *Operations and Maintenance Plan* in Appendix H as a guide.

The Flap Valve will be a mechanical gate that allows water to flow out only when the pressure in the pipe is higher than the pressure outside the pipe, thus preventing floodwaters from the creek from getting into the pipe during annual high-water floods (refer to the Appendix G *Fernco HDPE Flap Valves*).

4.4 <u>Conveyance</u>

On-site and off-site stormwater runoff has been designed to convey the 25-year storm event using a Manning's 'n' value of 0.013 without surcharging the proposed underground pipe network (refer to the *Conveyance Calculations*).

The uphill shed area's sheet flow runoff is conveyed through an existing storm main within JP West Road that is proposed to be removed because the outfall location is no longer viable. This stormwater flow will be rerouted to bypass the secondary pond and outfall into a stilling basin where the water elevation will rise in the stilling basin eventually overflowing into the existing creek. The stilling basin is being utilized because pipe depths would place the outfall location below the bank of the existing creek which might cause the steep bankside to erode.

A conveyance calculation was performed for the sheet runoff from the uphill basin flowing into the existing creek at the south end of the site to properly size the future culvert that will be installed under the future Eggleston roadway connection. A 24-inch culvert will be able to convey the watershed area of 17.0 AC with a minimum slope of 0.004 ft/ft at a 79% capacity (refer to the *Conveyance Calculations*).

4.5 Flow Control Structures

Flow control manhole SDMH-01A services the primary stormwater facility located within Tract "C". CWS detail 270 located in Appendix 'C' displays the orifices' size and elevation controlling the flow being released into the wetland for manholes SDMH-01A. Orifice A, as named in CWS detail 270 (note the Intellisolve report and cross section calls this Orifice B), controls the water quality elevation in the pond. SDMH01A's Orifice B, as named in CWS detail 270 (note the Intellisolve report and cross section calls this Orifice C), controls the detail 270 (note the Intellisolve report and cross section calls this Orifice C), controls the detention levels for storm events 2-, 5-, and 10-year in the primary stormwater facility. The flow control manhole utilizes a weir for the overflow. The weir also controls detention levels for storm events 25- and 100-year within the primary stormwater facility for SDMH-01A.



Ditch inlets SDDI-03B1 and SDDI-03B2 will act as the flow control structures servicing the secondary stormwater facility located within Tract "G". The CWS details 710 and 711 located in Appendix 'D' shows that the orifice size on the orifice plate needs to be 0.23" inch to properly treat the required volume of water before being released into the wetland (as determined in the pond Water Quality Pond Calculations and the Intellisolve report calls out for Orifice B). The orifice's small size causes the flow rate out to be minuscule but still flow out, thus there is no need for an additional orifice to control the detention volumes since they are below the pre-developed flow rate. Appendix 'F' shows a cross section of both the primary and secondary stormwater ponds. You can clearly see how each orifice controls the water levels of the storm events above it.

5.0 DOWNSTREAM ANALYSIS

The development is proposing two stormwater facilities providing detention with flow control manholes (refer to Appendices A and B *Hydraflow Hydrograph Pond Report* and Appendices C and D *Flow Control Structure Detail*) to restrict the developed flows to equal or less than the existing flows, therefore a downstream analysis is not necessary and has not been conducted.

6.0 CONCLUSION

Based on the supporting stormwater calculations and attached analysis, it is the opinion of Pioneer Design Group that the Buxton Ranch planned development project will not adversely affect the existing downstream drainage system or adjacent property owners. Water quality treatment for all new impervious areas created by the development will be treated as well as water quantity control in the proposed stormwater facilities; therefore, the facilities are designed in conformance with APWA standards as required in the City of Scappoose's Municipal Code sections 17.85.100.B.9.b, 17.86.080.B.9.d, and 17.89.100.B.9.b. All the requirements associated with the City of Scappoose sections and the State of Oregon have been met for this project.

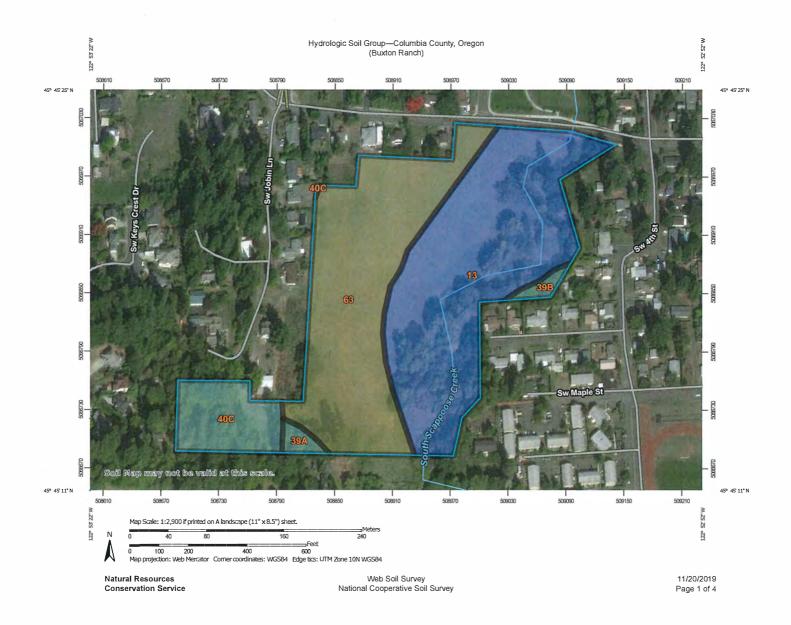


7.0 VICINITY MAP

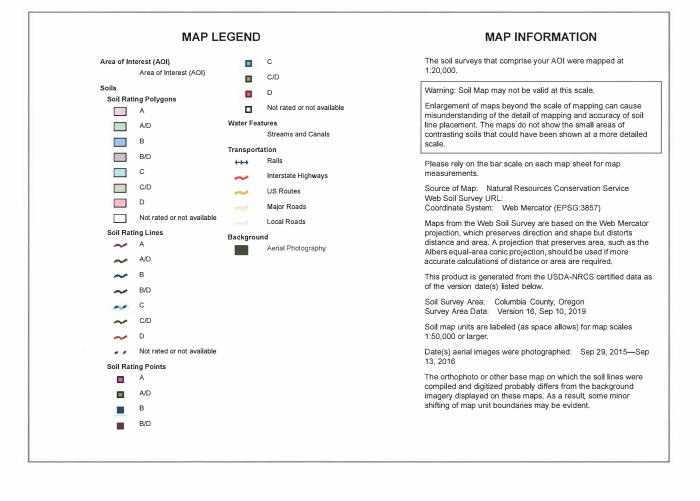




PDG Project #: 359-004



Hydrologic Soil Group—Columbia County, Oregon (Buxton Ranch)



Natural Resources Conservation Service Web Soil Survey National Cooperative Soil Survey 11/20/2019 Page 2 of 4

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
13	Cloquato silt loam	В	9.3	47.9%
39A	Quafeno loam, 0 to 3 percent slopes	С	0.3	1.3%
39B	Quafeno loam, 3 to 8 percent slopes	С	0.2	1.1%
40C	Quatama silt loam, 8 to 15 percent slopes	С	1.8	9.4%
63	Wapato silt loam	C/D	7.8	40.2%
Totals for Area of Interest			19.5	100.0%

Hydrologic Soil Group

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

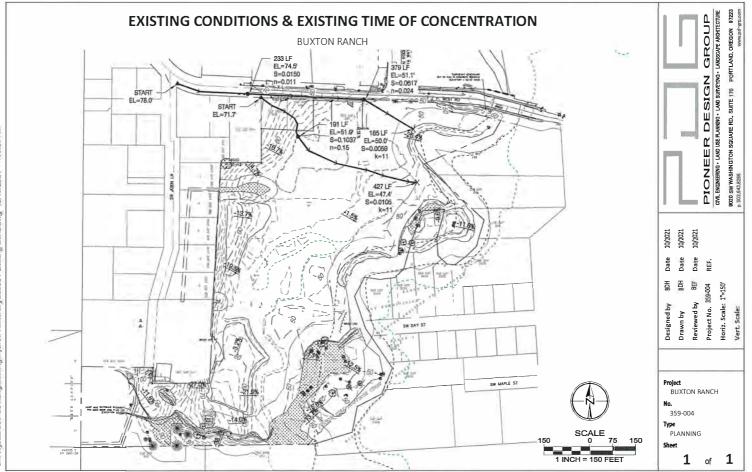
Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

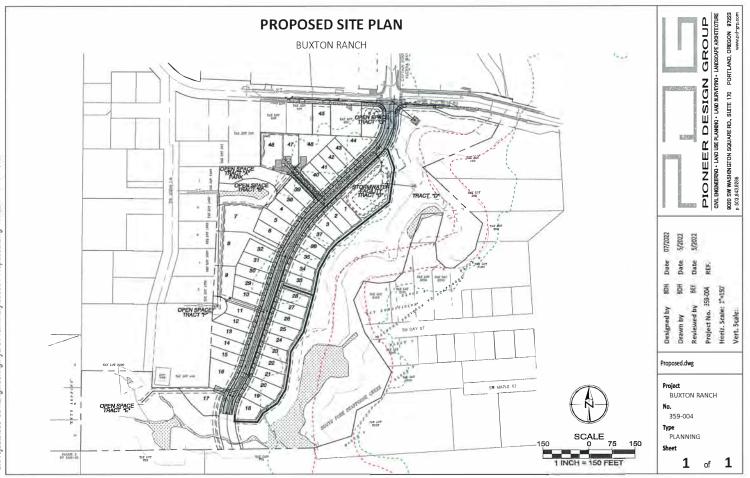
Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition Component Percent Cutoff: None Specified Tie-break Rule: Higher





<u>APPENDIX B</u> <u>Runoff Curve Numbers</u>

The runoff curve numbers shown below are for selected agricultural, suburban and urban land use for a Type 1A rainfall distribution, 24-hour storm duration. The curve numbers are for *wet* antecedent conditions.

The curve numbers originate from SCS Publications, TR55, "Urban Hydrology for Small Watersheds," June 1986.

		Cui Hy	rve Nu /drolog	mbers lic Gro	by up
Land Use Description		A	В	С	D
Cultivated land:	Winter condition	89	94	97	98
Mountain open areas:	Low-growing brush and grasslands	68	83	89	93
Meadow or pasture:	Continuous forage for grazing <50% groundcover or heavily grazed with no mulch	68	79	86	89
Wood or forest land:	Undisturbed or older second growth	45	66	76	83
Orchard:	With crop cover	75	87	92	94
	urses, cemeteries, and landscaping				
Good condition:	Grass cover on 75% or more of area	59	78	88	91
Fair condition:	Grass cover on 50% to 75% of area	69	84	91	93
Poor condition:	Grass cover <50%	84	91	94	96
Gravel roads and parking lots		89	94	96	97
Dirt roads and parking lots		86	92	95	96
Impervious surfaces, pavement, roo		99	99	99	99
Open water bodies:	Lakes, wetlands, ponds, etc.] 100	100	100	100
Single Family Residential (See note 1)					
Dwelling Unit/Gross Acre	% Impervious (See note 2)	numb selec	mpervi	irve III be pervic ous po r basin	rtion
1.0 DU/GA	15	1			
1.5 DU/GA	20	1			
2.0 DU/GA	25	1			
2.5 DU/GA	30	1			
3.0 DU/GA	34]			
3.5 DU/GA	38]			
4.0 DU/GA	42]			
4.5 DU/GA	46]			
5.0 DU/GA	48	1			
5.5 DU/GA	50]			
6.0 DU/GA	52]			
6.5 DU/GA	54				
7.0 DU/GA	56				
Planned unit developments, condominiums, apartments, commercial business, and industrial areas.	% of impervious must be computed.	numb selec	mpervi	irve II be pervic ous po r basin	ortion

Notes:

Assumes roof and driveway runoff is directed into street/storm system.

The remaining pervious areas (lawn) are considered to be in good condition for these curve numbers.

City of Scappoose, Oregon Rainfall Intensities and 24-hour storm depths

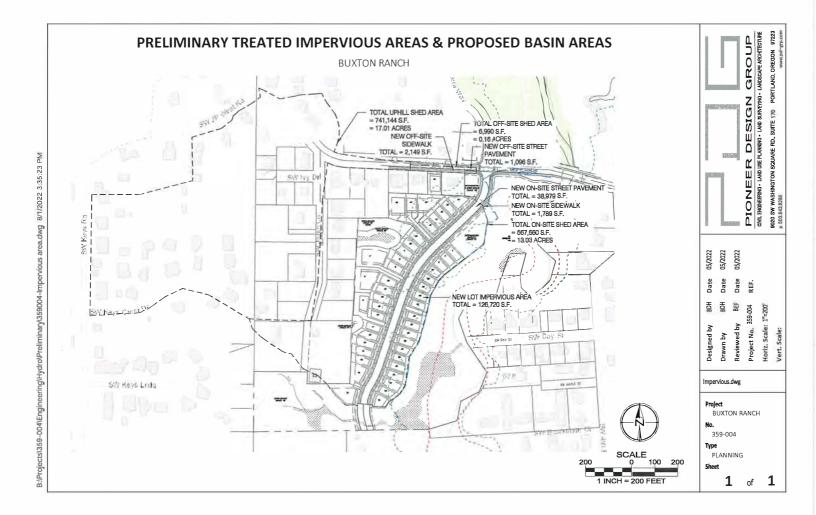
Recurrence	24 Hr Rainfall Event Depth
Interval	(inches)
2 years	2.3
5 years	2.8
10 years	3.3
25 years	3.8
50 years	4.1
100 years	4.7

Data source: NOAA Atlas 2 Precipitation-Frequency Atlas of the Western United States Volume X-Oregon 1973

Values interpolated 10/11/11 using location of Scappoose City Hall, 33568 E. Columbia Ave. 45.7576° North, 122.876° West based on DEQ Location Finder, http://deq12.deq.state.or.us/website/findloc/data.asp

MANNING'S "n" VALUES

CHEET ELOW FOULTION MANNUNCIO VALUES	
SHEET FLOW EQUATION MANNING'S VALUES Smooth Surfaces (concrete, asphault, gravel, or bare hand packed soil)	n _s
Fallow Fields or loose soil surface (no residue)	0.011
Cultivated soil with residue cover (< 20%)	0.05
Cultivated soil with residue cover ($\geq 20\%$) Cultivated soil with residue cover ($\geq 20\%$)	0.00
Short prairie grass and lawns	0.17
	0.13
Dense grasses	0.24
Bermuda grasses	0.41
Range (natural)	
Woods or forrest with light underbrush	0.40
Woods or forrest with dense underbrush	0.80
SHALLOW CONCENTRATED FLOW (after initial 300 ft of sheet flow, R = 0.1)	k _s
Forrest with heavy ground litter and meadows $(n = 0.010)$	3
Brushy ground with some trees $(n = 0.060)$	5
Fallow or minimum tillage cultivation ($n = 0.040$)	8
High grass (n = 0.035)	9
Short grass, pasture and lawns ($n = 0.030$)	11
Nearly bare ground ($n = 0.25$)	13
Paved and gravel areas $(n = 0.012)$	27
CHANNEL FLOW (Intermittent) (At the beginning of all visible channels, $R = 0.2$)	k _c
Forested swale with heavy ground cover $(n = 0.10)$	5
Forested drainage course/ravine with defined channel bed ($n = 0.050$)	10
Rock-lined waterway ($n = 0.035$)	15
Grassed waterway $(n = 0.030)$	17
Earth-lined waterway ($n = 0.025$)	20
CMP pipe (n = 0.024)	21
Concrete pipe ($n = 0.012$)	42
Other waterways and pipe 0.508/n	
CHANNEL FLOW (continuous stream, R = 0.4)	k _c
Meandering stream ($n = 0.040$)	20
Rock-lined stream ($n = 0.035$)	23
Grass-lined stream (n = 0.030)	27
Other streams, man-made channels and pipe $(n = 0.807/n)$	_,





TREATED IMPERVIOUS AREA CALCULATIONS

JOB NUMBER: 359-004PROJECT:Buxton RanchFILE:359004_hydro_planning

NEW ON-SITE IMPERVIOUS AREA

48 LOTS AT 2,640-SF IMPERVIOUS AREA / LOT SIDEWALKS STREET PAVEMENT	126,720.00 ft ² 1,789.00 ft ² 38,979.00 ft ² 167,488.00 ft²	3.84 ac
EXISTING ON-SITE IMPERVIOUS AREA		
BUILDINGS SIDEWALKS GRAVEL AT 60% IMPERVIOUS STREET PAVEMENT	31,376.00 ft ² 0.00 ft ² 0.00 ft ² 0.00 ft ² 31,376.00 ft ²	0.72 ac
NEW OFF-SITE IMPERVIOUS AREA		
SIDEWALKS STREET PAVEMENT	2,149.00 ft ² 1,096.00 ft ² 3,245.00 ft²	0.07 ac
Total On-Site Shed Area Existing Impervious Area % Impervious Proposed On-Site Impervious Area % Impervious	567,560.00 ft ² 31,376.00 ft ² 167,488.00 ft ²	13.03 ac 0.72 ac 5.5 % 3.84 ac 29.5 %
Total JP West Off-Site Shed Area Proposed Off-Site Impervious Area % Impervious	6,990.00 ft ² 3,245.00 ft ²	0.16 ac 0.07 ac 46.4 %



PREDEVELOPED TIME OF CONCENTRATION

JOB NUMBER: PROJECT: FILE:	359-004 Buxton Ranch 3594_Preliminary Hyd	ro.xls		
ON-SITE TC	T FLOW (FIRST 191 F	EET)		Accum. Tc
Tt = Travel time Manning's "n " = Flow Length, L =		0.15 191 ft	(300 ft. max.)	10
P = 2-year, 24hr st Slope, $S_0 =$	torm =	2.5 in 0.104 ft/ft		
$T_T = \frac{(0.42)}{(P)^{0.2}}$	$\frac{(n*L)^{0.8}}{(S_0)^{0.4}}$	9.63 min.		9.63 min.
Tc Velocity factor,	LLOW CONCENTRATE , k=	ED FLOW (NEXT 42	27 FEET) 11	
Slope, $S_0 = \mathcal{K} \sqrt{S_0}$)11 ft/ft	
Flow Length, $L =$.13 ft/s 127 ft	
$T = \frac{L}{(60)(V)}$.31 min.	15.94 min.

TOTAL ON-SITE PREDEVELOPED TIME OF CONCENTRATION (Tc) = 15.94 min.

OFF-SITE TC			Accum.
LAG ONE: SMOOTH SURFACE (FIRST 233	FEET)		Тс
Tt = Travel time	,		
Manning's "n " =	0.011		
Flow Length, $L =$	233 ft	(300 ft. max.)	
P = 2-year, 24hr storm =	2.5 in		
Slope, $S_0 =$	0.015 ft/ft		
$T_T = \frac{(0.42)(n*L)^{0.8}}{(P)^{0.5}(S_0)^{0.4}}$	3.03 min.		3.03 min.

3594_Preliminary Hydro\PREDEVELOPED Tc 10/25/2021

LAG TWO: HDPE PIPE (FIRST	FEET)	
Tc Velocity factor, k=	21	
Slope, $S_0 =$	0.062 ft/ft	
$V = k \sqrt{S_0}$	5.22 ft/s	
Flow Length, $L =$	379 ft	
$T = \frac{L}{(60)(V)}$	1.21 min.	4.24 min.

LAG THREE: SHALLOW CONCENTR	ATED FLOW (NEXT 185 FEET)	
Tc Velocity factor, k=	11	
Slope, $S_0 =$	0.062 ft/ft	
$V = k \sqrt{S_0}$	2.73 ft/s	
Flow Length, $L =$	185 ft	
$T = \frac{L}{(60)(V)}$	1.13 min.	5.37 min.

TOTAL OFF-SITE PREDEVELOPED TIME OF CONCENTRATION (Tc) =	5.37 min.
--	-----------

3594_Preliminary Hydro\PREDEVELOPED Tc 10/25/2021



DEVELOPED TIME OF CONCENTRATION

JOB NUMBER:	359-004
PROJECT:	Buxton Ranch
FILE:	3594_Preliminary Hydro.xls

TOTAL ONSITE DEVELOPED Tc =	10.8 min.
Time in Pipe = $(1050 \text{ ft})/(3.00 \text{ ft/s}) =$	350 s
Velocity of Flow	3 ft/s
Longest Run of Pipe	1050 ft
Catchment Time	5 min.

5 min.
200 ft
3 ft/s
66.7 s

TOTAL OFF-SITE DEVELOPED Tc =	6.11 min.
-------------------------------	-----------



WATER QUALITY POND CALCULATIONS

Servicing JP West Off-Site Impervious Area

JOB NUMBER:	359-004
PROJECT:	Buxton Ranch
FILE:	3594_Preliminary Hydro.xls

REFERENCES:

1. Columbia County Stormwater and Erosion Control Ordinance

REQUIRED WATER QUALITY TREATMENT: 65% Phosphorus Removal.

PROPOSED TREATMENT METHODS:

 Sumped Catch Basins Water quality Pond 			15% 50%
	total		65%
DESIGN STORM			
Precipitation:		0.83 inches	
Storm Duration:		24 hours	
Storm Return Period:		96 hours	
Storm Window:		2 weeks	

IMPERVIOUS AREA:

Watershed Area:	0.16 acres
Percent imp:	46.4 %
Impervious Area:	0.07 acres
Design Inflow = $(0.07 \text{ ac})^*(4356)$	$0 \text{ ft}^2/\text{ac}$ (0.83 in /24.0 hrs) =

VOLUME CALCULATION:

POND VOLUME = (0.07 acres)(43560 sqft/acre)(0.83 inch)/(12 in/ft) =

POND OUTLET ORIFICE CALCULATIONS:

Q = (211 ft3)/(48 hrs)/(60 min/h	rs)/(60 s/min)=	0.0012 cfs
h = average hydraulic head =		8 inches below high flow
A =	$0.00 ft^{2}$	
$A = \pi r^2$ r =	0.01 ft. radius	
d = 2r d =	0.23 in. diameter, use	2/8 " orifice

3594_Preliminary Hydro.xls\WQ POND 2 6/8/2022

0.002 cfs

211 ft³



STORMWATER CONVEYANCE CALCULATIONS

JOB NUMBER: PROJECT:	359-004 Buxton															
FILE: Design Storm: Storm Duration: Precipitation: Manning's "n"	25 24	eliminary YR HRS IN	Hydro	.xls												
	INC.	AREA	%	AREA	CN	AREA	CN	TIME	Q	PIPE	SLOPE	Qf	Q/Qf	Vf	V/Vf	ACTUAL
	AREA	TOTAL	IMP.	PERV.	PER.	IMP.	IMP.	(MIN)	(CFS)	SIZE						V
LINE	(AC)	(AC)		(AC)		(AC)		_	_	(IN)	(FT/FT)	(CFS)	(%)	(FPS)	(%)	(FPS)
· · · · · · · · · · · · · · · · · · ·													1			
ONSITE SHED	13.03	13.03	29.5	9.18	83	3.84	99	5.00	8.99	21	0.0040	10.05	89%	4.18	1.16	4.85
JP WEST	0.16	0.16	46.4	0.09	83	0.07	99	5.00	0.12	12	0.0040	2.26	5%	2.88	0.45	1.30
OFFSITE SHED	17.01	17.01	25.0	12.76	83	4.25	99	5.00	11.39	24	0.0040	14.35	79%	4.57	1.14	5.20

The on-site shed can be conveyed through an 21-inch diameter storm pipe at a minimum slope of 0.0040 ft/ft at 89% capacity. The off-site JP West Road shed can be conveyed through an 12-inch diameter storm pipe at a minimum slope of 0.0040 ft/ft at 5% capacity. The off-site uphill shed will be conveyed through a future 24-inch diameter storm culvert at a minimum slope of 0.0040 ft/ft at 79% capacity.

3594_Preliminary Hydro.xls\CONVEYANCE 7/27/2022

Exhibit 21



Fire Hydrant Fire Flow

PROJECT	BUXTON RANCH
ADDRESS	NO ADDRESS ASSIGNED YET.
CROSS STREET	33166 SW JP WEST RD. SCAPPOOSE, OR.
FLOW	
HYDRANT LOCATION	
STATIC	60
PITOT RESIDUAL	20, 4" HOSE MONSTER FLOWED
GPM	1682
GPM AT 20 PSI	6812, 5% PRESSURE DROP. calculated per NFPA 291
DATED	11/16/2021 830 AM
MONITOR	
HYDRANT LOCATION	33132 SW JP WEST RD. HYD. # 472
STATIC	60
RESIDUAL	57
DATED	11/16/2021 830 AM
WITNESS	
WITNESSED BY	
TITLE	
ORGANIZATION	SCAPPOOSE PUBLIC WORKS
SIGNATURE	
PERFORMED BY	JACK GARDNER

Exhibit 22

KITTELSON & ASSOCIATES Rechnical Memorandum

May 2, 2022

Project# 27304.0

To:	Laurie Oliver Joseph, City Planner & Planning Department Superv City of Scappoose 33568 E Columbia Avenue Scappoose, Oregon 97056	STERED PROFESS ENGINEER 62836PE
From:	Matt Bell, Russ Doubleday, and Chris Brehmer, PE	Chris Brehmer DN CN=Chris Brehmer, Gentration and Associates, C=US Date: 2022.05.05 09.37:36-0700
CC:	Max Bondar, David Weekley Homes	HARS - 44 + 11, 200 - 44
RE:	Buxton Ranch – Traffic Impact Study	AHER LYNN BRU

EXPIRES: 12/31/23

INTRODUCTION

David Weekley Homes is proposing to develop the 17.13-acre site located on the south side of SW JP West Road in Scappoose, Oregon. Figure 1 illustrates the site vicinity map. The proposed develop plan includes 48 single-family homes. Access to the proposed development will be provided by a new local street connection forming the south leg of the SW JP West Road/Captain Roger Kucera Way intersection. Figure 2 illustrates the conceptual site plan. Construction of the proposed development is expected to begin in 2022 with full buildout and occupancy in 2023.

The results of this study indicate that the proposed Buxton Ranch development can be constructed while maintaining acceptable traffic operations at the study intersections, assuming provision of the recommended mitigation measures. The recommended mitigation measures include:

- Landscaping, above ground utilities, and signing should be located and maintained along the site frontage and throughout the site in a manner that preserves adequate intersection sight distance for turning movements onto SW JP West Road.
- The City of Scappoose (City) should coordinate with the Oregon Department of Transportation (ODOT) on implementation of the planned safety improvements at the SW Maple Street/US 30 intersection.

Additional details of the study methodology, findings, and recommendations are provided within this report.

Scope of the Report

This report documents the transportation-related impacts associated with the proposed Buxton Ranch development and was prepared in accordance with City and ODOT study requirements and analysis procedures. Per agreement with City staff, operational analyses were performed at the following study intersections:

- 1. SW JP West Road/Captain Roger Kucera Way
- 2. SW JP West/SW 4th Street
- 3. SW JP West Road/SW 1st Street
- 4. SW JP West Road/US 30
- 5. SW Maple Street/SW 4th Street
- 6. SW Maple Street/SW 1st Street
- 7. SW Maple Street/US 30

FILENAME: H:\27\27304 - BUXTON RANCH\REPORT\FINAL\27304_FINAL TIS_2022-05-02.DOCX



This report evaluates these transportation issues:

- Existing land-use and transportation-system conditions at the study intersections during the weekday AM and PM peak hours;
- Approved but not yet constructed developments and transportation improvements planned in the study area;
- Year 2023 background traffic conditions (without the proposed development) at the study intersections during the weekday AM and PM peak hours;
- Trip generation and distribution estimates for the proposed development;
- Year 2023 total traffic conditions (with full build-out and occupancy of the proposed development) at the study intersections during the weekday AM and PM peak hours, and;
- On-site access and circulation.

PERFORMANCE MEASURES AND MOBILITY TARGETS

Traffic operations at the study intersections on US 30 were evaluated based on an alternative analysis methodology and assessed based on alternative mobility targets established by the Scappoose Transportation System Plan (TSP – Reference 1) and adopted by the Oregon Transportation Commission (OTC). Per the TSP, traffic operations were evaluated based on average weekday traffic conditions with an assumed peak hour factor of 1.0 and assessed based on a maximum volume-to-capacity ratio of 1.0. At the US 30/Maple Street intersection, the maximum v/c ratio of 1.0 is allowed for up to five hours.

Traffic operations at the remaining study intersections were evaluated based on the applicable performance measures identified in the TSP. Per the TSP, unsignalized intersections must operate at or below Level-of-Service (LOS) "E", or a maximum volume-to-capacity (v/c) ratio of 0.90 for the overall intersection.

ANALYSIS TOOLS AND METHODOLOGY

All analyses described in this report were performed in accordance with the procedures stated in the Highway Capacity Manual, 6th Edition (HCM – Reference 2). Vistro was used to conduct the analysis. Vistro is a software tool that provides operations analysis in accordance with HCM methodologies.

All analyses used the peak 15-minute flow rates that occurred during the weekday morning and evening peak hours. Using the peak 15-minute flow rates ensures that this analysis is based on a reasonable worst-case scenario.

EXISTING CONDITIONS

The existing conditions analysis identifies the site conditions and current physical and operational characteristics of roadways within the study area. These conditions will be compared with future conditions later in this report.

Site Conditions and Adjacent Land Uses

The proposed development site is located within the Scappoose city limits, it is zoned low density residential (R-1), and it is undeveloped. Adjacent land uses include additional Public Lands-Recreation (PL-R) to the north, Moderate Density Residential (R-4) to the east, and additional R-1 to the south and west, per the *City* of *Scappoose Zoning Map* (Reference 3).

Transportation Facilities

Table 1 summarizes the characteristics of roadways within the site vicinity.

Table 1: Existing Transportation Facilities

Roadway	Functional Classification ¹	Number of Lanes	Posted Speed (mph)	Sidewalks	Bicycle Lanes	On-Street Parking
SW JP West Road	Neighborhood	2	25	Partial	No	No
Captain Roger Kucera Way	Local	2	10	Partial	No	Partial
SW 4th Street	Neighborhood	2	25	Partial	No	Yes
SW 1st Street	Neighborhood	2	NP	Partial	No	Yes
SW Maple Street	Neighborhood	2	NP	Partial	No	Yes
US 30	Arterial	5	35	Yes	Yes	No

NP: Not Posted

¹ Per the City of Scappoose Transportation System Plan (TSP – Reference 1).

ROADWAY FACILITIES

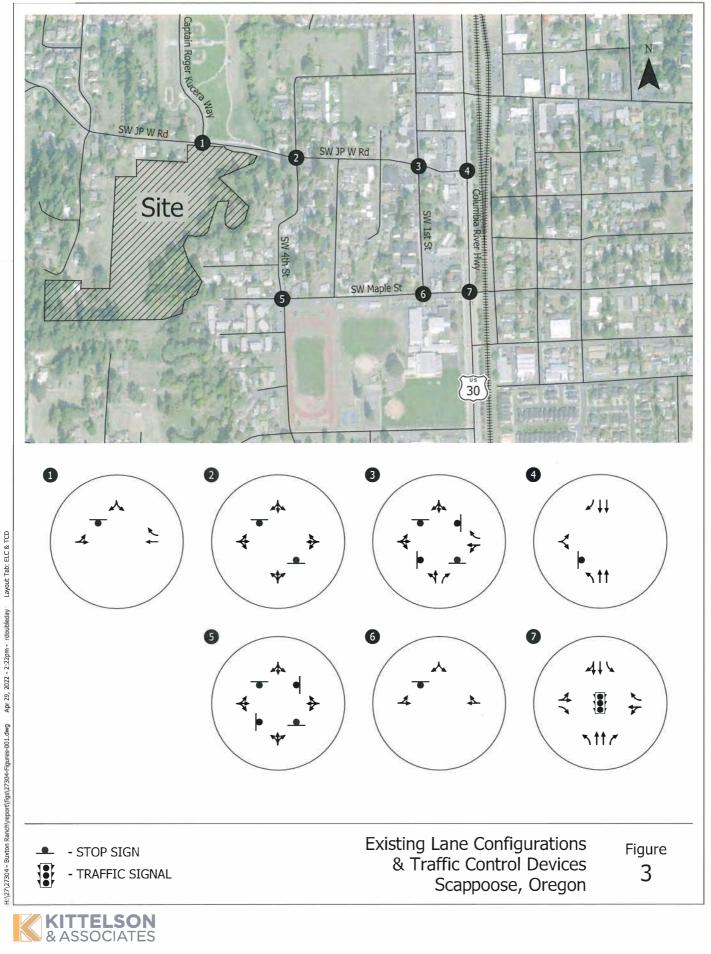
SW JP West Road is located on the north side of the proposed development site. SW JP West Road connects the site to SW 4th Street, SW 1st Street, and US 30 to the east. SW 4th Street connects SW JP West Road to SW Maple Street and the adjacent Scappoose Middle School to the south. US 30 connects the site to several retail/commercial uses as well as City of St Helens to the north and City of Portland to the south. Figure 3 illustrates the existing lane configurations and traffic control devices at the study intersections.

PEDESTRIAN AND BICYCLE FACILITIES

Sidewalks and on-street bike lanes are limited within the site vicinity. Continuous sidewalks are provided on the north side of JP West Road and the east side of Captain Roger Kucera Way adjacent to Scappoose Veteran's Park. Sidewalks are also provided on segments of SW 4th Street, SW 1st Street, and SW Maple Street. Continuous sidewalks and on-street bike lanes are provided on both sides of US 30 within the Scappoose city limits.

Kittelson & Associates, Inc.

Buxton Ranch



TRANSIT FACILITIES

Local transit service is provided in the site vicinity by Columbia County Rider (CC Rider). Line 1 – Portland provides service between the St Helens Transit Center and Downtown Portland via US 30. Service is provided Monday through Friday from 7:30 AM to 5:30 PM on approximately 1-hour headways during the morning and evening peak periods. The closest stop is located approximately ½ mile from the site at the 1st and Prairie Park & Ride.

Traffic Volumes and Peak Hour Operations

Traffic counts were conducted at the study intersections in December 2021. The counts were conducted on a typical mid-week day during the morning (7:00 to 9:00 AM) and evening (4:00 to 6:00 PM) peak periods while local schools were in session¹. The individual peak hour of each intersection was identified for the morning and evening peak hours to assess the highest volumes recorded.

The traffic counts on US 30 were adjusted to average weekday traffic volumes per the alternative analysis methodology established in the TSP for US 30. Information from ODOT's Seasonal Trend Table was used as a basis for the adjustment. A combination of the Summer and Commuter Trends was used consistent with the TSP, which resulted in an adjustment factor of 1.12. Additional adjustments were made to existing traffic volumes to reflect potential reductions is local street traffic due to the COVID-19 pandemic. Turning movement counts collected as part of the TSP showed higher northbound left and eastbound right turning movements at the US 30/JP West Road and US 30/Maple Street intersections than in the turning movement counts collected in December 2021. For these specific turning movements, the existing volumes were increased to match the volumes from the TSP. These volumes were then traced to downstream intersections on both JP West Road and Maple Street and were distributed according to existing volume traffic patterns.

Figures 4 and 5 summarize the existing traffic volumes at the study intersection for the weekday AM and PM peak hours. Appendix "A" contains the traffic count worksheets used in this study.

TRAFFIC OPERATIONS

Figure 4 and Figure 5 summarize the results of the existing traffic conditions analysis during the weekday AM and PM peak hours, respectively. As shown, all the study intersections currently meet their respective mobility standards and targets. Appendix "B" contains the existing traffic conditions worksheets.

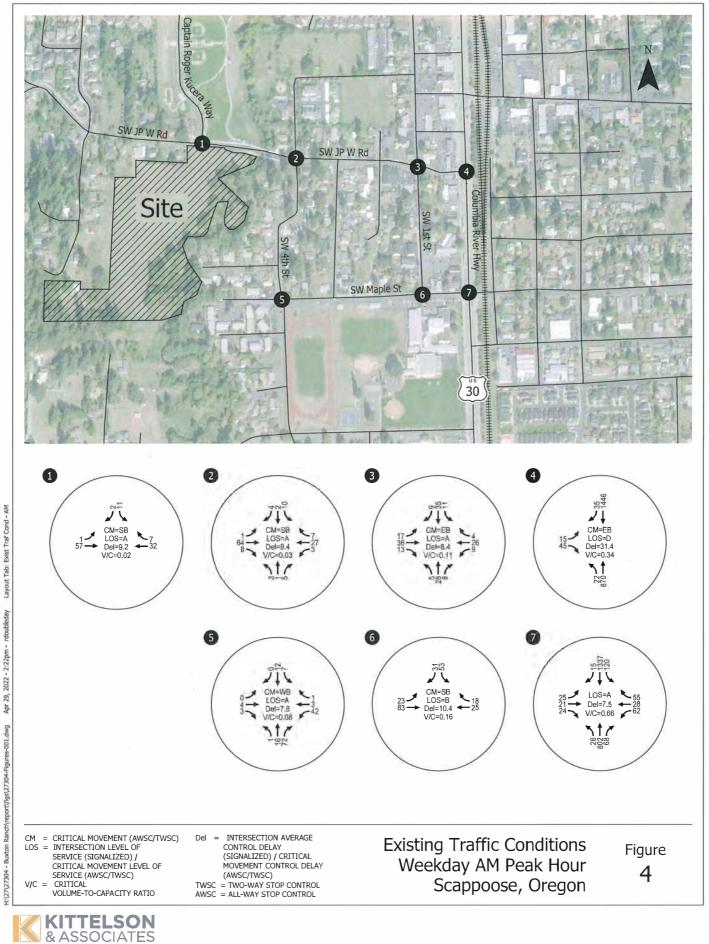
Traffic Safety

The crash history of the study intersections was reviewed to identify potential safety issues that could impact access to the site. Crash data was obtained from ODOT for the five-year period from January 1, 2015 through December 31, 2019. Table 2 summarizes the crash data for the study intersections, including the number, type and severity of crashes over the five-year period. Crash rates per million entering vehicles (MEV) were developed for each study intersection. The crash rates were compared to the 90th percentile rates for similar facilities provided in Table 4-1 of the ODOT APM. Per the APM, an intersection with a crash rate equal to or greater than the corresponding 90th percentile rate is recommended for further analysis.

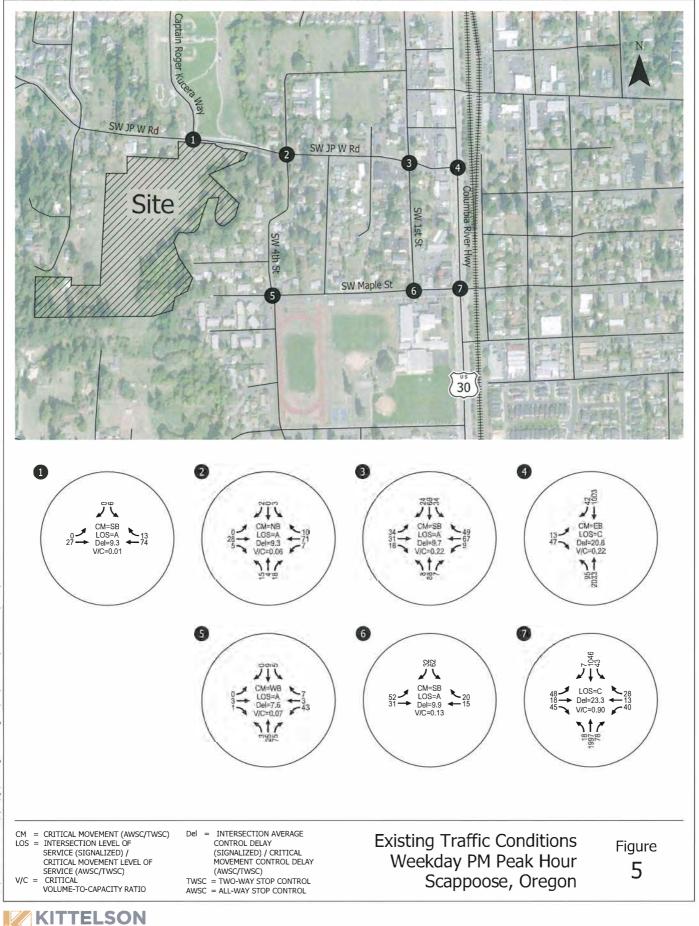
¹ Due to equipment issues, supplemental traffic counts were conducted at the SW JP West Road/1st Street intersection in January 2022. The counts were conducted on a typical mid-week day during the weekday morning (7:00 to 9:00 AM) peak period.

Kittelson & Associates, Inc.

Buxton Ranch



Buxton Ranch



Planning Commission Packet ~ Oct. 27, 2022

& ASSOCIATES

			Crash Type	e		C	rash Seve	rity	Toral V	Crash Rate (Crashes /MEV)	ODOT 90 th
Intersection	Rear- End	Turn	Angle	Ped/ Bike	Other	PDO	Injury	Fatal	Total		Percentile Rate
SW JP West Road/ Captain Roger Kucera Way	0	0	0	0	0	0	0	0	0	0.00	0.293
SW JP West/ SW 4 th Street	0	0	0	0	0	0	0	0	0	0.00	0.408
SW JP West Road/ SW 1 st Street	0	0	0	0	0	0	0	0	0	0.00	0.408
SW JP West Road/ US 30	0	2	0	0	0	Ì	1	0	2	0.04	0.293
SW Maple Street/ SW 4 th Street	0	0	0	0	0	0	0	0	0	0.00	0.408
SW Maple Street/ SW 1 st Street	0	0	0	Ĩ	0	0	ĩ	0	Î.	0.28	0.293
SW Maple Street/ US 30	11	3	3	0	0	9	8	0	17	0.31	0.860

Table 2: Study Intersection Crash Summary (January 1, 2015 through December 31, 2019)

Note: PDO = Property Damage Only; MEV = Million Entering Vehicles

As shown in Table 2, none of the observed crash rates exceed the ODOT 90th percentile crash rates for similar facilities. While not exceeding the 90th percentile crash rate, further review of crashes at the SW Maple Street/US 30 intersection found that six of the 11 reported rear-end crashes occurred at the southbound approach and the remaining five occurred at the northbound approach. The one reported pedestrian crash occurred at the SW Maple Street/SW 1st Street intersection on July 11th, 2017. Per the ODOT report, a southbound driver failed to yield the right-of-way to a pedestrian crossing SW 1st Street. The pedestrian suffered a possible injury in the crash.

The ODOT Safety Priority Index System (SPIS) was also reviewed to identify potential sites where safety issues warrant further investigation. The SPIS was developed by ODOT to identify hazardous sites on state highways through consideration of crash frequency, crash rate, and crash severity. Sites identified in the top 5 percent are investigated by ODOT staff and reported to the Federal Highway Administration (FHWA). There are no sites in the top 5 percent, but there is one site in the top 10-15 percent:

The segment of US 30 that includes the SW Maple Street/US 30 intersection was a top 10-15% SPIS site in 2019. A SPIS report provided by ODOT notes the high number of rear end crashes at the intersection and recommends installing an Advanced Traffic Controller (ATC) and reflectorized backplates on the signal heads. The ATC can support a wide variety of intelligent transportation systems (ITS) applications including traffic management, safety, security, and other applications to address existing traffic operations and safety issues at the intersection. The reflectorized backplates can improve the visibility of the traffic signal heads.

Appendix "C" contains the crash summary worksheets and ODOT SPIS reports.

TRAFFIC IMPACT ANALYSIS

The traffic impact analysis identifies how the study intersections will operate in the year the proposed development is expected to be fully built, 2023. The impact of traffic generated by the proposed development was examined as follows:

- Developments and transportation improvements planned in the site vicinity were identified and reviewed in coordination with City staff.
- Year 2023 background traffic conditions were analyzed at the study intersections during weekday AM and PM peak hours.
- Site-generated trips were estimated for the proposed development.
- A trip distribution pattern was developed, and the site-generated trips were distributed to the study area roadways and assigned to the study intersections.
- Year 2023 total traffic conditions were analyzed at the study intersections during the weekday AM and PM peak hours, assuming full build-out and occupancy of the proposed development.
- On-site circulation issues and site-access operations were evaluated.

Year 2023 Background Traffic Conditions

The year 2023 background traffic conditions analysis identifies how the study intersections will operate in the year the proposed development is expected to be complete. This analysis includes traffic attributed to planned developments and general growth in the region but does not include traffic from the proposed development.

PLANNED DEVELOPMENTS AND TRANSPORTATION IMPROVEMENTS

Per discussions with City staff, no planned developments are expected to be complete within the site vicinity prior to full build-out and occupancy of the proposed development. However, several transportation improvements are identified within the site vicinity that could impact access to the site.

Transportation Improvements

The TSP includes the following transportation improvement projects in its financially constrained plan.

- JP West Road Upgrade to collector standards between SW 2nd Street and SW 4th Street. (D24)
- JP West Road Complete sidewalk system between Keys Road and SW 4th Street. (W8)
- JP West Road Complete sidewalk system between SW 4th Street and US 30. (W9)
- SW 4th Street E.M. Watts Road to JP West Road. (W10)
- SW Maple Street Complete sidewalk system between US 30 and SW 4th Street. (W11)
- SW 1st Street SW Maple Street to JP West Road. (W12)
- JP West Road/SW 1st Street Extend southeast curb to better align east and west intersection approaches and provide shorter pedestrian crossing. (I11)

TRAFFIC VOLUMES

Per discussions with City staff, a 2 percent annual growth rate was used to reflect growth in local and regional traffic volumes within the study area. Ultimately, year 2023 background traffic volumes were developed for the study intersections by applying a 4 percent growth rate (2 percent per year for two years) to the existing traffic volumes shown in Figure 4 and Figure 5. Figure 6 and Figure 7 illustrate the year 2023 background traffic volumes during the weekday AM and PM peak hours, respectively.

TRAFFIC OPERATIONS

Figure 6 and Figure 7 summarize the results of the year 2023 background traffic conditions analysis during the weekday AM and PM peak hours, respectively. As shown, the study intersections are forecast to meet their respective mobility standards and targets. Appendix "D" contains the year 2023 background traffic conditions worksheets.

Proposed Development Plan

The proposed develop plan includes 48 single-family homes. Access to the proposed development will be provided by a new local street connection forming the south leg of the SW JP West Road/Captain Roger Kucera Way intersection. Construction of the proposed development is expected to begin in 2022 with full build-out and occupancy in 2023.

TRIP GENERATION

A trip generation estimate was prepared for the proposed development based on information provided in the standard reference, *Trip Generation Manual*, 11th Edition, published by the Institute of Transportation Engineers (ITE – Reference 4). ITE land use code 210 (Single-Family Detached Housing) was used as a basis for the estimate. Table 3 summarizes the estimates for the daily, weekday AM and weekday PM peak hours.

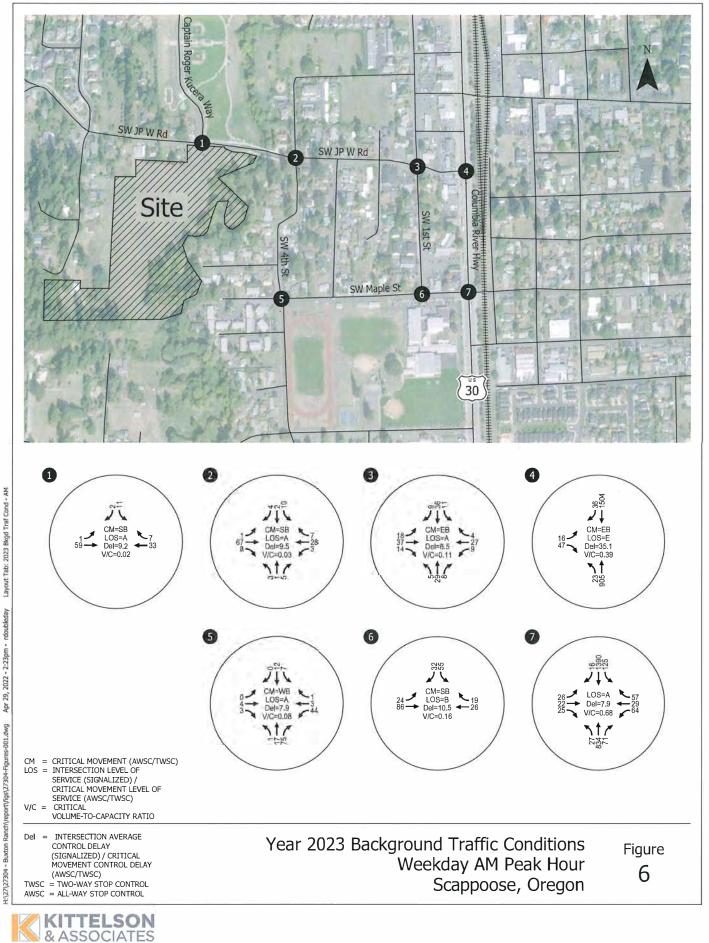
Table 3: Trip Generation Estimate

		12. 5 2		Weekd	ay AM Peo	ak Hour	Weeko	lay PM Peo	ak Hour
Land Use	ITE Size Code (Units)	Size (Units)	Daily Trips	Total	In	Out	Total	In	Out
Single-Family Detached Housing	210	48	514	38	10	28	50	31	19

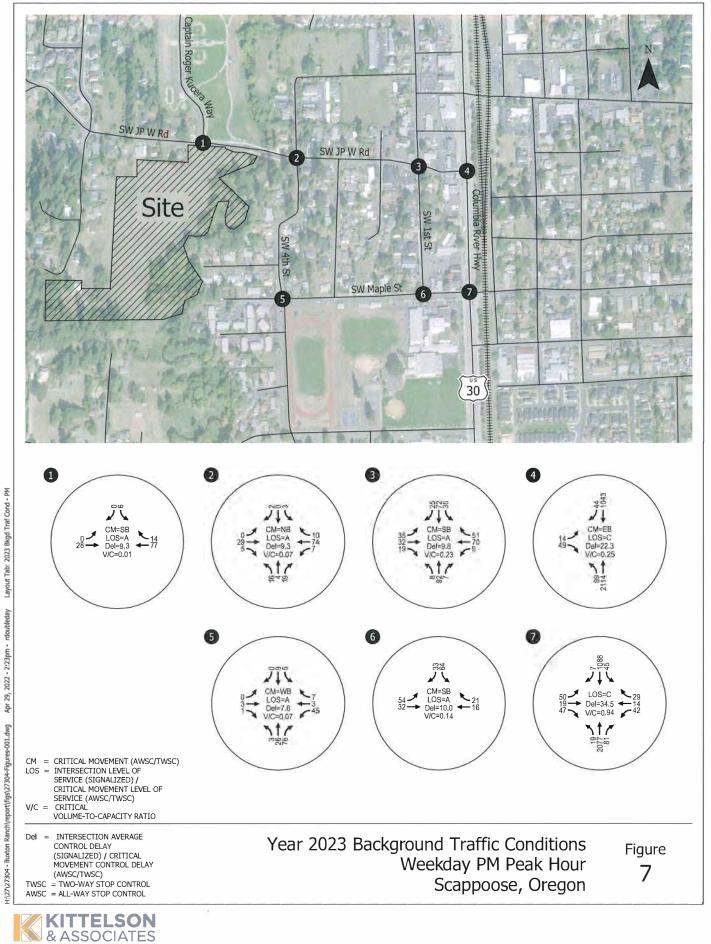
SITE TRIP DISTRIBUTION/TRIP ASSIGNMENT

The site-generated trips shown in Table 3 were distributed onto the study area roadways based on a review of existing traffic patterns and the location of major trip origins and destinations in the Scappoose area. Figure 8 shows the proposed lane configurations with the new development. Figure 9 and Figure 10 illustrate the estimated trip distribution pattern for the proposed development and the site-generated trips that are expected to use the study intersections during the weekday AM and PM peak hours, respectively.

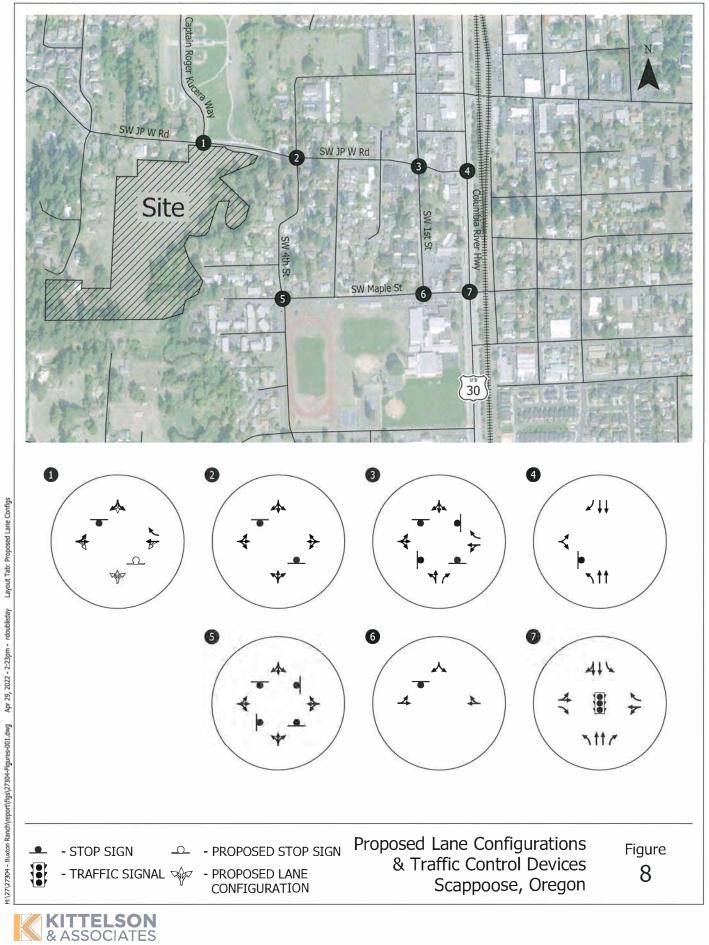
Buxton Ranch



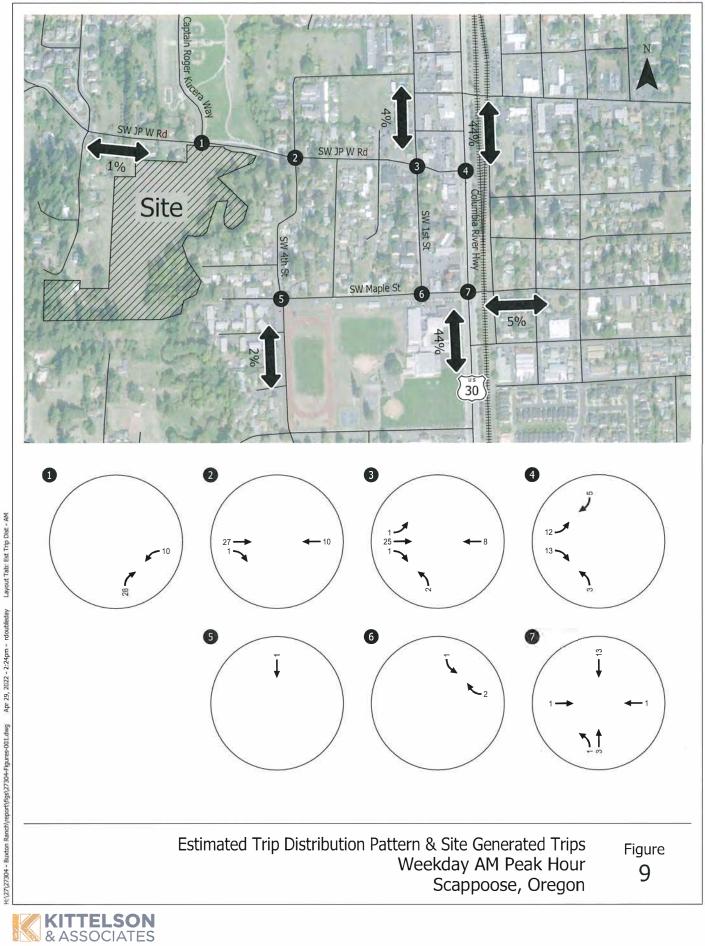
Buxton Ranch



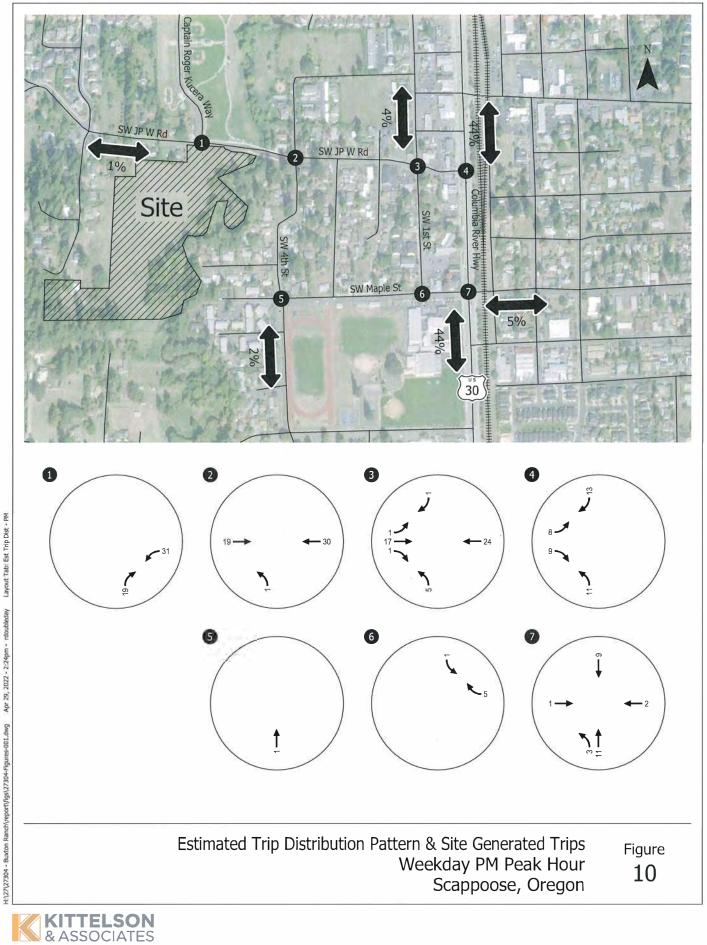
Buxton Ranch



Buxton Ranch



Buxton Ranch



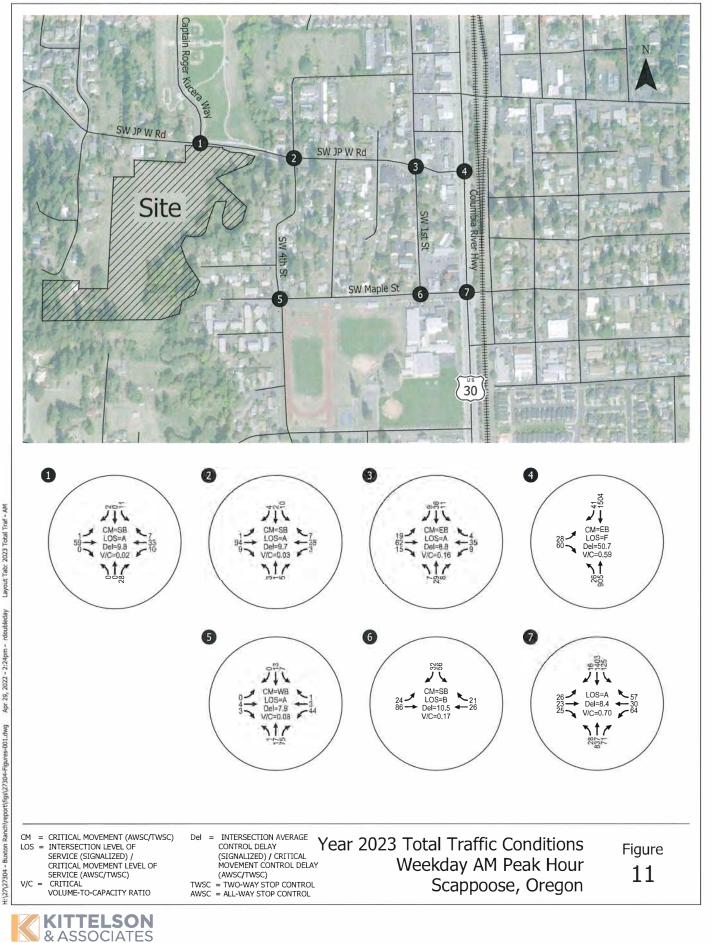
Year 2023 Total Traffic Conditions

The year 2023 total traffic conditions analysis forecasts how the study intersections will operate with traffic generated by full build-out and occupancy of the proposed development. The year 2023 background traffic volumes shown in Figure 6 and Figure 7 were added to the site-generated traffic shown in Figure 9 and Figure 10 to arrive at the year 2023 total traffic volumes that are shown in Figure 11 and Figure 12.

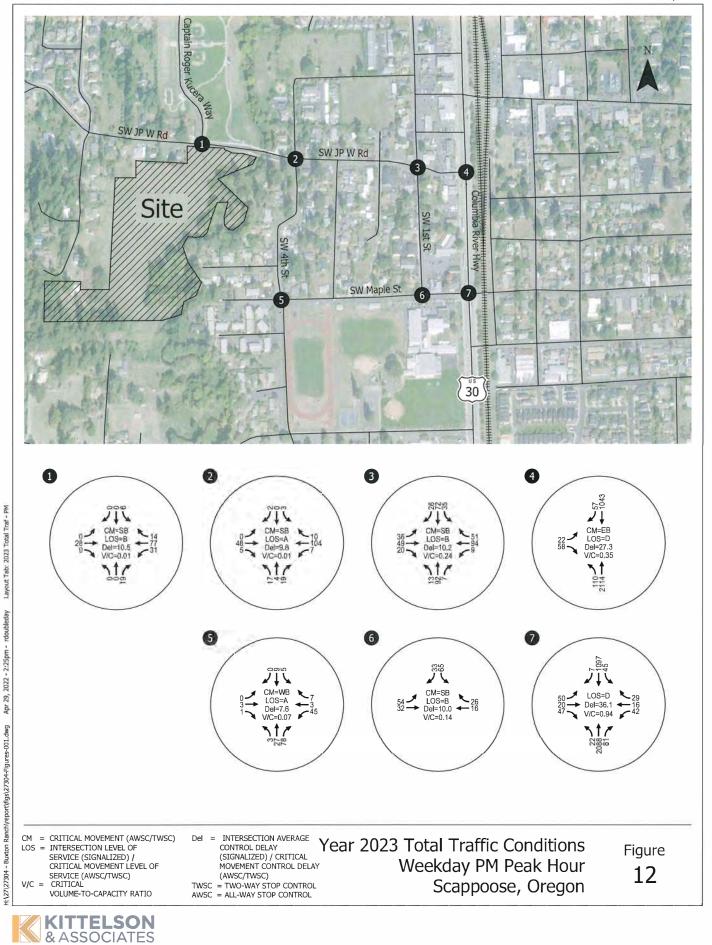
TRAFFIC OPERATIONS

The weekday AM and PM peak hour turning movement volumes shown in Figure 11 and Figure 12 were used to conduct an operational analysis at the study intersections. Figure 11 and Figure 12 summarize the results of the year 2023 total traffic conditions analysis for the weekday AM and PM peak hours, respectively. As shown, all the study intersections are forecast to continue to meet their respective mobility standards and targets with full build-out and occupancy of the proposed development. The US 30/JP West Road intersection is forecast to operate at LOS F but below capacity (v/c=0.59) during the weekday AM peak hour. Appendix "E" contains the year 2023 total traffic conditions worksheets.

Buxton Ranch



Buxton Ranch



TRANSPORTATION PLANNING RULE (TPR) ANALYSIS

As indicated above, the proposed development will require a Planned Development overlay. Per direction provided by City staff, Planned Development overlays are processed as zone changes and therefore, the proposal must demonstrate compliance with the Transportation Planning Rule (TPR).

Per Section 17.22.050 of the Scappoose Municipal Code, proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and the applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

To determine if the proposed Planned Development overlay will result in a significant effect on a transportation facility, reasonable worst case development scenarios were prepared for the project site based on a review of allowed uses under the existing zoning with and without the proposed overlay.

Development Scenarios

Development scenarios were prepared for the project site with and without the proposed overlay based on information provided in Section 17.44 (R-1 Low Density Residential) and 17.81 (Planned Development Overlay) of the Scappoose Municipal Code and guidance provided by the project team.

- R-1 Zoning (No Overlay) Per Section 17.44, the R-1 zone is intended to provide minimum standards for residential use in areas of low population densities. Based on a review of uses allowed within the R-1 zone and applicable development standards, a reasonable worst-case development scenario under the existing zoning is 46 single-family homes.
- R-1 Zoning (With Overlay) Per Section 17.81, an increase of up to 25 percent in the number of dwelling units allowed within the underlying zoning may be permitted with the Planned Development overlay. Therefore, a reasonable worst-case development scenario under the existing zoning with the overlay is 57 single-family homes.

Trip Generation

Trip generation estimates were prepared for the development scenarios described above based on information provided in ITE. ITE land use code 210 (Single-Family Detached Housing) was used as a basis for the estimates. Table 5 summarizes the estimates for the daily, weekday AM and weekday PM peak hours.

Table 4: Trip Generation Estimate

						Weekdo	Weekday AM Peak Hour			Weekday PM Peak Hour		
Land Use	ITE Code	Size (Units)	Daily Trips	Total	In	Out	Total	In	Out			
		E	xisting Zo	ning								
Single-family Detached Housing	210	46	494	37	10	27	48	30	18			
	Exi	sting Zonir	ng with Pro	oposed Ov	verlay							
Single-family Detached Housing	210	57	602	45	12	33	59	37	22			
Net New Trips (P	roposed -	Existing)	+108	+8	+2	+6	+11	+7	+4			

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Portland, Oregon

As shown in Table 5, the proposed Planned Development overlay is expected to result in an increase in the trip generation potential of the site. However, per Policy 1F.5 of the Oregon Highway Plan (OHP – Reference 5), an increase of less than 400 daily trips is considered a small increase and will not result in a significant effect on a transportation facility. Therefore, no further analysis is required.

Applicable Oregon Administrative Rule Criteria

Approval of the proposed Planned Development overlay is dependent upon meeting the criteria outlined in the TPR. Table 3 summarizes the criteria identified in the TPR and their applicability to the proposed zone change.

Table 5: Summary of Criteria in OAR 660-012-0060

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant effect.	Yes
2	Describes measures for complying with Criteria #1 where a significant effect is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	No
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood.	No
9	A significant effect may not occur if the rezone is identified on the City's Comprehensive Plan and assumed in the adopted Transportation System Plan.	No
10	Agencies may consider measures other than vehicular capacity if within an identified multimodal mixed-use area (MMA).	No
11	Allows agencies to override the finding of a significant effect if the application meets the balancing test.	No

As shown in Table 3, there are eleven criteria that apply to the proposed amendment. Of these, Criteria 1 is applicable to the proposed land use action. These criteria are provided below in italics with our response shown in standard font.

OAR 660-12-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an

enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: The proposed Planned Development overlay is expected to result in a *small increase* in the trip generation potential of the proposed development site. Therefore, it is not expected to degrade the performance of an existing or planned transportation facility per Policy 1F.5 of the OHP. Further, no changes to the City's functional classifications or street design standards are warranted. For these reasons, the proposed Planned Development with the TPR.

ON-SITE CIRCULATION/SITE-ACCESS OPERATIONS

Figure 2 illustrates the preliminary site plan. As shown, access to the proposed development will be provided by a new local street connection forming the south leg of the SW JP West Road/Captain Roger Kucera Way intersection. Per the year 2023 total traffic conditions analysis described above, the new street connection is expected to operate acceptably under stop control with the proposed development during the weekday AM and PM peak hours. Vehicle queues at the new street connection are expected to be on average less than two vehicles entering and exiting the site.

Intersection sight distance was evaluated at the future local street connection to SW JP West Road. For this assessment, sight distance measurements were evaluated based on an eye height of 3.5 feet, an object height of 3.5 feet, and an observation point located 14.5 feet from the edge of the cross-street travel lane. The posted speed along SW JP West Road is 25 mph. As noted in *A Policy on Geometric Design of Highways and Streets* (Reference 6), the minimum intersection sight distance requirement for a 25 mph design speed is 280 feet (left-turn from stop) and 240 feet (right-turn from stop). Preliminary intersection sight distance was evaluated at the approximate location of the proposed northbound local street approach to SW JP West Road. From this location, there is adequate sight distance looking to the east and west on SW JP West Road. To confirm continued adequate sight distance, it is recommended that a final sight distance evaluation be performed post construction and prior to home occupancy.

Turn Lanes

The need for westbound left-turn and northbound right-turn lanes was evaluated at the SW JP West Road/Captain Roger Kucera Way intersection following the turn lane criteria provided in the ODOT APM. Based on the criteria, forecast traffic volumes are not expected to meet the minimum thresholds to require separate left- and right-turn lanes at the new street connection along SW JP West Road. Appendix "F" contains the leftand right-turn lane warrant worksheets.

FINDINGS AND RECOMMENDATIONS

The results of this study indicate that the proposed Buxton Ranch development can be constructed while maintaining acceptable traffic operations at the study intersections. Key findings of this analysis and our recommendations are discussed below.

Findings

- All the study intersections meet their respective mobility standards and targets today and in the future year 2023 before and after site development during the weekday AM and PM peak hours.
 - The US 30/JP West Road intersection is forecast to operate at LOS F but below capacity (v/c=0.59) during the weekday AM peak hour.
- A review of historical crash data did not reveal any trends or patterns that require mitigation associated with the proposed development project.
- A review of the ODOT SPIS list indicates that there are no sites in the top 5 percent in the site vicinity, but there is one site in the top 10-15 percent.
 - The segment of US 30 that includes the SW Maple Street/US 30 intersection was a top 10-15% SPIS site in 2019. A SPIS report provided by ODOT notes the high number of rear end crashes at the intersection and recommends installing an Advanced Traffic Controller (ATC) and reflectorized backplates on the signal heads.
- Turning movement volumes at the new local street connection to SW JP West Road do not result in a need for separate westbound left-turn or northbound right-turn lanes at the new street connection serving the site.

Recommendations

- Landscaping, above ground utilities, and signing should be located and maintained along the site frontage and throughout the site in a manner that preserves adequate intersection sight distance. A final sight distance evaluation should be performed post construction and prior to sight occupancy.
- The City should coordinate with ODOT on implementation of the planned safety improvements at the SW Maple Street/US 30 intersection.

Exhibit 23



August 2, 2022

Project #: 27304.0

Laurie Oliver Joseph, City Planner & Planning Department Supervisor City of Scappoose 33568 E Columbia Avenue Scappoose, Oregon 97056

Buxton Ranch - Traffic Impact Study Response Letter RE:

Dear Laurie:

This letter responds to a comment from the City of Scappoose (City) on the adjustment factors used in the traffic impact study (TIS) submitted on February 14, 2022 and the revised TIS submitted on May 2, 2022. In particular, why the adjustment factor was changed from 1.28 in the TIS to 1.12 in the revised TIS.

In the TIS, traffic volumes along US 30 were seasonally adjusted to 30th highest hour volumes in accordance with the seasonal trend table methodology outlined in the ODOT Analysis Procedures Manual (APM). A combination of the summer and commuter trends was used consistent with the Scappoose Transportation System Plan (TSP). The result was a seasonal adjustment factor of 1.28. This is a common method for developing traffic volumes for state highways but can often result in traffic operations that exceed the state's applicable Oregon Highway Plan (OHP) mobility targets, particularly in long-range planning efforts.

The City commented on the TIS in their completeness review and asked that the analysis be updated to reflect the alternative mobility targets established in the TSP for US 30. However, upon further review, the TSP establishes both alternative mobility targets and an alternative analysis methodology for US 30. The alternative analysis methodology requires traffic volumes to be adjustment to average weekday volumes rather than 30th highest hour volumes.

Therefore, the revised TIS adjusted traffic volumes along US 30 to average weekday volumes following a methodology similar the seasonal trend table methodology outlined in the APM; however, rather than using values from the peak month to develop the adjustment factor, it used values from an average month (or a value of 1.0). The result was an adjustment factor of 1.12. Table 1 summarizes data from ODOT's seasonal trend table and shows how the data was used to develop the 30th highest hour adjustment factor for the TIS and the average weekday adjustment factor for the revised TIS.

	30 th Highes	t Hour Adjustme	ent Factor	Average Weekday Adjustment Factor				
Seasonal Trends	Count Month (December)	Peak Month	Adjustment Factor	Count Month (December)	Average Month	Adjustment Factor		
Commuter Trend	1.0676	0.9355	1.1412	1.0676	1.0000	1.0676		
Summer Trend	1.1737	0.8299	1.4142	1.1737	1.0000	1.1737		
		Average	1.2778	100 - 01	Average	1.1207		

Table 1: Adjustment Factors

The alternative analysis methodology established in the TSP is not clearly outlined in the APM. As a result, the project team worked with ODOT's Transportation Planning and Analysis Unit (TPAU) to confirm the approach.

Kittelson & Associates, Inc.

We trust this letter provides sufficient information about the adjustment factors used in the TIS and revised TIS. Please contact us with any additional questions or comments.

Sincerely, KITTELSON & ASSOCIATES, INC.

Mattheol

Matt Bell Associate Planner 503.535.7435 mbell@kittelson.com

Exhibit 24

AFTER RECORDING RETURN TO: Stoel Rives LLP 760 SW Ninth Ave., Suite 3000 Portland, OR 97205 Attn: Christian H. Scott

DECLARATION OF PROTECTIVE COVENANTS,

CONDITIONS, RESTRICTIONS AND EASEMENTS

FOR

BUXTON RANCH

DECLARANT

WEEKLEY HOMES, LLC

DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR BUXTON RANCH

THIS DECLARATION is made this _____ day of _____, 20___, by CND-_____ LLC, an Oregon limited liability company and Weekley Homes, LLC, a Delaware limited liability company.

RECITALS:

A. CND-____, LLC has now recorded the plat of "**Buxton Ranch**" in the plat records of Columbia County, Oregon.

B. CND-____, LLC and Weekley Homes, LLC are parties to an agreement through which Weekley Homes, LLC will periodically purchase lots in Buxton Ranch from CND-____, LLC.

C. CND-_____, LLC and Weekley Homes, LLC desire to subject Lots 1-48 and Tracts A, B, C, D, E, F and G as shown in the plat of "Buxton Ranch" to the conditions, restrictions and charges set forth in this instrument for the benefit of such property and its present and subsequent owners, and to establish such property under the Oregon Planned Community Act, ORS 94.550 to 94.783, as a Class I planned community project to be known as "**Buxton Ranch**."

D. CND-_____, LLC desires to assign and Weekly Homes, LLC desires to receive all special declarant rights as the developer of Buxton Ranch, as such rights and obligations are set forth in this Declaration and in the Oregon Planned Community Act. As used herein, Weekley Homes, LLC shall be the "**Declarant**".

NOW, THEREFORE, CND-_____, LLC and Declarant hereby declare that the property described in Section 2.1 shall be held, sold and conveyed subject to the following easements, covenants, restrictions and charges, which shall run with such property and shall be binding upon all parties having or acquiring any right, title or interest in such property or any part thereof and shall inure to the benefit of all such persons.

Article 1

DEFINITIONS

As used in this Declaration, the terms set forth below shall have the following meanings:

1.1 <u>"Additional Property</u>" means any land, whether or not owned by Declarant, that is made subject to this Declaration as provided in Section 2.2.

1.2 <u>"Architectural Review Committee" or "Committee"</u> means the committee appointed pursuant to Article 7.

1.3 <u>"Assessments"</u> means all assessments and other charges, fines and fees imposed by the Association on an Owner in accordance with this Declaration, the Bylaws of the Association or the

provisions of the Oregon Planned Community Act, including, without limitation, General Assessments, Special Assessments, Emergency Assessments and Individual Assessments as described in Article 10.

1.4 <u>"Association"</u> means the nonprofit corporation to be formed to serve as the Owners association as provided in Article 8, and its successors and assigns.

1.5 <u>"Board of Directors"</u> or <u>"Board"</u> means the duly appointed or elected board of directors of the Association, which is invested with the authority to operate the Association and to appoint the officers of the Association. Prior to the Turnover Meeting, Declarant will appoint the Board of Directors. After the Turnover Meeting, the Board will be elected by the Owners.

1.6 <u>"Buxton Ranch"</u> means the Initial Property and any Additional Property annexed to this Declaration.

1.7 <u>"Bylaws"</u> means the duly adopted bylaws of the Association as the same may hereafter be amended or replaced.

1.8 <u>"Common Areas"</u> means those Lots or tracts designated as such on any plat of the Property or in this Declaration or any declaration annexing Additional Property to the Property, including any improvements thereon and shall also include Common Easement Areas.

1.9 <u>"Common Easement Areas"</u> means those easements established for the benefit of all Property within Buxton Ranch pursuant to this Declaration or any plat or declaration annexing Additional Property to Buxton Ranch.

1.10 <u>"Declarant"</u> means Weekley Homes, LLC, a Delaware limited liability company, and its successors and assigns, if such successor or assignee should acquire Declarant's interest in the remainder of the Property, or less than all of such Property if a recorded instrument executed by Declarant assigns to the transferee all of Declarant's rights under this Declaration. Any such successor declarant shall succeed to all of the rights and obligations of the Declarant under this Declaration, including, without limitation, the obligation to complete any improvements required by City of Scappoose as part of its subdivision approval.

1.11 <u>"Declaration"</u> means all of the easements, covenants, restrictions and charges set forth in this instrument, together with any rules or regulations promulgated hereunder, as the same may be amended or supplemented from time to time in accordance with the provisions hereof, including the provisions of any supplemental declaration annexing property to Buxton Ranch.

1.12 <u>"Design Guidelines"</u> means the guidelines adopted from time to time by the Architectural Review Committee pursuant to Article 7.

1.13 "Emergency Assessments" means the Assessments described in Section 10.4(c).

1.14 <u>"General Assessments"</u> means the Assessments described in Section 10.4(a).

1.15 <u>"General Plan of Development"</u> means Declarant's general plan of development of the Property as approved by City of Scappoose, as the same may be amended from time to time.

1.16 <u>"Individual Assessments"</u> means the Assessments described in Section 10.4(d).

1.17 <u>"Lot"</u> means a platted or partitioned lot within the Property (including the Unit located on such Lot), with the exception of the Common Areas and any tract marked on the plat as being dedicated to a public body.

1.18 <u>"Mortgage"</u> means a mortgage or a trust deed; "Mortgagee" means a mortgagee or a beneficiary of a trust deed.

1.19 <u>"Occupant</u>" means the occupant of a Unit who is the Owner, lessee or any other Person authorized by the Owner to occupy the premises.

1.20 <u>"Operations Fund</u>" means the fund described in Section 10.6.

1.21 <u>"Owner"</u> means the Person or Persons, including Declarant, owning any Lot in the Property, but does not include a tenant or holder of a leasehold interest or a contract vendor or other Person holding only a security interest in a Lot. If a Lot is Sold under a recorded real estate installment sale contract, the purchaser (rather than the seller) will be considered the Owner unless the contract specifically provided to the contrary. If a Lot is subject to a written lease with a term in excess of one year and the lease specifically so provides, then upon filing a copy of the lease with the Board of Directors, the lessee (rather than the fee owner) will be considered the Owner during the term of the lease for the purpose of exercising any rights related to such Lot under this Declaration. The rights, obligations and other status of being an Owner commence upon acquisition of the ownership of a Lot and terminate upon disposition of such ownership, but termination of ownership shall not discharge an Owner from obligations incurred prior to termination.

1.22 <u>"Person"</u> means a human being, corporation, partnership, limited liability company, trustee or other legal entity.

1.23 <u>"Property"</u> means the Initial Development and any Additional Property annexed pursuant to Section 2.2.

1.24 "**Reserve Fund**" means the fund described in Section 10.7.

1.25 <u>"Rules and Regulations</u>" means those policies, procedures, rules and regulations adopted by the Association pursuant to the authority granted in this Declaration, as the same may be amended from time to time.

1.26 <u>"Sold"</u> means that legal title has been conveyed or that a contract of sale has been executed and recorded under which the purchaser has obtained the right to possession.

1.27 "Special Assessments" means the Assessments described in Section 10.4(b).

1.28 <u>"Turnover Meeting</u>" means the meeting called by Declarant pursuant to Section 8.7, at which Declarant will turn over administrative responsibility for the Property to the Association.

1.29 <u>"Unit"</u> means a building or a portion of a building located upon a Lot within the Property and designated for separate occupancy as a dwelling, together with any attached garage, courtyard, deck or patio.

1.30 <u>"Working Fund Assessments</u>" means the Assessments described in Section 10.4(e).

Article 2

PROPERTY SUBJECT TO THIS DECLARATION

2.1 <u>Initial Property</u>. Declarant hereby declares that all of the real property described below is owned and shall be owned, conveyed, hypothecated, encumbered, used, occupied and improved subject to this Declaration:

Lots 1-48 and Tracts A, B, C, D, E, F and G, in City of Scappoose, Columbia County, Oregon and contained in that certain plat (the "**Plat**") entitled "Buxton Ranch" filed in the Plat Records of Columbia County, Oregon, on ______, 20___ in Book ___ at Page ___ of the Plat Records.

2.2 <u>Annexation of Additional Property</u>. Declarant may from time to time and in its sole discretion annex to Buxton Ranch as Additional Property any real property now or hereafter acquired by it, and may also from time to time and in its sole discretion permit other holders of real property to annex the real property owned by them to Buxton Ranch. The annexation of such Additional Property shall be accomplished as follows:

(a) The Owner or Owners of such real property shall record a declaration that shall be executed by or bear the approval of Declarant and shall, among other things, describe the real property to be annexed, establish land classifications for the Additional Property, establish any additional limitations, uses, restrictions, covenants and conditions that are intended to be applicable to such Additional Property, and declare that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to this Declaration.

(b) The Additional Property described in any such annexation shall thereby become a part of Buxton Ranch and subject to this Declaration, and the Declarant and the Association shall have and shall accept and exercise administration of this Declaration with respect to such Additional Property.

(c) Notwithstanding any provision apparently to the contrary, a declaration with respect to any Additional Property may:

(1) establish such new land classifications, modify or exclude any thenexisting restrictions and such limitations, uses, restrictions, covenants and conditions with respect to such property as Declarant may deem to be appropriate for the development of the Additional Property; and

(2) with respect to existing land classifications, establish additional or different limitations, uses, restrictions, covenants and conditions with respect thereto as Declarant may deem to be appropriate for the development of such Additional Property.

(d) There is no limitation on the number of Lots or Units that Declarant may create or annex to Buxton Ranch, except as may be established by applicable ordinances of City of Scappoose. Similarly, there is no limitation on the right of Declarant to annex common property, except as may be established by City of Scappoose.

(e) Nothing in this Declaration shall establish any duty or obligation on Declarant to annex any property to this Declaration, and no owner of property excluded from this Declaration shall have any right to have such property annexed to this Declaration or Buxton Ranch.

(f) Upon annexation to Buxton Ranch, additional Lots so annexed shall be entitled to voting rights as set forth in Section 8.3.

(g) The formula to be used for reallocating the common expenses if additional Lots are annexed and the manner of reapportioning the common expenses if additional Lots are annexed during a fiscal year are set forth in Section 10.5.

2.3 <u>Improvements.</u> Declarant does not agree to build any improvements on the Property other than as specified in the final plan as approved by City of Scappoose, but may elect, at Declarant's option, to build additional improvements.

2.4 <u>Withdrawal of Property</u>. Property may be withdrawn from Buxton Ranch only by duly adopted amendment to this Declaration, except that Declarant may withdraw all or a portion of the Initial Property or any Additional Property annexed pursuant to a declaration described in Section 2.2 at any time prior to the sale of the first Lot in the Plat of the Initial Property, or in the case of Additional Property, prior to the sale of the first Lot in the Property annexed by the supplemental declaration, subject to the prior approval of City of Scappoose. Such withdrawal shall be by a declaration executed by Declarant and recorded in the deed records of Columbia County, Oregon. If a portion of the Property is withdrawn, all voting rights otherwise allocated to Lots being withdrawn shall be eliminated, and the common expenses shall be reallocated among the remaining Lots. Such right of withdrawal shall not expire except upon sale of the first Lot within the applicable phase of the Property as described above.

2.5 <u>Dedications</u>. Declarant reserves the right to dedicate any portions of the Property then owned by Declarant to any governmental authority, quasi-governmental entity or entity qualifying under section 501(c)(3) of the Internal Revenue Code or similar provisions, from time to time, for such purposes as Declarant may deem to be appropriate, including, without limitation, for utility stations, equipment, fixtures and lines; streets and roads; sidewalks; trails; open space; recreational facilities; schools; fire, police, security, medical and similar services; and such other purposes as Declarant and such governmental authority or quasi-governmental entity shall determine to be appropriate from time to time. Any consideration received by Declarant as a result of such dedication or by reason of any condemnation or any conveyance in lieu of condemnation shall belong solely to Declarant.

2.6 <u>Subdivisions.</u> Declarant reserves the right to subdivide any Lots then owned by it upon receiving all required approvals from City of Scappoose. In the event any two or more Lots are so subdivided, they shall be deemed separate Lots for the purposes of allocating Assessments under this Declaration. No other Owner of any Lot in the Property may subdivide any Lot without the prior written approval of the Declarant prior to the Turnover Meeting and thereafter by the Board of Directors, which consent may be granted or denied at the sole discretion of the Declarant or the Board, as applicable.

2.7 <u>Consolidations.</u> Declarant shall have the right to consolidate any two or more Lots then owned by it upon receipt of any required approvals from City of Scappoose. No other Owner may consolidate any Lots without the prior written approval of the Declarant prior to the Turnover Meeting and thereafter by the Board of Directors, which may be granted or denied at the sole discretion of the Declarant or the Board, as applicable. Any approved consolidation shall be effected by the recording of a supplemental declaration stating that the affected Lots are consolidated, which declaration shall be executed by the Owner(s) of the affected Lots and by the President of the Association. Once so consolidated, the consolidated Lot may not thereafter be partitioned, nor may the consolidation be revoked except as provided in Section 2.6. Any Lots consolidated pursuant to this Section 2.7 shall be

considered one Lot thereafter for the purposes of this Declaration, including voting rights and allocation of Assessments.

Article 3

LAND CLASSIFICATIONS

3.1 **Land Classifications Within the Initial Property.** All land within the Buxton Ranch Subdivision is included in one or another of the following classifications:

- (a) Lots, which shall consist of Lots 1-48 of the Plat.
- (b) Tracts, which shall consist of Tracts A, B, C, D, E, F and G of the Plat.

(c) Common Areas, which shall be the areas marked as all Tracts on the Plat, plus the Common Easement Areas referred to below. Tracts A, B, E and F are open space tracts which will be owned and maintained by the Association. Tract G is an open space tract with a storm water detention facility that will be owned and maintained by the Association. Tract C is a storm water mitigation tract which shall be owned and maintained by the Association in accordance with the terms of that certain "Operation and Maintenance Agreement" dated ______, 20___ between the Declarant and the City which has been recorded as Document No. _______ in the Official Records of Columbia County, Oregon. Tract D is a park to be owned and maintained by the Association. All Tracts are subject to all easements shown on the Plat.

(d) Common Easement Areas, which shall be the portions of Lots on which the entry monument is located, the planter strips and street trees abutting the Common Areas throughout Buxton Ranch, the fencing and irrigation in Associationmaintained areas, and any easements established on the Plat of the Initial Property or in any recorded document for the benefit of the Association.

Article 4

PROPERTY RIGHTS IN COMMON AREAS

4.1 <u>Owners' Easements of Enjoyment.</u> Subject to the provisions of this Article 4, every Owner and his or her invitees shall have a right and easement of enjoyment in and to the Common Areas (except that access to Tract C will be restricted to protect the storm water mitigation facility), which easement shall be appurtenant to and shall pass with the title to every Lot. Such areas are to be maintained by the Association, and no changes in landscaping will be permitted within such areas without written authorization by the Board of Directors. No building, wall, fence, paving, landscaping or construction of any type shall be erected or maintained by any Owner so as to trespass or encroach upon the Common Areas. Subject to the requirement of prior notice to and approval of the Association's Board of Directors, Owners whose Lots contain retaining walls, rockeries or fences that adjoin Common Areas, shall have a right of access over the adjoining Common Area to inspect and maintain the wall, rockery or fence.

4.2 <u>Title to the Common Areas.</u> Except for portions dedicated to the public or any governmental authority, title to the Common Areas, except Common Easement Areas, shall be conveyed to the Association by Declaration AS IS, but free and clear of monetary liens, on or before the Turnover Meeting. In the event Declarant erroneously conveys to the Association any property that is not a

Common Area, upon request the Association shall promptly reconvey such property to Declarant or its designee.

4.3 <u>Extent of Owners' Rights.</u> The rights and easements of enjoyment in the Common Areas created hereby shall be subject to the following and to all other provisions of this Declaration:

(a) <u>**Easements.**</u> Declarant grants to the Association for the benefit of the Association and all Owners of Lots within the Property the following easements over, under and upon the Common Areas:

(1) An easement for underground installation and maintenance of power, gas, electric, water and other utility and communication lines and services installed by Declarant or with the approval of the Board of Directors and any such easement shown on any Plat of the Property.

(2) An easement for construction, maintenance, repair and use of such areas, including any common facilities thereon.

(3) An easement for the purpose of making exterior repairs to the Units and performing any other maintenance required or permitted by this Declaration.

(b) **Public and Utility Easements.** The Common Areas shall be subject to such public and utility easements as may be established in any plat of the Property. In addition, Declarant or the Association may (and, to the extent required by law, shall) grant or assign such easements to municipalities or other utilities performing utility services and to communication companies, and the Association may grant free access thereon to police, fire and other public officials and to employees of utility companies and communications companies serving the Property.

Use of the Common Areas. The Common Areas and Limited Common Areas (c) shall be subject to such public and utility easements as may be established in any plat of the Property. The Common Areas shall be used for the purposes set forth in any plat of the Property and not be partitioned or otherwise divided into parcels for residential use, and no private structure of any type shall be constructed on the Common Areas. Except as otherwise provided in this Declaration, the Common Areas shall be reserved for the use and enjoyment of all Owners. No private use may be made of the Common Areas except as otherwise provided in this Declaration. No Owner shall place or cause to be placed on the Common Areas any trash, structure, equipment, furniture, package or object of any kind. Nothing in this Declaration shall prevent the placing of a sign or signs upon the Common Areas by Declarant or the Association identifying the Property or identifying pathways or items of interest, signs restricting certain uses, or warning, traffic or directional signs, provided that such signs are approved by the Board of Directors and comply with any applicable sign ordinances. The Board shall have authority to abate any trespass or encroachment upon the Common Areas at any time, by any reasonable means and with or without having to bring legal proceedings. A declaration annexing Additional Property may provide that the Owners of such Additional Property do not have the right to use a particular Common Area or facility located on such Common Area, in which event such Common Area shall automatically become a Limited Common Area assigned to the Lots that have access thereto. The Common Areas shall be subject to public and private utility easements for the installation and maintenance of sanitary sewers, waterlines, surface water management, storm drainage and access over their entirety. In addition, Declarant or the Association may (and to the extent required by law, shall) grant or assign easements on all Common Areas to governmental bodies or other utilities performing utility services and to communications companies, and may grant free access over the Common Areas to police, fire and other public officials and to employees of utility companies and communication companies serving the Property.

(d) <u>Alienation of the Common Areas</u>. The Association may not by act or omission seek to abandon, partition, subdivide, encumber as security for a debt, sell, transfer or convey the Common Areas owned directly or indirectly by the Association for the benefit of the Lots unless the holders of at least 80 percent of the Class A voting rights and the Class B Member, if any, have given their prior written approval and City of Scappoose has given its approval. The Association, upon approval in writing of at least two-thirds of the Class A voting rights and the Class B Member, if any, and if approved by order or resolution of City of Scappoose, may dedicate or convey any portion of the Common Areas to a park district or other public body. Any sale, transfer, conveyance or encumbrance permitted by this Declaration may provide that the Common Area may be released from any restrictions imposed by this Declaration if the request for approval of the action also includes approval of the release.

(e) <u>Leases, Easements, Rights-of-Way, Licenses and Similar Interests and</u> <u>Vacations of Roadways</u>. Notwithstanding the provisions of Section 4.3(d), the Association may execute, acknowledge and deliver leases, easements, rights-of-way, licenses and other similar interests affecting the Common Areas and consent to vacation of roadways within and adjacent to the Common Areas, subject to such approvals as are required by ORS 94.665(4) and (5).

(f) <u>Limitation on Use</u>. Use of the Common Areas by the Owners shall be subject to the provisions of this Declaration and to the following:

(1) The provisions of this Declaration and any applicable supplemental

(2) Any restrictions or limitations contained in any deed or other instrument conveying such property to the Association;

(3) Easements reserved or granted in this Declaration or any supplemental declaration;

(4) The Board's right to:

(A) adopt Rules and Regulations regulating use and enjoyment of the Common Areas, including rules limiting the number of guests who may use the Common Areas;

(B) suspend the right of an Owner to use the Common Areas as provided in this Declaration; and

(C) dedicate or transfer all or any part of the Common Areas, subject to such approval requirements as may be set forth in this Declaration.

4.4 <u>Delegation of Use</u>. Any Owner may extend the Owner's right of use and enjoyment of the Common Areas to the members of the Owner's family, lessees and social invitees, as applicable, subject to reasonable regulation by the Board of Directors. An Owner who leases the Owner's Unit shall be deemed to have assigned all such rights to the lessee of such Unit for the period of the lease.

4.5 Easements Reserved by Declarant. So long as Declarant owns any Lot, Declarant reserves an easement over, under and across the Common Areas to carry out sales and rental activities necessary or convenient for the sale or rental of Lots, including, without limitation, advertising and "For Sale" signs. In addition, Declarant hereby reserves to itself and for the Owners of Lots in the Property a perpetual easement and right-of-way for access over, upon and across the Common Areas for

declaration:

construction, utilities, communication lines, drainage, and ingress and egress for the benefit of other property owned by Declarant. Declarant, for itself and its successors and assigns, hereby retains a right and easement of ingress and egress over, in, upon, under and across the Common Areas and the right to store materials thereon and to make such other use thereof as may be reasonably necessary or incident to the construction of the improvements on the Property or other real property owned by Declarant; provided, however, that no such rights shall be exercised by Declarant in such a way as to unreasonably interfere with the occupancy of, use of, enjoyment of or access to an Owner's Lot by the Owner or the Owner's family, tenants, employees, guests or invitees. Declarant may assign such easements to builders purchasing Lots from Declarant for development.

4.6 Easement to Serve Other Property. Declarant reserves for itself and its duly authorized agents, successors, assigns and Mortgagees, and the developers of improvements in all future phases of Buxton Ranch, a perpetual easement over the Common Areas for the purposes of enjoyment, use, access and development of the property subject to the General Plan of Development, whether or not such property is made subject to this Declaration. This easement includes, but is not limited to, a right of ingress and egress over the Common Areas for construction, utilities, water and sanitary sewer lines, communication lines, drainage facilities, irrigation systems and signs, and ingress and egress for the benefit of other portions of Buxton Ranch and any Additional Property that becomes subject to this Declaration or any property in the vicinity of the Property or Additional Property that is then owned by Declarant or an affiliate thereof. Declarant agrees that such users shall be responsible for any damage caused to the Common Areas as a result of their actions in connection with development of such property. If the easement is exercised for permanent use by such property and such property or any portion thereof benefiting from such easement is not made subject to this Declaration, Declarant, its successors or assigns shall enter into a reasonable agreement with the Association to share the cost of any maintenance of such facilities. The allocation of costs in any such agreement shall be based on the relative extent of use of such facilities.

4.7 <u>Common Easement Areas</u>. The initial Common Easement Areas are the planter strips and street trees abutting the Common Areas throughout Buxton Ranch, the fencing and irrigation in Association-maintained areas, and any easements established on the Plat of the Initial Property or in any recorded document for the benefit of the Association. No building, wall, fence, paving, landscaping or construction of any type shall be erected or maintained by any Owner so as to trespass or encroach upon the Common Easement Areas.

Article 5

PROPERTY RIGHTS IN LOTS

5.1 <u>Use and Occupancy</u>. The Owner of a Lot in the Property shall be entitled to the exclusive use and benefit of such Lot, except as otherwise expressly provided in this Declaration, but the Lot shall be bound by and each Owner and Declarant shall comply with the restrictions contained in Article 6, all other provisions of this Declaration and the provisions of any supplement or amendment to this Declaration.

5.2 <u>Easements Reserved.</u> In addition to any utility and drainage easements shown on any recorded plat, Declarant hereby reserves the following easements for the benefit of Declarant, the Association and Owners, as applicable:

(a) <u>**Right of Entry.**</u> Upon request given to the Owner and any Occupant, any Person authorized by the Association may enter a Lot to perform necessary maintenance, repair or replacement of any property for which the Association has maintenance, repair or replacement responsibility under this

Declaration, to make emergency repairs to a Lot that are necessary for the public safety or to prevent damage to Common Areas or to another Lot, or to enforce this Declaration or the Rules and Regulations. Requests for entry must be made in advance and for a reasonable time, except in the case of any emergency, when the right of entry is immediate. An emergency entry does not constitute a trespass or otherwise create a right of action in the Owner of the Lot.

(b) <u>Encroachments.</u> Each Lot and all Common Areas shall have an easement over all adjoining Lots and Common Areas for the purpose of accommodating any present or future encroachment as a result of engineering errors, construction, reconstruction, repairs, settlement, shifting or movement of any portion of the Property, or any other similar cause, and any encroachment due to building overhang or projection. There shall be valid easements for the maintenance of the encroaching Units and Common Areas so long as the encroachments shall exist, and the rights and obligations of Owners shall not be altered in any way by the encroachment. The encroachments described in this paragraph shall not be construed to be encumbrances affecting the marketability of title to any Lot. Nothing in this Section 5.2 shall relieve an Owner of liability in the case of the Owner's willful misconduct.

(c) <u>Utilities</u>. Each Lot shall be subject to an easement under and across that portion of the Lot not occupied by the Unit for installation, maintenance and use of power, gas, electric, water and other utility and communication lines, facilities and services and for meters measuring such services installed by or at the direction of Declarant or with approval of the Board of Directors; provided, however, that shared or common use utilities shall not run beneath Unit structures. Separate utility services shall be supplied to each individual Unit.

(d) <u>Utility Inspection and Repairs.</u> Each utility and communication service provider and its agents or employees shall have authority to access all Lots, but not improvements constructed thereon, and the Common Areas on which communication, power, gas, drainage, sewage or water facilities may be located for the purpose of installing, operating, maintaining, improving or constructing such facilities; reading meters; inspecting the condition of pipes, lines and facilities; and completing repairs. The Owner of any such Lot will be given advance notice if possible. In the case of an emergency, as determined solely by the utility or communication service provider, no prior notice will be required.

(e) **<u>Rain Drains and Storm Sewers.</u>** Each Lot shall be subject to an easement for installation and maintenance of such rain drains and connected storm sewers installed or to be installed (as required by governmental regulatory authorities or as otherwise authorized by the Board of Directors) in or around any Unit or under the surface of any Lot.

(f) <u>Easements Reserved by Declarant</u>. Declarant and Declarant's agents, successors and assigns shall have an easement over and upon the Lots as may be reasonably necessary for the purpose of completing or making repairs to existing structures and for the purpose of discharging any other obligation of Declarant or exercising any other special Declarant right, whether arising under the Oregon Planned Community Act or reserved in this Declaration or the Bylaws. For a period of 10 years following completion of construction, Declarant shall have a right to inspect the Common Areas and portions of the Units maintained by the Association and the Association's records regarding inspections and maintenance of each Unit and the Common Areas.

(g) <u>Land Outside Units.</u> The Association shall have a right of entry over all portions of each Lot, other than the portion occupied by a Unit, for installation, operation, maintenance and use of utilities and other facilities for the use and benefit of the Owners within Buxton Ranch.

(h) <u>Adjoining Walls</u>. When two Units adjoin each other at the common boundary and either of the adjoining walls is damaged or destroyed, the provisions of Section 9.9 shall apply. If the destroyed wall is not rebuilt, the Association shall install an exterior wall to protect the remaining Unit. Until the Unit is replaced or a wall is installed, the Association shall provide the necessary protection of the remaining wall from the elements.

(i) **Driveway Maintenance Easements.** Each Lot that has any portion of its driveway within three (3) feet of the boundary line of an adjacent Lot shall have an easement over and across that portion of the adjacent Lot as necessary for maintaining, repairing or replacing the driveway of the benefited Lot. The benefited Owner must repair any damage to the adjoining Lot and must restore the adjoining Lot to a condition similar to that immediately before use of the adjoining Lot and shall otherwise indemnify the Association and Owner of the adjacent Lot from any damage caused by such entry.

(j) **Entry Monument Easement**. The Association has an easement on, under, over and across any Lot on which the Declarant installs an entry monument or signage for the purpose of maintaining, repairing, improving and replacing, the entry monument, signage and any associated landscaping and utilities, together with a non-exclusive right of ingress and egress thereto.

Rockery, Wall and Fence Easements. Declarant has constructed or may (k) construct certain rockeries, walls and fences along the property lines of certain Lots. The intention of the Declarant is that each rockery, wall or fence, when constructed, shall be located wholly within one Lot and not on or across the property line. A rockery, wall or fence may not, however, be wholly within a Lot. Therefore, Declarant establishes an easement on each side of each property line, for the encroachment, location, maintenance, repair and replacement of rockeries, walls and fences installed by the Declarant at or along such property line for as long as the rockery, wall or fence exists. The owner of such a rockery, wall or fence shall have the right to maintain, repair and replace any portion of such improvement and shall have reasonable access over the adjoining Lot or Common Element for such purposes. Neither the location of any rockery, wall or fence installed by Declarant, nor any conduct of an owner in maintaining such improvements or the land between the improvements and the property line shall be construed as modifying the property line. The owner of each rockery, wall or fence shall be responsible for keeping the fence in good condition and repair. In doing so, the Owner shall obtain any required approvals by the Board and the County. Certain rockeries, walls and fences may have been designed by a professional engineer and may require the services of a professional engineer for major repairs or replacement. No Owner shall take any action to add, construct or place any improvement on their Lot that results in the disturbance of, weakening of, or damage to a rockery or wall, or that increases any engineered load or alters design criteria; or causes damage to the rockery or wall or the surrounding properties.

Article 6

RESTRICTIONS ON USE

6.1 <u>Structures Permitted</u>. No structures shall be erected or permitted to remain on any Lot except structures containing a Unit and structures normally accessory thereto, all of which shall have first been approved by the Architectural Review Committee pursuant to Article 7. Such provision shall not exclude construction of a private greenhouse, storage unit, private swimming pool or structure for the storage of a boat and/or camping trailer for personal use, provided that the location of such structure is in conformity with the applicable regulations of City of Scappoose is compatible in design and decoration with the dwelling structure constructed on such Lot, and has been approved by the Architectural Review Committee.

6.2 **Residential Use.** Not more than one Unit may be located on any Lot. Except with the consent of the Board of Directors, no trade, craft, business, profession, commercial or similar activity of any kind shall be conducted on any Lot, nor shall any goods, equipment, vehicles, materials or supplies used in connection with any trade, service or business be kept or stored on any Lot. The mere parking on a Lot of a vehicle bearing the name of a business shall not, in itself, constitute a violation of this provision. Nothing in this Section 6.2 shall be deemed to prohibit (a) activities relating to the rental or sale of Lots; (b) the right of Declarant to construct Units on any Lot, to store construction materials and equipment on any Lot in the normal course of construction, and to use one or more Units as sales or rental offices or model homes or apartments for purposes of sales or rental within the Property; and (c) the right of the Owner of a Lot to maintain his or her professional personal library, keep his or her personal business or professional records or accounts, handle his or her personal business or professional telephone calls or confer with business or professional associates, clients or customers, in his or her Unit by appointment only. The Board shall not approve commercial activities otherwise prohibited by this Section 6.2 unless the Board determines that only normal residential activities would be observable outside of the Unit and that the activities would not be in violation of applicable law. The Board may specify acceptable activities in the Rules and Regulations.

6.3 Offensive or Unlawful Activities. No noxious or offensive activities shall be carried out upon the Property nor shall anything be done or placed upon the Property that interferes with or jeopardizes the enjoyment of the Property, or that is a source of annoyance to Owners or Occupants. As with any common wall building, some amount of sound transmission between Units, including, without limitation, fluid through pipes, music, TVs and other appliances, will occur. Occupants shall use extreme care about creating disturbances, making noises or using musical instruments, radios, televisions, amplifiers and audio equipment that may disturb other Occupants. No unlawful use shall be made of the Lot or any part thereof, and all valid laws, zoning ordinances and regulations of all governmental bodies having jurisdiction over the Property shall be observed. Owners and other Occupants shall not engage in any abusive or harassing behavior, either verbal or physical, or any form of intimidation or aggression directed at other Owners, Occupants, guests or invitees, or directed at the managing agent, its agents or employees, or vendors.

6.4 Trailers, Campers, Boats, Etc. Except as may otherwise be provided in the Rules and Regulations, parking and storage of boats, trailers, motorcycles, buses, trucks, motorhomes, truckcampers and like similar vehicles shall not be allowed on any part of a Lot nor on public roads adjacent thereto excepting only within the confines of an enclosed garage, storage port, or behind a solid screening fence or evergreen shrubbery at least six (6) feet in height which shall in no event be located within three (3) feet of the front building line of any dwelling or garage. Recreational vehicle garages or ports shall not be approved unless said structures can be located and constructed in a manner such that the structure has limited visual impact from the street, is accessed by a hard surface roadway (gravel, asphalt or concrete), and does not distract from the architectural character of the home. Approval of such structures shall be at the sole discretion of the Board of Directors or the Architectural Review Committee. No covering of any of the foregoing equipment or material with tarpaulin covers or plastic shall be permitted. Motor homes, trailers, campers, boats and other recreational vehicles may not be kept in driveways or parking spaces except on a temporary basis for loading or unloading, subject to such rules and regulations concerning parking as may be adopted by the Board. No such vehicle shall be used as a residence temporarily or permanently on any portion of the Property. Violations of this Section 6.4 shall subject such vehicles to impound, at the expense and risk of the Owner thereof. The Association may adopt rules and regulations to implement these restrictions and provide guidance to Owners.

6.5 <u>Vehicles in Disrepair</u>. No Owner shall permit any vehicle that is in an extreme state of disrepair or not currently licensed to be abandoned or to remain parked upon any Lot, or on the

Common Area or any adjoining street for a period in excess of 48 hours. A vehicle shall be deemed to be in an "extreme state of disrepair" when, in the opinion of the Board of Directors, due to its appearance or continued inoperability its presence reasonably offends the Occupants of the neighborhood. Should any Owner fail to remove such vehicle within five days following the date on which notice is mailed to him or her by the Association, the Association may have the vehicle removed from the Property and charge the expense of such removal to the Owner.

6.6 <u>Parking</u>. Except in permitted areas, no vehicle of any kind shall be parked on the private roads or drives within the Property, except temporarily in the course of day-to-day activities. The Association by rule may regulate the length of time guests may park in driveways. Blocking a Common Area, roadway or alley is prohibited. Vehicles parked in violation of this Declaration or the Rules and Regulations may be towed and stored at the direction of the Board of Directors, with the expense charged to the Owner. No vehicle may be parked on any Lot except in driveways and garages. No vehicle parked in any driveway may extend into the streets or sidewalks or otherwise inhibit vehicular or pedestrian traffic or access to any Lot. Vehicles used in the construction of a home are permitted to park in or on a Lot during the construction phase of the home on such Lot.

6.7 <u>Garages</u>. All garage doors shall remain closed except to permit entrance and exit and in connection with outside activities. Garages shall be used primarily for parking of vehicles, and only secondarily for storage, and shall not be used as office or living space, except that Declarant may use garages as sales offices prior to permanent occupancy of the Units.

6.8 Signs. No signs shall be erected or maintained on any Lot except that not more than one (1) "For Sale" or "For Rent" sign placed by the Owner or by a licensed real estate agent, not exceeding twenty-four (24) inches high and thirty-six (36) inches long, may be temporarily displayed on any Lot. The restrictions contained in this Section 6.8 shall not prohibit the temporary placement of "political" signs on any Lot by the Owner or occupant; provided, however, political signs shall be removed within three (3) days after the election day to which the political sign pertains. Real estate signs shall be removed within three (3) days after the sale closing date. The Declarant and any successor to all of the unsold Lots owned by Declarant shall be exempt from the application of this Section. The Board may erect on the Common Elements a master directory of Lots, including Lots that are for sale or lease, and may regulate the size, appearance and location of signs advertising Lots and homes for sale or lease.

6.9 **Animals**. Except as otherwise required by law, no animals, livestock or poultry of any kind, other than a reasonable number of household domestic pets that are not kept, bred or raised for commercial purposes and that are reasonably controlled so as not to be a nuisance, shall be raised, bred, kept or permitted within any Lot. Excluded from the foregoing restriction shall be birds, fish, small reptiles and small animals which are kept in cages or tanks which are permanently kept within the interior of a home. Any Owner who maintains any pet upon any portion of the Property shall be deemed to have agreed to indemnify and hold the Association, each of its members and the Declarant free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet. Such Owner shall further abide by all governmental sanitary laws and regulations, leash and other local and state laws relating to pets and rules or regulations of the Association created by the Board of Directors. The Board of Directors shall have the right to order any person whose pet is a nuisance to remove such pet from the premises upon the delivery of the third notice in writing of a violation of any rule, regulation or restriction governing pets within the Property. All pets shall be registered with the Board of Directors and shall otherwise be registered and inoculated as required by law. The Board of Directors may adopt additional rules governing the keeping of animals and the size, number, nature, conduct and impact of animals.

6.10 <u>Appearance</u>. Except to the extent of the Association's responsibility under Section 9.1, each Owner shall maintain such Owner's Unit and Lot in a clean and attractive condition, in good repair and in such a fashion as not to create a fire hazard. Damage caused by fire, flood, storm, earthquake, riot, vandalism, or other causes shall be the responsibility of each Owner and shall be restored within a reasonable period of time. No part of any Lot or any part of the Common Areas shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Trash, garbage or other wastes shall be kept only in sanitary containers in the garages, except when outside awaiting pick up the night before and during garbage pickup days.

6.11 <u>Landscape</u>. Each Owner shall be responsible for installing and maintaining the landscaping on their Lot in a neat and well-kept condition. An Owner may not make significant changes to the front yard, side yard or rear yard landscaping or install significant additional landscaping on its Lot without the prior written approval of the Board of Directors.

6.12 <u>Antennas and Service Facilities</u>. Exterior antennas and satellite receivers and transmission dishes are prohibited, except to the extent expressly mandated by rules adopted by the Federal Communications Commission. Specifically, ham radio antennas, satellite dishes one meter or larger, television antennas on masts 12 feet or higher and multi-point distribution antennas more than one meter or on masts 12 feet or higher are prohibited. To the extent permitted by Federal Communications Commission rules, the Board of Directors may require all other antennas and dishes to be hidden from view from streets and adjoining dwellings. No outside clotheslines or similar service facilities may be installed without the approval of the Board of Directors.

6.13 Exterior Lighting or Noisemaking Devices. Except with the consent of the Board of Directors, and except for exterior lighting originally installed by the Declarant or builder, no exterior lighting or noisemaking devices shall be installed or maintained on any Lot. Owners shall not tamper with exterior lighting installed by the Declarant or builder except to replace expended bulbs with similar new bulbs. Seasonal holiday lighting and decorations are permissible if consistent with any applicable Rules and Regulations and if removed within 30 days after the celebrated holiday.

6.14 <u>Windows, Decks, Porches and Outside Walls</u>. To preserve the attractive appearance of the Property, the Association may regulate the nature of items that may be placed in or on windows, decks, porches, and the outside walls so as to be visible from the street or Common Areas. Window coverings, curtains, shutters, drapes or blinds, other than those of commercially produced quality, shall not be permitted to be visible from any public or private street, pathway, Common Area or adjacent property. Garments, rugs, laundry and other similar items may not be hung from windows, facades, porches, or decks.</u>

6.15 <u>Recreational Equipment</u>. Unless approved by the Association, no playground, athletic or recreational equipment or structures, including without limitation, permanently installed basketball backboards, hoops and related supporting structures, shall be placed, installed or utilized on any Lot in view from any street, sidewalk or Common Area within the Property. Portable basketball backboards, hoops, soccer goal nets, and related supporting structures may be used during daylight hours, so long as such equipment is stored out of view from any street, sidewalk or Common Area within the Property.

6.16 <u>Alterations.</u> Owners are expressly prohibited from painting or changing the exterior of a building or other structure after original construction without the written permission of the Architectural Review Committee.

6.17 **Construction**. The construction of any building on any Lot, including painting and all exterior finish, shall be completed within eight months from the beginning of construction so as to present a finished appearance when viewed from any angle. In the event of undue hardship due to strikes, fires, national emergency or natural calamities, this provision may be extended for a reasonable length of time upon approval from the Architectural Review Committee. The building area shall be kept reasonably clean and in workmanlike order, free of litter, during the construction period with a garbage can or other garbage disposal facility on the site during such period. Debris may not be deposited on any other Lot. All construction debris, stumps, trees, etc. must be periodically removed from each Lot by the builder or Owner, and such debris shall not be dumped in any area within the Property unless approved by the Architectural Review Committee. If construction has not commenced upon any Lot within one year after acquisition thereof by an Owner other than Declarant or an affiliate of Declarant, the Owner shall install a sidewalk and landscape the area within 20 feet from the curb. The Owner shall irrigate and maintain this area. The Architectural Review Committee may waive this requirement if it determines that construction will commence within a reasonable time. In any case, all unimproved or unoccupied Lots shall be kept in a neat and orderly condition, free of brush, vines, weeds and other debris, and grass thereon shall be cut or mowed at sufficient intervals to prevent creation of a nuisance or fire hazard.

6.18 <u>Insurance</u>. No Owner shall permit anything to be done or kept in his or her Unit or in the Common Areas that will result in cancellation of insurance on any Unit or any part of the Common Areas.

6.19 Leasing and Rental of Units. The Units may not be used for hotel or transient purposes, which shall be defined as: (i) rental for a period of less than 30 days, (ii) rental under which occupants are provided customary hotel services such as room service for food and beverages, maid service, the furnishing of laundry and linen, busboy service, and similar services, or (iii) the overnight accommodation of business invitees on a temporary or transient basis (such as a hotel, motel or corporate suites operation). Notwithstanding the foregoing restrictions, the Board of Directors shall have the authority to enact rules permitting the occasional rental of Units via Airbnb, vrbo.com or other vacation rental websites in a manner that will not violate the requirements of FHA and to prohibit such use if advisable to obtain project approval from such agencies. All leases of a Unit shall be by written agreement specifying that: (i) the tenant shall be subject to all provisions of the Declaration, Bylaws and Rules and Regulations; and (ii) failure to comply with any provision of the Declaration, Bylaws or Rules and Regulations shall constitute a default under the rental agreement. The lessor shall provide each tenant a copy of the Declaration, Bylaws and Rules and Regulations. The Owner shall be responsible for any violations by tenants and shall be directly responsible for either correcting or eliminating such violations or causing the tenant to do the same.

6.20 <u>Pest Control.</u> No Owner shall permit anything or condition to exist upon any portion of the Property that will induce, breed or harbor infectious plant or animal diseases or noxious insects or vermin.

6.21 <u>Grades, Slopes and Drainage</u>. Each Owner of a Lot shall accept the burden of, and shall not in any manner alter, modify or interfere with, the established drainage pattern and grades, slopes and courses related thereto over any Lot or Common Area without the prior approval of the Architectural Review Committee, and then only to the extent and in the manner specifically approved. No structure, plantings or other materials shall be placed or permitted to remain on or within any grades, slopes, or courses, nor shall any other activities be undertaken that may damage or interfere with established slope ratios, create erosion or sliding problems, or obstruct, change the direction of, or retard the flow of water through drainage channels without the prior approval of the Architectural Review Committee, and then only to the extent and in the manner specifically approved.

6.22 <u>Rain Drains and Sewers.</u> All rain drains and storm sewers shall be kept free of debris, and Owners shall not cause any such drains or sewers to become blocked, clogged or otherwise to back up into any Lot. Drainage systems have been designed to meet the drainage requirements of local jurisdictions and may not be changed so as to fail to comply with such requirements or to adversely affect drainage.

6.23 <u>Letter and Delivery Boxes.</u> The Declarant and the United States Postal Service shall determine the location, color, size, design, lettering and all other particulars of all mail or delivery boxes, standards, brackets, and name signs for such boxes.

6.24 Fences. No fencing shall be permitted on any Lots within the development without the express written consent from the Architectural Review Committee prior to any construction or installation of any fencing material. Any fencing shall be maintained in a good condition by the Lot owner and in a condition maintaining its original appearance. No fencing shall be stained or painted without the express written consent from the Architectural Review Committee prior to doing so.

6.25 <u>Rules and Regulations</u>. In addition, the Association from time to time may adopt, modify or revoke such nondiscriminatory Rules and Regulations governing the conduct of Persons and the operation and use of the Property as it may deem necessary or appropriate to ensure the peaceful and orderly use and enjoyment of the Property. A copy of the Rules and Regulations, upon adoption, and a copy of each amendment, modification or revocation thereof, shall be delivered by the Board of Directors promptly to each Owner. The Rules and Regulations may be adopted by the Board, except as may be otherwise provided in the Bylaws of the Association.

Article 7

ARCHITECTURAL REVIEW COMMITTEE

7.1 Architectural Review. No Improvement or landscaping shall be commenced, erected, placed or altered on any Lot until the construction plans and specifications showing the nature, shape, heights, materials, colors and proposed location of the Improvement have been submitted to and approved in writing by the Architectural Review Committee, except that construction by Declarant or any affiliate of Declarant shall be presumed to have been approved and is thereby exempt from this review. The building plans to be submitted shall consist of one complete set of plans and specifications in the usual form showing insofar as appropriate (i) the size and dimensions of the Improvements; (ii) the exterior design; (iii) approximate exterior color scheme; (iv) location of Improvements on the Lot, including setbacks, driveway and parking areas; and (v) location of existing trees to be removed. These plans and specifications shall be left with the Committee until 60 days after notice of completion has been received by the Committee. This is for the purpose of determining whether, after inspection by the Committee, the Improvement complies substantially with the plans and specifications that were submitted and approved. The Architectural Review Committee is not responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or any other governmental regulations, all of which are the responsibility of the applicant. The procedure and specific requirements for review and approval of construction may be set forth in Design Guidelines adopted from time to time by the Architectural Review Committee. The Committee may charge a reasonable fee to cover the cost of processing an application. In all cases in which the Architectural Review Committee's consent is required by this Declaration, the provisions of this Article shall apply, except that this Article shall not apply to construction by Declarant or any affiliate of Declarant.

7.2 <u>Committee Decision</u>. The Architectural Review Committee shall render its decision with respect to a construction proposal within 30 working days after it has received all material required by it with respect to the application. In the event the Committee fails to render its approval or disapproval within 45 working days after the Committee has received all material required by it with respect to the proposal, or if no suit to enforce this Declaration has been commenced within one year after completion thereof, approval will not be required and the related provisions of this Declaration shall be deemed to have been fully complied with.

7.3 <u>Committee Discretion</u>. The Architectural Review Committee may, at its sole discretion, withhold consent to any proposed work if the Committee finds the proposed work would be inappropriate for the particular Lot or incompatible with the Design Guidelines or design standards that the Committee intends for the project. It is the intent and purpose of this Declaration to ensure quality of workmanship and materials, to ensure harmony of external design with the existing Improvements and with respect to topography and finished grade elevations and to ensure compliance with the setback requirements contained in the conditions of approval of City of Scappoose. Considerations such as siting, shape, size, color, design, materials, height, solar access, screening, impairment of the view from other Lots, or other effect on the enjoyment of other Lots or the Common Areas, disturbance of existing terrain and vegetation, and any other factors that the Committee reasonably believes to be relevant may be taken into account by the Committee in determining whether or not to consent to any proposed work. Regulations on siting of television antennas and satellite receiving dishes shall be in conformance with any applicable Federal Communications Commission rules.

7.4 Membership: Appointment and Removal. The Architectural Review Committee shall consist of as many persons as Declarant may from time to time appoint. Declarant, at its discretion, may appoint a single Person to serve as the Committee and may remove any member of the Committee from office at any time and may appoint new or additional members at any time. The Association shall keep on file at its principal office a list of the names and addresses of the members of the Committee. Declarant may at any time delegate to the Board of Directors of the Association the right to appoint or remove members of the Architectural Review Committee. In such event, or in the event Declarant fails to appoint an Architectural Review Committee, the members of the Architectural Review Committee shall be appointed by, and serve on behalf of, the Board of Directors, or if the Board of Directors fails to appoint such members, then the Board of Directors shall serve as the Architectural Review Committee. The terms of office for each member appointed by the Board of Directors shall be for one year unless lengthened by the Board at the time of appointment or unless the Board serves as the Committee, in which case the terms of the members shall be the same as their terms as Board members. The Board of Directors may appoint any or all of its members to the Committee and is not required to appoint non-Board members. The Board may appoint one or more members to the Committee who are not Owners, but who have special expertise regarding the matters that come before the Committee. In the sole discretion of the Board, such non-Owner members of the Committee may be paid for such services, the cost of which may be paid by the applicants or treated as a common expense, as determined by the Board.

7.5 <u>Majority Action</u>. Except as otherwise provided in this Declaration, a majority of the members of the Architectural Review Committee shall have the power to act on behalf of the Committee, without the necessity of a meeting and without the necessity of consulting the remaining members of the Committee. The Committee may render its decision only by written instrument setting forth the action taken by the consenting members.

7.6 <u>Liability</u>. Neither the Architectural Review Committee nor any member thereof shall be liable to any Owner, Occupant, builder or developer for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the Committee or a member of the Committee, and

the Association shall indemnify the Committee and its members therefrom, provided only that the member has, in accordance with the actual knowledge possessed by him or her, acted in good faith.

7.7 <u>Nonwaiver</u>. Consent by the Architectural Review Committee to any matter proposed to it or within its jurisdiction shall not be deemed to constitute a precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

7.8 **Appeal.** At any time after Declarant has delegated appointment of the members of the Architectural Review Committee to the Board of Directors pursuant to Section 7.4, any Owner adversely affected by action of the Architectural Review Committee may appeal such action to the Board of Directors. Appeals shall be made in writing within 10 days of the Committee's action and shall contain specific objections or mitigating circumstances justifying the appeal. If the Board of Directors is already acting as the Architectural Review Committee, the appeal shall be treated as a request for a rehearing, in which case the Board shall meet and receive evidence and argument on the matter. A final, conclusive decision shall be made by the Board of Directors within 15 working days after receipt of such notification.

7.9 **Effective Period of Consent.** The Architectural Review Committee's consent to any proposed work shall automatically be revoked one year after issuance unless construction of the work has been substantially commenced in the judgment of the Architectural Review Committee and thereafter diligently pursued, or unless the Owner has applied for and received an extension of time from the Committee.

7.10 **Estoppel Certificate**. Within 15 working days after written request is delivered to the Architectural Review Committee by any Owner, and upon payment to the Committee of a reasonable fee fixed by the Committee to cover costs, the Committee shall provide such Owner with an estoppel certificate executed by a member of the Committee and acknowledged, certifying with respect to any Lot owned by the Owner, that as of the date thereof, either (a) all Improvements made or done upon or within such Lot by the Owner comply with this Declaration or (b) such Improvements do not so comply, in which event the certificate shall also identify the noncomplying Improvements and set forth with particularity the nature of such noncompliance. Any purchaser from the Owner, and any Mortgagee or other encumbrancer, shall be entitled to rely on such certificate with respect to the matters set forth therein, such matters being conclusive as between Declarant, the Architectural Review Committee, the Association and all Owners, and such purchaser or Mortgagee.

7.11 **Enforcement.** If during or after the construction, the Architectural Review Committee finds that the work was not performed in substantial conformance with the approval granted, or that the required approval was not obtained, the Committee shall notify the Owner in writing of the noncompliance, specifying the particulars of the noncompliance. The Committee may require conforming changes to be made or that construction be stopped. The cost of any required changes shall be borne by the Owner. The Committee shall have the power and authority to order any manner of changes or complete removal of any Improvement, alteration or other activity for which prior written approval from the Committee is required and has not been obtained or waived in writing. If an Owner fails to comply with an order of the Committee, then, subject to the Owner's right of appeal under Section 7.8, either the Architectural Review Committee or the Association may enforce compliance in accordance with the procedures set forth in Section 11.1, except that construction by Declarant or any affiliate of Declarant shall be presumed to have been approved and is thereby exempt from this review.

Article 8

ASSOCIATION

Declarant has organized, or before conveyance of the first Lot shall organize, an association of all of the Owners within Buxton Ranch. Such Association, and its successors and assigns, shall be organized as an Oregon nonprofit corporation under the name "**Buxton Ranch Homeowners Association**," and shall have such property, powers and obligations as are set forth in this Declaration for the benefit of the Property and all Owners of Lots located therein.

8.1 Organization. Declarant shall, before the first Lot is conveyed to an Owner, organize the Association as a nonprofit corporation under the general nonprofit corporation laws of the State of Oregon. The Articles of Incorporation of the Association shall provide for its perpetual existence, but in the event the Association is at any time dissolved, whether inadvertently or deliberately, it shall automatically be succeeded by an unincorporated association of the same name. In that event, the unincorporated association shall have all the property, powers and obligations of the incorporated association existing immediately prior to dissolution. To the greatest extent possible, any successor unincorporated association shall be governed by the Articles of Incorporation and Bylaws of the Association as if they had been made to constitute the governing documents of the unincorporated association and shall be served by the members of the Board of Directors and the officers who served immediately prior to dissolution.

8.2 <u>Membership</u>. Every Owner of one or more Lots within the Property shall, immediately upon creation of the Association and thereafter during the entire period of such Owner's ownership of one or more Lots within the Property, be a member of the Association. Such membership shall commence, exist and continue simply by virtue of such ownership; shall expire automatically upon termination of such ownership; and need not be confirmed or evidenced by any certificate or acceptance of membership.

8.3 <u>Voting Rights</u>. The Association shall have two classes of voting membership:

<u>Class A.</u> Class A Members shall be all Owners with the exception of the Class B Member and shall be entitled to one vote for each Lot owned. When more than one Person holds an interest in any Lot, all such Persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.

<u>Class B.</u> The Class B Member shall be Declarant and shall be entitled to three votes for each Lot owned by Declarant. The Class B Membership shall cease and be converted to Class A Membership on the happening of any of the following events, whichever occurs earlier:

(1) When all of the Lots in all phases of Buxton Ranch have been Sold and conveyed to Owners other than a successor Declarant or a builder for development and Declarant has relinquished the right to annex Additional Property;

(2) The expiration of 20 years after the closing of the sale of the first Lot to an Owner other than a successor Declarant or a builder for development; or

(3) At such earlier time as Declarant may elect in writing to terminate Class B Membership.

8.4 <u>General Powers and Obligations.</u> The Association shall have, exercise and perform all of the following powers, duties and obligations:

(a) The powers, duties and obligations granted to the Association by this Declaration.

(b) The powers and obligations of a nonprofit corporation pursuant to the general nonprofit corporation laws of the State of Oregon.

(c) The powers, duties and obligations of a homeowners association pursuant to the Oregon Planned Community Act.

(d) Any additional or different powers, duties and obligations necessary or desirable for the purpose of carrying out the functions of the Association pursuant to this Declaration or otherwise promoting the general benefit of the Owners within the Property.

The powers and obligations of the Association may from time to time be amended, repealed, enlarged or restricted by changes in this Declaration made in accordance with the provisions of this Declaration, accompanied by any required changes in the Articles of Incorporation or Bylaws of the Association made in accordance with such instruments and with the nonprofit corporation laws of the State of Oregon.

8.5 <u>Specific Powers and Duties</u>. The powers and duties of the Association shall include, without limitation, all of the following:

(a) <u>Maintenance and Services</u>. The Association shall provide maintenance and services for the Property as provided in Article 9 and other provisions of this Declaration.

(b) <u>Insurance</u>. The Association shall obtain and maintain in force policies of insurance as determined by the Board of Directors and in accordance with any requirements in this Declaration or the Bylaws of the Association.

(c) <u>**Rulemaking**</u>. The Association shall make, establish, promulgate, amend and repeal Rules and Regulations as provided in Section 6.23.

(d) <u>Assessments.</u> The Association shall adopt budgets and impose and collect Assessments as provided in Article 10.

(e) **Enforcement.** The Association shall perform such acts, whether or not expressly authorized by this Declaration, as may be reasonably necessary to enforce the provisions of this Declaration and the Rules and Regulations adopted by the Association, including, without limitation, enforcement of the decisions of the Architectural Review Committee. Nothing in this Declaration shall be construed as requiring the Association to take any specific action to enforce violations.

(f) <u>Employment of Agents, Advisers and Contractors.</u> The Association, through its Board of Directors, may employ the services of any Person as manager; hire employees to manage, conduct and perform the business, obligations and duties of the Association; employ professional counsel and obtain advice from such Persons such as, but not limited to, landscape architects, architects, planners, attorneys and accountants; and contract for or otherwise provide for all services necessary or convenient for the management, maintenance and operation of the Property; provided, however, the Board may not incur or commit the Association to incur legal fees in excess of \$5,000 for any specific litigation or claim

matter or enter into any contingent fee contract or any claim in excess of \$100,000 unless the Owners have enacted a resolution authorizing the incurring of such fees by a vote of 75 percent of the total voting rights of the Association. These limitations shall not be applicable to legal fees incurred in defending the Association or the Board from claims or litigation brought against them. The limitations set forth in this paragraph (f) shall increase by 10 percent on each fifth anniversary of the recording of this Declaration.

(g) **Borrow Money.** The Association may borrow and repay money for the purpose of performing its duties under this Declaration; provided, however, that such borrowing in any calendar year shall not exceed 15 percent of the estimated budgeted expenses of the Association for that calendar year unless the Owners have enacted a resolution authorizing the project by a majority vote of the members. The Association may pledge Association income to secure such borrowing; and, subject to Section 4.3(d), encumber the Common Areas as security for the repayment of such borrowed money.

(h) <u>Hold Title to Property</u>. The Association may acquire and hold title to real and personal property and interests therein, and shall accept any real or personal property, leasehold or other property interests within Buxton Ranch conveyed to the Association by Declarant.

(i) <u>Transfer, Dedications and Encumbrances and Easements</u>. Except as otherwise provided in Sections 4.3(d) and 4.3(e), the Association may sell, transfer or encumber and grant easements upon all or any portion of the Common Areas or other property to which it then holds title to a Person, whether public or private, and dedicate or transfer all or any portion of such Common Area or property to any public agency, authority, or utility for public purposes.

(j) <u>Create Classes of Service and Make Appropriate Charges</u>. The Association may, in its sole discretion, create various classes of service and make appropriate Individual Assessments or charges therefor to the users of such services without being required to render such services to those of its members who do not assent to such charges and to such related Rules and Regulations as the Board deems proper. In addition, the Board shall have the right to discontinue any service upon nonpayment of Assessments or to eliminate any service for which there is no demand or for which there are inadequate funds to maintain the same.

(k) <u>Implied Rights and Obligations</u>. The Association may exercise any other right or privilege reasonably to be inferred from the existence of any right or privilege expressly given to the Association under this Declaration or reasonably necessary to effectuate any such right or privilege.

8.6 <u>Liability</u>. Neither a member of the Board of Directors nor an officer of the Association or member of any committee established by the Board shall be liable to the Association, any Owner or any third party for any damage, loss or prejudice suffered or claimed on account of any action or failure to act in the performance of his or her duties, so long as the individual acted in good faith; believed that the conduct was in the best interests of the Association, or at least was not opposed to its best interests; and, in the case of criminal proceedings, had no reason to believe the conduct was unlawful. In the event any member of the Board or any officer or committee member of the Association is threatened with or made a party to any proceeding because the individual was or is a director, officer or committee member of the Association, the Association shall defend such individual against such claims and indemnify such individual against liability and expenses incurred to the maximum extent permitted by law.

8.7 Interim Board; Turnover Meeting. Declarant shall have the right to appoint an interim board of one to three directors, who shall serve as the Board of Directors of the Association until replaced by Declarant or until their successors take office at the Turnover Meeting following termination of Class B Membership. Declarant shall call a meeting of the Association for the purpose

of turning over administrative responsibility for the Property to the Association not later than 90 days after termination of the Class B Membership in accordance with Section 8.3. At the Turnover Meeting the interim directors shall resign and their successors shall be elected by the Owners, as provided in this Declaration and in the Bylaws of the Association. If Declarant fails to call the Turnover Meeting required by this Section 8.7, any Owner or Mortgagee of a Lot may call the meeting by giving notice as provided in the Bylaws.

8.8 <u>Contracts Entered into by Declarant or Before Turnover Meeting.</u> Notwithstanding any other provision of this Declaration, any management contracts, service contracts or employment contracts entered into by Declarant or the Board of Directors on behalf of the Association before the Turnover Meeting shall have a term of not more than three years. In addition, any such contract shall provide that it may be terminated without cause or penalty by the Association or Board upon not less than 30 days' notice to the other party given not later than 60 days after the Turnover Meeting. The limitations contained in this Section 8.8 shall not apply to those contracts referred to in ORS 94.700(2).

8.9 <u>Managing Agent or Manager.</u> On behalf of the Association, the Board of Directors shall employ or contract for a professional managing agent or a manager at a compensation to be established by the Board of Directors. The Board of Directors may delegate to the managing agent or manager such duties and powers as the Board of Directors may authorize. The Board of Directors may not terminate professional management and assume self-management unless the decision to do so is approved by at least 75 percent of the total voting power of the Association.

8.10 <u>Bylaws.</u> The Bylaws of the Association and any amendment or modification of the Bylaws shall be recorded in the Deed Records of Columbia County, Oregon. On behalf of the Association, the Declarant shall adopt and record the initial Bylaws as provided in ORS 94.625.

Article 9

MAINTENANCE, SERVICES, CONDEMNATION, DAMAGE

9.1 Owner's Maintenance Responsibilities. All maintenance of the Lots and Units thereon shall be the sole responsibility of the Owner thereof, who shall maintain such Lot and the portion of the street right-of-way between the Lot and the street in a neat and attractive condition in accordance with the community-wide standard of Buxton Ranch. The Association shall have the authority to require each Owner to keep their respective Lot and Unit at a high standard of maintenance. In the event an Owner fails to maintain their Unit or Lot to the standards established by the Board of Directors pursuant to the authority of this section, the Association will have the right and the authority at its option, after giving reasonable notice and opportunity to be heard to the respective Owner, to cause such repairs and maintenance to be performed as are necessary to meet the foregoing standards and to charge the respective Owner for such repairs and maintenance.

9.2 <u>Maintenance of Common Areas and Streetscape</u>. The Association shall generally be responsible to maintain the Common Areas and Common Easement Areas in good, safe and attractive condition. In addition, the Association shall be responsible for maintenance of all the improvements located on the Common Areas and within the Common Easement Areas, including, without limitation, perimeter fences and walls and the sidewalks and landscaping within the right-of-way of streets adjoining the Common Areas. The Association shall also provide irrigation to the planter strips located along the Common Areas and shall own and maintain such irrigation system and by separate water

meter, will pay for the irrigation water. Columbia River Public Utility District is responsible for maintaining all street lighting within Buxton Ranch.

9.3 <u>Maintenance of Utilities.</u> The Association shall perform or contract to perform maintenance of any utilities, such as sanitary sewer service lines, domestic water service lines and storm drainage lines, located in the Common Areas, Common Easement Areas and Lots, except to the extent such maintenance is performed by the utilities furnishing such services. The Association shall not be liable for any interruption or failure of such services. Each Owner shall maintain at such Owner's expense utility lines that serve only that Unit.

9.4 Maintenance Plan and Inspections. The Association shall maintain those portions of the Property to be maintained by the Association in as good or better condition as at the time of the Turnover Meeting. Declarant will initially prepare and thereafter the Board of Directors shall implement, review and update a maintenance plan (the "Maintenance Plan") for the maintenance, repair and replacement of all property for which the Association has maintenance, repair or replacement responsibility under this Declaration or the Bylaws or the Oregon Planned Community Act. The Maintenance Plan shall describe the maintenance, repair or replacement to be conducted, include a schedule for maintenance, repair or replacement, be appropriate for the size and complexity of the maintenance, repair and replacement responsibility of the Association and address issues that include, but are not limited to, warranties and the useful life of the items of which the Association has maintenance, repair or replacement responsibility. The operating and reserve budgets of the Association shall take into account such costs. The Board shall review and update the Maintenance Plan as necessary. Changes or updates to the Maintenance Plan shall be based on written advice of competent experts or consultants. In addition, the Board shall cause an annual professional inspection of those portions of the Property to be maintained by the Association pursuant to this Declaration for the purposes of identifying any items needing repair or preventive maintenance and shall cause such repair or preventive maintenance to be implemented. If the Association fails to follow such maintenance and inspection requirements, then neither the Association nor any Owner shall have any claim against Declarant or its design professionals, contractors, subcontractors and suppliers and their consultants, including without limitation, all of their officers, members, managers, directors, employees, agents and brokers, for loss or damage to the extent that they result from such failure to follow the Maintenance Plan or to conduct annual professional inspections, and shall indemnify such Persons and entities from and against claims by Owners or other Persons or entities for loss or damage resulting from such failure. For a period of 10 years following recording of the Declaration, any changes to the Maintenance Plan without the written approval of the Declarant and the original general contractor shall void any applicable warranty and will release them from liability for any damage resulting from such change.

9.5 <u>Utilities and Services</u>. The Association may provide or contract for such utilities and services as the Board of Directors may reasonably deem to be of benefit to the Property, including, without limitation, cable, telecommunications, garbage and trash removal and security services.

9.6 Security. The Association may, but shall not be obligated to, maintain or support certain activities within the Property designed to make the Property safer than it otherwise might be. Neither the Association, any managing agent retained by the Association, Declarant, nor any successor Declarant shall in any way be considered insurers or guarantors of security within the Property, nor shall any of them be held liable for any loss or damage by reason of failure to provide adequate security or of ineffectiveness of security measures undertaken. No representation or warranty is made that any fire protection system, burglar alarm system or other security system cannot be compromised or circumvented, nor that any such systems or security measures undertaken will in all cases prevent loss or provide the detection or protection

for which the system is designed or intended. Each Owner acknowledges, understands and covenants to inform its tenants that the Association, its Board of Directors and committees, any managing agent retained by the Association, Declarant, and any successor Declarant are not insurers and that each Person using the Property assumes all risks for loss or damage to Persons, to property and to the contents of Lots resulting from acts of third parties.

9.7 Access at Reasonable Hours. For the purpose solely of performing the maintenance and services provided for in this Article 9, the Association, through its duly authorized agents or employees, shall have the right, after reasonable notice to the Owner, to enter upon any Lot or exterior of the dwelling thereof at reasonable hours. The Association shall also have a right of entry to Units for purposes of effecting emergency repairs or action to prevent imminent damage or injury to other Units, to other Owners and their guests or invitees, or to the Common Areas. In such instances, the Association shall give notice by telephone if reasonable possible prior to entry.

9.8 <u>Condemnation</u>. If any portion of the Common Areas is made the subject matter of any condemnation or eminent domain proceeding or is otherwise sought to be acquired by a condemning authority, notice of the proceeding or proposed acquisition shall promptly be given to each Owner and to each Mortgagee. The Association shall represent the Owners in any condemnation proceeding or in negotiations, settlements and agreements with the condemning authority for acquisition of any portion of the Common Areas and each Owner appoints the Association to act as his or her other attorney-infact for such purposes. All compensation, damages or other proceeds of the taking of Common Areas shall be payable to the Association. Proceeds shall first be applied to restore or repair any remaining Common Area, including a structure on a Common Area, which may be required to permit the continued enjoyment of such Common Area. Thereafter, the Association shall deposit such sums in the Operations Fund or apply these sums to such capital improvements as shall be authorized pursuant to Section 10.6 of this Declaration.

9.9 <u>Damage or Destruction by Casualty</u>. In the event of damage or destruction that affects a material portion of the Property, timely written notice shall be given to the Owners and their Mortgagees, and the following provisions shall apply:

In the event of damage or destruction by casualty of any structures erected on the (a) Common Areas or to the structure, roof or exterior of any Unit, the damage or destruction shall be repaired, reconstructed, or rebuilt unless, within 14 days of such damage or destruction, the Board of Directors or more than 10 percent of the Owners shall have requested a special meeting of the Association. Such special meeting must be held within 30 days of the date of damage or destruction. At the time of such meeting, unless all Owners, whether in person, by writing, or by proxy, with the approval of 75 percent or more of the Mortgagees if and as required by this Declaration, vote not to repair, reconstruct, or rebuild the damaged property, the damage or destruction shall be repaired, reconstructed, or rebuilt, with the work commencing as soon as reasonably possible. In the event any portion of the insurance proceeds paid to the Association are not used to repair, reconstruct, or rebuild the damaged or destroyed Common Areas or Units, the Association shall distribute the proceeds attributable to Units to the Owners and Mortgagees thereof, as their interests may appear. The proceeds attributable to Common Areas shall be deposited in the Operations Fund or applied to such capital improvements as shall be authorized pursuant to Section 10.6 of this Declaration. If the insurance proceeds are not sufficient to pay the entire cost, the Board of Directors, if necessary, may assess the Owner of each Unit such additional amounts as required to pay the cost of restoration. The responsibility for payment of the amount of the deductible in the Association's insurance policy may be prescribed by resolution adopted by the Board of Directors.

(b) If, due to act or neglect of an Owner or a member of his or her family or his or her household pet or of a guest or other unauthorized Occupant or visitor of such Owner, damage shall be caused to the Common Areas or maintenance, repairs or replacements shall be required that would otherwise be a common expense, then such Owner shall pay for such damage and such maintenance, repairs or replacements as may be determined by the Association, to the extent not covered by the Association's insurance (including any deductible), as an Individual Assessment.

9.10 Option to Provide Maintenance Services Through Association. Upon request of an Owner, the Association may provide maintenance and repair services which would otherwise be the responsibility of such Owner under this Article, provided that the respective Owner shall reimburse the Association, as an Individual Assessment, for such services immediately upon completion. Alternatively, upon proposal by the Board of Directors and approval by 51 percent of the total voting power of the Association, the charge for such maintenance and repair services may be designated a common expense of the Association to be paid with funds collected from the Owners pursuant to the assessment procedures set forth in Article 10. In the event the Owners elect to designate any such maintenance and repair services as a common expense of the Association shall identify specifically which services are to become included as common expenses (with any maintenance and repair responsibilities not so included to remain the obligation of the Owners under Section 9.1); and (ii) the Association may add a charge to such common expenses sufficient to cover the costs of administering, coordinating and invoicing for such additional maintenance and repair services.

Article 10

ASSESSMENTS

10.1 <u>Purpose of Assessments.</u> The Association may levy Assessments. The Assessments levied by the Association shall be used exclusively to promote the recreation, health, safety and welfare of the Owners and Occupants of the Property and for the improvement, operation and maintenance of the Common Areas and those portions of the Lots to be maintained by the Association.

10.2 When Lots Become Subject to Assessment.

(a) Lots Owned by Declarant. Lots owned by Declarant or any affiliate of Declarant shall not be subject to General Assessments (including assessments for reserves), Special Assessments or Emergency Assessments until such time as the Lot is occupied for residential use.

(b) **Other Lots.** All Lots other than Lots owned by Declarant shall be subject to assessment and shall pay an equal share of the Annual Assessments, Special Assessments and Emergency Assessments. Notwithstanding the provisions of this Section 10.2, however, a supplemental declaration annexing a specific Common Area facility may specify a special allocation of assessing the costs of operating and maintaining the facility on such Common Area in order to more fairly allocate such cost, taking into account the extent of use or other factors. Declarant may elect to delay collection of Annual Assessments against all Lots, but in such case shall pay all common expenses of the Association until such Assessments commence. No Owner, by his or her own action, may claim exemption from liability for contribution towards common expenses by waiver by the Owner of use or enjoyment of any of the Common Areas or by abandonment by the Owner of the Owner's Lot. An Owner may not claim an offset against an Assessment for failure of the Association to perform its obligations, and no Owner may offset amounts owing or claimed to be owing by the Association or Declarant to the Owner.

10.3 <u>Allocation of Assessments</u>. All Lots subject to assessment shall pay an equal share of the General Assessments, Special Assessments and Emergency Assessments.

10.4 <u>Type of Assessments.</u> The Association is authorized to levy the following types of Assessments:

General Assessments. The Association may levy General Assessments for the (a) common expenses incurred by or on behalf of the Association in accordance with this Declaration. The Board of Directors shall from time to time and at least annually prepare an operating budget for the Association, taking into account the current costs of maintenance and services and future needs of the Association, any previous over-assessment and any common profits of the Association. The budget shall take into account the number of Lots subject to assessment as of the first day of the fiscal year for which the budget is prepared and the number of Lots reasonably anticipated to become subject to assessment during the fiscal year. The budget may be based upon a greater number of Lots than those reasonably anticipated to be subject to assessment during the fiscal year if the Declarant agrees to subsidize the Association for any shortfall in the Operations Fund. The budget shall provide for such reserve or contingency funds as the Board deems necessary or as may be required by law, but not less than the reserves required by Section 10.7. General Assessments for such operating expenses and reserves shall then be apportioned among the Lots as provided in Section 10.2. The Board may revise the budget and adjust the General Assessment from time to time during the year. Within 30 days after the adoption of a final budget by the Board, the Board shall send a copy of the final budget to each Owner. If the Board fails to adopt a budget, the last adopted budget shall continue in effect. The manner of billing and collection of Assessments shall be as provided in the Bylaws.

(b) <u>Special Assessments</u>. The Board of Directors may levy during any fiscal year a Special Assessment, applicable to that year only, for the purpose of deferring all or any part of the cost of any construction or reconstruction, unexpected repair, or acquisition or replacement of a described capital improvement, or for any other one-time expenditure not to be paid for out of General Assessments. Special Assessments for acquisition or construction of new capital improvements or additions that in the aggregate in any fiscal year exceed an amount equal to 15 percent of the budgeted gross expenses of the Association for the fiscal year may be levied only if approved by a majority of the voting rights voting on such matter, together with the written consent of the Class B Member, if any. Prior to the Turnover Meeting, any Special Assessment for acquisition or construction of new capital improvements or additions must be approved by not less than 50 percent of the Class A voting rights, together with the written consent of the Class B Member, if approved as provided in Section 10.3 and may be payable in lump sum or in installments, with or without interest or discount, as determined by the Board.

(c) <u>Emergency Assessments</u>. If the General Assessments levied at any time are or will become inadequate to meet all expenses incurred under this Declaration for any reason, including nonpayment of any Owner's Assessments on a current basis, the Board of Directors shall immediately determine the approximate amount of such inadequacy and issue a supplemental budget, noting the reason therefor, and levy an Emergency Assessment for the amount required to meet all such expenses on a current basis. Emergency Assessments shall be apportioned as set forth in Section 10.4(c) and payable as determined by the Board.

(d) <u>Individual Assessments</u>. Any common expense or any part of a common expense benefiting fewer than all of the Lots may be assessed as Individual Assessments exclusively against the Lots benefited. Individual Assessments shall include assessments against Owners who are in default of the Assessments levied against any Lot to reimburse the Association for costs incurred in bringing such Lot or its Owner into compliance with the provisions of this Declaration or the Rules and

Regulations of the Association and for fines or other charges imposed pursuant to this Declaration for violation thereof. Unless otherwise provided by the Board, Individual Assessments shall be due 30 days after the Board has given written notice thereof to the Owners subject to the Individual Assessments.

(e) <u>Working Fund and Reserve Account Assessments</u>. Upon the first sale of a Lot to a purchaser other than a successor Declarant and upon any subsequent sale of such Lot, the purchaser shall pay to the Association a Working Fund Assessment in the amount of three (3) times the then-current monthly or quarterly General Assessment. The Board of Directors may deposit Working Fund Assessments either in the Operations Fund or in the Reserve Fund, at the discretion of the Board. The Board of Directors may elect to alter the amount of the Working Fund Assessment through a vote and resolution of the Board.

10.5 <u>Assessment of Additional Property</u>. When Additional Properties are annexed to Buxton Ranch, the Lots included therein shall become subject to Assessments as provided in Section 10.2. The Board of Directors, however, at its option may elect to recompute the budget based upon the additional Lots subject to Assessment and additional Common Areas and recompute General Assessments for all Lots, including the new Lots, for the balance of the fiscal year.

10.6 <u>Operations Fund.</u> The Association shall keep all funds received by it as Assessments, other than reserves described in Section 10.7 or Working Fund Assessments deposited in the Reserve Fund, separate and apart from its other funds, in an Operations Fund in a bank account in the name of the Association. The Association shall use such fund for the purpose of promoting the recreation, health, safety and welfare of the residents within the Property and in particular for the improvement and maintenance of properties, services and facilities devoted to this purpose and related to the use and enjoyment of the Common Areas and the Lots, including but not limited to:

(a) Payment of the cost of operation, maintenance, utilities, services, repairs and replacements as provided in Article 9.

- (b) Payment of the cost of insurance maintained by the Association.
- (c) Payment of taxes assessed against the Common Areas and any improvements

thereon.

(d) Payment of the cost of other services that the Association deems to be of general benefit to the Owners, including, but not limited to, accounting, legal and secretarial services.

10.7 <u>Reserve Fund.</u>

(a) **Establishment of Account.** Declarant, on behalf of the Association, shall conduct an initial reserve study as described in this Section 10.7 and establish a Reserve Fund in a bank account in the name of the Association to fund major maintenance, repair or replacement of those items that if the Association has responsibility to maintain, including items required by the Maintenance Plan established pursuant to Section 9.4, that will normally require major maintenance, repair or replacement in whole or in part in more than one and less than 30 years, including, without limitations, exterior painting. The Reserve Fund need not include those items that can reasonably be funded from the general budget or other funds of the Association or for those items for which one or more, but less than all, Owners are responsible for maintenance and replacement under the provisions of this Declaration or the Bylaws.

(b) **Funding of Reserve Fund.** The Reserve Fund shall be funded by Assessments against the individual Lot assessed for maintenance of the items for which the Reserve Fund is being established, which sums shall be included in the regular General Assessment for the Lot. The Reserve Fund shall also include Working Fund Assessments to the extent so allocated by the Board of Directors pursuant to Section 10.4(e). The Reserve Fund shall be established in the name of the Association. The Association is responsible for administering the Reserve Fund and making periodic payments into the account. The Board of Directors or the Owners may not vote to eliminate funding the Reserve Fund unless the Board determines that the Reserve Fund will be adequately funded for the following year, except that after the Turnover Meeting the Board, with the approval of all Owners, may, on an annual basis, elect not to fund the Reserve Fund for the following year.

(c) <u>Reserve Studies.</u> The reserve portion of the initial Assessment determined by Declarant shall be based on a reserve study described in this paragraph (c) or other sources of information. The Board of Directors annually shall conduct a reserve study, or review and update an existing study, to determine the Reserve Fund requirements, and may adjust the amount of payments as indicated by the study or update and provide other reserve items that the Board, in its discretion, may deem appropriate. The annual reserve study shall:

(1) Identify all items for which reserves are to be established;

(2) Include the starting balance of the Reserve Fund for the current fiscal

year;

(3) Include the estimated remaining useful life of each item for which reserves are or will be established, as of the date of the reserve study;

(4) Include for each item, as applicable, an estimated cost of maintenance, repair and replacement at the end of its useful life of each item for which reserves are or will be established;

- (5) Include the rate of inflation during the current fiscal year; and
- (6) Include returns on any invested reserves or investments.

(d) <u>Use of Reserve Fund</u>. The Reserve Fund shall be used only for the purposes for which the reserves have been established and shall be kept separate from other funds. After the Turnover Meeting, however, the Board of Directors may borrow funds from the Reserve Fund to meet high seasonal demands on the regular operating funds or to meet unexpected increases in expenses if the Board has adopted a resolution, which may be an annual continuing resolution, authorizing the borrowing of funds. Not later than the adoption of the budget for the following year, the Board shall adopt by resolution a written payment plan providing for repayment of the borrowed funds within a reasonable period. Assessments paid into the Reserve Fund are the property of the Association and are not refundable to sellers or Owners of Lots. Sellers of the Lots, however, may treat their outstanding share of the Reserve Fund as a separate item in any sales agreement.

10.8 <u>Declarant's Subsidy</u>. Declarant may, but shall not be obligated to, reduce the General Assessments for any fiscal year by payment of a subsidy (in addition to any other amounts then owed by Declarant), which may be either a contribution, an advance against future Assessments due from Declarant or a loan, in Declarant's discretion. Any such subsidy shall be disclosed as a line item in the income portion of the Association's budget. Payment of such subsidy in any year shall not obligate

Declarant to continue payment of such subsidy in future years unless otherwise provided in a written agreement between the Association and Declarant.

10.9 <u>Commencement of Assessment Obligation; Time of Payment.</u> The obligation to pay Assessments under this Declaration shall commence as to each Lot on the first day of the month after such Lot becomes subject to Assessment. The first annual General Assessment levied on each Lot shall be adjusted according to the number of months remaining in the fiscal year at the time Assessments commence for such Lot.

10.10 <u>Payment of Assessments.</u> Assessments shall be paid in such manner and on such dates as the Board of Directors may establish. Unless the Board otherwise provides, the General Assessment shall be due and payable in advance on the first day of each fiscal year. If any Owner is delinquent in paying any Assessments or other charges levied on his or her Lot, the Board may require the outstanding balance on all Assessments to be paid in full immediately. Until the Turnover Meeting, any obligation of Declarant to pay Assessments may be satisfied in the form of cash or by "in kind" contributions of services or materials, or by a combination of these.

10.11 <u>Creation of Lien and Personal Obligation of Assessments</u>. Declarant, for each Lot owned by it within the Property, hereby covenants, and each Owner of any Lot by acceptance of a conveyance thereof, whether or not so expressed in any such conveyance, shall be deemed to covenant to pay to the Association all Assessments or other charges as may be fixed, established and collected from time to time in the manner provided in this Declaration or the Association Bylaws. Such Assessments and charges, together with any interest, late charges, expenses or attorneys' fees imposed pursuant to Article 11, shall be a charge on the land and shall be a continuing lien upon the Lot against which each such Assessment or charge is made. Such Assessments, charges and other costs shall also be the personal obligation of the Person who was the Owner of such Lot at the time when the Assessment or charge fell due. Such liens and personal obligations shall be enforced in the manner set forth in Article 11.

10.12 <u>Voluntary Conveyance</u>. In a voluntary conveyance of a Lot the grantee shall be jointly and severally liable with the grantor for all unpaid Assessments against the grantor of the Lot up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, upon request of an Owner or Owner's agent for the benefit of a prospective purchaser, the Board of Directors shall make and deliver a written statement of the unpaid Assessments against the prospective grantor of the Lot effective through a date specified in the statement, and the grantee in that case shall not be liable for any unpaid Assessments against the grantor not included in the written statement.

10.13 <u>No Waiver</u>. Failure of the Board of Directors to fix Assessment amounts or rates or to deliver or mail each Owner an Assessment notice shall not be deemed a waiver, modification or release of any Owner from the obligation to pay Assessments. In such event, each Owner shall continue to pay Assessments on the same basis as during the last year for which an Assessment was made, if any, until a new Assessment is levied, at which time the Association may retroactively assess any shortfalls in collections.

10.14 <u>No Option to Exempt</u>. No Owner may exempt himself or herself from liability for Assessments by nonuse of Common Areas, abandonment of his or her Lot, or any other means. The obligation to pay Assessments is a separate and independent covenant on the part of each Owner. No diminution or abatement of Assessments or set-off shall be claimed or allowed for any alleged failure of the Association or Board of Directors to take some action or perform some function required of it, or

for inconvenience or discomfort arising from the making of repairs or improvements, or from any other action it takes.

10.15 <u>Certificate</u>. Upon written request, the Association shall furnish to any Owner liable for any type of Assessment a certificate in writing signed by an Association officer setting forth whether such Assessment has been paid. Such certificate shall be conclusive evidence of payment. The Association may require the advance payment of a reasonable processing fee for the issuance of such certificate.

Article 11

ENFORCEMENT

11.1 <u>Violation of Protective Covenants</u>. In the event that any Owner violates any provision of this Declaration, the Bylaws or the Rules and Regulations, then the Association acting through the Board of Directors shall notify the Owner in writing of any such specific violations. If the Owner is unable, is unwilling, or refuses to comply with the Association's specific directives for remedy or abatement, or the Owner and the Association cannot agree to a mutually acceptable solution within the framework and intent of this Declaration, after notice and opportunity to be heard and within 14 days after issuing written notice to the Owner, then the Association acting through the Board shall have the right to do any or all of the following:

(a) Assess reasonable fines against such Owner, based upon a resolution adopted by the Board of Directors that is delivered to each Lot, mailed to the mailing address of each Lot or mailed to the mailing address designated by the Owner of each Lot in writing, which fines shall constitute Individual Assessments for purposes of this Declaration;

(b) Enter the offending Lot and remove the cause of such violation, or alter, repair or change the item that is in violation of this Declaration in such a manner as to make it conform thereto, in which case the Association may assess such Owner for the entire cost of the work done, which amount shall be payable to the Operations Fund as an Individual Assessment, provided that no items of construction shall be altered or demolished in the absence of judicial proceedings;

(c) Cause any vehicle parked in violation of this Declaration or of the Rules and Regulations to be towed and impounded at the Owner's expense;

(d) Suspend the voting rights, any utility or communication services paid for out of Assessments, and the right to use the Common Areas for the period that the violations remain unabated, provided that the Association shall not deprive any Owner of access to and from the Owner's Lot in the absence of a lien foreclosure or court order to such effect; and

(e) Bring suit or action against the Owner on behalf of the Association and other Owners to enforce this Declaration.

11.2 Default in Payment of Assessments; Enforcement of Lien. If an Assessment or other charge levied under this Declaration is not paid within 30 days after its due date, such Assessment or charge shall become delinquent and shall bear interest from the due date at the rate set forth below. In such event the Association may exercise any or all of the following remedies:

(a) The Association may suspend such Owner's voting rights, any utility or communication service paid for out of Assessments, and right to use the Common Areas until such

amounts, plus other charges under this Declaration, are paid in full and may declare all remaining periodic installments of any General Assessment immediately due and payable. In no event, however, shall the Association deprive any Owner of access to and from the Owner's Lot in the absence of a lien foreclosure or court order to such effect.

(b) The Association shall have a lien in accordance with ORS 94.709 against each Lot for any Assessment levied against the Lot, including any fines or other charges imposed under this Declaration or the Bylaws against the Owner of the Lot, and may foreclose such lien in the manner provided in ORS 94.709.

(c) The Association may bring an action to recover a money judgment for unpaid Assessments under this Declaration without foreclosing or waiving the lien described in Section 10.11. Recovery on any such action, however, shall operate to satisfy the lien, or the portion thereof, for which recovery is made.

(d) The Association shall have any other remedy available to it by law or in equity.

11.3 Interest, Late Charges and Expenses. Any amount not paid to the Association when due in accordance with this Declaration shall bear interest from the due date until paid at a rate that is the greater of 18 percent per annum or three percentage points per annum above the prevailing Portland, Oregon prime rate as of the due date, or such other rate as may be established by the Board of Directors, but not to exceed the lawful rate of interest under the laws of the State of Oregon. A late charge may be charged for each delinquent Assessment in an amount established from time to time by resolution of the Board, which resolution is delivered to each Lot, mailed to the mailing address of each Lot or mailed to the mailing address designated by the Owner in writing, together with all expenses incurred by the Association in collecting such unpaid Assessments, including attorneys' fees (whether or not suit is instituted). In the event the Association shall file a notice of lien, the lien amount shall also include the recording fees associated with filing the notice and a fee for preparing the notice of lien established from time to time by resolution of the Board.

11.4 <u>Costs and Attorneys' Fees.</u> In the event of any suit or action to enforce this Declaration, the Bylaws, the Rules and Regulations or the Oregon Planned Community Act, or to collect any money due hereunder or to foreclose a lien, the prevailing party in such suit or action shall be entitled to recover all costs and expenses incurred by it in connection with such suit or action, including a foreclosure title report, and shall recover such amount as the court may determine to be reasonable as attorneys' fees at trial and upon any appeal or petition for review thereof or in connection with any bankruptcy proceedings or special bankruptcy remedies.

11.5 <u>Assignment of Rents.</u> As security for the payment of all obligations owing to the Association pursuant to this Article 11, each Owner hereby grants to the Association the right to collect the rents, issues and profits of the Owner's Lot; provided, however, that the Owner shall retain the right, prior to any default by such Owner in performance of the Owner's obligations under this Declaration, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, the Association may, at any time after 10 days' written notice to the Owner, either in person, by agent or by a receiver to be appointed by a court of competent jurisdiction, and without regard to the adequacy of any security for such indebtedness, in its own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply them, less costs and expenses of operation and collection, including reasonable attorneys' fees, in payment of such indebtedness to the Association, and in such order as the Association may determine. Such action shall not cure nor waive any default under this Declaration or invalidate any act done pursuant to this Declaration. The assignment of rents and powers described in this Section 11.5 shall not affect, and

shall in all respects be subordinate to, the rights and powers of the holder of any first or second Mortgage on any Lot to do the same or similar acts.

11.6 <u>Nonexclusiveness and Accumulation of Remedies.</u> An election by the Association to pursue any remedy provided for violation of this Declaration shall not prevent concurrent or subsequent exercise of another remedy permitted under this Declaration. The remedies provided in this Declaration are not exclusive but shall be in addition to all other remedies, including actions for damages and suits for injunctions and specific performance, available under applicable law to the Association. In addition, any aggrieved Owner may bring an action against another Owner or the Association to recover damages or to enjoin, abate or remedy any violation of this Declaration by appropriate legal proceedings.</u>

11.7 Enforcement by City of Scappoose. The provisions of this Declaration relating to preservation and maintenance of Common Areas shall be deemed to be for the benefit of City of Scappoose as well as the Association and Owners of Lots, and City of Scappoose may enforce such provisions by appropriate proceedings at law or in equity or may cause such maintenance to be performed, the costs of which shall become a lien upon the Property. In addition, Section 9.1 may be enforced by City of Scappoose building official to facilitate the maintenance, repair or replacement of common property line fire walls, and may be facilitated by application of City of Scappoose housing or nuisance abatement ordinances, or any existing building or property maintenance codes.

Article 12

DISPUTE RESOLUTION

12.1 <u>Claims Other Than for Defective or Negligent Construction or Condition</u>. The following provisions of this Section 12.1 shall apply to any claim, controversy or dispute by or among Declarant (including members, officers, directors, shareholders and affiliates of Declarant), the Association, the manager or one or more Owners, or any of them, arising out of or related to this Declaration, the Bylaws or the Property, other than claims relating to defective or negligent construction or condition as provided in Section 12.2:

(a) <u>Mediation</u>.

(1) Except as otherwise provided in Section 12.1, before initiating litigation, arbitration or an administrative proceeding in which the Association and an Owner have an adversarial relationship, the party that intends to initiate litigation, arbitration or an administrative proceeding shall offer to use any dispute resolution program available within City of Scappoose, Oregon that is in substantial compliance with the standards and guidelines adopted under ORS 36.175. The written offer must be hand-delivered or mailed by certified mail, return receipt requested, to the address, contained in the records of the Association, for the other party.

(2) If the party receiving the offer does not accept the offer within 10 days after receipt of the offer, such acceptance to be made by written notice, hand-delivered or mailed by certified mail, return receipt requested, to the address, contained in the records of the Association, for the other party, the initiating party may commence the litigation, arbitration or administrative proceeding. The notice of acceptance of the offer to participate in the program must contain the name, address and telephone number of the body administering the dispute resolution program.

(3) If a qualified dispute resolution program exists within City of Scappoose, Oregon and an offer to use the program is not made as required under Section 12.1(a)(1), then litigation, arbitration or an administrative proceeding may be stayed for 30 days upon a motion of the noninitiating party. If the litigation, arbitration or administrative action is stayed under this Section 12.1(a)(3), both parties shall participate in the dispute resolution process.

(4) Unless a stay has been granted under Section 12.1(a)(3), if the dispute resolution process is not completed within 30 days after receipt of the initial offer, the initiating party may commence litigation, arbitration or an administrative proceeding without regard to whether the dispute resolution is completed.

(5) Once made, the decision of the court, arbitrator or administrative body arising from litigation, arbitration or an administrative proceeding may not be set aside on the grounds that an offer to use a dispute resolution program was not made.

(6) The requirements of this Section 12.1(a) do not apply to circumstances in which irreparable harm to a party will occur due to delay or to litigation, arbitration or an administrative proceeding initiated to collect Assessments, other than Assessments attributable to fines.

(b) <u>Arbitration</u>. Any claim, controversy, or dispute by or among Declarant (including members, officers, directors, shareholders and affiliates of Declarant), Association, committee, or one or more Owners, or any of them, arising out of or related to this Declaration, the Bylaws, the Rules and Regulations, or the Property shall be first subject to mediation as described in Section 12.1(a) or otherwise, and if not timely settled by mediation, shall be resolved by arbitration in accordance with this Article 12, and shall be conducted by and pursuant to the then effective arbitration rules, except as modified herein, of the Arbitration Service of Portland, Inc. The decisions and award of the arbitrator shall be final, binding and nonappealable. The arbitration shall be conducted in the Portland, Oregon, metropolitan area or at such other location as may be agreed upon by the parties, pursuant to the arbitration statutes of the State of Oregon and any arbitration award may be enforced by any court with jurisdiction. Filing for arbitration shall be treated the same as filing in court for purposes of meeting any applicable statute of limitations or for purposes of filing a notice of pending action ("lis pendens").

(c) <u>Selection of Arbitrator</u>. The arbitration shall be conducted by a single arbitrator selected by mutual agreement of the parties. The arbitrator selected shall be neutral and unbiased, except to the extent the arbitrator's prior relationship with any party is fully disclosed and consented to by the other party or parties. If the parties are unable to agree upon the arbitrator within 10 days after a party's demand for arbitration, upon application of any party, the presiding judge of the Circuit Court of Columbia County, Oregon shall designate the arbitrator.

(d) <u>Consolidated Arbitration</u>. Upon demand by any party, claims between or among the parties and third parties shall be submitted in a single, consolidated arbitration. Notwithstanding the provisions of this Article 12, in the event any claim, controversy or dispute related to the Property or this Declaration involves a claim by any party against a third party who is not required to and does not voluntarily agree to submit such claim to arbitration, then the party asserting the claim against a third party hereby waives trial by jury and agrees that such claim(s) shall be determined by a judge sitting without a jury.

(e) **Discovery.** The parties to the arbitration shall be entitled to such discovery as would be available to them in an action in Columbia County Circuit Court. The arbitrator shall have all of the authority of the court incidental to such discovery, including, without limitation, authority to issue orders to produce documents or other materials, to issue orders to appear and submit to deposition, and to impose appropriate sanctions, including, without limitation, award against a party for failure to comply with any order.

(f) **Evidence.** The parties to the arbitration may offer such evidence as they desire and shall produce such additional evidence as the arbitrator may deem necessary for an understanding and determination of the dispute. The arbitrator shall determine the admissibility of the evidence offered. All evidence shall be taken in the presence of the arbitrator and all of the parties, except when any of the parties is absent in default or has waived its right to be present.

(g) **Excluded Matters.** Notwithstanding the foregoing, the following matters shall not be subject to mediation or arbitration under this Article 12 (but shall be subject to the applicable provisions of Section 12.1(h): (i) actions relating to the collection of fees, Assessments, fines and other charges imposed or levied by the Association (other than disputes as to the validity or amount of such fees, Assessments, fines or charges, which disputes shall be subject to mediation/arbitration as provided above); and (ii) actions to enforce any order, decision or award rendered by arbitration pursuant to this Article 12. The filing of a lis pendens or the application to any court for the issuance of any provisional process or similar remedy described in the Oregon or Federal Rules of Civil Procedure shall not constitute a waiver of the right or duty to utilize the procedures specified in this Article 12.

Costs and Attorneys' Fees. The fees of any mediator and the costs of mediation (h) shall be divided and paid equally by the parties. Each party shall pay its own attorneys' fees and costs in connection with any mediation. The fees of any arbitrator and the costs of arbitration shall be paid by the nonprevailing party or parties; if none, such fees and costs shall be divided and paid equally by the parties. Should any suit, action or arbitration be commenced in connection with any dispute related to or arising out of this Declaration, the Bylaws, the Rules and Regulations or the Oregon Planned Community Act to obtain a judicial construction of any provision of this Declaration, the Bylaws or the Rules and Regulations; to rescind this Declaration; or to enforce or collect any judgment or decree of any court or any award obtained during arbitration, the prevailing party shall be entitled to recover its costs and disbursements, together with such investigation, expert witness and attorneys' fees incurred in connection with such dispute as the court or arbitrator may adjudge reasonable, at trial, in the arbitration, upon any motion for reconsideration, upon petition for review, and upon any appeal of such suit, action or arbitration proceeding. The determination of who is the prevailing party and the amount of reasonable attorneys' fees to be paid to the prevailing party shall be decided by the arbitrator (with respect to attorneys' fees incurred before and during the arbitration proceeding) and by the court or courts, including any appellate or review court, in which such matter is tried, heard or decided, including a court that hears a request to compel or enjoin arbitration or that hears exceptions made to an arbitration award submitted to it for confirmation as a judgment (with respect to attorneys' fees incurred in such proceedings).

12.2 <u>Claims for Negligent or Defective Construction or Condition</u>. The following alternative dispute resolution procedures shall apply to any claim by the Association or any Owner against Declarant or its affiliates, members or managers, or any contractor, subcontractor, supplier, consultant or design professional of every tier performing any work or services in connection with the Property, and their agents, brokers, successors, employees, affiliates, representatives, officers, directors, managers and members, and any of their insurers and reinsurers, related to the design, construction or condition of the Property, including, but not limited to, claims for defective or negligent construction or design or failure to disclose a defective condition.</u>

(a) Initial Dispute Resolution Procedures.

(1) In the event of a claim for a construction defect governed by ORS 701.560 to 701.595, the parties shall first comply with the provisions contained therein. In the event the claim is not for a construction defect governed by such provisions, but relates to a claimed defect in the condition of the Property, the parties shall follow the same procedures as set forth in such provisions,

except that the notice of defect shall include a statement of the basis upon which the recipient is claimed to be liable for the defect.

(2) In the event the claim is for a matter not governed by Section 12.2(a)(1), the parties shall first attempt in good faith to resolve the claim through direct discussions following receipt of written notice of the claim. If the parties are unable to resolve the matter within 180 days of the assertion of the claim, then following expiration of such period the parties shall proceed with mediation as provided in Section 12.2(b).

(3) Compliance with the procedures contained in this Section 12.2(a) shall be a condition precedent to mediation, arbitration or litigation of any such claims.

(b) <u>Mediation</u>. If the initial dispute resolution proceedings under Section 12.2(a) do not resolve the claims, the parties shall then engage in mediation to resolve the claims. The fees of any mediator and the costs of mediation shall be divided and paid equally by the parties. Each party shall pay its own attorneys' fees and costs in connection with any mediation. Completion of the mediation process under this Section 12.2 shall be a condition precedent to the filing of any arbitration or litigation proceedings under this Section 12.2(b) or any claims relating to the matter with the Oregon Construction Contractors Board, and the claimant waives any right to file any such claims if the claimant has not fully complied with this Section 12.2(b). The mediation shall be conducted in accordance with the following procedures:

(1) Within 60 days after completion of the proceedings under Section 12.2(a) and delivery of a demand for mediation by one of the parties to the other parties, the parties shall agree upon a neutral mediator. If the parties are unable to agree on a mediator within that period, upon application of any party, the Presiding Judge of the Circuit Court of Columbia County, Oregon, shall designate the mediator.

(2) Within 60 days after appointment of the mediator, the parties shall exchange with each other all inspection and consultant's reports in their possession pertaining to the claims, which reports and materials shall be considered and remain confidential mediation communications under ORS 36.220(1).

(3) The parties shall have 90 days after exchanging reports in which to perform additional inspections. Any additional reports resulting from such inspections shall be furnished to the other parties prior to mediation, which reports and materials shall be considered and remain confidential mediation communications under ORS 36.220(1).

(4) The mediation shall be conducted after completing parts (2) and (3) above, but within 180 days following appointment of the mediator. The mediator may elect to adjourn the mediation to additional sessions if the mediator determines that further sessions would be beneficial in resolving the disputes.

(5) Each party shall send to the mediation a representative with authority to settle the dispute.

(6) Any settlement agreed upon in mediation shall be documented and executed within 60 days following completion of the mediation.

(c) <u>Arbitration</u>. All claims that have not been resolved by the initial dispute resolution procedures set forth in Section 12.2(a), or mediation pursuant to Section 12.2(b), shall be

submitted to final and binding private arbitration in accordance with Sections 12.1(b) through 12.1(h). Each party shall be responsible for its own costs and attorneys' fees in any suit, action or arbitration brought under this Section 12.2, and the prevailing party shall not be entitled to an award of costs, disbursements, expert witness fees or attorneys' fees, in the arbitration, upon any motion for reconsideration, upon petition for review, on appeal or otherwise.

(d) <u>Confidentiality</u>. The parties shall keep all discussions of disputes, settlements and arbitration awards and decisions confidential and shall not disclose any such information, whether directly or indirectly, to any third parties other than their attorneys and consultants, unless compelled to do so by an order of a court of competent jurisdiction. In the event of a breach of this confidentiality obligation, the other party shall be entitled to seek and obtain any and all equitable remedies, including injunctive relief and specific performance, and the breaching party waives any claim or defense that the other party has an adequate remedy at law for any such breach, and such party shall not be required to post any bond or other security in connection with any such equitable relief.

(e) Time Periods Within Which Claims Must Be Asserted. Any claims under this Section 12.2, including, without limitation, allegations of property damage or personal injury claims arising out of fungus, spores, or mold, any water intrusion or dampness, or otherwise, regardless of the legal theory or basis of alleged causation, including but not limited to negligence, misrepresentation, construction defect, professional errors or omissions, strict liability or breach of contract, must be commenced under Section 12.2(a) by providing written notice on the earlier of (i) expiration of the applicable statute of limitations, (ii) within 90 days after the date the Association or the Owner(s) knew or reasonably should have known of facts sufficient to put the Association or the Owner(s) on notice of the claim, (iii) within 90 days after the date the Association or the Owner(s) first discovered or in the exercise of reasonable care should have discovered the injury or damage, (iv) with respect to the Unit and related Limited Common Areas, by no later than the first anniversary of the closing date of the sale of the Unit to the first purchaser, or (v) with respect to the Common Areas, by no later than the first anniversary of the date of the first conveyance of a Unit to an Owner other than Declarant. Any arbitration or litigation based upon such claim(s) must be instituted on the earlier of (i) 60 days after completion of the mediation proceedings under Section 12.2(b), or (ii) one year after expiration of any express warranty or the applicable statute of limitations. Any and all such claims not brought within these time periods will be deemed time barred, regardless of when the Association or Owners actually discovered the alleged basis for the claim. For purposes of this Section 12.2(e), a claim is "instituted" when arbitration is formally initiated or a complaint is filed in the appropriate court and served promptly on the parties.

12.3 <u>Survival</u>. The mediation and arbitration agreement set forth in this Article 12 shall survive the transfer by any party of its interest or involvement in the Property and any Lot therein and shall survive the termination of this Declaration.

Article 13

MORTGAGEES

The following provisions are for the benefit of holders, insurers and guarantors of first Mortgages on Lots. The provisions of this Article 13 apply to both this Declaration and the Bylaws, notwithstanding any other provisions contained therein.

13.1 <u>Subordination of Lien to Mortgages.</u> The lien of the Assessments or charges provided for in this Declaration shall be subordinate to the lien of any Mortgage on such Lot which was made in good faith and for value and which was recorded prior to the recordation of the notice of lien. Sale or transfer of any Lot shall not affect the Assessment lien, but the sale or transfer of any Lot which

is subject to any Mortgage or deed of trust pursuant to a decree of foreclosure or nonjudicial sale thereunder shall extinguish any lien of an Assessment, notice of which was recorded after the recording of the Mortgage. Such sale or transfer, however, shall not release the Lot from liability for any Assessments or charges thereafter becoming due or from the lien of such Assessments or charges.

13.2 <u>Reimbursement of First Mortgagees.</u> First Mortgagees of Lots may, jointly or singly, pay taxes or other charges which are in default and which may or have become a charge against any Common Areas and may pay overdue premiums on hazard insurance policies or secure new hazard insurance coverage on the lapse of a policy, for such Common Areas. First Mortgagees making such payments shall be owed immediate reimbursement therefor from the Association.

13.3 <u>Notification of First Mortgagee</u>. If a first Mortgagee has requested such notice in writing from the Association, the Board shall notify such Mortgagee of any individual Lot of any default in performance of this Declaration by the Owner which is not cured within 60 days after notice of default to the Owner.

13.4 <u>Notice to Association</u>. Upon request, each Owner shall be obligated to furnish to the Association the name and address of the holder of any Mortgage encumbering such Owner's Lot.

13.5 <u>FHA/VA Approval</u>. As long as there is a Class B Membership, the following actions will require the prior approval of the Federal Housing Administration ("FHA") or the Veterans Administration ("VA"), if this Declaration was previously approved by such agencies: annexation of Additional Properties other than as provided in the General Plan of Development, mergers and consolidations, mortgaging or dedication of Common Areas, dissolution of the Association, and amendment of this Declaration or the Articles of Incorporation or the Bylaws of the Association.

Article 14

AMENDMENT AND REPEAL

14.1 <u>How Proposed</u>. Amendments to or repeal of this Declaration shall be proposed by either a majority of the Board of Directors or by Owners holding 30 percent or more of the Association's voting rights. The proposed amendment or repeal must be reduced to writing and shall be included in the notice of any meeting at which action is to be taken thereon or attached to any request for consent to the amendment or repeal.

14.2 Approval Required. This Declaration, or any provision thereof, as from time to time in effect with respect to all or any part of the Property, may be amended or repealed by the vote or written consent of Owners representing not less than 75 percent of the Lots, based upon one vote for each such Lot, together with the written consent of the Class B Member, if such Class B Membership has not been terminated as provided in this Declaration. To the extent required by Section 13.5, such amendment shall also require the prior written approval of the FHA and VA. In no event shall an amendment under this Section 14.2 create, limit or diminish special Declarant rights without Declarant's written consent, or change the boundaries of any Lot or any uses to which any Lot is restricted under this Declaration or change the method of determining liability for common expenses, the method of determining the right to common profits or the method of determining voting rights of any Lot, unless the Owners of the affected Lots unanimously consent to the amendment. Declarant may not amend this Declaration to increase the scope of special Declarant rights reserved in this Declaration after the sale of the first Lot unless Owners representing 75 percent of the total vote, other than Declarant, agree to the amendment. To the extent any amendment relates to the preservation or maintenance of the Common Areas or private utility lines, repair, upkeep and replacement and access to shared or common use building elements or utilities or the existence of an entity responsible for accomplishing the same, such amendment shall be approved by Columbia County, the City of Scappoose, or the responsible agency.

14.3 <u>Recordation</u>. Any such amendment or repeal shall become effective only upon recordation in the Deed Records of Columbia County, Oregon of a certificate of the President and Secretary of the Association setting forth in full the amendment, amendments or repeal so approved and certifying that such amendment, amendments or repeal has been approved in the manner required by this Declaration and ORS 94.590, and acknowledged in the manner provided for acknowledgment of deeds.

14.4 <u>Regulatory Amendments.</u> Notwithstanding the provisions of Section 14.1, until the Turnover Meeting has occurred, Declarant shall have the right to amend this Declaration or the Bylaws of the Association in order to comply with the requirements of the Federal Housing Administration, the United States Department of Veterans Affairs, the Farmers Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon that insures, guarantees or provides financing for a planned community or lots in a planned community. After the Turnover Meeting, any such amendment must be approved by the Association in accordance with the approval provisions of this Declaration or the Bylaws, as applicable.

Article 15

MISCELLANEOUS PROVISIONS

15.1 <u>No Implied Obligations</u>. Nothing in this Declaration shall be construed to require Declarant or any successor Declarant to subject Additional Property to this Declaration or to improve or develop any of the Property or to do so for any particular uses.

15.2 <u>Notice of Sale or Transfer of Title.</u> Any Owner selling or otherwise transferring title to his or her Lot shall give the Association written notice within seven days after such transfer of the name and address of the purchaser or transferee, the date of such transfer of title and such other information as the Association may reasonably require. The transferor shall continue to be jointly and severally responsible with the transferee for all obligations of the Owner of the Lot, including Assessment obligations, until the date upon which such notice is received by the Board, notwithstanding the transfer of title.

15.3 Exclusive Rights to Use Name of Development. No Person shall use the name "Buxton Ranch" or any derivative of such name in any printed, digital (i.e., internet) or other promotional or commercial material without Declarant's prior written consent. However, an Owner may use the name "Buxton Ranch" where such term is used solely to specify that the Owner's property is located within the Property. In no event shall any Owner enter into an agreement with any third party for the sale, rental or management of the Owner's Lot if such agreement purports to grant any right to such third party to use the name "Buxton Ranch" or any derivative of such name in violation of this provision.

15.4 <u>Lessees and Other Invitees.</u> Lessees, employees, invitees, licensees, contractors, family members, guests and other Persons entering the Property under rights derived from an Owner shall comply with all of the provisions of this Declaration restricting or regulating the Owner's use,

improvement or enjoyment of his or her Lot and other areas within the Property. The Owner shall be responsible for obtaining such compliance and shall be liable for any failure of compliance by such Persons in the same manner and to the same extent as if the failure had been committed by the Owner.

15.5 <u>Nonwaiver</u>. Failure by the Association or by any Owner to enforce any covenant or restriction contained in this Declaration shall in no event be deemed a waiver of the right to do so thereafter.

15.6 <u>Construction and Severability</u>. This Declaration shall be liberally construed as an entire document to accomplish the purposes hereof as stated in the introductory paragraphs hereof. Nevertheless, each provision of this Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision shall not affect the validity or enforceability of the remaining part of that or any other provision.

15.7 <u>Terminology and Captions</u>. As used in this Declaration, the singular shall include the plural and the plural the singular, and the masculine and neuter shall each include the masculine, feminine and neuter, as the context requires. All captions used in this Declaration are intended solely for convenience of reference and shall in no way limit any of the provisions of this Declaration.

15.8 Notices. All notices to the Association or to the Board of Directors shall be sent care of the manager or, if there is no manager, to the principal office of the Association or to such other address as the Board may designate from time to time. All notices to any Owner shall be sent to such address as may have been designated by such Owner from time to time, in writing, to the Board or, if no address has been designated, to the Owner's Lot. In the discretion of the Board, any notice, information or other written material required to be given to an Owner or director under this Declaration or the Bylaws or pursuant to the Oregon Planned Community Act, may be given by electronic mail, facsimile or other form of electronic communication acceptable to the Board, except for the following notices: failure to pay an Assessment, foreclosure of an Association lien under ORS 94.709, or an action the Association may take against an Owner. An Owner or director may decline to receive notice by electronic mail, facsimile or other form of electronic communication and may direct the Board to provide notice in any other manner permitted under this Declaration or the Bylaws or the Oregon Planned Community Act.

15.9 Private Agreement. This Declaration and the covenants and agreements contained herein constitute a private agreement among the Owners of Lots in Buxton Ranch. This Declaration does not restrict City of Scappoose authority to adopt or amend its development regulations. It is the duty of every Person engaged in development or remodeling of a Lot and/or improvement in Buxton Ranch to know the requirements of this Declaration and the covenants and agreements contained herein. There may be conflicting requirements between this Declaration and regulations of City of Scappoose. In the event there is a conflict between a regulation of the City of Scappoose and this Declaration, any question regarding which provision controls shall be directed to the Architectural Review Committee. In each case, City of Scappoose will limit its review of a development application to the requirements of its regulations of City of Scappoose, the State of Oregon or any other jurisdiction, but that are not in compliance with this Declaration. Declarant, the Committee and/or the Association will not be liable for any approvals that are granted in compliance with the regulations of City of Scappoose, the State of Oregon or any other jurisdiction.

IN WITNESS WHEREOF, Declarant and CND-_____, LLC have executed this Declaration as of the date set forth above.

WEEKLEY HOMES, LLC,

a Delaware Limited Liability Company

By:_____

Its:_____

STATE OF _____) ss. County of)

I certify that I know or have satisfactory evidence that ______ is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the ______ of WEEKLEY HOMES, LLC, a Delaware Limited Liability Company, to be the free and voluntary act of such limited liability company for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 202__.

Notary Public for _____ My commission expires: _____ Commission No. _____

CND-____, LLC, an Oregon limited liability company

By:_____

Its:_____

STATE OF _____) |) ss. County of)

I certify that I know or have satisfactory evidence that ______ is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the ______ of CND-_____, LLC, an Oregon Limited Liability Company, to be the free and voluntary act of such limited liability company for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 202_.

Notary Public for	
My commission expires:	
Commission No	

EXHIBIT A

BYLAWS OF

BUXTON RANCH HOMEOWNERS ASSOCIATION

8/13/07

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BYLAWS OF

BUXTON RANCH HOMEOWNERS ASSOCIATION

Article 1

DEFINITIONS

1.1 <u>Association.</u> "Association" means Buxton Ranch Homeowners Association, a nonprofit corporation organized and existing under the laws of the State of Oregon.

1.2 <u>Articles of Incorporation</u>. "Articles of Incorporation" means the Articles of Incorporation of the Association.

1.3 <u>Declaration</u>. "Declaration" means the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Buxton Ranch to which these Bylaws are attached, as the same may be subsequently amended or supplemented pursuant to the terms thereof.

1.4 <u>Incorporation by Reference</u>. Except as otherwise provided herein, the terms that are defined in Article 1 of the Declaration are used in these Bylaws as therein defined.

Article 2

MEMBERSHIP

2.1 <u>Membership</u>. Every Owner of one or more Lots within the Property shall, immediately upon creation of the Association and thereafter during the entire period of such ownership, be a member of the Association. Such membership shall commence, exist and continue simply by virtue of such ownership, shall expire automatically upon termination of such ownership, and need not be confirmed or evidenced by any certificate or acceptance of membership. The Association shall have two classes of membership, Class A and Class B, as set forth in the Declaration.

2.2 <u>Membership List.</u> The Secretary shall maintain at the principal office of the Association a membership list showing the name and address of the Owner of each Lot. The Secretary may accept as satisfactory proof of such ownership a duly executed and acknowledged conveyance, a title insurance policy, or other evidence reasonably acceptable to the Board of Directors.

Article 3

MEETINGS AND VOTING

3.1 <u>Place of Meetings.</u> Meetings of the members of the Association shall be held at such reasonable place convenient to the members as may be designated in the notice of the meeting.

3.2 <u>**Turnover Meeting.**</u> Declarant shall call the first meeting of the Owners to organize the Association within 90 days after termination of the Class B Membership as provided in Section 3.7. Notice of such meeting shall be given to all Owners as provided in Section 3.5. If a quorum of the Owners is present, the Owners shall elect not fewer than the number of directors sufficient to constitute a quorum of the Board of Directors. If the Declarant fails to call the meeting, the meeting may be

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called and notice given by any Owner or Mortgagee of a Lot. The expense of giving notice shall be paid or reimbursed by the Association. In the event of a lack of quorum at such Turnover Meeting, it may be adjourned as provided in Section 3.6. Nothing in this Section 3.2 shall be construed as preventing Declarant from calling the Turnover Meeting before such date or from calling informal, informational meetings of the Owners.

3.3 <u>Annual Meeting</u>. The annual meeting of the members for the election of directors and for the transaction of such other business as may properly come before the meeting shall be held at such reasonable hour and on such reasonable day as may be established by the Board of Directors or, if the Board should fail to designate a date by the first day of September, then at 7:30 p.m. on the second Thursday in October. The first annual meeting shall be held within one year after the date of the Turnover Meeting.

3.4 <u>Special Meetings.</u> A special meeting of the Association may be called at any time by the President or by a majority of the Board of Directors. A special meeting shall be called by the President or Secretary upon receipt of a written request stating the purpose of the meeting from members having at least 30 percent of the voting rights entitled to be cast at such meeting. Business transacted at a special meeting shall be confined to the purposes stated in the notice of meeting.

3.5 Notice of Meeting.

Written or printed notice stating the place, day and time of the meeting, the items (a) on the agenda, including the general nature of any proposed amendment to the Declaration or these Bylaws, any budget changes, any proposal to remove a director or officer and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than 10 or more than 50 days before the date of the meeting. Such notice shall be given either personally, by mail or, to the extent permitted by law, by electronic mail, facsimile or other form of electronic communication acceptable to the Board of Directors, by or at the direction of the President, the Secretary, or the Persons calling the meeting, to each member entitled to vote at such meeting and to all Mortgagees who have requested such notice. For a period of 10 years following recording of the Declaration, notices of meetings (including agendas) shall also be given to Declarant (or any designee of Declarant specified in any written notice to the Association) in the same manner as given to Owners, and Declarant or a representative of Declarant shall be entitled to attend such meetings. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, with postage fully prepaid thereon, addressed to the member at his or her most recent address as it appears on the records of the Association or to the mailing address of his or her Lot.

(b) When a meeting is adjourned for 30 days or more, or when a redetermination of the Persons entitled to receive notice of the adjourned meeting is required by law, notice of the adjourned meeting shall be given as for an original meeting. In all other cases, no notice of the adjournment or of the business to be transacted at the adjourned meeting need be given other than by announcement at the meeting at which such adjournment is taken.

3.6 Quorum. At any meeting of the Association, members having at least 20 percent of the voting rights entitled to be cast at such meeting, present in person, by proxy or by absentee ballot, if permitted by the Board of Directors, shall constitute a quorum, except when a larger quorum is required by the Declaration. When a quorum is once present to organize a meeting, it cannot be broken by the subsequent withdrawal of a member or members. If any meeting of members cannot be organized because of a lack of quorum, the members who are present, either in person or by proxy, may adjourn the meeting from time to time not less than 48 hours or more than 30 days from the time the original meeting was called until a quorum is present.

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3.7 <u>Voting Rights</u>. The Association shall have two classes of voting membership:

<u>Class A.</u> Class A Members shall be all Owners with the exception of the Class B Member and shall be entitled to one vote for each Lot owned. When more than one Person holds an interest in any Lot, all such Persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.

<u>Class B.</u> The Class B Member shall be the Declarant and shall be entitled to three votes for each Lot owned by Declarant. The Class B Membership shall cease and be converted to Class A Membership on the happening of either of the following events, whichever occurs earlier:

(1) When all of the Lots in the final phase of development of Buxton Ranch have been sold and conveyed to Owners other than a successor Declarant or a builder for development and Declarant has relinquished the right to annex Additional Property; or

(2) At such earlier time as Declarant may elect in writing to terminate Class B Membership.

3.8 Fiduciaries and Joint Owners. An executor, administrator, guardian or trustee may vote or grant consent with respect to any Lot owned or held in such capacity, whether or not the specific right shall have been transferred to his or her name; provided that such person shall satisfy the Secretary that he or she is the executor, administrator, guardian or trustee, holding such Lot in such capacity. Whenever any Lot is owned by two or more Persons jointly, according to the records of the Association, the vote of such Lot may be exercised by any one of the Owners, in the absence of protest by a co-Owner. In the event of disagreement among the co-Owners, the vote of such Lot shall be disregarded completely in determining the proportion of votes given with respect to such matter, unless a valid court order establishes the authority of a co-Owner to vote.

3.9 <u>Tenants and Contract Vendors.</u> Unless otherwise expressly stated in the rental agreement or lease, all voting rights allocated to a Lot shall be exercised by the Owner. Unless otherwise stated in the contract, all voting rights allocated to a Lot shall be exercised by the vendee of any recorded land sale contract on the Lot.

3.10 <u>Casting of Votes and Consents</u>. The voting rights or consent of an Owner may be cast in person at a meeting of the Association or, at the discretion of the Board of Directors, by proxy in accordance with paragraph (a) of this section, by absentee ballot in accordance with paragraph (b) of this section, by written ballot in accordance with paragraph (c) of this section, or by any other method specified in the Declaration, these Bylaws or the Oregon Planned Community Act.

(a) **<u>Proxies.</u>** A proxy must be dated and signed by the Owner, is not valid if it is undated or purports to be revocable without notice, and terminates one year after its date unless the proxy specifies a shorter term. The Board of Directors may not require that a proxy be on a form prescribed by the Board. An Owner may not revoke a proxy given pursuant to this paragraph except by actual notice of revocation to the Person presiding over a meeting of the Association or to the Board of Directors if a vote is being conducted by written ballot in lieu of a meeting. A copy of a proxy in compliance with this paragraph provided to the Association by facsimile, electronic mail or other means of electronic communication utilized by the Board of Directors is valid.

(b) **Absentee Ballots.** An absentee ballot, if authorized by the Board of Directors, shall set forth each proposed action and provide an opportunity to vote for or against each proposed

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action. All solicitations for votes by absentee ballot shall include instructions for delivery of the completed absentee ballot, including the delivery location and instructions about whether the ballot may be canceled if the ballot has been delivered according to the instructions. An absentee ballot shall be counted as an Owner present for the purpose of establishing a quorum. Even if an absentee ballot has been delivered to an Owner, the Owner may vote in person at a meeting if the Owner has returned the absentee ballot and canceled the absentee ballot, if cancellation is permitted in the instructions given under this paragraph.

(c) <u>**Ballot Meetings.**</u> At the discretion of the Board of Directors, any action that may be taken at any annual, regular or special meeting of the Association may be taken without a meeting by written ballot to the extent and in the manner provided in ORS 94.647.

(d) <u>Electronic Ballots.</u> To the extent authorized by the Board of Directors and permitted by the Oregon Planned Community Act, any vote, approval or consent of an Owner maybe given by electronic ballot.

(e) <u>Mortgagees</u>. An Owner may pledge or assign such Owner's voting rights to a Mortgagee. In such a case, the Mortgagee or its designated representative shall be entitled to receive all notices to which the Owner is entitled under these Bylaws and to exercise the Owner's voting rights from and after the time that the Mortgagee shall give written notice of such pledge or assignment to the Board of Directors. Any first Mortgagee may designate a representative to attend all or any meetings of the Association.

3.11 <u>Majority Vote</u>. The vote of a majority of the voting rights entitled to be cast by the members present or represented by absentee ballot or proxy, at a meeting at which a quorum is present, shall be necessary for the adoption of any matter voted upon by the members, unless a greater proportion is required by law, by the Declaration, by the Articles of Incorporation, or by these Bylaws.

3.12 <u>Rules of Order</u>. Unless other rules of order are adopted by resolution of the Association or the Board of Directors, all meetings of the Association shall be conducted according to the latest edition of *Robert's Rules of Order*, published by Robert's Rules Association.

Article 4

DIRECTORS: MANAGEMENT

4.1 <u>Number and Qualification</u>. The affairs of the Association shall be governed by a Board of Directors of three to five persons. All directors, other than interim directors appointed by Declarant, shall be Owners or co-Owners of Lots. For purposes of this Section 4.1, the officers of any corporate Owner, the members of any limited liability company and the partners of any partnership shall be considered co-Owners of any Lots owned by such corporation or partnership.

4.2 <u>Interim Directors.</u> Upon the recording of the Declaration, Declarant shall appoint an interim board of one to three directors, who shall serve until replaced by Declarant or until their successors have been replaced by the Owners as provided below.

4.3 <u>Transitional Advisory Committee.</u> Unless the Turnover Meeting has already been held, Declarant shall call a meeting of the Owners for the purpose of forming a Transitional Advisory Committee. The meeting shall be called within 60 days after the date Declarant conveys 50 percent or more of the Lots then existing in Buxton Ranch to Owners other than a successor Declarant. The committee shall consist of two or more Owners elected by the Owners other than Declarant and not

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more than one representative of Declarant. The members shall serve until the Turnover Meeting. The Transitional Advisory Committee shall be advisory only, and its purpose shall be to enable ease of transition from administrative control of the Association by Declarant to control by the Owners. The committee shall have access to any information, documents and records that Declarant must turn over to the Owners at the time of the Turnover Meeting. If Declarant fails to call the meeting to elect a Transitional Advisory Committee within the time specified, the meeting may be called and notice given by any Owner. If the Owners fail to elect a Transitional Advisory Committee at the meeting called for such purpose, Declarant shall have no further obligation to form the committee.

4.4 Election and Tenure of Office.

(a) At the Turnover Meeting, the interim directors shall resign and the members shall elect three directors, two to serve for two years and one to serve for one year. The two nominees receiving the greatest number of votes shall serve for two years. In the event of a tie, term selection shall be by random means. Thereafter, the successors to each director shall serve for terms of two years each.

(b) Upon a majority vote of the voting rights entitled to be cast by the members present or represented by absentee ballot or proxy at a meeting or ballot meeting at which a quorum is present, the Board of Directors may be increased from three directors to five directors. At the next annual meeting or a special meeting called for such purpose, two additional directors shall be elected, one to serve for a two-year term and one to serve for a one-year term. Term selection shall be in the same manner as provided in paragraph (a) above.

(c) All directors shall hold office until their respective successors shall have been elected by the members. Election shall be by plurality.

4.5 <u>Vacancies</u>.

(a) A vacancy in the Board of Directors shall exist upon the death, resignation or removal of any director, or if the authorized number of directors is increased, or if the members fail at any annual or special meeting of members at which any director or directors are to be elected to elect the full authorized number of directors to be voted for at that meeting.

(b) Vacancies in the Board of Directors, other than interim directors, may be filled by a majority of the remaining directors even though less than a quorum, or by a sole remaining director. Each director so elected shall hold office for the balance of the unexpired term and until his or her successor is elected. Vacancies in interim directors shall be filled by Declarant.

4.6 <u>Removal of Directors.</u> All or any number of the directors, other than interim directors, may be removed, with or without cause, at any meeting of members at which a quorum is present, by a vote of a majority of the number of votes entitled to be cast at an election of directors. No removal of a director shall be effective unless the matter of removal was an item on the agenda and stated in the notice of the meeting as provided in these Bylaws.

4.7 Powers. The Board of Directors shall have all the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties as by law or by the Declaration or by these Bylaws may not be delegated to the Board of Directors by the Owners. The Board of Directors may delegate responsibilities to committees or a managing agent, but shall retain ultimate control and supervision. The powers and duties to be exercised by the Board of Directors shall include, but not be limited to, those set forth in Section 8.5 of the Declaration and the following:

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(a) Carry out the program for maintenance, upkeep, repair and replacement of any property required to be maintained by the Association as described in the Declaration and these Bylaws.

(b) Determine the amounts required for operation, maintenance and other affairs of the Association, and the making of such expenditures.

(c) Prepare a budget for the Association, and Assessment and collection of the Assessments.

(d) Employ and dismiss such personnel as may be necessary for such maintenance, upkeep and repair.

(e) Employ legal, accounting or other personnel for reasonable compensation to perform such services as may be required for the proper administration of the Association; provided, however, the Board may not incur or commit the Association to incur legal fees in excess of \$5,000 for any specific litigation or claim matter or enter into any contingent fee contract on any claim in excess of \$100,000 unless the Owners have enacted a resolution authorizing the incurring of such fees by a vote of 75 percent of the voting rights. These limitations shall not be applicable to legal fees incurred in defending the Association or the Board of Directors from claims or litigation brought against them. The limitations set forth in this paragraph shall increase by 10 percent on each fifth anniversary of the recording of the Declaration. To the extent required by the Oregon Planned Community Act, the Board shall notify the Owners before instituting litigation or administrative proceedings. With regard to any pending litigation involving the Association, the Board shall periodically report to the Lot Owners as to the status (including settlement offers), progress, and method of funding such litigation. Nothing in this paragraph shall be construed as requiring the Board to disclose any privileged communication between the Association and its counsel.

(f) Open bank accounts on behalf of the Association and designate the signatories required therefor.

(g) Prepare and file, or cause to be prepared and filed, any required income tax returns or forms for the Association.

(h) Purchase Lots at foreclosure or other judicial sales in the name of the Association or its designee.

(i) Sell, lease, Mortgage, vote the votes appurtenant to (other than for the election of directors), or otherwise deal with Lots acquired by the Association or its designee.

(j) Obtain insurance or bonds pursuant to the provisions of these Bylaws and review such insurance coverage at least annually.

(k) Make additions and improvements to, or alterations of, the Common Areas, or modify, close, remove, eliminate or discontinue use of any common facility, including any improvement or landscaping, except that any such modification, closure, removal, elimination or discontinuance (other than on a temporary basis) of any swimming pool, spa or recreational or community building must be approved by a majority vote of the members at a meeting or by written ballot held or conducted in accordance with these Bylaws.

(1) From time to time adopt, modify, or revoke such Rules and Regulations governing the details for the operation of the Association, the conduct of Persons and the operation and use of the Property as the Board of Directors may deem necessary or appropriate to ensure the peaceful and orderly use and enjoyment of the Property. Such action may be overruled or modified by vote of not less than 75 percent of the voting rights of each class of members present, in person or by proxy, at any meeting, the notice of which shall have stated that such modification or revocation of Rules and Regulations will be under consideration.

(m) Enforce by legal means the provisions of the Declaration, these Bylaws and any Rules and Regulations adopted hereunder.

(n) In the name of the Association, maintain a current mailing address of the Association, file annual reports with the Oregon Secretary of State, and maintain and keep current the information required to enable the Association to comply with ORS 94.670(7).

(o) Subject to Section 8.8 of the Declaration, enter into management agreements with professional management firms.

4.8 <u>Meetings</u>.

(a) Meetings of the Board of Directors shall be held at such place as may be designated from time to time by the Board of Directors or other Persons calling the meeting.

(b) Annual meetings of the Board of Directors shall be held within 30 days following the adjournment of the annual meetings of the members.

(c) Special meetings of the Board of Directors for any purpose or purposes may be called at any time by the President or by any two directors.

Unless other rules of order are adopted by resolution of the Association or the Board of Directors, all meetings of the Board of Directors shall be conducted according to the latest edition of *Robert's Rules of Order*, published by Robert's Rules Association.

4.9 <u>Open Meetings.</u>

(a) All meetings of the Board of Directors shall be open to Owners except that, in the discretion of the Board, the following matters may be considered in executive session: (i) consultation with legal counsel concerning the rights and duties of the Association regarding existing or potential litigation, or criminal matters; (ii) personnel matters, including salary negotiations and employee discipline; (iii) negotiation of contracts with third parties; and (iv) collection of unpaid Assessments. Except in the case of an emergency, the Board of Directors shall vote in an open meeting on whether to meet in executive session. If the Board of Directors votes to meet in executive session, the presiding officer shall state the general nature of the action to be considered and, as precisely as possible, when and under what circumstances the deliberations can be disclosed to Owners. The statement, motion or decision to meet in the executive session shall be included in the minutes of the meeting, and any contract or action considered in executive session shall not become effective unless the Board, following the executive session, reconvenes in open meeting and votes on the contract or action, which shall be reasonably identified in the open meeting and included in the minutes.

(b) Meetings of the Board of Directors may be conducted by telephonic communication or by other means of communication that allows all members of the Board participating to hear each other simultaneously or otherwise to be able to communicate during the meeting, except that if a majority of the Lots are principal residences of the Occupants, then: (i) for other than emergency meetings, notice of each Board of Directors' meeting shall be posted at a place or places on the Property at least three days before the meeting, or notice shall be provided by a method otherwise reasonably calculated to inform the Owners of such meeting; and (ii) only emergency meetings of the Board of Directors may be conducted by telephonic communication. The meeting and notice requirements of this Section 4.9 may not be circumvented by chance, social meetings, or any other means.

4.10 Notice of Meetings.

(a) Notice of the time and place of meetings shall be given to each director orally, or delivered in writing personally, by mail or to the extent permitted by the Oregon Planned Community Act, by electronic mail, facsimile or other form of electronic communication acceptable to the Board of Directors, at least 24 hours before the meeting. Notice shall be sufficient if actually received at the required time or if mailed or sent electronically not less than 72 hours before the meeting. If mailed, the notice shall be directed to the address shown on the Association's records or to the director's actual address ascertained by the Person giving the notice. Such notice need not be given for an adjourned meeting if such time and place are fixed at the meeting adjourned. For a period of 10 years following recording of the Declaration, notices of meetings (including agendas) shall also be given to Declarant in the same manner as given to the directors.

(b) Attendance of a director at a meeting shall constitute a waiver of notice of such meeting except when a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

4.11 <u>Quorum and Vote</u>.

(a) A majority of the directors shall constitute a quorum for the transaction of business. A minority of the directors, in the absence of a quorum, may adjourn from time to time but may not transact any business.

(b) The action of a majority of the directors present at any meeting at which there is a quorum shall be the act of the Board of Directors unless a greater number is required by law, the Declaration, the Articles of Incorporation or these Bylaws.

(c) A director who is present at a meeting of the Board of Directors at which action is taken on any Association matter is presumed to have assented to the action unless the director votes against the action or abstains from voting on the action because the director claims a conflict of interest. When action is taken on any matter at a meeting of the Board of Directors, the vote or abstention of each director present must be recorded in the minutes of the meeting. Directors may not vote by proxy or by secret ballot at meetings of the Board of Directors, except that officers may be elected by secret ballot.

4.12 <u>Right of Declarant to Disapprove Actions.</u> So long as Declarant or any affiliate of Declarant owns any property within Buxton Ranch, directly or indirectly, in whole or in part, Declarant shall have a right to disapprove any action, policy or program of the Association, the Board of Directors and any committee which, in the sole judgment of the Declarant, would tend to impair the rights of Declarant or builders under the Declaration or these Bylaws, or interfere with development, construction or marketing of any portion of the Property, or diminish the level of services being provided by the Association. This right to disapprove is in addition to, and not in lieu of, any right to approve or disapprove specific actions of the Association, the Board of Directors or any committee as may be granted to the Class B Member or Declarant in the Declaration or these Bylaws.

(a) The Declarant shall be given written notice of all meetings of the Association, the Board of Directors or any committee thereof and of all proposed actions of the Association, the Board of Directors or any committee thereof to be approved at such meetings or by written request in lieu of a meeting. Such notice shall be given by certified mail, return receipt requested, or by personal delivery at the address it has registered with the Secretary of the Association, which notice complies with the requirements for Board meetings set forth in these Bylaws and which notice shall, except in the case of the regular meetings held pursuant to the Bylaws, set forth with reasonable particularity the agenda to be followed at such meeting.

(b) The Declarant shall be given the opportunity at any such meeting to join in or to have its representatives or agents join in discussion from the floor of any prospective action, policy, or program which would be subject to the right of disapproval set forth herein. The Declarant, its representatives or agents may make its concerns, thoughts, and suggestions known to the Board and/or the members of the subject committee.

(c) No action, policy or program subject to the right of disapproval set forth herein shall become effective or be implemented until and unless the requirements of subsections (a) and (b) above have been met and the time period set forth in subsection (d) below has expired.

(d) The Declarant, acting through any officer or director, agent or authorized representative, may exercise its right to disapprove at any time within 10 days following the meeting at which such action was proposed or, in the case of any action taken by written consent in lieu of a meeting, at any time within 10 days following receipt of written notice of the proposed action. This right to disapprove may be used to block proposed actions, but shall not include a right to require any action or counteraction on behalf of any committee, the Board or the Association unless such action or counteraction countermands an action, policy or program that was not properly noticed and implemented. The Declarant shall not use its right to disapprove to reduce the level of services which the Association is obligated to provide or to prevent capital repairs or any expenditure required to comply with applicable laws and regulations.

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4.13 Liability. Neither a member of the Board of Directors nor an officer of the Association or a member of the Architectural Review Committee or any other committee established by the Board of Directors shall be liable to the Association, any Owner or any third party for any damages, loss or prejudice suffered or claimed on account of any action or failure to act in the performance of his or her duties so long as the individual acted in good faith, believed that the conduct was in the best interests of the Association, or at least was not opposed to its best interests, and in the case of criminal proceedings, had no reason to believe the conduct was unlawful. In the event any member of the Board of Directors or any officer or committee member of the Association is made a party to any proceeding because the individual is or was a director, officer or committee member of the Association, the Association shall defend such individual against such claims and indemnify such individual against liability and expenses incurred to the maximum extent permitted by law. The managing agent of the Association, and its officers and employees, shall not be liable to the Association, the Owners or any third parties on account of any action or failure to act in the performance of its duties as managing agent, except for acts of gross negligence or intentional acts, and the Association shall indemnify the managing agent and its officers and employees from any such claims, other than for gross negligence or intentional misconduct.

4.14 <u>Compensation</u>. No director shall receive any compensation from the Association for acting as such.

4.15 Executive, Covenants and Other Committees. Subject to law, the provisions of the Declaration and these Bylaws, the Board of Directors may appoint an Executive Committee, a Covenants Committee to be responsible for covenant enforcement as provided in Section 4.16, and such other standing or temporary committees as may be necessary from time to time consisting of Owners and at least one member of the Board of Directors and having such powers as the Board of Directors may designate. Such committees shall hold office at the pleasure of the Board.

4.16 Enforcement Procedures The Association shall have the power, as provided in the Declaration, to impose sanctions for any violation of the Declaration, these Bylaws or the Rules and Regulations. To the extent specifically required by the Declaration, the Board of Directors shall comply with the following procedures prior to the imposition of sanctions:

(a) <u>Notice</u>. The Board of Directors or its delegate shall serve the alleged violator with written notice describing (i) the nature of the alleged violation, (ii) the proposed sanction to be imposed, (iii) a statement that the alleged violator shall have 14 days to present a written request for a hearing before the Board of Directors or a Covenants Committee appointed by the Board of Directors, if any; and (iv) a statement that the proposed sanction may be imposed as contained in the notice unless a hearing is requested within 14 days of the notice.

(b) **Response.** The alleged violator shall respond to the notice of the alleged violation in writing within such 14-day period, regardless of whether the alleged violator is challenging the imposition of the proposed sanction. If the alleged violator cures the alleged violation and notifies the Board of Directors in writing within such 14-day period the Board of Directors may, but shall not be obligated to, waive the sanction. Such waiver shall not constitute a waiver of the right to sanction future violations of the same or other provisions by any person. If a timely request for a hearing is not made, the sanction stated in the notice shall be imposed; provided, however, that the Board of Directors or Covenants Committee may, but shall not be obligated to, suspend any proposed sanction if the violation is cured within the 14-day period. Any response or request for a hearing shall be delivered to the Association's manager, President or Secretary, or as otherwise specified in the notice of violation.

(c) **Proof of Notice.** Prior to the effectiveness of sanctions imposed pursuant to this Section 4.16, proof of proper notice shall be placed in the minutes of the Board of Directors or Covenants

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Committee, as applicable. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator or its representative requests and appears at the hearing.

(d) <u>Hearing</u>. If a hearing is requested within the allotted 14-day period, the hearing shall be held before the Board of Directors or the Covenants Committee, as applicable. The alleged violator shall be afforded a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing (i.e., the decision) and the sanction, if any, to be imposed.

(e) <u>Appeal.</u> Following a hearing before the Covenants Committee, if applicable, the violator shall have the right to appeal the decision to the Board of Directors. To exercise this right, the violator must deliver a written notice of appeal to the Association's manager, President or Secretary within 10 days after the hearing date.

(f) <u>Enforcement Policies</u>. The Board of Directors, by resolution, may adopt additional policies and procedures governing enforcement of the Declaration, these Bylaws or the Rules and Regulations.

Article 5

OFFICERS

5.1 Designation and Qualification. The officers of the Association shall be the President, the Secretary, the Treasurer, and such Vice Presidents and subordinate officers as the Board of Directors shall from time to time appoint. The President shall be a member of the Board of Directors, but the other officers need not be directors. Any two offices, except the offices of President and Secretary, may be held by the same person.

5.2 <u>Election and Vacancies</u>. The officers of the Association shall be elected annually by the Board of Directors at the organization meeting of each new Board to serve for one year and until their respective successors are elected. If any office shall become vacant by reason of death, resignation, removal, disqualification or any other cause, the Board of Directors shall elect a successor to fill the unexpired term at any meeting of the Board of Directors.

5.3 <u>Removal and Resignation.</u>

(a) Any officer may be removed upon the affirmative vote of a majority of the directors whenever, in their judgment, the best interests of the Association will be served thereby. The removal of an officer shall be without prejudice to the contract rights, if any, of the officer so removed.

(b) Any officer may resign at any time by giving written notice to the Board of Directors, the President or the Secretary of the Association. Any such resignation shall take effect upon receipt of such notice or at any later time specified therein. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective, provided, however, that the Board of Directors may reject any postdated resignation by notice in writing to the resigning officer. The effectiveness of such resignation shall not prejudice the contract rights, if any, of the Association against the officer so resigning.

5.4 <u>**President.**</u> The President shall be the chief executive officer of the Association and shall, subject to the control of the Board of Directors, have powers of general supervision, direction and

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control of the business and affairs of the Association. He or she shall preside at all meetings of the members and of the Board of Directors. He or she shall be an ex officio member of all the standing committees, including the Executive Committee, if any, shall have the general powers and duties of management usually vested in the office of president of a nonprofit corporation, and shall have such other powers and duties as may be prescribed by the Board of Directors or these Bylaws.

5.5 <u>Vice Presidents</u>. The Vice Presidents, if any, shall perform such duties as the Board of Directors shall prescribe. In the absence or disability of the President, the President's duties and powers shall be performed and exercised by the Senior Vice President as designated by the Board of Directors.

5.6 <u>Secretary</u>.

(a) The Secretary shall keep or cause to be kept a book of minutes of all meetings of directors and members showing the time and place of the meeting, whether it was regular or special, and if special, how authorized, the notice given, the names of those present at Board meetings, the number of memberships present or represented at members' meetings and the proceedings thereof.

(b) The Secretary shall give or cause to be given such notice of the meetings of the members and of the Board of Directors as is required by these Bylaws or by law. The Secretary shall keep the seal of the Association, if any, and affix it to all documents requiring a seal, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or these Bylaws.

(c) If there are no Vice Presidents, then in the absence or disability of the President, the President's duties and powers shall be performed and exercised by the Secretary.

5.7 <u>Treasurer</u>. The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the Association, including accounts of its assets, liabilities, receipts and disbursements. The books of accounts shall at all reasonable times be open to inspection by any director. The Treasurer shall deposit or cause to be deposited all moneys and other valuables in the name and to the credit of the Association with such depositories as may be designated by the Board. The Treasurer shall disburse or cause to be disbursed the funds of the Association as may be ordered by the Board, shall render to the President and directors, whenever they request it, an account of all of the Treasurer's transactions as Treasurer and of the financial condition of the Association, and shall have such other powers and perform such other duties as may be prescribed by the Board or these Bylaws.

5.8 <u>Compensation of Officers.</u> No officer who is a member of the Board of Directors shall receive any compensation from the Association for acting as an officer, unless such compensation is authorized by a resolution duly adopted by the members. The Board of Directors may fix any compensation to be paid to other officers.

Article 6

ASSESSMENTS, RECORDS AND REPORTS

6.1 <u>Assessments.</u> As provided in the Declaration, the Association, through its Board of Directors, shall do the following:

(a) Assess and collect from every Owner Assessments in the manner described in the Declaration.

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(b) Keep all funds received by the Association as Assessments, other than reserves described in the Declaration, in the Operations Fund and keep all reserves collected pursuant to the Declaration in the Reserve Fund and use such funds only for the purposes described in the Declaration. All Assessments shall be deposited in the name of the Association in a separate federally insured account at a financial institution as defined in ORS 706.008, other than an extranational institution. All expenses of the Association shall be paid from the Association's bank account.

(c) From time to time, and at least annually, prepare a budget for the Association, estimating the common expenses expected to be incurred with adequate allowance for reserves based upon the reserve study required by the Declaration, and determine whether the Annual Assessment should be increased or decreased. Within 30 days after adopting a proposed annual budget, the Board of Directors shall provide a summary of the budget to all Owners. If the Board of Directors fails to adopt a budget, the last adopted annual budget shall continue in effect.

(d) Fix the amount of the Annual Assessment against each Lot at least 30 days in advance of each Annual Assessment period. Written notice of any Assessment shall be sent to every Owner subject thereto and to any first Mortgagee requesting such notice. The due dates shall be established by the Board of Directors, which may fix a regular flat Assessment payable on a monthly, quarterly, semiannual or annual basis. The Board of Directors shall cause to be prepared a roster of the Lots showing Assessments applicable to each Lot. The roster shall be kept in the Association office and shall be subject to inspection by any Owner or Mortgagee during regular business hours. Within 10 business days after receiving a written request, and for a reasonable charge, the Association shall furnish to any Owner or Mortgagee a recordable certificate setting forth the unpaid Assessments against such Owner's Lot. Such certificate shall be binding upon the Association, the Board of Directors, and every Owner as to the amounts of unpaid Assessments

(e) When Additional Properties are annexed, the Board of Directors shall assess any Lots included therein in accordance with Article 10 of the Declaration.

(f) Enforce the Assessments in the manner provided in the Declaration.

(g) Keep records of the receipts and expenditures affecting the Operations Fund and Reserve Fund and make the same available for examination by members and their Mortgagees at convenient hours; maintain an Assessment roll showing the amount of each Assessment against each Owner, the amounts paid upon the account and the balance due on the Assessments; give each member written notice of each Assessment at least 30 days before the time when such Assessments shall become due and payable; and for a reasonable charge, promptly provide any Owner or Mortgagee who makes a request in writing with a written certificate of such Owner's unpaid Assessments.

6.2 <u>Records.</u> The Association shall keep within the State of Oregon correct and complete financial records sufficiently detailed for proper accounting purposes, keep minutes of the proceedings of its members, Board of Directors and committees having any of the authority of the Board of Directors, and retain all documents, information and records turned over to the Association by Declarant. All documents, information and records delivered to the Association by Declarant pursuant to ORS 94.616 shall be kept within the State of Oregon.

6.3 <u>Statement of Assessments Due.</u> The Association shall provide, within 10 business days after receipt of a written request from an Owner, a written statement that provides: (a) the amount of Assessments due from the Owner and unpaid at the time the request was received, including regular and Special Assessments, fines and other charges, accrued interest, and late-payment charges; (b) the

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percentage rate at which interest accrues on Assessments that are not paid when due; and (c) the percentage rate used to calculate the charges for late payment or the amount of a fixed-rate charge for late payment. The Association is not required to comply with this Section 6.3 if the Association has commenced litigation by filing a complaint against the Owner and the litigation is pending when the statement would otherwise be due.

6.4 **Inspection of Books and Records**. Except as otherwise provided in ORS 94.670(5), during normal business hours or under other reasonable circumstances, the Association shall make reasonably available for examination and, upon written request, available for duplication, by Owners, lenders, and holders of any Mortgage of a Lot that make the request in good faith for a proper purpose, current copies of the Declaration, Articles of Incorporation, Bylaws, Rules and Regulations, amendments or supplements to such documents and the books, records, financial statements and current operating budget of the Association. The Association shall maintain a copy, suitable for purposes of duplication, of each of the following: (a) the Declaration, these Bylaws, the Rules and Regulations and any amendments or supplements thereto, (b) the most recent financial statement of the Association, and (c) the current operating budget of the Association. The Association, within 10 business days after receipt of a written request by an Owner, shall furnish copies of such documents to the requesting Owner. Upon written request, the Association shall make such documents, information and records available to such Persons for duplication during reasonable hours. The Board of Directors, by resolution, may adopt reasonable rules governing the frequency, time, location, notice and manner of examination and duplication of Association records and the imposition of a reasonable fee for furnishing copies of such documents, information or records. The fee may include reasonable personnel costs for furnishing the documents, information or records.

6.5 <u>Payment of Vouchers.</u> The Treasurer or managing agent shall pay all vouchers for all budgeted items and for any nonbudgeted items, up to \$1,000, signed by the President, managing agent, manager or other Person authorized by the Board of Directors. Any voucher for nonbudgeted items in excess of \$1,000 shall require the authorization of the President or a resolution of the Board of Directors.

6.6 Execution of Documents. The Board of Directors may, except as otherwise provided in the Declaration, Articles of Incorporation, or these Bylaws, authorize any officer or agent to enter into any contract or execute any instrument in the name of and on behalf of the Association. Such authority may be general or confined to specific instances. Unless so authorized by the Board of Directors, no officer, agent, or employee shall have any power or authority to bind the Association by any contract or engagement, to pledge its credit, or to render it liable for any purpose or for any amount.

6.7 Reports and Audits. An annual financial statement consisting of a balance sheet and an income and expense statement for the preceding year shall be rendered by the Board of Directors to all Owners and to all Mortgagees who have requested the same within 90 days after the end of each fiscal year. Commencing with the fiscal year following the Turnover Meeting, if the Annual Assessments exceed \$75,000 for the year, then the Board of Directors shall cause such financial statements to be reviewed within 180 days after the end of the fiscal year by an independent certified public accountant licensed in Oregon in accordance with the Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants, or if the Annual Assessments are \$75,000 or less, shall cause such review within 180 days after receipt of a petition requesting such review signed by at least a majority of Owners. The Board of Directors need not cause such a review to be performed if so directed by an affirmative vote of at least 60 percent of the Owners, not including votes of Declarant with respect to Lots owned by Declarant. From time to time, the Board of Directors, at the expense of the Association, may obtain an audit of the books and records pertaining to the Association and furnish copies thereof to the members. At any time any Owner or

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holder of a Mortgage may, at their own expense, cause an audit or inspection to be made of the books and records of the Association.

Article 7

INSURANCE

7.1 <u>Types of Insurance</u>. For the benefit of the Association and the Owners, the Board of Directors shall obtain and maintain at all times, and shall pay for out of the Operations Fund, the following insurance:

(a) **Property Damage Insurance**.

(1) The Association shall maintain a policy or policies of insurance covering loss or damage from fire, with standard extended coverage and "all risk" endorsements, and such other coverages as the Association may deem desirable.

(2) The amount of the coverage shall be for not less than 100 percent (100%) of the current replacement cost of the exterior elements of the Units that the Association has responsibility for maintaining and any improvements on the Common Areas (exclusive of land, foundation, excavation and other items normally excluded from coverage), subject to a reasonable deductible as determined by the Board of Directors not to exceed \$10,000.

(3) The policy or policies shall include all fixtures and building service equipment to the extent that they are part of the Common Areas and all personal property and supplies belonging to the Association, together with all fixtures, improvements and alterations comprising a part of each Unit for which the Association has maintenance and repair responsibility.

(4) Such policy or policies shall name the Association, for the use and benefit of the individual Lot Owners, as insured, and shall provide for loss payable in favor of the Association, as a trustee for each Owner and each such Owner's Mortgagee, as their interests may appear. The policies shall contain the standard mortgage clause, or equivalent endorsement (without contribution) which is commonly accepted by institutional mortgage investors in Oregon.

(b) <u>Liability Insurance</u>.

(1) The Association shall maintain comprehensive general liability insurance coverage insuring the Declarant, the Association, the Board of Directors, and the managing agent, against liability to the public or to Owners and their invitees or tenants, incident to the operation, maintenance, ownership or use of the Common Areas, including legal liability arising out of lawsuits related to employment contracts of the Association. There may be excluded from such policy or policies coverage of an Owner (other than as a member of the Association or Board of Directors) for liability arising out of acts or omissions of such Owner and liability incident to the ownership and/or use of the part of the Property as to which such Owner has the exclusive use or occupancy.

(2) Limits of liability under such insurance shall not be less than \$1,000,000 on a combined single-limit basis.

(3) Such policy or policies shall be issued on a comprehensive liability basis and shall provide a cross-liability endorsement wherein the rights of named insureds under the policy or policies shall not be prejudiced as respects his, her or their action against another named insured.

Exhibit A - 15

(c) <u>Workers' Compensation Insurance</u>. The Association shall maintain workers' compensation insurance to the extent necessary to comply with any applicable laws.

(d) Fidelity Insurance.

(1) The Board of Directors may cause the Association to maintain blanket fidelity insurance for all officers, directors, trustees and employees of the Association and all other Persons handling or responsible for funds of, or administered by, the Association. In the event that the Association has retained a management agent, the Board of Directors may require such agent to maintain fidelity insurance for its officers, employees and agents handling or responsible for funds of, or administered on behalf of, the Association. The cost of such insurance, if any, may be borne by the Association.

(2) The total amount of fidelity insurance coverage required shall be based upon the best business judgment of the Board of Directors.

(3) Such fidelity insurance shall name the Association as obligee and shall contain waivers by the insurers of all defenses based upon the exclusion of Persons serving without compensation from the definition of "employees" or similar terms or expressions. The insurance shall provide that it may not be canceled or substantially modified (including cancellation for nonpayment of premium) without at least 10 days' prior written notice to the Association.

(e) **Directors' and Officers' Liability Insurance.** The Association shall maintain a policy of directors' and officers' liability insurance with coverage in the amount of not less than \$1,000,000 subject to a reasonable deductible, which deductible shall be the responsibility of the Association. Such insurance shall cover both interim and regular directors and shall include coverage for claims brought by the Association, Owners and/or third parties, including, without limitation, claims arising out of construction defects or failure to maintain adequate reserves. Directors and officers will be accepting such positions in reliance upon such insurance protection being maintained by the Association. Therefore, in the event the Association fails to carry such insurance or amends these Bylaws to delete or reduce these insurance requirements, the Association and Owners shall be deemed to have released such claims and deemed to have covenanted not to sue or prosecute any claims against its current or former directors or officers that would have been insured under such a policy.

(f) **Insurance by Lot Owners.** The Association has no responsibility to procure or assist in procuring property loss insurance for any Owner or tenant for (i) damage to a Unit not covered by the Association's policy (because of the deductible amount or because the claim for loss or damage is one not covered by fire and property loss insurance policies required by these Bylaws or held by the Association); or (ii) any damage or loss to the Owner's or tenant's personal property. Owners must be responsible for purchasing insurance policies insuring their Units (including for the deductible amount applicable to Association-maintained elements of the exterior) and for insuring their own personal property for any loss or damage. Owners and tenants of all Units must procure and maintain comprehensive liability policies having combined limits in amounts reasonably set by the Board of Directors no more often than every three years. Such insurance must provide coverage for, without limitation, the negligent acts of the Owner and tenant and their guests or other Occupants of the Unit for damage to the Common Areas and other Units and the personal property of others located therein. Each Owner shall obtain, at his or her own expense, homeowner's insurance covering the Unit on the Owner's Lot and liability resulting from use or ownership of the Lot.

7.2 <u>Planned Community Act Requirements</u>. The insurance maintained by the Association shall comply with the requirements of the Oregon Planned Community Act, ORS 94.550 to 94.780.

Article 8

GENERAL PROVISIONS

8.1 <u>Seal.</u> The Board of Directors may, by resolution, adopt a corporate seal.

8.2 <u>Waiver of Notice.</u> Whenever any notice to any member or director is required by law, the Declaration, the Articles of Incorporation, or these Bylaws, a waiver of notice in writing signed at any time by the Person entitled to notice shall be equivalent to the giving of the notice.

8.3 <u>Action Without Meeting</u>. Any action that the law, the Declaration, the Articles of Incorporation or the Bylaws require or permit the members or directors to take at any meeting may be taken without a meeting or ballot meeting if a consent in writing setting forth the action so taken is signed by all of the members or directors entitled to vote on the matter. The consent, which shall have the same effect as a unanimous vote of the members or directors, shall be filed in the records of minutes of the Association.

8.4 <u>Conflicts.</u> These Bylaws are intended to comply with the Oregon Planned Community Act, the Oregon Nonprofit Corporation Law, the Declaration and the Articles of Incorporation. In case of any irreconcilable conflict, such statutes and documents shall control over these Bylaws.

Article 9

AMENDMENTS TO BYLAWS

9.1 <u>How Proposed</u>. Amendments to these Bylaws shall be proposed by either a majority of the Board of Directors or members holding at least 30 percent of the voting rights entitled to be cast for such amendment. The proposed amendment must be reduced to writing and shall be included in the notice of any meeting at which action is to be taken thereon or be attached to any request for consent to the amendment.

9.2 Adoption.

(a) A resolution adopting a proposed amendment may be proposed by either the Board of Directors or the members and may be approved by the membership at a meeting called for such purpose, or by written consent of the members. Members not present at the meeting considering such amendment may express their approval in writing or by proxy. Any resolution must be approved by members holding a majority of the voting rights, together with the written consent of the Class B Member, if any, and, as long as there is a Class B Member, by the Federal Housing Administration or the Veterans Administration, if these Bylaws were previously approved by such agencies. Amendment or repeal of any provision of these Bylaws that is also contained in the Declaration must be approved by the same voting requirement for amendment of such provision of the Declaration.

(b) Notwithstanding the provisions of the preceding paragraph, until the Turnover Meeting has occurred, Declarant shall have the right to amend these Bylaws in order to comply with the requirements of the Federal Housing Administration, the United States Department of Veterans Affairs,

Exhibit A - 17

the Farmers Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States or the State of Oregon, or any corporation wholly owned, directly or indirectly, by the United States or the State of Oregon that insures, guarantees or provides financing for a planned community or lots in a planned community. After the Turnover Meeting, any such amendment shall require the approval of a majority of the voting rights of the Association, voting in person, by proxy, or by ballot, at a meeting or ballot meeting of the Association at which a quorum is represented.

9.3 <u>Execution and Recording</u>. An amendment shall not be effective until certified by the President and Secretary of the Association as being adopted in accordance with these Bylaws and ORS 94.625 and recorded in the Deed Records of Columbia County, Oregon.

Schihit 2.

Neighborhood Meeting (Virtual) Buxton Ranch February 15, 2022

The meeting was posted live at 5:45 PM, with <u>Screen Slide</u> providing general information, access links and how to sign-in.

Note: All Screen Slides presented are attached hereto.

Matt Sprague, Pioneer Design Group, opened the meeting at 6:00 PM greeting everyone, and requesting that attendees sign-in to be recognized on the record.

Matt noted several questions had been submitted by email prior to the meeting. We will address those tonight, and after our project summary there will be time for additional questions to be submitted. We will attempt to respond to all questions tonight, but if needed, we will follow-up by posting responses on the web site within the next 7 days.

<u>Screen Slide – Project Team</u>, Matt provided a summary of the backgrounds of the Design Team, including David Weekly Homes; Pioneer Design Group, Inc.; Environmental Science & Assessment, LLC (Environmental Biologist); West Consultants, Inc. (Flood Plain Modeling); Kittelson & Associates, Inc. (Traffic Engineers); and GeoPacific Engineering, Inc. (Geotechnical).

Matt also mentioned the Buxton family, owners of the property. The family has been actively part of Scappoose for decades. This property has been used for many community events.

<u>Screen Slide – Chapter 17.162</u>, Matt summarized the City's Land Use Review procedures. He noted that this neighborhood meeting was voluntary. Once the application is submitted and determined "complete" the City will provide mailed notice of the schedule for a public hearing before the Planning Commission. The Commission will make a recommendation to the City Council, who will also hold a public hearing. The whole process will take no more than 120 days after the application is declared "complete".

<u>Screen Slide – Location/Zone Map</u>, Matt provided an orientation of the site, with the surrounding zoning. The site is zoned R-1, properties to the north, west and south are also R-1, with Veterans Memorial Park across SW JP West Road; properties to the east are R-4 and A-1.

<u>Screen Slide - Preliminary Plat</u>, Matt explained that access to the site will be from SW JP West Road. A public street will be extended through the site, as an extension of SW Eggelston Lane, located to the south.

Matt explained the various Tracts, two of which are storm water facilities and the others are open spaces and parks. Tract D runs along the entire east side of the property including S. Scappoose Creek. He noted that the applicant is using the Planned Development provisions of the Code,

Buxton Ranch – Neighborhood Meeting (Virtual) February 15, 2022 PDG 359-004

1

which allow flexibility in the standards (lot sizes. etc.) to adjust for the environmental resources on the property. But, with these adjustments 60% of the site will be in open spaces.

The development will provide a looped water system, which will serve the development, while enhancing to flows of the City's water system in the area. The development will extend sanitary sewer into and through the site along the public street.

Storm water will be managed by a piped system which will direct storm water to the two Stormwater Facilities. These facilities serve two functions:

- 1. They provide water quality filtration; and
- 2. They provide detention, with controlled discharge.

All public facilities are immediately available and adequate to serve this development.

<u>Screen Slide – Floodplain</u>, Matt provided a summary of the extensive floodplain analysis conducted for this development, working with West Consultants, Inc.

First, to account for prior projects completed along S. Scappoose Creek the floodplain was modeled and a LOMA, Letter of Map Amendment was filed with FEMA. The LOMA established new floodplain elevations along the analyzed sections of the creek.

Then, with the FEMA approved LOMA, additional modeling was done to define the effects of proposed site development, including required "balanced cut & fill" to maintain flood storage capacity. The results of the modeling demonstrate the site development will result in a "No Net Rise" in flood elevations, as required by the City and FEMA.

Matt noted that there will be a small area at the entry into the site that may flood to 2-3 inches during a 100-year storm event. A 100-year storm is the common term, but a more accurate description is a 1% chance in any one year. The FEMA floodplain and insurance maps are based on this storm event category.

<u>Screen Slide – Colored Site Rendering</u>, Matt described the extensive amount of open space and landscaping that will be maintained and provided with this development. 60% of the site will be in open spaces, with a wide variety of planting materials, from treed areas to open savannas, resulting in an enhanced attractive environment.

<u>Screen Slide – Architectural Character</u>, Matt described the variety of home styles and architectural features of David Weekly Homes. The various styles and trim options allow owners to personalize their homes. There are single level and two-story options.

Matt then opened the meeting for Q&A. Some questions were submitted during the project summary, others were by phone attendees, and also those emailed prior to the meeting. The Contact, Web Link Screen Slide was posted again, with a reminder that all the slides can be viewed at the Web Link, for those calling in.

Questions Submitted during the Meeting:

1. Does David Weekly Homes own the property?

Response: They are Contract purchasers. The Buxton Family currently still owns the property.

2. What is the development schedule?

Response: It will take most of this year to complete the land use and construction plan reviews and approval. So, most likely construction will occur in the summer of 2023. Site work will take about 4 months, then homes will be constructed, based on market demands at that time.

Call-In Questions

3. 6137 – We have lived hear 30 years. About 20 years ago another development was proposed but it failed due to the extensive site work needed given the floodplain, etc. What is different with this development.

Response: Matt explained that the primary difference is the extensive floodplain analysis and modeling we have done.

As far as we know, the prior developments just planning on a simple balanced cut & fill.

However, as I explained, we have processed a LOMA, and are following that up with a CLOMR, Conditional Letter of Map Revision, based on the extensive modeling of the proposed balanced cuts & fills, to demonstrate the required "No Net Rise" in flood elevations.

4. 2517 – We have lived here 23 years. Are there any special materials you are using to protect against flood damage?

Response: Matt explained we are implementing the City's floodplain standards. First, beyond the balanced cuts & fills, which results in the required "No Net Rise", the finished floors of all homes will be elevated at least 2 feet above the flood elevation. We will also be using specific materials for the site work to protect against bank scouring and erosion. And there are special design standards for all utilities to protect against flood damage.

5. 7472 – What about liquefaction from flooding?

Response: Matt noted that the Geotech Report did not find any issues with liquefaction.

6. 7778 – We live on the east side of the creek, and experience regular flooding. You mentioned prior work along the creek, but we have not seen any improvements and still get flooded regularly, including bank erosion. We don't believe you can guarantee the results.

Response: Matt noted that this project is not making any alterations to the banks of the creek. Our modeling shows a "No Net Rise" and the CLOMR will be approved by FEMA prior to City approval and any site work.

7. 6055 – We weren't able to see any of the slides, just the site plan sent with the meeting invite letter. What about all the runoff and paved surfaces given the current ponding, and the impact on stream health? Also impacts on schools and other City services.

Response: Wayne Hayson, Pioneer Design Group, noted that the screen slide can be viewed at the web link. The notes form this meeting will also be posted.

Matt explained that the two storm water facilities serve two purposes, first the facilities provide water quality filtration to remove contaminants, and second, the facility provides temporary storage (detention), so the discharge is maintained at the same rate as existing conditions.

- 8. 6879 No response.
- 9. 1590 What about the impacts on fish & wildlife from all the runoff?

Response: Matt explained the ES&A has conducted an environmental assessments of the existing conditions and proposed improvements. They have coordinated with ODF&W, Oregon Department of Fish & Wildlife, for environmental enhancements (plantings, etc.). And, as noted, with storm water is filtered prior to discharge to maintain water quality.

Questions submitted prior to Meeting

1. Is the trail a permanent right-of-way?

Response: The trail will be owned and maintained by the Homeowners Association (HOA), but there will be a public easement granted.

There will also be a Conservation Easement over the entire Tract D Open Space, with provisions so the City could add trails or other enhancements in the future, if desired.

2. Was there a traffic impact report?

Response: Yes, Kittelson & Associates has prepared a traffic impact report. Their report shows no significant impact at studied intersections.

3. Will the street actually be extended to SW Eggelston Lane?

Response: This development will only extend it to the south boundary of the site. Any future extension, completing the connection to SW Eggelston Lane will be dependent upon future development of the intervening property.

4. What will the price range be for the homes?

Response: Matt noted he did not have that information, but would check and post it on the Web site.

5. Who will own the open spaces?

Response: The HOA will own and maintain the tracts, but there will be public access easements provided.

The City could own Tract D is desired, but often the jurisdictions do not want to own and maintain open spaces.

6. What about light pollution?

Response: We will comply with the City's lighting standards. If "dark sky" type lighting is allowed or required, that will be provided. Generally, down or shielded lighting is proposed, which reduces glare and off-site impacts.

7. How large are the storm facilities?

Response: Matt noted he did not have the specific dimensions, but they are over half an acre.

8. Will the storm facilities be above the floodplain?

Response: Matt noted, generally, yes, however, the bottom of the facilities will be below the flood elevations. But there are backflow valves that prevent storm water from flow back into the facilities.

9. Will the HOA be limited to just this development?

Response: Yes, no one outside of this development will be part of the HOA.

With no further questions posted, Matt Thanked everyone for participating. He acknowledge the concerns listed, and again mentioned the extensive floodplain analysis and modeling that has been completed for this project.

We are meeting all local, state and federal standards.

Matt restated his email noting he will respond to questions. Wayne Hayson, reminded folks of the information link, and that he would live the information on the screen for 15 minutes.

Matt Closed the meeting at 7:15 PM.

Emails Received prior to Meeting – Most questions were addressed as listed above.

Our Questions for Virtual Meeting.

Background:

We have owned property on Jobin Lane since 1989 and have witnessed severe flooding, on Buxton property below us, every year since we bought this home.

1. This was flooded again in 2021, even after work on creek bank. Why is this not still a hundred year flood protected area?

2. Where will the water from paved street and 48 driveways go? Will it go into Scappoose creek?

3. Has a study been done on the effects on Scappoose Creek and watershed of the toxic run off from paved areas of proposed development.

4. Has a study been completed on safety impact of basically developing a four way intersection at J P West and Capt. Kuchera Rd?

Please consider answering these questions. I think many neighbors share our concerns!

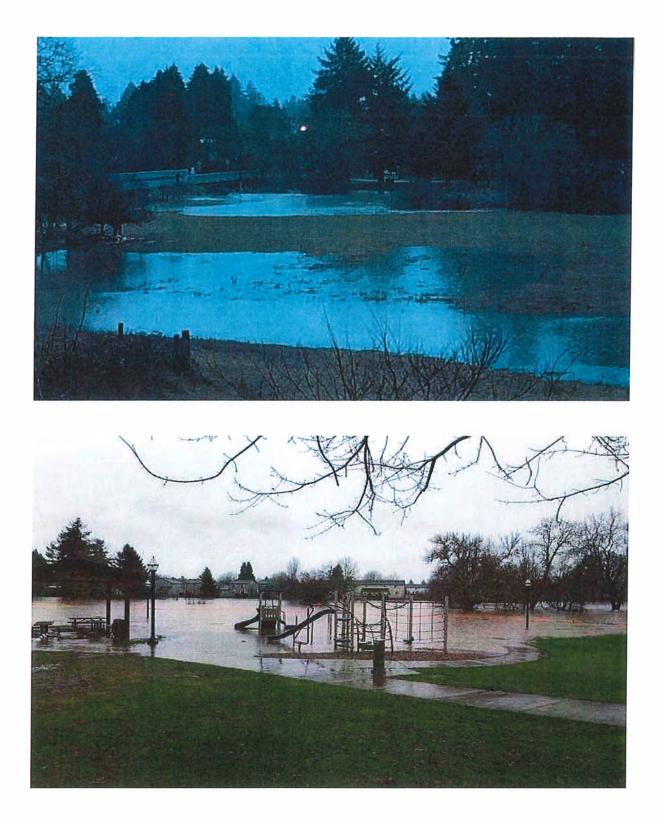
Sincerely,

Mr. and Mrs. Knytych Sent from Mail for Windows

Hello, our household has two questions pertaining to the review meeting tonight at 6pm:

- 1. Our property on Jobin Ln shares a border with the proposed development. We do not have a properly secured fence line separating our property from the site. Will PDG cover the cost and construction of a fence?
- 2. Included are two pictures of the development site and adjacent park during rain flooding. What is the proposed solution for flood abatement? If the new development is flood proofed, that increases the risk of existing properties at flood risk since abetment does not make flood water go away, it just pushes it further downstream. What is the overall plan for that as it pertains to Scappoose Creek?

Sincerely, Bryan and Lindsey



Source	Type	Identity	Timestamp	Content
Moderator	Announcement	Wayne Hayson (whayson@pd-grp.com)	2/16/2022 2:03	2/16/2022 2:03 Please use the Q&A to register your participation.
Attendee	Question	Bryan (Unverified)	2/16/2022 2:04	Hi there does not appear to be a place in here to include the name, address, email, 2/16/2022 2:04 and phone number. Unless you mean just include that in this message
				Correct. The names and addresses will not be published here tonight, but will be
				included in the materials submitted to the City to record your participation(Bryan (I Inverified) asked "Hi there does not annear to be a place in bere to include the
		Wavne Havson		vonvennea, asked in undre does not appear to be a prace in net e on induce inc name address, email, and phone number. Unless vou mean inst include that in this
Moderator	Response	(whayson@pd-grp.com)	2/16/2022 2:05 message")	message")
Attendee	Question	Anonymous (Unverified)	2/16/2022 2:10	2/16/2022 2:10 The system will not let me post any questions
Attendee	Question	Anonymous (Unverified)	2/16/2022 2:11	2/16/2022 2:11 Teams won't let people in
Attendee	Question	Anonymous (Unverified)	2/16/2022 2:13	Favid Weekley Homes
		Wayne Hayson		This question has posted, but has to be published by the meeting producer before it
Moderator	Response	(whayson@pd-grp.com)	2/16/2022 2:15	2/16/2022 2:15 appears for general reading(The system will not let me post any questions)
		1.7		
				We do have 18 people currently attending the meeting, including 10 online and 6 by
		Wayne Hayson		phone. If you are speaking with people who can't access the meeting, please ask
Moderator	Response	(whayson@pd-grp.com)	2/16/2022 2:17	2/16/2022 2:17 them to check the web address they are entering(Teams won't let people in)
		Wayne Hayson		
Moderator	Announcement	(whayson@pd-grp.com)	2/16/2022 2:21	2/16/2022 2:21 https://bit.ly/buxtonranchmeeting
Attendee	Question	Anonymous (Unverified)	2/16/2022 2:24	2/16/2022 2:24 I got in after numerous attempts. Microsoft Teams kept saying that I needed to be a
				The meeting is a "public event" in Microsoft Teams. Per Microsoft support, "If an
				event is public, anyone who has the link can attend without logging in".(I got in after
		Wayne Hayson		numerous attempts. Microsoft Teams kept saying that I needed to be a member of a
Moderator	Response	(whayson@pd-grp.com)	2/16/2022 2:31	2/16/2022 2:31 PDG team before it would let me in.)
				l didn't quite understand during the team introduction - does David Weekley Homes
Attendee	Question	Bryan (Unverified)	2/16/2022 2:33	2/16/2022 2:33 own the property. In other words did they purchase it from Chip Buxton?
Attendee	Question	Anonymous (Unverified)	2/16/2022 2:34	2/16/2022 2:34 When do you plan to start and complete construction.
Attendee	Question	Marty (Unverified)	2/16/2022 2:35	2/16/2022 2:35 ls the trail on the east side of the project a permanent right-of-wav for the city?

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	(Unverified) Taylor Murray (Unverified) Bryan (Unverified) Peter (Unverified) Anonymous (Unverified) Susan (Unverified) Susan (Unverified) Anonymous (Unverified) Anonymous (Unverified)	2/16/2022 2:36 Will there I 2/16/2022 2:38 I live on Jot 2/16/2022 2:38 Thank you. 2/16/2022 2:47 What is the 2/16/2022 2:48 I'd like to k 2/16/2022 2:48 By chance 2/16/2022 2:48 Nothing ha	2/16/2022 2:36 Will there be a study to look at potential traffic impacts and remedies on JP West? 2/16/2022 2:38 I live on Jobin, but am curious about ingress and egress and how the expansion of
Question 1 Question 2 Question 2	Taylor Murray (Unverified) Bryan (Unverified) Peter (Unverified) Anonymous (Unverified) Susan (Unverified) Susan (Unverified) Anonymous (Unverified) Anonymous (Unverified) Anonymous (Unverified) Anonymous (Unverified) Anonymous (Unverified) Anonymous (Unverified)	2/16/2022 2:38 2/16/2022 2:38 2/16/2022 2:47 2/16/2022 2:48 2/16/2022 2:48 2/16/2022 2:48	ive on Jobin, but am curious about ingress and egress and how the expansion of
Question P Question Question	Bryan (Unverified) Peter (Unverified) Anonymous (Unverified) Susan (Unverified) Susan (Unverified) Anonymous (Unverified) Anonymous (Unverified)	2/16/2022 2:38 T 2/16/2022 2:47 V 2/16/2022 2:48 I 2/16/2022 2:48 E 2/16/2022 2:48 E	
Question A	Peter (Unverified) Anonymous (Unverified) Anonymous (Unverified) Susan (Unverified) Anonymous (Unverified) Anonymous (Unverified)	2/16/2022 2:47 V 2/16/2022 2:48 I' 2/16/2022 2:48 E 2/16/2022 2:48 E	hank you.
Question A	Anonymous (Unverified) Anonymous (Unverified) Susan (Unverified) Anonymous (Unverified) Anonymous (Unverified) Anonymous (Unverified)	2/16/2022 2:48 I' 2/16/2022 2:48 E 2/16/2022 2:48 I	2/16/2022 2:47 What is the square footage range of the homes? What is the estimated price range?
Question Question Question Question Question Question Question Question Question Question	Anonymous (Unverified) Susan (Unverified) Anonymous (Unverified) Anonymous (Unverified) Anonymous (Unverified)	2/16/2022 2:48 B 2/16/2022 2:48 r	2/16/2022 2:48 I'd like to know how you are addressing the flooding issues on the West side of the
Question Question Question Question Question Question Question Question	Susan (Unverified) Anonymous (Unverified) Anonymous (Unverified) Anonymous (Unverified)	2/16/2022 2:48	2/16/2022 2:48 By chance if all this great engineering does not work as planned, who is going to pay
Question Question Question Question Question	Anonymous (Unverified) Anonymous (Unverified) Anonymous (Unverified)		2/16/2022 2:48 Nothing has changed on the creek as far as we've seen on our property. If anything it
Question Question Question Question Question	Anonymous (Unverified) Anonymous (Unverified) Anonymous (Unverified)		So, I understand that you plan to build the houses up higher, so does that mean that the water will flood the houses that are already existing, since they will now be
Question Question Question	Anonymous (Unverified) Anonymous (Unverified)	2/16/2022 2:49 lower?	wer?
Question Question Question	Anonymous (Unverified)	2/16/2022 3:04	2/16/2022 3:04 When the project is complete, who will own the open spaces? The city or the project
Question		2/16/2022 3:05 \	2/16/2022 3:05 What measures are being taken to mitigate night time light pollution?
Question	Casey (Unverified)	2/16/2022 3:07 F	2/16/2022 3:07 How large is the facility you have to hold water run off and how much water run off
	Anonymous (Unverified)	2/16/2022 3:08 1	2/16/2022 3:08 That did not answer my question. Who will own the open space?
			will the storm water systems be elevated above the flood plain like the houses?
			Because in a major flood event, they would overflow and the concerns raised by the
		t	telephone participants are completely valid. If the treatment 'ponds' had flood water
		0	cover them, the contents would flow into the creek pre-treatment and have
Attendee Question T	Taylor Murray (Unverified)	2/16/2022 3:08	2/16/2022 3:08 potential adverse effects on wildlife, water quality, etc.
)	Only the new homes will be in the HOA, correct? Not existing homes near the
Attendee Question A	Anonymous (Unverified)	2/16/2022 3:11 properties?	roperties?
Attendee Question A	Anonymous (Unverified)	2/16/2022 3:11 Thank you.	hank you.
Attendee Question A	Anonymous (Unverified)	2/16/2022 3:12	2/16/2022 3:12 I lost sound about 5 minutes ago. Is the meeting over?
2	Wayne Hayson	_	No, still responding to questions(I lost sound about 5 minutes ago. Is the meeting
Moderator Response (v	(whayson@pd-grp.com)	2/16/2022 3:13 over?)	iver?)
			Is there going to be a traffic light installed at JP West and Hwy 30 to accommodate
		1	the safe travel of ~4 dozen families commuting to and from? Average 2 vehicles per
Attendee Question A	Anonymous (Unverified)	2/16/2022 3:15	2/16/2022 3:15 home, that could be another 100 vehicles on JP West.

Questions not responded to in writing above were addressed verbally during the meeting.

			UTC Event		
Session Id	Participant Id	Full Name		Action	Role
03ce1041-53c3-4170-8e1b-91cf39506779	whayson@pd-grp.com	Wayne Hayson	2/16/2022 1:44 Joined	Joined	Event Team Member
03ce1041-53c3-4170-8e1b-91cf39506779	whayson@pd-grp.com	Wayne Hayson	2/16/2022 3:44 Left	Left	Event Team Member
1bf7245f-d519-4244-9916-8bf6205231a1			2/11/2022 2:30 Joined	Joined	Attendee
1bf7245f-d519-4244-9916-8bf6205231a1			2/11/2022 2:35	Left	Attendee
		Murray, Taylor -			
3379f545-bc99-4ab7-ae97-c36ee022672e	taylor.murray@usda.gov	FSA, Tualatin, OR	2/16/2022 2:06 Joined	Joined	Attendee
3379f545-bc99-4ab7-ae97-c36ee022672e	taylor.murray@usda.gov	Murray, Taylor - FSA, Tualatin, OR	2/16/2022 3:17 Left	Left	Attendee
3c53211c-147a-45d5-9cba-5bfc1c498956			2/16/2022 2:07 Joined	Joined	Attendee
3c53211c-147a-45d5-9cba-5bfc1c498956			2/16/2022 3:19 Left	Left	Attendee
423c192d-b2e2-437a-b6d3-495111335983			2/16/2022 2:00	Joined	Attendee
423c192d-b2e2-437a-b6d3-495111335983			2/16/2022 14:54	Left	Attendee
471741eb-c4d1-4889-ad99-4fce05bf4bcd	mbondar@dwhomes.com	Bondar, Max	2/16/2022 1:48	Joined	Event Team Member
471741eb-c4d1-4889-ad99-4fce05bf4bcd	mbondar@dwhomes.com	Bondar, Max	2/16/2022 7:16 Left	Left	Event Team Member
49e7735f-9263-44da-bc91-4a258104fed0	tammyscamfer@johnlscott.com	Tammy Scamfer	2/8/2022 4:08 Joined	Joined	Attendee
49e7735f-9263-44da-bc91-4a258104fed0	tammyscamfer@johnlscott.com	Tammy Scamfer	2/8/2022 4:08 Left	Left	Attendee
4b77a947-cd1e-471e-8235-48cb1b3e4c1e			2/16/2022 2:15 Joined	Joined	Attendee
4b77a947-cd1e-471e-8235-48cb1b3e4c1e			2/16/2022 3:02 Left	Left	Attendee
4fd9db44-6e43-423c-b61d-c4757263368e	MSprague@pd-grp.com	Matt Sprague	2/16/2022 1:44	Joined	Event Team Member
4fd9db44-6e43-423c-b61d-c4757263368e	MSprague@pd-grp.com	Matt Sprague	2/16/2022 3:18	Left	Event Team Member
631c74ca-f8d4-4a8a-89b8-dce69488b6d0			2/16/2022 2:05 Joined	Joined	Attendee
631c74ca-f8d4-4a8a-89b8-dce69488b6d0			2/16/2022 3:18 Left	Left	Attendee
64470b4c-7f03-4c74-95a7-d60f24e1b2f2	kim.holmes@feedstockconsultant.com	Kim Holmes	2/16/2022 2:00 Joined	Joined	Attendee
64470b4c-7f03-4c74-95a7-d60f24e1b2f2	kim.holmes@feedstockconsultant.com	Kim Holmes	2/16/2022 3:19 Left	Left	Attendee
652ffae8-610f-4780-b8f9-a5d10a0cd5d2	Charles.Muehleck@nwnatural.com	Muehleck, Charles	2/16/2022 2:09	Joined	Attendee
652ffae8-610f-4780-b8f9-a5d10a0cd5d2	Charles.Muehleck@nwnatural.com	Muehleck, Charles	2/16/2022 3:17	Left	Attendee
75fece1f-feb2-4c54-9aa8-4dfe97127b18	cnegelspach@cityofscappoose.org	Chris Negelspach	2/16/2022 2:01	Joined	Attendee
75fece1f-feb2-4c54-9aa8-4dfe97127b18	cnegelspach@cityofscappoose.org	Chris Negelspach	2/16/2022 3:05	Left	Attendee
8336425c-3f7d-4cf7-a578-25411853bb70			2/16/2022 2:17 Joined	Joined	Attendee
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9db1ec81-9f42-4753-8e3b-a00fd203a27a	asiddiqu@dwhomes.com	Siddiqui, Aziz	2/16/2022 1:53 Joined	Joined	Attendee
9db1ec81-9f42-4753-8e3b-a00fd203a27a	asiddiqu@dwhomes.com	Siddiqui, Aziz	2/16/2022 2:40 Left	Left	Attendee

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0.010			2/16/2022 3:18 Left		Attendee
			2/16/2022 1:00 Joined		Attendee
			2/16/2022 3:15 Left		Attendee
			2/16/2022 1:58 Joined		Attendee
			2/16/2022 3:44 Left		Attendee
	live.com#paul.fidrych@gmail.com	Paul Fidrych	2/16/2022 2:01 Joined		Attendee
b02ddb3c-950f-4b39-b0fc-6c65981cd795 live.com#p	live.com#paul.fidrych@gmail.com	Paul Fidrych	2/16/2022 3:19 Left		Attendee
bb8e8b51-fb74-4f4c-8b79-e71b4395f54e Casey.Niel	Casey. Nielsen@ccconcern.org	Casey Nielsen	2/16/2022 2:04 Joined		Attendee
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d91b6609-871f-444d-8709-52061510e34d fredmueller@cbbai	er@cbbain.com	Fred Mueller	2/16/2022 1:47 Joined		Attendee
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eb86ce93-ccd6-4e61-a52c-f6c86d9d2652 [bhoward@	bhoward@dwhomes.com	Howard, Bruce	2/16/2022 1:52 Joined		Attendee
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f3743420-4865-4711-a6b3-ca0112ef22c5 spuls@dw	spuls@dwhomes.com	Puls, Steve	2/16/2022 1:49 Joined		Event Team Member
f3743420-4865-4711-a6b3-ca0112ef22c5 spuls@dw	spuls@dwhomes.com	Puls, Steve	2/16/2022 3:21 Left		Event Team Member

Name	Address
Kim Holmes Kantoriwtz	32960 SW Keys Landing
Susan Shull	
	52418 SW Jobin Lane
Bryan Tranel	twotailsfarm@gmail.com
	Scappoose
Paul Fidrych,	paul.fidrych@gmail.com

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Hello Wayne,

I plan to tune into tonight's Virtual Neighborhood Meeting RE your Buxton Ranch proposal and have a couple of questions, I hope you will entertain:

1) Where will the connection to the City water supply be and have you calculated any upstream or downstream impacts to other users?

2) Who did your floodplain delineation modeling/analysis and what was FEMA's response?

Thank you!

Joel Haugen (Jobin LN)

Dear Wayne,

My name is Debra Miller and I am contacting you to submit 'materials' for the Feb. 15 virtual meeting on the proposed 48-lot "Buxton Ranch" development.

Thank you for inviting neighbors to attend the virtual informational meeting and I look forward to attending.

I am a homeowner at 52366 SW Jobin Lane in Scappoose overlooking the planned development, and I've lived here 23 years.

For the meeting, I would like to submit a 36-second video that I took from my back deck on February 19, 2019 of the floodwater conditions present in the proposed Tax Lot 401 that day.

I posted my video on Facebook but unfortunately I deleted the video after posting.

I am wondering if you can help me figure out a way to submit this Facebook video footage for view at the virtual meeting for the applicant and attendees to view; I'm not extremely tech savvy.

Below is a Facebook link you so that you can view it for yourself. My fervent wish is that you can somehow share it at the virtual meeting.

https://www.facebook.com/groups/215032365570488/permalink/501427186931003/

(You may need to first join the public group called Concerned Residents of Scappoose Oregon; not sure.)

Thank you very much for your help with this.

Best Regards, Debra Miller

52366 SW Jobin Ln. Scappoose OR 97056 503-708-2517

Greetings,

I have a conflicting appointment with the meeting on Feb 15 and have attached a letter with questions on how this proposal will affect me and my neighbors.

There have been other attempts to build houses in the floodplain so I guess it was only a matter of time and money when this would come around again. Your packet did not say what type of houses were going in here, low income, Crackerjack houses like DR Horton brought to town, or something higher end. I suspect lower end with the reduced lot size. This is just a job to you, but I live here and this will change my life forever and not in a good way.

John Shull

including a Conditional Use Permit & Sensitive Lands Review **Buxton Ranch – 48-Lot Planned Development Subdivision** Tax Lot 401, Map 3N2 12CB

The meeting will start at 6pm

feature (2) on the right hand side of your screen. Please include your name, address, email, To be recognized as attending the meeting, please sign in virtually using the Live Event Q&A and phone number.

may email additional questions to msprague@pd-grp.com. Meeting notes will be available at A number of questions were received prior to 4pm today. We will respond to these questions where possible during the project presentation. During and after the presentation, you may submit additional questions using the Live Event Q&A feature Following the meeting, you https://bit.ly/buxtonranchmaterials within 7-days.

David Weekley Homes PIONEER DESIGN GROUP

OWNER: Buxton Family Investments, LLC PO Box 503069 White City, OR 97503	Environmental Science & Assessment, LLC Biologists 107 NE Washington Street, Suite 249 Portland, OR 97214 http://www.pd-grp.com	Kittelson & Associates, Inc.GeoPacific Engineering, Inc.Transportation EngineeringTransportation EngineeringTransportation EngineeringGeotechnical Engineering851 SW 6th Avenue, Suite 60014835 SW 72 nd AvenuePortland, OR 97204Portland, OR 97224https://www.kittelson.com/https://geopacificeng.com	
APPLICANT: David Weekly Homes 1905 NW 169 th Place, Suite 102 Beaverton, OR 97006 https://www.davidweekleyhomes.com	APPLICANT'S REPRESENTATIVES: Pioneer Design Group, Inc. Planning, Surveying, Civil Engineering, Landscape Architecture 9020 SW Washington Square Road, Suite 170 Portland, OR 97223 http://www.esapdx.com	West Consultants, Inc.Kittelson & Associates, Inc.Hydraulic AnalysisEransportation Engineering2601 25 th Street SE, Suite 450851 SW 6th Avenue, Suite 62alem, OR 97032Portland, OR 97204https://www.westconsultants.comhttps://www.kittelson.com/	David Weekley Homes

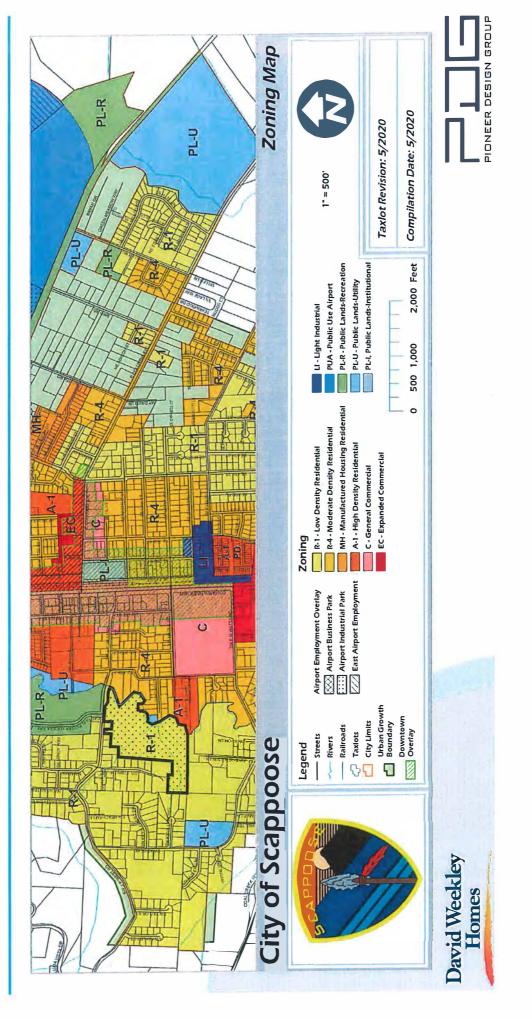
Project Team

Page 449 of 538

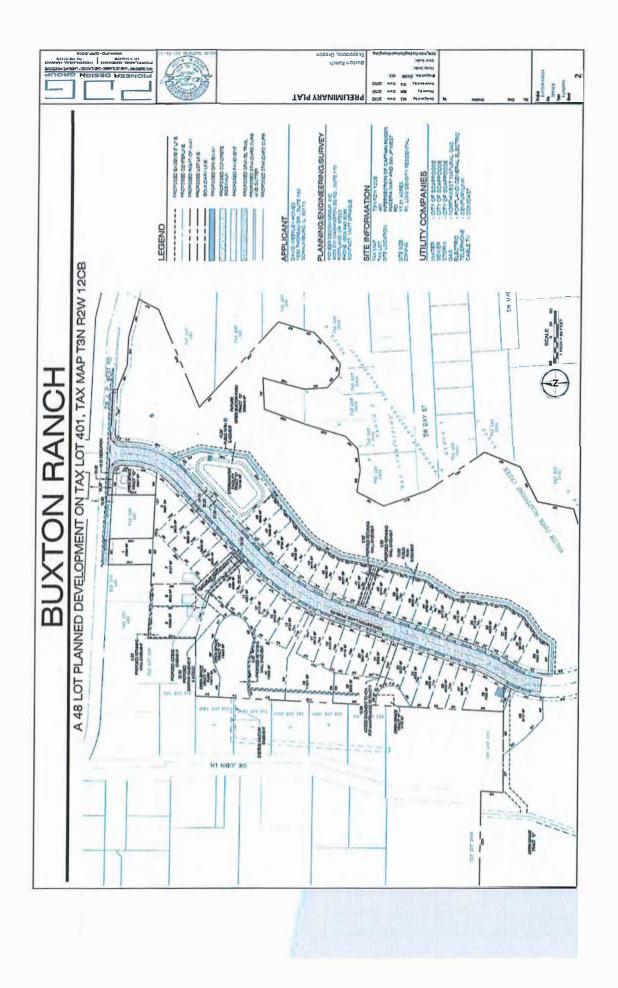
Planning Commission Packet ~ Oct. 27, 2022

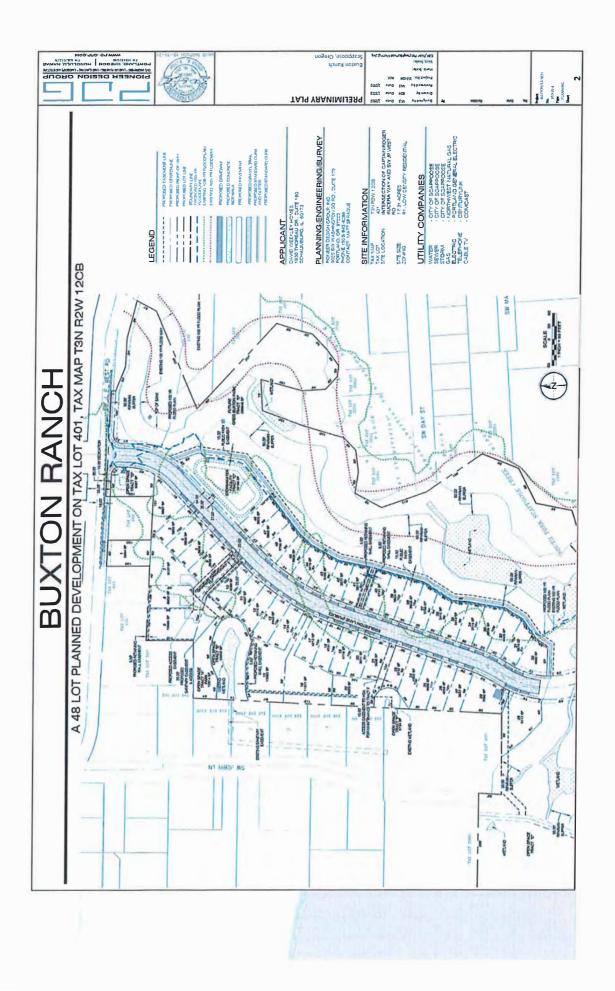
<u>Summary of Application Process</u> Applicant shall be required to meet with City planning staff for a pre-application conference. Applicant prepares application for submittal (including voluntary neighborhood meeting). Completeness review by City planning staff within 30 days of submittal. Upon acceptance, notice of a the quasi-judicial public hearing with the Planning Commission (PC) shall be given at least 20 days prior to the hearing, with notice in a local newspaper at least 10 days prior to the hearing. The applicant shall post signs displaying notice of the hearing at least 14 days prior to the hearing. The decision shall be based on proof that the applician fully complies with all applicable policies of the city comprehensive plan; the relevant approval standards found in the Chapter 17 of the Scappoose Municipal Code; the public works design standards; and other applicable implementing ordinances. The PC shall conduct a public hearing in the manner prescribed and shall have the authority to provide recommendations to the City Council for Zone Amendments, and to otherwise approve, approve with conditions, approve with modifications or deny the application. Upon appeal or recommendation from the PC, the City Council shall conduct a public hearing in the manner prescribed and shall have the authority to approve, approve with conditions, or deny the application. Within 10 days of the filing of the final order of the City Council, notice of the final order is provided to all parties to the proceeding, informing them of the decision rendered, and where a coop may be found	shall be given at least 20 ne hearing. of the city comprehensive ne public works design vide recommendations to e with modifications or e with modifications or to all parties to the ound
The City shall take final action on an application for a permit, plan change or zone change, including the resolution of all appeals, within 120 days after the application is deemed complete.	g the resolution of all
David Weekley Homes	

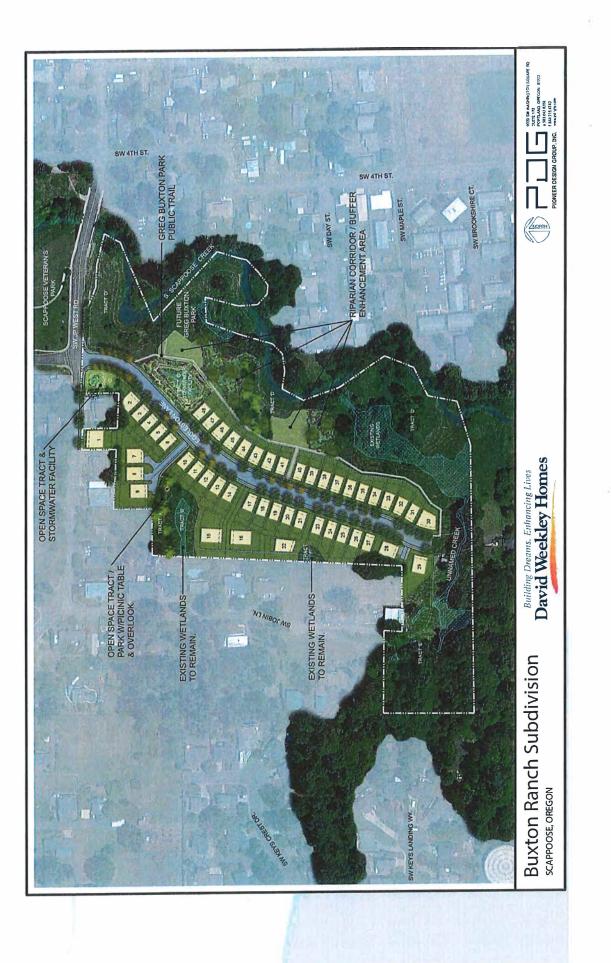




Location and Zoning







Planning Commission Packet ~ Oct. 27, 2022



January 31, 2022

RE: NOTICE OF VIRTUAL NEIGHBORHOOD REVIEW MEETING Proposed 48-Lot Planned Development Subdivision – "Buxton Ranch"

Dear Resident:

Pioneer Design Group, Inc. is representing the applicant for property identified on the attached map as Tax Map 03 02 12CB, Tax Lot 401, and more specifically located on the south side of SW J P West Road, opposite its intersection with Captain Roger Kucera Way. The property is located within the City of Scappoose, and is zoned R1, Low Density Residential. This property contains approximately 17.31 acres, or 753,950 square feet. The applicant is proposing a 48-Lot Planned Development Subdivision for detached single family homes, to be known as "Buxton Ranch". While not required by the Scappoose Land Use and Development Code, prior to submitting a land use application to the City we would like to take the opportunity to discuss the proposal in more detail with you.

The purpose of this VIRTUAL meeting is to provide an informal opportunity for the applicant and surrounding property owners/residents to review the proposal and to identify issues so that such issues may be considered before the formal application is turned in to the City. This meeting gives you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions which may be relevant to meeting the development standards in the Scappoose Land Use and Development Code.

Because of current COVID-19 public safety concerns you are invited to attend or participate in a Virtual Neighborhood Meeting:

February 15, 2022 at 6:00 pm

Online at: <u>https://bit.ly/buxtonranchmeeting;</u> or Phone at: 971-358-1930, Conference ID: 896 193 357# A copy of these materials can also be found online at: <u>https://bit.ly/buxtonranchmaterials</u>

Please note this meeting will be an informational meeting on preliminary development plans. These plans may be altered prior to submittal of the application to the City. Once the application is submitted to the City you may receive official notice from the City of Scappoose for you to participate with written comments and/or an opportunity to attend a public hearing. The meeting may be recorded for the purpose of preparing minutes for submittal with a Land Use Application.

Due to the nature of the virtual meeting, we will have limited opportunity to respond to live questions. After reviewing these materials, if you have questions you would like answered during the meeting, please forward via email to <u>whayson@pd-grp.com</u>, or via mail marked to my attention at 9020 SW Washington Square Road, Suite 170, Portland OR 97229. All questions received prior to 4 pm on February 15, 2022 will be responded to during the meeting.

Sincerely,

Wayne Hayson Planning Manager

Attachments: Tax Map Project Summary Preliminary Plat Virtual Meeting Instructions

Project Summary



To:	Virtual Neighborhood Meeting Participants
From:	Wayne Hayson Pioneer Design Group, Inc.
Project:	Buxton Ranch – A Proposed 48-Lot Planned Development Subdivision
Project: Date:	Buxton Ranch – A Proposed 48-Lot Planned Development Subdivision January 31, 2022

Project Summary

The applicant will be requesting approval of a Type III Planning Commission review for a 48-Lot Planned Development Subdivision, "Buxton Ranch". The preliminary plat creates 48 lots for detached single family residential homes.

This property is located on the south side of SW J. P. West Road, between SW 4th Street and SW Jobin Road. This site is currently vacant, except for an old barn/storage building. This property contains approximately 17.31 acres, or 753,950 square feet.

The subject property is zoned R1, Low Density Residential by the city of Scappoose. A small stream flows from off-site in the southwest in an easterly direction where it flows into South Scappoose Creek. South Scappoose Creek flows south to north along the eastern boundary of the site. There are also four (4) wetlands totaling approximately 0.24 acres on this property.

The preliminary plat provides for 48 detached single family residential lots ranging in size from 3,410 to 13,083 square feet. The average lot size is 4,908 square feet. The reduction in lot sizes below 6,000 square feet is allowed through the planned development (PD) provisions. The combined area of the parks and open space tracts provided onsite is approximately 428,500 square feet, which equals 56.8 percent of the gross site area.

The applicant has analyzed the floodplain and filed a Letter of Map Revision (LOMR, #21-10-0251P) with FEMA (Effective April 19, 2021). The LOMR resulted in the revision of the Effective FIRM Maps (41009C, panels 0444D and 0482D), by correcting the Base Flood Elevation on the subject property and others along South Scappoose Creek to reflect changes within the drainage basin, including construction of the JP West Road bridge, Scappoose Veterans Park improvements, and a bank stabilization project by the Scappoose Bay Watershed Council.

Access for this development will be via a new internal local street (Eggleston Lane). The street is designed to extend through the site to the abutting property to the south, in order to accommodate future extension when that property is developed. Because Eggleston Lane will temporarily be a dead-end street, an interim turn-around has been provided at the south end.

Pioneer Design Group Inc. 9020 SW Washington Square Rd. Portland, OR 97223 503.643.8286			
EXPERIENCED	INNOVATIVE	COMMITTED	



Virtual Meeting Instructions

To:	Virtual Neighborhood Meeting Participants
From:	Wayne Hayson Pioneer Design Group, Inc.
Project:	Buxton Ranch – A Proposed 48-Lot Planned Development Subdivision

Because of current COVID-19 public safety concerns you are invited to attend or participate in a Virtual Neighborhood Meeting:

February 15, 2022 at 6:00 pm

Online at: https://bit.ly/buxtonranchmeeting; or

You may also listen to the meeting via phone at: 971-358-1930, Conference ID: 896 193 357 #

A copy of these materials can also be found online at: https://bit.ly/buxtonranchmaterials

The meeting will be held using the Microsoft Teams Live Event feature. By entering the URL or phone number above, you will be directed to the Live Event. Access to the Live Event will begin at 5:50pm, and the meeting will start promptly at 6pm. You do not require a Microsoft Teams account to attend the meeting. The meeting may be recorded.

Due to the nature of the virtual meeting, we will have limited opportunity to respond to live questions. Please forward questions as directed below by February 15, 2022 at 4pm. All questions received prior to this time will be responded to during the meeting.

Email: <u>whayson@pd-grp.com</u>

USPS: Pioneer Design Group Attn: Wayne Hayson 9020 SW Washington Square Road, Suite 170 Portland OR 97229.

> Pioneer Design Group Inc. 9020 SW Washington Square Rd. | Portland, OR | 97223 | 503.643.8286

EXPERIENCED

INNOVATIVE

3N2W11DA 2800 Columbia County 230 Strand St St Helens, OR 97051

3N2W12CC 500 City Of Scappoose 33568 Columbia Ave. E Scappoose, OR 97056

3N2W11DA 2403 Orth, Christopher P 32930 SW Keys Landing Rd Scappoose, OR 97056

3N2W11DA 2502 Lawyer, Richard J 32921 SW Keys Landing Scappoose, OR 97056

3N2W11DA 2608 Cooper, Robert L 32946 SW Keys Crest Dr Scappoose, OR 97056

3N2W11DD 100 Aplet, Leonard A PO Box 1047 Scappoose, OR 97056

3N2W12BC 501 Freeland Living Trust PO Box 915 Florence, OR 97439

3N2W12BC 700 Hernandez, Isaias 33159 SW Jp West Rd Scappoose, OR 97056

3N2W12CA 1301 Evans, Dennis A 33331 SW Jp West Rd Scappoose, OR 97056

3N2W12CA 5400 Hagen, Walter R 33330 J P West Rd Scappoose, OR 97056 3N2W12BC 100 City Of Scappoose 33568 E Columbia Ave Scappoose, OR 97056

3N2W11DA 2400 Katrowitz Rev Living Trust 32960 SW Keys Landing Way Scappoose, OR 97056

3N2W11DA 2500 Digeorge, Stephen M 32951 SW Keys Lndg Scappoose, OR 97056

3N2W11DA 2606 Marmolejo, Paul A 32920 SW Keys Crest Dr Scappoose, OR 97056

3N2W11DA 2609 Garcia, Enrique 32952 Keys Crest Dr Scappoose, OR 97056

3N2W12BC 101 Tate Peggy Ann Rev Living Trust 33163 SW J P West Rd Scappoose, OR 97056

3N2W12BC 502 Muehleck, Charles A 33101 J P West Rd Scappoose, OR 97056

3N2W12CA 1200 Jamfee4 LLC & Scappoose Property LLC PO Box 10071 Portland, OR 97296

3N2W12CA 1401 Lahti, Terri L 9911 Beach Dr Clatskanie, OR 97016

3N2W12CA 5900 Troxel Rev Living Trust 52390 SW 4th St Scappoose, OR 97056 3N2W12CB 3100 City Of Scappoose 33568 Columbia Ave. E Scappoose, OR 97056

3N2W11DA 2402 Teeter, Kyle T 32940 SW Keys Landing Way Scappoose, OR 97056

3N2W11DA 2501 Negelspach, Chris A 32941 SW Keys Landing Way Scappoose, OR 97056

3N2W11DA 2607 Robinson, Kristine D 32928 SW Keys Crest Dr Scappoose, OR 97056

3N2W11DA 2610 Hoag, Michael R P O Box 1103 Scappoose, OR 97056

3N2W12BC 232 Muehleck, Charles A 33101 J P West Rd Scappoose, OR 97056

3N2W12BC 600 Stephenson, Thomas E 33121 SW Jp West Rd Scappoose, OR 97056

3N2W12CA 1300 Bsa Investments LLC 114 Madrona Ct St Helens, OR 97051

3N2W12CA 1403 Evans, Dennis A 33331 J P West Rd Scappoose, OR 97056

3N2W12CA 6000 Bernhard, Norman W PO Box 564 Scappoose, OR 97056 3N2W12CA 6100 Reid, Susan D 52420 SW 4th St Scappoose, OR 97056

3N2W12CA 6400 Schilling, Justin S 52356 SW 4th St Scappoose, OR 97056

3N2W12CA 6700 Conley, James A Jr 52756 NE 3rd St Scappoose, OR 97056

3N2W12CB 100 Sills, Michael J 52431 SW 4th St Scappoose, OR 97056

3N2W12CB 400 Jobin Roy G & Joyce K Rev Living T 52330 SW Jobin Ln Scappoose, OR 97056

3N2W12CB 404 Baggenstos, Edward A 33132 SW Jp West Rd Scappoose, OR 97056

3N2W12CB 600 Isaacson, Gary M P O Box 959 Loon Lake, WA 99148

3N2W12CB 802 Darr, C Justin 52469 SW Jobin Ln Scappoose, OR 97056

3N2W12CB 1001 Castellanos, Richard 52399 SW Jobin Ln Scappoose, OR 97056

3N2W12CB 1101 Hancock, John Richard 52445 Jobin Ln Scappoose, OR 97056 3N2W12CA 6200 Estergreen, Marit A 33310 SW Jp West Rd Scappoose, OR 97056

3N2W12CA 6500 Glasscock, James M PO Box 306 Scappoose, OR 97056

3N2W12CA 7100 Plunkett, Anne Marie 33337 SW Maple St Scappoose, OR 97056

3N2W12CB 200 Shull, John S PO Box 313 Scappoose, OR 97056

3N2W12CB 402 Reichel, David L 33114 SW Jp West Scappoose, OR 97056

3N2W12CB 500 Kessi, Abigail M 33094 SW J P West Rd Scappoose, OR 97056

3N2W12CB 601 Kenney, Melanie A 33084 SW Jp West Rd Scappoose, OR 97056

3N2W12CB 803 Holbrook Family Trust 33014 Ivy Dr Scappoose, OR 97056

3N2W12CB 1002 Yates Rev Living Trust 52435 Jobin Ln Scappoose, OR 97056

3N2W12CB 1102 Murray, Taylor Bush 52433 SW Jobin Ln Scappoose, OR 97056 3N2W12CA 6300 Hansen, Michael Dean 52368 SW 4th St Scappoose, OR 97056

3N2W12CA 6600 Patton, Nicholas Ryan 52330 SW 4th St Scappoose, OR 97056

3N2W12CA 7300 Kelley, Tommy D PO Box 573 Scappoose, OR 97056

3N2W12CB 300 Joy, John Raymond 52379 SW 4th St Scappoose, OR 97056

3N2W12CB 403 Bailey, James R 33166 SW Jp West Rd Scappoose, OR 97056

3N2W12CB 501 Harbison, Kyle 52428 SW Jobin Ln Scappoose, OR 97056

3N2W12CB 801 Collard, Stephen W 33022 SW Ivy Dr Scappoose, OR 97056

3N2W12CB 902 Collard, Stephen W 33022 Ivy Dr Scappoose, OR 97056

3N2W12CB 1100 Yates Rev Living Trust 52435 Jobin Ln Scappoose, OR 97056

3N2W12CB 1300 Goodwick, Lindsey L 52418 Jobin Ln Scappoose, OR 97056 3N2W12CB 1400 Knytych, Howard W 52400 SW Jobin Ln Scappoose, OR 97056

3N2W12CB 1700 Jobin Roy G & Joyce K Rev Living T 52330 SW Jobin Ln Scappoose, OR 97056

3N2W12CB 2000 Walz, Shane A 52309 Jobin Ln Scappoose, OR 97056

3N2W12CB 2200 Ferguson, Rachael D 33235 SW Maple St Scappoose, OR 97056

3N2W12CB 2700 Scamfer, Douglas A 33250 SW Day St Scappoose, OR 97056

3N2W12CB 3000 Hornaday, Forrest 33208 SW Day St Scappoose, OR 97056

3N2W12CB 3300 Leblanc, Michael R 33223 SW Day St Scappoose, OR 97056

3N2W12CB 3500 Stirling, Matthew G 33259 SW Day St Scappoose, OR 97056

3N2W12CC 100 Walter Jeffrey Family Trust Et Al 21341 S Parkview Ln Estacada, OR 97023

3N2W12CC 501 Aplet, Leonard A PO Box 1047 Scappoose, OR 97056 3N2W12CB 1500 Nielsen, Casey 52382 SW Jobin Ln Scappoose, OR 97056

3N2W12CB 1900 Haugen, Joel T 52363 Jobin Ln Scappoose, OR 97056

3N2W12CB 2100 Walter Jeffrey Family Trust Et Al 21341 SW Parkview Ln Estacada, OR 97023

3N2W12CB 2400 Jillson, Kenneth Dean 35091 Hankey Rd St Helens, OR 97051

3N2W12CB 2800 Justin, Verna 33224 SW Day St Scappoose, OR 97056

3N2W12CB 3101 Fishbaugh, Shirley 33209 SW Day St Scappoose, OR 97056

3N2W12CB 3400 Butcher, William 33249 SW Day St Scappoose, OR 97056

3N2W12CB 3600 Johnston Living Trust 56686 Turley Rd Warren, OR 97053

3N2W12CC 200 Amos, Jacob A 52217 SW 4th St Scappoose, OR 97056

3N2W12CC 600 Aplet, Leonard A PO Box 1047 Scappoose, OR 97056 3N2W12CB 1600 Miller, Douglas C 52366 SW Jobin Ln Scappoose, OR 97056

3N2W12CB 1901 Walz, Shane A 52309 Jobin Ln Scappoose, OR 97056

3N2W12CB 2102 Walter Jeffrey Family Trust Et Al 21341 S Parkview Ln Estacada, OR 97023

3N2W12CB 2500 Hewitt, Dale 52315 SW 4th St Scappoose, OR 97056

3N2W12CB 2900 Rosch, Joseph S 33218 SW Day St Scappoose, OR 97056

3N2W12CB 3200 Hesch, Roman Anthony Jr 33217 SW Day St Scappoose, OR 97056

3N2W12CB 3401 Butcher, William 33249 SW Day St Scappoose, OR 97056

3N2W12CB 3700 Lewis, Brian A 52357 SW 4th St Scappoose, OR 97056

3N2W12CC 400 Aplet, Leonard A PO Box 1047 Scappoose, OR 97056

3N2W12CC 700 Aplet, Leonard A 32000 Keys Rd Scappoose, OR 97056 3N2W12CC 801 Aplet, Leonard A 32000 Keys Rd Scappoose, OR 97056

3N2W12CC 1406 Boom Trust 245 Shore Dr St Helens, OR 97051 3N2W12CC 802 Aplet, Leonard A PO Box 1047 Scappoose, OR 97056

3N2W12BC 103 City Of Scappoose 33568 E Columbia Ave Scappoose, OR 97056 3N2W12CC 1400 Boom Trust 245 Shore Dr St Helens, OR 97051



xhibit 24



64001 Columbia River Highway Deer Island, OR 97054

> Post Office Box 1193 St. Helens, OR 97051

(503) 397-1844 Phone (503) 397-5215 Fax

www.crpud.net facebook.com/crpud twitter.com/crpudUtility

December 16, 2021

Pioneer Design Group, Inc. Attn: Ben Altman 9020 SW Washington Square Rd. Ste. 170 Portland, OR 97223

Re: Buxton Ranch Subdivision, Scappoose, OR

To whom it may concern,

The 48-lot Buxton Ranch Subdivision on SW JP West Road in Scappoose, OR is within the boundaries established for Columbia River People's Utility District (PUD). The PUD will provide electric service to the proposed lots in accordance with our General Terms, Conditions, Rules and Regulation for Electric Service.

If you have any questions, please contact our Engineering Department at (503) 397-0760.

Thank you,

Board of

Directors Jake Carter

Craig Melton

Debbie Reed

Neal Sheppeard Garratt Tayler

General Manager

Michael J. Sykes

4

B Staehely

Branden Staehely Engineering Manager



250 SW Taylor Street Portland, OR 97204 503-226-4211 nwnatural.com

January 7, 2022

Ben Altman Pioneer Design Group 9020 SW Washington Square Rd Suite 170 Portland, OR 97223

Re: Verification of Available Gas Service to 48-Lot Subdivision, Buxton Ranch on SW JP West Road, Scappoose, OR 97056. Tax Lot 401

To: Ben Altman,

This letter is furnished in response to your request for an acknowledgement of gas availability to the subdivision site called 48-Lot Subdivision, Buxton Ranch. I have enclosed a natural gas plat map verifying that natural gas is available to said subdivision and is

I have enclosed a natural gas plat map verifying that natural gas is available to said subdivision and is adequate to serve the 48 lots shown on the site map.

NW Natural (Company) operates under the jurisdiction and is subject to the Rules and Regulations of the Oregon Public Utility Commission (OPUC). Service is provided pursuant to the Tariff (rates, rules, and regulations) of the Company on file with the OPUC. Such Tariff is subject to change as provided by law. The Company installs, owns, and maintains all facilities up to and including the meter pursuant to the provisions of the builder or owner.

Copies of NW Natural's rates, rules, and regulations and additional information may be obtained by contacting the Company.

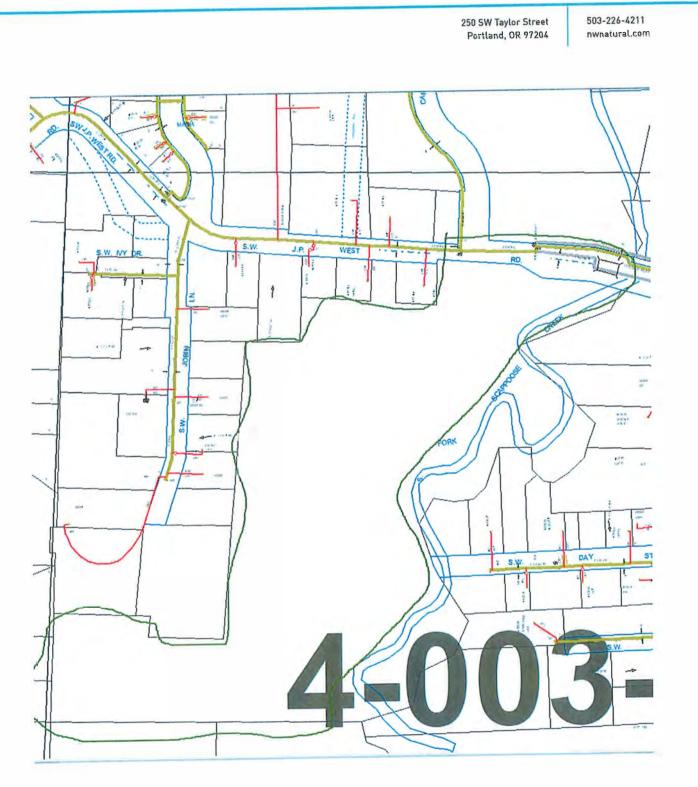
If you have any questions, please feel free to call me.

Sincerely,

Brenda

Brenda Hartzog NW Natural New Construction Channel Account Manager 503-610-7533 (direct line) 503 709-8556 (Mobile phone)





Ben Altman

From:	Johnson, Greg <gjohns232@wm.com></gjohns232@wm.com>
Sent:	Tuesday, January 11, 2022 12:41 PM
То:	Ben Altman; Ries, Nicholas
Cc:	Huber, David; Peters, Joshua
Subject:	RE: Will Serve Letter - City of Scappoose Land Use Application - Buxton Ranch

Good afternoon Ben,

This is quite straightforward and we don't anticipate any service issues. We will service based on the plans.

We do request "No Parking" Signs or something like "Emergency Service Vehicle Turnaround Only" please.

Thank you,

Greg Johnson

Sr. Route Manager Washington County Operations & Columbia County Operations gjohns232@wm.com

T: (503) 992-3021 C: (971) 225-8678 1525 B Street Forest Grove, OR 97116 20525 SW Blanton St. Aloha, Oregon 97078

Access WM 24/7 with MyWM



From: Ben Altman <BAltman@pd-grp.com>
Sent: Tuesday, January 11, 2022 10:55 AM
To: Johnson, Greg <gjohns232@wm.com>; Ries, Nicholas <nries@wm.com>
Cc: Huber, David <Dhuber@wm.com>; Peters, Joshua <jpeter22@wm.com>
Subject: [EXTERNAL] RE: Will Serve Letter - City of Scappoose Land Use Application - Buxton Ranch

Thanks for responding Greg.

Yes, each lot will be responsible for their own carts, etc.

Initially, Eggleston Lane will not extend through and connect to the south. That will only happen when the intervening property is developed. This street is design with 32 foot paved section, which allows for parking on both sides.

At the south end of the street, we have provided a hammer-head turn-around, between Lots 26 & 29. This is designed to the City's fire standards, so it should be adequate for your trucks. See attached Street Plan, with enlarge Turn-Around detail.

Ben Altman SENIOR PLANNER | PROJECT MANAGER | D 971.708.6258

PIONEER DESIGN GROUP, INC. CIVIL ENGINEERING I LAND USE PLANNING I LAND SURVEYING I LANDSCAPE ARCHITECTURE OREGON: 9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 ext. 1004 HAWAII: PO Box 283304, Honolulu, HI 96828 P 808.753.2376 pd-grp.com

Disclaimer:

This e-mail may contain proprietary, confidential, and/or privileged information. If you are not the intended recipient (or have received this e-mail in error), please notify the sender immediately by email or telephone (503-643-8286) and delete this message along with any attachments without copying or disclosing the contents. Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden. Pioneer Design Group, Inc. (PDG) shall not be liable for any changes made to the electronic data transferred. Distribution of electronic data to others is prohibited without the express written consent of PDG.

From: Johnson, Greg <<u>giohns232@wm.com></u> Sent: Tuesday, January 11, 2022 10:25 AM To: Ben Altman <u><BAltman@pd-grp.com></u>; Ries, Nicholas <u><nries@wm.com></u> Cc: Huber, David <u><Dhuber@wm.com></u>; Peters, Joshua <u><jpeter22@wm.com></u> Subject: RE: Will Serve Letter - City of Scappoose Land Use Application - Buxton Ranch

Good morning Ben,

I wanted to reach out regarding some additional details. This looks like a new, smaller single-family residential development accessed off SW JP West heading south in the field basically directly across from Captain Roger Kucera Way? Each one of these lots will be responsible for their own residential refuse service correct? Will Eggleston Lane be punched through and connected to SW Eggleston Lane heading north off SW Em Watts Road? It does look like there is a 55' T-off at the south end of this new development where our residential trucks will be able to back in and turnaround? Please confirm. Additionally, we want to ensure there are "No Parking" signs in this area for emergency vehicles and our collection trucks. The road itself appears to be about standard for a residential development but will street parking be allowed on both sides of the street or one side or neither? With the smaller condensed lot sizes this may impact where customers set out carts for service due to room limitations.

If all of the above is correct and true this is straightforward. Please let us know. I have included my Columbia County Route Manager Nick on this email as well in case he has any additional comments or feedback. Once you reply back to our questions above would a simple email granting service be acceptable or do you need a Will Serve on Letterhead? We can accommodate either way. We appreciate you including us on this preliminary for feedback and look forward to more homes in the community to service.

Thank you,

Greg Johnson

Sr. Route Manager Washington County Operations & Columbia County Operations gjohns232@wm.com

T: (503) 992-3021 C: (971) 225-8678 1525 B Street Forest Grove, OR 97116 20525 SW Blanton St. Aloha, Oregon 97078

Access WM 24/7 with MyWM

THE DEERFIELD Exhibit 27



Exterior A

2,005 - 2,017 sq. ft.

3 - 4 Bedrooms

2 - 3 Full Baths

1 Half Bath

2 Car Garage



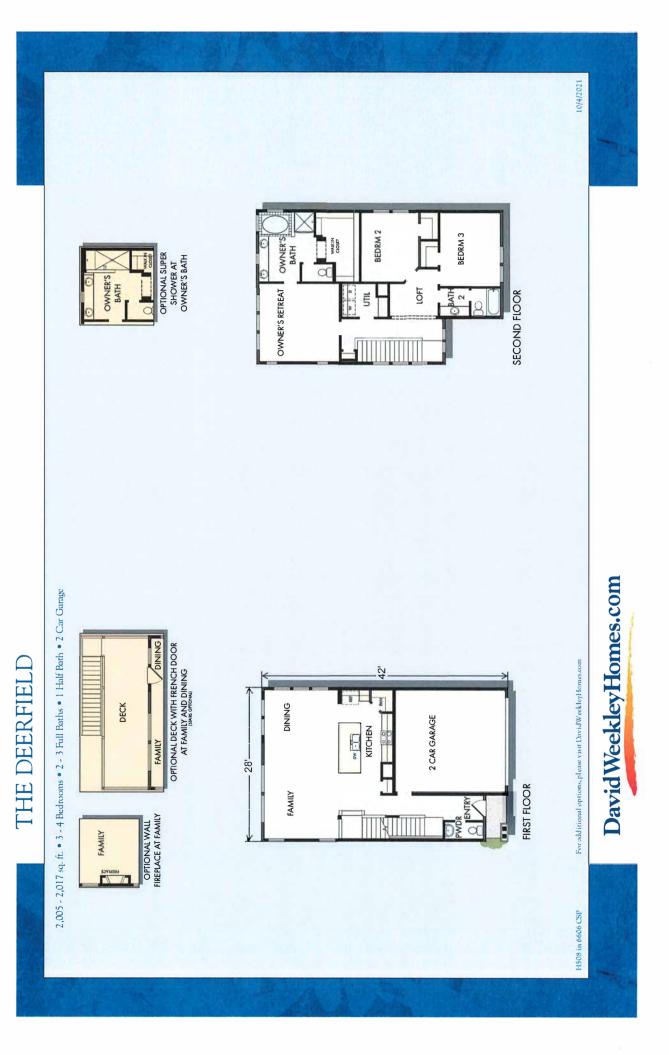


Exterior B



Page 469 of 538

Planning Commission Packet ~ Oct. 27, 2022



THE ETHRIDGE



Exterior A



3 - 4 Bedrooms

2 - 3 Full Baths

1 Half Bath

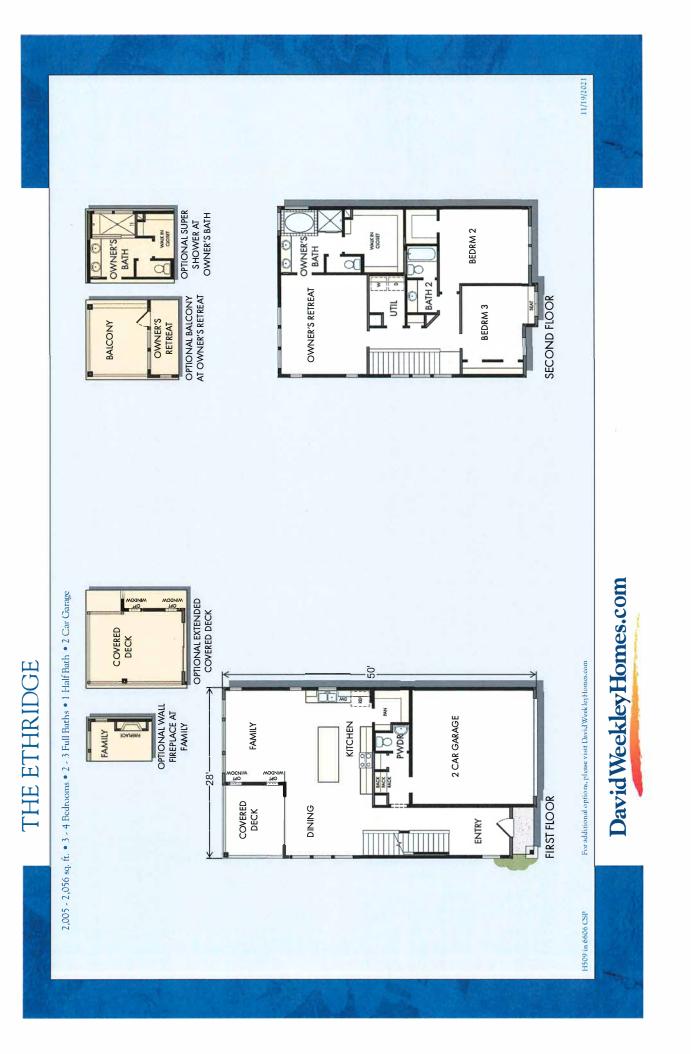
2 Car Garage





Exterior B





Page 471 of 538

Planning Commission Packet ~ Oct. 27, 2022

THE FAIRVIEW



Exterior A

2,161 - 2,203 sq. ft.

3 - 4 Bedrooms

2 - 3 Full Baths

1 Half Bath

2 Car Garage



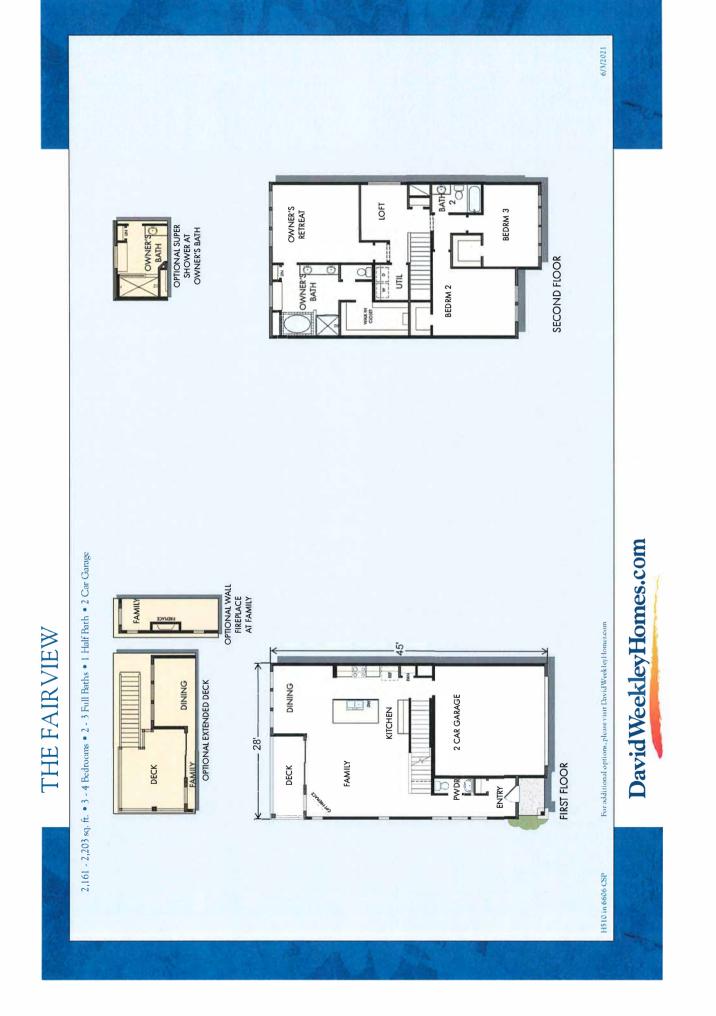


Exterior B

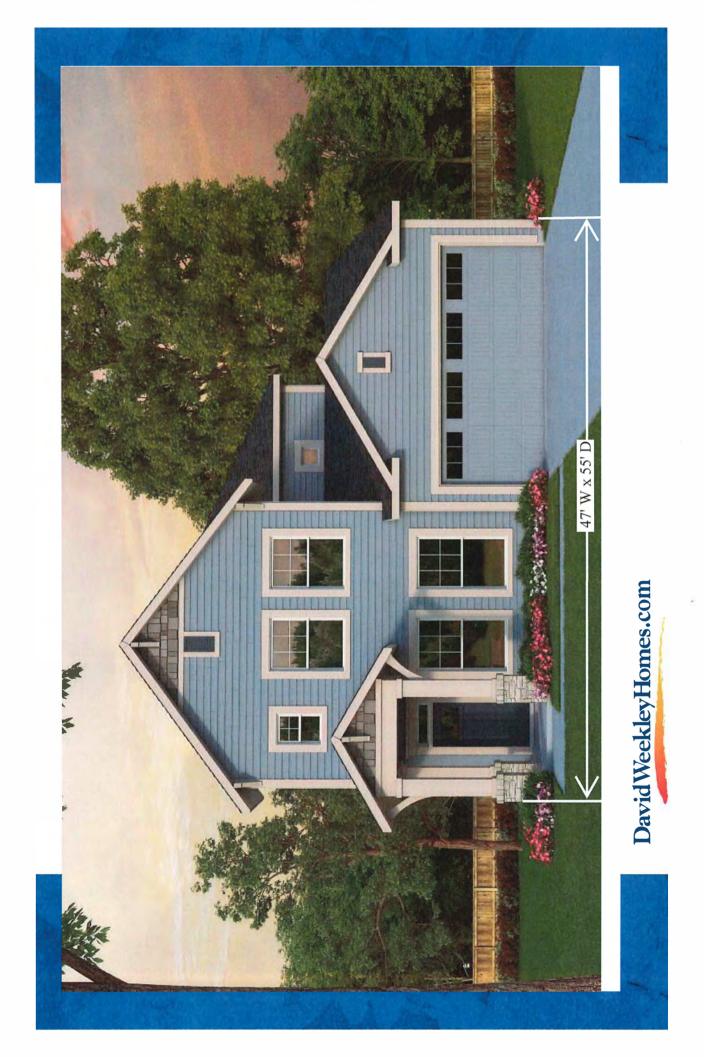


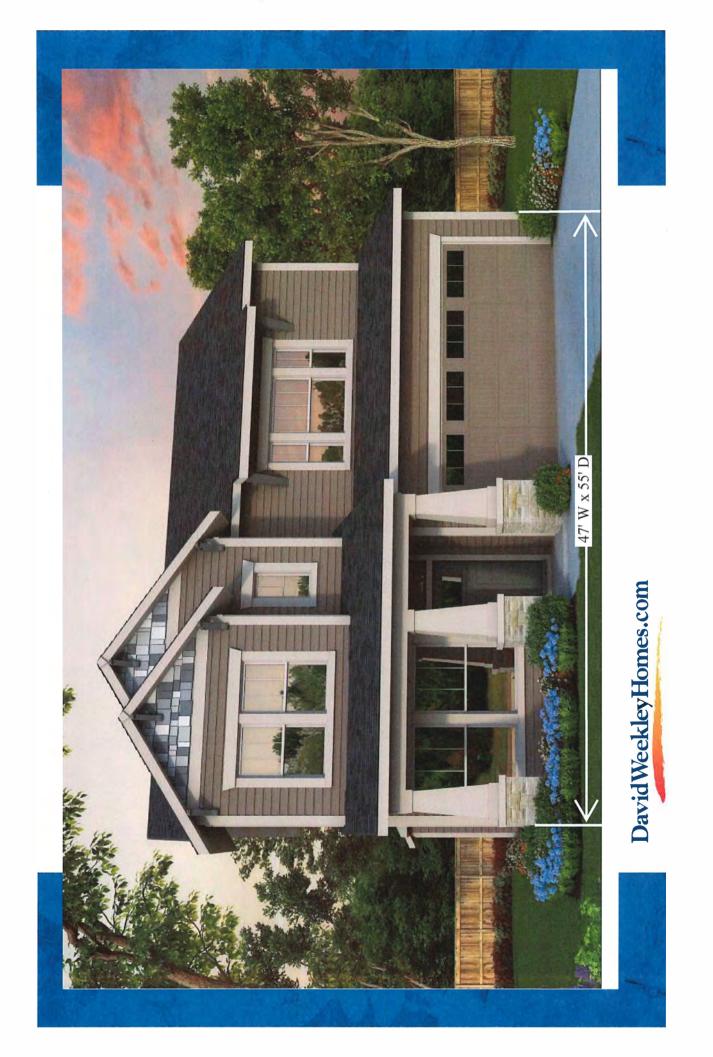
Exterior C Planning Commission Packet ~ Oct. 27, 2022













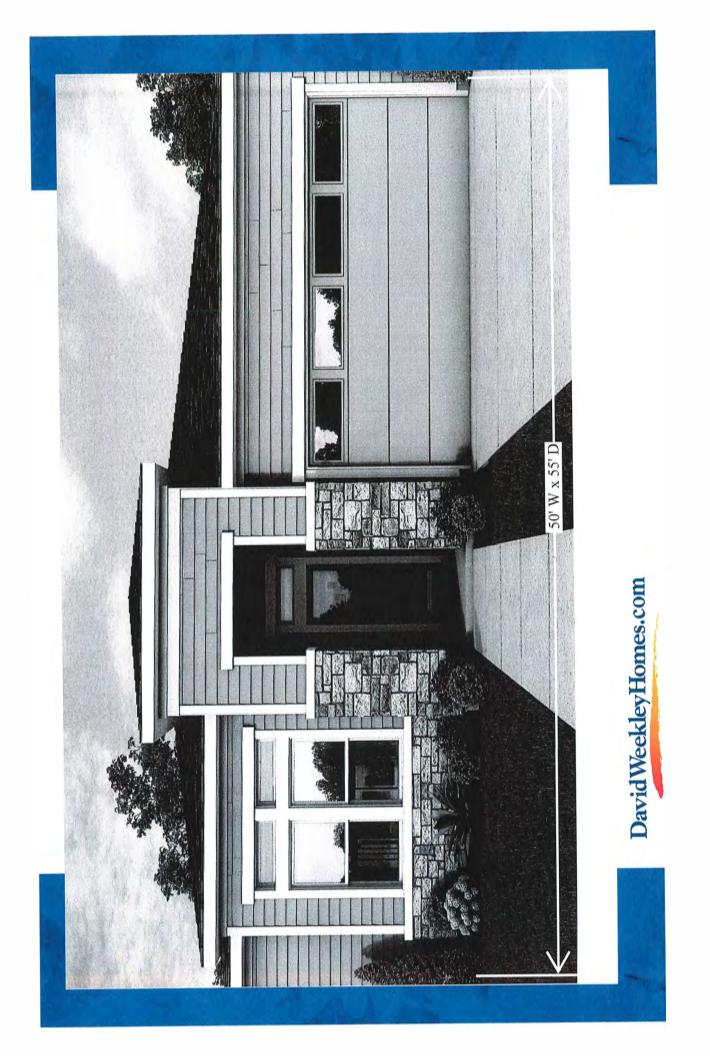


Exhibit 28



9/16/2022

To: Laurie Oliver, Community Development Director

From: Dave Sukau, Public Works Director

Re: Buxton Ranch Planned Development

(SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22, 4-22)

Dear Laurie,

I have reviewed the Land Use Referral packet and plans for the Buxton Ranch Subdivision.

The City of Scappoose Public Works has no objection to its approval, provided it meets all criteria set forth in the Scappoose Municipal Codes, SPWD, State and Federal Regulations.

Sincerely,

Dave Sukau Public Works Director City of Scappoose Public Works

Don Van Somigen 29

33568 E. COLUMBIA AVE. SCAPPOOSE, OREGON 97056 (503) 543-7184

September 2, 2022

LAND USE REFERRAL (Buxton Ranch Planned Development SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22, 4-22)

RETURN TO: Laurie Oliver Joseph, City Planner, City of Scappoose, 33568 East Columbia Ave, Scappoose, OR, 97056 (or email comments to loliver@cityofscappoose.org) by September 23, 2022

REGARDING: David Weekley Homes. is requesting approval of an application to subdivide Columbia County Assessor Map Number 3212-CB-00401 to create 48 lots in the Low Density Residential (R-1) zoning district. Additionally, the applicant requests approval of: a Zone Change since this is a PD (Planned Development, which acts as a zone change on the parcel); a Conditional Use Permit since PD's are allowed as a Conditional Use in the R-1 zone, and Sensitive Lands Permits for the Floodplain, Steep Slope, Wetlands, and Fish and Riparian Corridor on the site. The site is ~ 17.3 acres and is located south of the Captain Roger Kucera Way and SW JP West Road intersection.

- 1. We have reviewed the enclosed application and have no objection to its approval as submitted.
- 2. _____ Please see either our comments (below) or attached letter.
- 3. _____ We are considering the proposal further and will have comments to you by
- 4. _____ Our board must meet to consider this; we will return their comments to you by
- 5. Please contact our office so we may discuss this.
- 6. _____ We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: _____

Signed:	
Signed: Wilding Official	Date: 9-6-2022
Fitle: Building Official	Date: 9-6-2022

Steven Forgal

33568 E. COLUMBIA AVE. SCAPPOOSE, OREGON 97056 (503) 543-7184

September 2, 2022

LAND USE REFERRAL (Buxton Ranch Planned Development SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22, 4-22)

RETURN TO: Laurie Oliver Joseph, City Planner, City of Scappoose, 33568 East Columbia Ave, Scappoose, OR, 97056 (or email comments to loliver@cityofscappoose.org) by September 23, 2022

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- 1. We have reviewed the enclosed application and have no objection to its approval as submitted.
- 2. _____ Please see either our comments (below) or attached letter.
- 3. _____ We are considering the proposal further and will have comments to you by
- 4. _____ Our board must meet to consider this; we will return their comments to you by
- 5. _____ Please contact our office so we may discuss this.
- 6. _____ We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: _____

Signed:	Date:9-12- 2022

Exhibit 31

33568 E. COLUMBIA AVE. SCAPPOOSE, OREGON 97056 (503) 543-7184

September 2, 2022

LAND USE REFERRAL (Buxton Ranch Planned Development SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22, 4-22)

RETURN TO: Laurie Oliver Joseph, City Planner, City of Scappoose, 33568 East Columbia Ave, Scappoose, OR, 97056 (or email comments to loliver@cityofscappoose.org) by September 23, 2022

REGARDING: David Weekley Homes. is requesting approval of an application to subdivide Columbia County Assessor Map Number 3212-CB-00401 to create 48 lots in the Low Density Residential (R-1) zoning district. Additionally, the applicant requests approval of: a Zone Change since this is a PD (Planned Development, which acts as a zone change on the parcel); a Conditional Use Permit since PD's are allowed as a Conditional Use in the R-1 zone, and Sensitive Lands Permits for the Floodplain, Steep Slope, Wetlands, and Fish and Riparian Corridor on the site. The site is ~ 17.3 acres and is located south of the Captain Roger Kucera Way and SW JP West Road intersection.

- 1. <u>x</u> We have reviewed the enclosed application and have no objection to its approval as submitted.
- 2. ____ Please see either our comments (below) or attached letter.
- 3. _____ We are considering the proposal further and will have comments to you by
- 4. _____ Our board must meet to consider this; we will return their comments to you by
- 5. _____ Please contact our office so we may discuss this.
- 6. _____ We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: ______

Signed: Jun Port

Title: Superintendent

Date: <u>9/22/2022</u>



FIRE MARSHAL

Scappoose Fire District



Date: 9/29/2022 Laurie Oliver Joseph

RE: Buxton Ranch Map Number: 3212-CB-00401

Dear Laurie:

We received the site plan drawings and information regarding the above referenced project. Based on what was submitted, the fire district has a few comments and findings, but we have no objections.

- 1. Dead End
 - i. Based upon the current site design, there are streets with no turn-a-round. (OFC 503.2.5)
 - ii. If a turnaround is not able to be designed, an applicable trade off in the Oregon Fire Code is to require residential sprinklers in all houses. This will be required for roads/driveways longer than 150'.
 - iii. Two private lots cannot be shared to establish a hammerhead.
- 2. Flag Lots.
 - i. All flag lot properties shall require an address at the end of the driveway as well as on the structure (ORD 17-2 and OFC 505).
 - ii. Houses situated further that 250 from a hydrant may be required to have sprinklers.
- 3. One Fire Apparatus Road
 - i. Based upon the current design, Oregon Fire Code D107.1 will require every home to have a fire sprinkler system installed that meets the NFPA13D standard.

Should you have any questions about anything else, please do not hesitate to give me a call.

Sincerely,

Jeff Pricher Fire Chief / Fire Marshal

Scappoose Rural Fire District 52751 Columbia River Hwy (P.O.BOX 625) Scappoose OR, 97056 (503) 543-5026

Planning Commission Packet ~ Oct. 27, 2022

Exhibit 33

33568 E. COLUMBIA AVE. SCAPPOOSE, OREGON 97056 (503) 543-7184

September 2, 2022

LAND USE REFERRAL (Buxton Ranch Planned Development SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22, 4-22)

RETURN TO: Laurie Oliver Joseph, City Planner, City of Scappoose, 33568 East Columbia Scappoose, OR, Ave. 97056 (or email comments to Ioliver@cityofscappoose.org) by September 23, 2022

REGARDING: David Weekley Homes. is requesting approval of an application to subdivide Columbia County Assessor Map Number 3212-CB-00401 to create 48 lots in the Low Density Residential (R-1) zoning district. Additionally, the applicant requests approval of: a Zone Change since this is a PD (Planned Development, which acts as a zone change on the parcel); a Conditional Use Permit since PD's are allowed as a Conditional Use in the R-1 zone, and Sensitive Lands Permits for the Floodplain, Steep Slope, Wetlands, and Fish and Riparian Corridor on the site. The site is ~ 17.3 acres and is located south of the Captain Roger Kucera Way and SW JP West Road intersection.

- 1. _____ We have reviewed the enclosed application and have no objection to its approval as submitted.
- 2. <u>X</u> Please see either our comments (below) or attached letter.
- 3. _____ We are considering the proposal further and will have comments to you by
- Our board must meet to consider this; we will return their comments to you by 4.
- 5. Please contact our office so we may discuss this.
- 6. _____ We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS:

The PUD has no objections as the plan is presented. Please note that any lighting intended or required to illuminate the right of way within the project or on the adjacent roads must be approved by the City of Scappoose prior to the PUD providing an estimate to the developer.

Signed: Blank mensor

Date: 9/2422

Exhibit 34



LAND USE ACTION REFERRAL (SDR3-21, PLA2-21, SLDP (1-21, 2-21, 3-21) OXBO Headquarters September 23, 2022

RETURN TO: Laurie Oliver Joseph, City Planner, City of Scappoose, 33568 East Columbia Ave, Scappoose, OR, 97056 by October 7, 2022. Please email your response to: loliver@cityofscappoose.org. If you have any questions, please call Laurie Oliver Joseph at 503-543-7184.

REGARDING: OXBO Inc. has submitted an application for Site Development Review (SDR3-21) to allow for the construction of an 11,940 square foot equipment storage warehouse and an associated 3,600 square foot administrative office building for a new OXBO Headquarters. The applicant requests sensitive lands development permits due to the presence of floodplain, wetlands and fish and riparian corridor on site. The applicant also requests a property line adjustment to remove some of the common property lines on site. The site is located just west of the Oregon Meat Company building (addressed as 53195 Columbia River Hwy), northwest of the Scappoose-Vernonia Hwy and Columbia River Hwy intersection, on property described as Columbia County Assessor Map # 3201-CO-00600, 3201-CO-01700, 3201-CO-03100, 3201-CO-02800 and 3201-CO-02701.

- 1. _____ We have reviewed the enclosed application and have no objection to its approval as submitted.
- 2. _X____ Please see either our comments (below) or attached letter.
- 3. _____ We are considering the proposal further and will have comments to you by
- 4. _____ Our board must meet to consider this; we will return their comments to you by

5. _____ Please contact our office so we may discuss this.

6. _____ We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: See attached below

Signed: Charles M. Barr

 Title: Oregon Department of Fish and Wildlife, District Fish Biologist
 Date: 9/28/2002



Comments (previously emailed to the consultant/applicant 8/29/2019)

Oregon Department of Fish and Wildlife appreciates the opportunity to comment on the Buxton Ranch Subdivision Development. After our site visit on 8/9/2019 and reviewing the FEMA/ESA-memo, our main concerns with this project are related to the location of the development in the floodplain of South Scappoose Creek. The expansion of non-permeable surfaces associated with new roads and houses will lead to increased runoff and increased storm water inputs into South Scappoose Creek. Storm water runoff can have negative impacts on aquatic organisms including the species listed under the Endangered Species Act and Oregon State's Sensitive Species List that are present in this reach of South Scappoose Creek. Much of this proposed development is in the hundred year floodplain and flooding has occurred in this parcels as recently as winter 2019 as well as in 2015. We recommend every attempt to incorporate permeable building techniques or expansion of water quality facilities be employed to reduce run-off impacts on the stream as well as slow water entering the creek during high water events. We also would recommend planting the entirety of the area between the proposed houses and the creek with native vegetation (not just the 50-foot buffer area) and using a permeable material for the trail through the riparian area. Where possible, we would also like to see the main alignment of the trail placed outside the 50-foot riparian buffer, rather than on the outer edge, with shorter spur trails into this area for creek viewing and access.

The riparian area, wetlands, and South Scappoose Creek are the most sensitive habitats and provide the highest quality cover and refuge for native species in the area of the project; protection and enhancement of these areas is our primary concern at the site. We appreciate the efforts to minimize wetland disturbance, add additional riparian vegetation, and avoid construction in the stream corridor.

Please add additional information regarding other Oregon Sensitive Species present at the Buxton Floodplain development site:

There are juvenile and adults of multiple Lamprey species present at the site. This area acts as rearing and migration corridor for Pacific Lamprey as well as Western Brook Lamprey (*Lampetra richardsoni*).

There are Cutthroat Trout (*Oncorhynchus clarkii clarkii*) present in this section of South Scappoose Creek as well. This site includes rearing and migration habitat.

Echibit 35

CITY OF SCAPPOOSE

33568 E. COLUMBIA AVE. SCAPPOOSE, OREGON 97056 (503) 543-7184

September 2, 2022

LAND USE REFERRAL (Buxton Ranch Planned Development SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22, 4-22)

RETURN TO: Laurie Oliver Joseph, City Planner, City of Scappoose, 33568 East Columbia Ave, Scappoose, OR, 97056 (or email comments to loliver@cityofscappoose.org) by September 23, 2022

REGARDING: David Weekley Homes. is requesting approval of an application to subdivide Columbia County Assessor Map Number 3212-CB-00401 to create 48 lots in the Low Density Residential (R-1) zoning district. Additionally, the applicant requests approval of: a Zone Change since this is a PD (Planned Development, which acts as a zone change on the parcel); a Conditional Use Permit since PD's are allowed as a Conditional Use in the R-1 zone, and Sensitive Lands Permits for the Floodplain, Steep Slope, Wetlands, and Fish and Riparian Corridor on the site. The site is ~ 17.3 acres and is located south of the Captain Roger Kucera Way and SW JP West Road intersection.

- 1. _____ We have reviewed the enclosed application and have no objection to its approval as submitted.
- 2. __X___ Please see either our comments (below) or attached letter.
- 3. _____ We are considering the proposal further and will have comments to you by
- 4. _____ Our board must meet to consider this; we will return their comments to you by
- 5. _____ Please contact our office so we may discuss this.
- 6. _____ We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: Thank you for the opportunity to comment on this project. The SBWC worked for many years on restoration of Scappoose Creek, and completed a major project within this property area, enhancing the stream banks and significantly adding riparian vegetation.

We concur with the ODFW comments, dated Aug 29, 2019, particularly with regard protecting the riparian area and wetlands. Native vegetation is critical to maintaining the floodplain protections from surface runoff, and against flooding potential, and should be used to the maximum extent possible, particularly on the stream side of the development.

Signed: __Pat Welle

Title: Acting Coordinator, Scappoose Bay Watershed Council Date: Sep. 26, 2022

Exhibit 36

Response Page

Department of State Lands (DSL) WN#*

WN2022-0859

Responsible Jurisdiction

Staff Contact		Jurisdiction Type	Municipali	
Laurie Joseph		City	Scappoose	
Local case file #		Cou	nty	
SB1-22, ZC1-22, CU1	1-22	Colu	mbia	
Activity Locatio	'n			
Township	Range	Section	QQ section	Tax Lot(s)
03N	02W	12	СВ	401
Street Address				
SW JP West Rd				
Address Line 2				
City		State / Prov	vince / Region	
Postal / Zip Code		Country		
		Columbia	a	
Latitude		Long	gitude	
45.755179		-122	.885461	

Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The National Wetlands Inventory shows wetland, waterway or other water features on the property

Local Wetlands Inventory shows wetland, waterway or other water features on the property

The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity

 $^{\wedge}$

It appears that the proposed project will impact wetlands and requires a State Permit.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information

Additional Comments

This project is covered almost entirely by wetland delineations WD2019-0035 and WD2019-0404. There is a small portion of undelineated project area in the southwest corner. It is designated as open space, and wetlands on site to the east extend offsite into this area. Therefore, no ground disturbance--grading, placement of sod, landscaping, walkways, etc.--should occur in this undelineated area unless it is delineated. Otherwise the rest of tax lot 401 is delineated, and the approved, stamped maps are valid for 5 years from the date stamped. Also, Application #30816 is on file for this project, and the applicant should continue working with the DSL Resource Coordinator, Dan Cary, on permit conditions and wetland mitigation, if needed.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf

Response Date

9/23/2022

Response by:

Lynne McAllister

Response Phone: 503-986-5300

Exhibit 37

CITY OF SCAPPOOSE

33568 E. COLUMBIA AVE. SCAPPOOSE, OREGON 97056 (503) 543-7184

September 2, 2022

LAND USE REFERRAL (Buxton Ranch Planned Development SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22, 4-22)

RETURN TO: Laurie Oliver Joseph, City Planner, City of Scappoose, 33568 East Ave. Scappoose, OR, (or email Columbia 97056 comments to loliver@cityofscappoose.org) by September 23, 2022

REGARDING: David Weekley Homes. is requesting approval of an application to subdivide Columbia County Assessor Map Number 3212-CB-00401 to create 48 lots in the Low Density Residential (R-1) zoning district. Additionally, the applicant requests approval of: a Zone Change since this is a PD (Planned Development, which acts as a zone change on the parcel); a Conditional Use Permit since PD's are allowed as a Conditional Use in the R-1 zone, and Sensitive Lands Permits for the Floodplain, Steep Slope, Wetlands, and Fish and Riparian Corridor on the site. The site is ~ 17.3 acres and is located south of the Captain Roger Kucera Way and SW JP West Road intersection.

- 1. _____ We have reviewed the enclosed application and have no objection to its approval as submitted.
- 2. X Please see either our comments (below) or attached letter.
- 3. _____ We are considering the proposal further and will have comments to you by
- Our board must meet to consider this; we will return their comments to you by 4. _____
- 5. Please contact our office so we may discuss this.
- 6. We recommend denial of the application. Please see either our comments (below) or attached letter:

COMMENTS: This portion of JP West is within the City of Scappoose jurisdiction, with a portion of the ROW frontage falling under County jurisdiction. The Columbia County Public Works Department requires applicant to meet all City of Scappoose standards for street improvements, right-of-way dedication and storm water/drainage.

Signed: Sett Tolijez_____ Title: Engineer Technician I_____ Date: 9/23/2022

Fyhibit 38



International Journal of Environmental Research and Public Health



Article Designing Multifunctional Urban Green Spaces: An Inclusive Public Health Framework

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Abstract: Evidence of the wide range of health benefits associated with the use of urban green space (UGS) continues to grow. Despite this evidence, many UGS designs do not adopt a communityinclusive approach that utilizes evidence-based public health strategies to maximize potential health benefits. This research focused on testing a multidisciplinary, community-involved public health framework to drive the UGS design process. The aim of this study was to use community feedback and evidence-based public health practices to promote physical health, psychological wellbeing, and social cohesion by creating a multifunctional UGS that enhances nature therapy, natural play, and sports and recreation. Community health assessment data (236 survey responses), community forum and survey feedback (157 survey responses), local urban green space inventory assessment, and environmental assessment and impact data were analyzed to develop a design plan that maximize the greatest potential health benefits for the greatest proportion of the population. Community health data indicated a strong relationship between the availability of places to be physically active in the community and higher ratings of mental (aOR = 1.80) and physical (aOR = 1.49) health. The creation and utilization of the proposed community-inclusive and public health-focused framework resulted in a UGS design that prioritized the needs of the community and provided evidence-informed strategies to improve the health of local residents. This paper provides unique insight into the application of a framework that promotes a more health-focused and functional approach to UGS design.

Keywords: urban green space; nature and health; forest therapy; urban design; multifunctional green space

1. Introduction

As the population density increases in many cities around the world, urban green spaces (UGS) become increasingly important as areas to promote a wide range of health benefits. The World Health Organization (WHO) has stated that urban green spaces are a "necessary component for delivering healthy, sustainable, livable conditions" and have urged urban planning to include more evidence-based public health approaches [1]. The scientific research overwhelmingly supports the substantial and growing evidence of the influence green spaces has on multiple aspects of physical and psychological wellbeing. As proposed by Veen et al. [2], the majority of health benefits that UGS help promote can generally be grouped into three distinct categories of health benefits: (1) physical health, (2) psychological wellbeing, and (3) social cohesion [2]. The benefits to physical health are supported by studies that show an association between greater exposure to green spaces and parks and higher levels of physical activity in children and adults [3,4], lower levels of obesity in children and adults [5,6], improved sleep quality in adults [7], decreased cardiovascular disease incidence [8,9], and decreased Type 2 diabetes incidence [10]. The benefits to psychological wellbeing are supported by studies that show higher levels of green space exposure to be associated with improved mental wellbeing, overall health, cognitive development in children [11], lower psychological distress in teens [12], and lower risk of a wide spectrum of psychiatric disorders later in life for those with higher



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Copyright: © 2022 by the author. Licensee MDPI, Basel, Switzerland. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY) license (https:// creativecommons.org/licenses/by/ 4.0/). levels of continuous green space presence during childhood [13]. In addition, studies have indicated that time spent in forests is associated with lower cortisol levels [14] and a reduction in reported feelings of hostility, depression, and anxiety among adults with acute and chronic stress [15].

Despite our understanding of the importance of green spaces to human health, green space is under increasing pressure from growing urban populations and the associated urbanization processes of expansion and densification [16]. With the available green and blue spaces decreasing in many communities, the importance of maximizing natural areas and parks for their health and wellness benefits should be a priority. When looking at the pathways in which UGS affect health, the benefits have been attributed to: (1) being physically active in nature or (2) being present in nature. However, the characteristics of the space itself is also influenced by its functionality [17]. How and with whom (e.g., alone or with others) individuals use the UGS also influence its potential benefits [2].

This paper will present a case study on the utilization of a multidisciplinary urban green space design framework (Figure 1) that includes four components: (1) local government officials, (2) local community members, (3) local public health professionals, and (4) local environmental experts. While researchers continue to focus on the health benefits of being active and present in nature, little research has focused on how publichealth scientists and a diverse representation of local community members can work collaboratively with urban planners to develop healthier, more livable, and more environmentally sustainable communities. The research question central to this study was: can a community-inclusive, public-health-focused design framework improve the multifunctionality and therefore the potential health benefits of an urban green space?

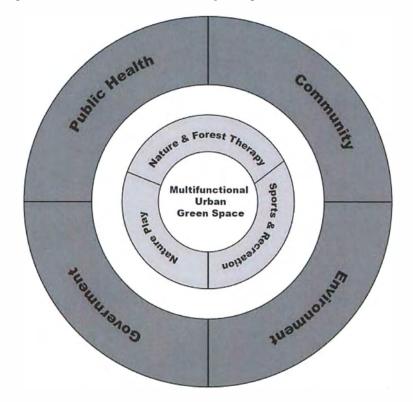


Figure 1. Proposed multidiscipline, multifunctional urban green space design framework.

1.1. The Problem

Despite the growing evidence of the relationship between green spaces and a variety of health benefits, urban planners rarely design multifunctional spaces that can provide all three distinct health benefits related to improving: (1) physical health, (2) psychological

wellbeing, and (3) social cohesion in the same space. The historical model in the U.S. has been for local governments to make smaller green spaces available in traditional neighborhood parks with sports fields, bike paths, playground structures, and picnic tables. Alternatively, larger green spaces are often set aside as natural areas with little to no infrastructure and a focus on allowing individuals to be in nature. As such, these different types of green spaces typically target specific populations depending on their amenities. For example, parks primarily designed with playground structures are mostly visited by families with young children. Parks with sports and athletic fields are mostly visited by older children and adolescents. Lastly, nature areas are primarily visited by older adults. Less common, is the design of green spaces that function as: (1) natural play structures for young children, (2) sports and athletic fields for school-aged children, and (3) areas that provide nature and forest-therapy features for all ages. With a body of research now shedding light on the multiple pathways by which green spaces and parks can affect our health [18,19], urban planners have yet to adopt strategies that consider these multiple pathways. Creating multifunctional green spaces would maximize the potential health benefits for the greatest number of individuals in a community. Ensuring that UGS design maximizes the numerous health, social, and environmental benefits is critical. In order to accomplish this, urban planners should strive to be more inclusive and invite a greater number of community stakeholders and public health professionals to the table when designing green space functionality.

1.2. Aim of the Study

This paper aims to present: (1) a multidisciplinary, community-inclusive green-spacedesign framework, and (2) the results of incorporating a public health approach that informs the design of a green space by maximizing health benefits through multifunctionality.

1.3. Significance of the Study

This paper presents a case study of a multidisciplinary urban green space design approach and framework that is informed by public health research. To date, much of the research in the nature and wellness field has focused on providing evidence of the various health effects in different populations, understanding the health benefit pathways, or retrospective evaluation of the UGS built environment. Few studies have presented frameworks for how to create collaborative and effective UGS design teams that can maximize the evidence-based health benefits of green spaces.

2. Materials and Methods

This case study took place from December 2021 to July 2022. Data were obtained through community health assessment questionnaires, several community-distributed surveys, publicly accessible planning documents, and interviews with multiple organizations. Details of the data collection methods are given below. The framework developed was used to guide a new design approach for an urban green space in the city of Scappoose, in the state of Oregon in the United States. Scappoose is a small town in Oregon, the United States of America, with approximately 8010 residents. Traditionally settled as a farming, logging and fishing town, most residents now commute to work approximately 25 miles away in Portland, the largest city in the state of Oregon. The town of Scappoose, Oregon provides a unique case study on multifunctional urban green space design for several reasons: (1) Its proximity to a large metropolitan area (Portland, OR, USA) and its combination of urban and rural areas results in elements of an urban layout, but with more available public green space than many urban areas. (2) The green space involved in this study includes a significant number of valuable natural green and blue areas, which allows for a unique design for use as both a park and open natural area. While Scappoose is designated as both urban and rural (depending on the defining organization and the reason for designation) for the purpose of this study, the green space will be referred to as an urban green space

(UGS) due to its location within the city limits and within a well-developed area of the small city.

The specific UGS included in this case study is 9.54 acres in size (see Figure 2) and features a small stream that runs along the eastern border of the area. The stream, known as the South Scappoose Creek (SSC), is an important tributary of the Scappoose Bay Watershed, which drains into the Columbia River that borders Oregon and Washington in the United States. The SSC includes several endangered species of fish and other forms of wildlife, including coho and chinook salmon, and steelhead and cutthroat trout. Extensive efforts have been made to restore the many creeks and waterways within the Scappoose Bay Watershed due to the importance of the salmon habitat and water quality, and in order to mitigate the increasingly frequent local flooding events.



Figure 2. The undeveloped UGS boundaries and layout. (Google Earth 7.3, (2022) Scappoose Public Green Space, 45°45′36″ N 122°52′55″ W, elevation 13 M. [Online] Available at: http://www.google.com/earth/index.html [accessed on 30 July 2022]).

Overall, there were four teams that brought their own unique expertise to the UGS design framework: (1) local government officials focused on local land use policy and long-term green space, parks, and trails planning, (2) a public health scientist (the author) focused on the community health impact assessment, identifying measurable health outcomes, and presenting strategies to maximize the multifunctional properties of the green space in order to have the greatest health impact in the community feedback on what local residents wanted the green space to include, and (4) a local environmental group that focused on stream habitat restoration and flood plain improvements in the green space.

2.1. Demographics

Demographic data were obtained from the 2021 U.S. Census Report [20]. The median age in Scappoose is 41.3 years of age and, compared to both the United States and the surrounding county, Scappoose has a higher proportion of children (aged 14 years and under)

and working-age adults (aged 25 to 44 years). The population includes 26% under 18 years of age and 18% over the age of 65 years, and 37% of all households have children under the age of 18 living with them, which is higher than both the surrounding county (34%) and the State of Oregon (30%). The average household size is 2.56 persons—also larger than the surrounding county (2.55) and Oregon State (2.47). Race and ethnicity demographics are: 87% white (non-Hispanic), 1% Asian, 2% American Indian, and 8% Hispanic.

2.2. Framework Variables

2.2.1. Public Health Level

Data on health-related variables for local residents were obtained from a secondary dataset that was part of a larger tri-county community health assessment, completed by multiple counties and a health system, in the spring of 2022. The survey was modeled after the Center for Disease Control and Prevention's Behavioral Risk Factor Surveillance System (BRFSS) which assesses health status, health risk behaviors, and healthcare access and utilization. The BRFSS is a well-established survey with strong validity and reliability. Electronic links to the surveys were posted on social media and included in newsletters, with a total of 236 responses collected and analyzed for this study. Health-related variables analyzed in this study included: the prevalence of chronic disease, perceived physical and mental health, depression and anxiety, social isolation, and perceived community physical activity options. Obesity rates were obtained from publicly available Behavioral Risk Factor Surveillance Systems (BRFSS) survey data for the year 2018 (CDC, 2022).

2.2.2. Community Level

Community data were collected over the course of 18 months in several different formats. Three surveys were distributed electronically on social media, in newsletters, and in-person over this period to collect feedback on local parks and green spaces. Included were questions about how likely respondents were to use different amenities, such as athletic fields, playgrounds, dog parks, and nature trails, in this specific green space. In addition, several community forums were held where local residents could provide feedback to local officials about how they would like to see the green space designed. Lastly, local residents were also encouraged to attend monthly city council and park and recreation committee meetings to provide feedback on the design of the green space.

2.2.3. Environmental Level

As part of the pre-planning for this green space, an extensive environmental assessment was completed by the local watershed council and external environmental consultants. From an environmental standpoint, this green space contained several critical environmental components that needed to be considered. The presence of a stream running the entire length of one side of the space required extensive flood-plain mitigation planning and endangered fish species habitat planning, as well as wetlands identification and preservation.

2.2.4. Government Level

Local government design input included providing data that were focused on how the green space contributed to the long-term planning and development of the city. Data on the current park and green space inventory in the city were collected from the publicly available 2017 Scappoose Parks, Trails, and Open Spaces Plan. The report included valuable data on the current inventory of parks and green spaces, as well as undeveloped public land, for future park and green-space development. The local government also provided information on how the city master plan and future infrastructure improvements might affect the UGS design.

2.2.5. Statistical Analysis

IBM SPSS[®] for Windows[®] version 24 (IBM Corp., Armonk, NY, USA) was used for data analysis. Bivariate relationships were explored using Pearson correlations. Logistic

regression analysis was performed, and models produced to determine community indicators as predictors for high vs. low mental health and high vs. low physical health. Independent variables with a p < 0.05 in the bivariate analysis were included in the logistic regression model testing.

3. Results

3.1. Public-Health-Level Data

Demographic data are reported in Table 1 and general community health indicators are summarized in Table 2. Of note are the relatively high number of residents that reported two or more health conditions (60%), as well as 39% of residents reporting having anxiety or depression or both. Overall, 72% of Scappoose residents rated their mental health as good, very good or excellent (compared to 71% in the surrounding communities) and 76% rated their physical health as good, very good or excellent (compared to 80% in the surrounding communities). The prevalence of obesity among adults aged 18 years and older was 33% in the Scappoose community, with the same levels found in the surrounding communities. A relatively high percentage of the population reported that there were options for community physical activity (77).

Characteristics	n	Percent of Sample
Age		
18–40 years old	71	30%
41–64 years old	130	55%
65 years old and over	35	15%
Gender		
Female	146	62%
Male	73	31%
Non-binary/other	17	7%
Race		
White	191	81%
Multiracial	17	7%
American Indian Alaskan Native	3	1%
Asian	3	1%
Black/African American	2	1%
Other or Unknown	24	10%
Household makeup		
HH w/children < 18 yo	116	49%
HH w/adults > 65 yo	88	37%

Table 1. Demographic characteristics of respondents (n = 236).

Significant moderate correlations (r = 0.41-0.46) were seen between indicators of community livability, such as "my community is a good place to raise children" or "grow old", and it "feels safe" and there are "places to be active nearby" (Table 3). Other Pearson correlation tests indicated significant low to moderate (r = 0.22-0.43) correlations between various physical and mental health indicators and having places to be physically active nearby (Table 4).

Self-Reported Health Indicators	n	Percent of Sample
Good physical health *	179	76%
Good mental health *	170	72%
Anxiety or depression	91	39%
Cardiovascular risk factors	92	39%
One or more health issues	175	74%
Two or more health issues	142	60%

Table 2. Community Health Indicators (n = 236).

* Responded as "good", "very good" or "excellent".

 Table 3. Correlations between community livability indicators and places to be physically active in the community.

	There Are Places in My Community to Be Physically Active
My community is a good place to raise children	0.46 *
My community is a good place to grow old	0.41 *
My community feels safe	0.42 *

Table 4. Correlations between health indicators and places to be physically active in the community.

	There Are Places in My Community to Be Physically Active
Physical health rating	0.22 *
Mental health rating	0.32 *
Feeling loved and wanted	0.43 *
Feeling socially isolated	0.31 *
Feeling down, depressed, hopeless	0.29 *

* *p* < 0.01.

Final logistic regression models indicated a significant association between perceived places to be physically active in the community and physical health (aOR = 1.49) and mental health (aOR = 1.80), as shown in Table 5. No other independent variables were found to be significantly associated with physical and mental health, and therefore were not included in the final model as predictors. The final model was adjusted for age, gender, and race.

Table 5. Relationship between independent predictor "there are places to be physically active in my community" and mental and physical health ratings.

Health Outcome	Crude OR (95% CI)	Adj OR (95% CI)
Mental Health Rating		
High	1.74 (1.28–2.37)	1.80 (1.26–2.56)
Low	1	1
Physical health rating		
High	1.51 (1.11–2.02)	1.49 (1.06–2.08)
Low	1	1

3.2. Community Level Data

Community feedback related to features that should be prioritized in the development of the new green space included 157 survey responses from community residents, and is summarized in Table 6. Overall, the survey responses strongly indicated that the availability of more nature trails and open spaces was a priority of the community. In addition, there was a strong response from the local soccer and softball community advocating for sports fields that could accommodate both sports. The community also ranked their top two recreational priorities as (1) walking and biking for exercise and (2) enjoying the outdoors and nature.

Question	n	Percent of Responses
The development of parks is important to me	146	93%
I would support more trails in Scappoose	127	81%
Scappoose parks do not meet my needs	113	72%
Parks are important when choosing where to live	133	85%

Table 6. Community Green Space Survey (n = 157).

3.3. Environmental-Level Data

The local watershed council submitted a full stream restoration proposal to the city in May of 2022. A full description of the environmental component is not included, as the details of the plan fall outside the scope of this study. However, a summary of the environmental assessment and design plan will be discussed briefly due to its importance in developing the public health-focused design of the remaining green space. The environmental proposal was primarily used to help provide details on design constraints relating to the stream bank lay-back, and where a transition to the more traditional park amenities, such as play structures, athletic fields, and picnic tables, could occur. State and federal environmental regulations protect a large riparian buffer zone near the stream. However, a balance was achieved by designing a nature-therapy-focused trail, as well as several areas that provide access to and interaction with the green and blue areas around the creek.

3.4. Government- and Urban-Planning-Level Data

Data from the most recently completed parks, open spaces and trails report indicate that Scappoose currently has 2.93 acres of parkland for every 1000 residents. In comparison, the National Recreation and Park Association has established their benchmark for the level of service for a community to be 6.25–10.5 acres of parkland for every 1000 residents. The addition of this UGS will increase that ratio to 3.75 acres of parkland for every 1000 residents, moving Scappoose closer to the established national guidelines. The development of this UGS will also increase the number of residents that are within a walking distance of five miles to a park by an estimated 220 residents. Lastly, there is currently no park or green space within the Scappoose city limits that is designated as a natural open area. Additionally, the park and green space inventory indicated a disproportionately lower number of structures designed for under-2 year olds and the 2–5 year old age group. Sensory-friendly playground structures that are more accessible for children with autism and other challenges were also notably not present in this community.

4. Discussion

4.1. The Multifunctional Green Space Design Plan

The extensive work completed by the four components of the framework resulted in a comprehensive multifunctional UGS design proposal, which was submitted to the city. The purpose of this paper was to use this case study to provide insight into the application of this framework, including the strengths and challenges of a multidisciplinary team working on a community-involved, public-health-informed UGS design approach for improving health in the community. The scope of this article is not to provide details of the full UGS design plan, due to the variability and local context of each unique green space. However, an outline of the design elements will be discussed in the context of involving community members, public health professionals, and local city planners, as well as environmental experts. The main components of the proposal included an environmental habitat and stream restoration plan, athletic and sports fields and facilities, natural play zones, and a nature-therapy-focused path along the stream. These four main components of the UGS will maximize the potential health benefits through multifunctionality. The design was intended to provide health benefits by targeting opportunities to be active in nature, experience and interact with nature, and engage in social interactions in a park and natural area.

The completion of the environmental assessment and stream restoration plan was essential for understanding how much of the 9.54 acres would remain after restoring the natural flood plain. The original creek bank will be laid back to the required FEMAdesignated regulatory floodway, as shown in Figure 3. As a result, approximately 2.2 acres along the creek will be set aside as a protected natural area. It is essential that future UGS design not only include improvements to the natural areas for habitat restoration and biodiversity, but also should include provisions for future climate-change-related health impacts. For example, in this green space design, significant benching of the creek bank will be completed in order to alleviate the increasingly more frequent flood events and associated risks to homes, buildings, and other infrastructure. In addition, mature trees will be preserved, which will help to provide shade and urban cooling as many areas around the world experience more frequent and more severe heat waves. A zone of approximately 1.5 acres along the border of the regulatory floodway will provide a transitional zone, designed for residents to interact with nature. In addition, there will be two water-access locations for children and adults to have access to the stream. This transitional zone is an important element in the multifunctionality of the green-space design. Rather than a hard delineation between protected natural areas and athletic fields and concrete bike paths, a softer and more inviting wood chip path is proposed; this path meanders around natural features such as trees, shrubs, and boulders. In addition, natural play structures are proposed, which combine the necessary water drainage requirements (bioswales) with additional natural play features for children to enjoy. Recent research indicates the additive health benefits of natural play for children, compared to traditional playground use. Brussoni et al. [21,22] found a significant decrease in depression and aggression post-nature play exposure/intervention, and another study found a positive increase in mood post-nature play exposure/intervention [23]. Other studies on natural play have shown improvements in cognitive development [24,25], learning [23,26], and social outcomes related to nature play [21,23]. Additional features in the transitional zone will include features intended to facilitate nature and forest therapy, such as natural boulder and log seating areas. The creation of "nature rooms", made up of small spaces surrounded by mature trees and plantings with a high biodiversity and a variety of textures and colors, will be an important feature that invites individuals to pause and open their senses to all that nature has to offer. These design elements not only facilitate the formal sequences involved with nature and forest therapy but also are supported by research that demonstrates the health benefits associated with higher biodiversity in green spaces [27]. A dedicated zone that focuses on optimally facilitating nature and forest therapy is a unique feature of this UGS design. These features draw from the growing evidence of the benefits of guided nature and forest therapy. The growing practice of forest bathing, or nature and forest therapy, as it is more commonly known in North America, has highlighted the benefits of guided experiences in nature. A systematic review by Wen et al. [28] on the medical empirical research into forest bathing (shinrin-yoku) indicated that there was growing evidence of a wide range of health benefits, through both physiological effects and psychological effects [28].

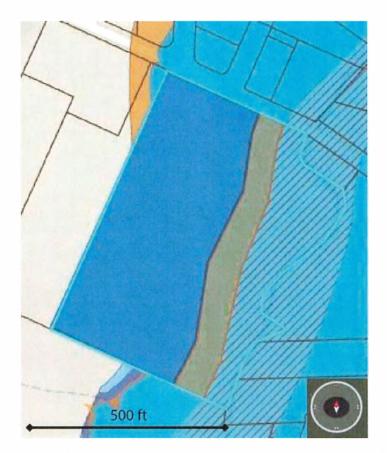


Figure 3. The three UGS zones are shown in this figure. Diagonal stripes represent the protected riparian buffer zone around the waterway. Orange represents the nature therapy and natural play transition zone. Blue represents the sports-and-recreation-dedicated area (Columbia County, OR, USA, GIS Mapping).

After accounting for the stream and flood plain mitigation and the nature-wellnessand-therapy-focused paths and structures, there remained approximately 6 acres of space that could be designed for other health-related priorities. Based on the feedback from the community, the community health assessment, and the assessment of the current parks and green spaces, the remaining space focused on sports and recreation. Design recommendations included building a multiuse artificial-turf soccer and softball field. Compared to natural grass, artificial turf would better withstand the high levels of annual precipitation seen in this geographical location. Natural grass athletic fields are often unusable for large periods of the year in this location; therefore, an artificial turf surface would provide year round multifunctional use, leading to greater health benefits for a larger proportion of the community. Additionally, included in the public-health-informed design plan was an interactive play structure for children aged four years and under. Information from the park and green space inventory indicated that the city lacked dedicated play structures or environments for this age group, severely limiting the health benefits that outdoor play can have during this developmentally critical period in life. It was also recommended that the structures tailored towards younger age groups include covered areas to provide a longer window of use throughout the year and to be more inclusive of the needs of breastfeeding mothers. Adaptive play structures and environments was also recommended in order to be more inclusive of individuals with physical and sensory challenges. Lastly, covered picnic structures were recommended based on the evidence supporting the importance of community social cohesion that parks are able to provide [29].

4.2. The Importance of a Public Health Approach

The significant associations seen in Tables 3 and 4, and the final adjusted regression model in Table 5, all highlight the relationship between places to be physically active and mental and physical health. This is supported by findings from other studies that show significant relationships between mental health outcomes [30] and proximity to green spaces, as well as physical health outcomes and green-space density [31]. Conducting a community health assessment at a local level is particularly beneficial for providing data to local government and stakeholders. Local health data provides valuable insight into the unique needs and priorities of each community, greatly improving the evidence supporting specific design elements of a particular UGS. Research have shown that publichealth-focused approaches to green space interventions are more likely to improve health behaviors [32,33].

The timeline in which the four teams contributed to the UGS design framework also provided unique insights into the application of the framework. The public-health-informed design recommendations occurred after the government, community, and environmental teams submitted their design proposals. This allowed for an informal assessment of what the design plan would look like without the public health-informed guidance. It should be noted that this was not an intentional design of the methodology of the research study. Rather, it was a reflection of the local government's general exclusion of public health guidance in the initial design of this UGS. As a result, this paper is able to provide a natural experimental perspective of how a UGS would have been designed with government oversight and community and environmental input, but without public health guidance. Prior to the public-health-focused design recommendations, the green space was proposed to be a general use park with athletic fields and an open grass field that stopped at the hard border of the stream riparian buffer zone. This design would have resulted in a green space that functioned strictly as a sports and recreation park and therefore did not meet the definition of multifunctionality. The inclusion of the nature-therapy transition zone is an important element that creates multifunctionality and targets additional groups for health benefits related to improving psychological wellbeing. In addition, the natural play structures and environments for the 0-4 age group was not present before the public health assessment of groups that lacked adequate opportunities for nature play in the city. Lastly, the public health framework identified a lack of any sensory and adaptive play equipment. Improving the accessibility of parks and green spaces was a top priority of the public health-focused design proposal.

4.3. Strengths of This Study

The significance of this paper to the literature on nature and public health is in the application of a multidisciplinary, community-involved, public health-informed framework for UGS design. The framework, as outlined in this study, include four areas of influence: (1) community involvement, (2) an evidence-based public health approach, (3) invested environmental groups, and (4) local government land use and planning officials. These four areas of influence were able to work collaboratively to design an UGS that can support the three main functions of (1) sports and recreation, (2) nature-based wellness for all ages, and (3) environmental improvements and sustainability.

The inclusion of the local community throughout the collaborative cocreation process was essential to ensure that the UGS was adapted to their needs, and that the prioritized health and wellbeing outcomes are achieved. Public health approaches and recommendations are also strengthened when developed in collaboration with what the community describes as its priorities [34]. Ultimately, partnerships between public health teams and community groups, such as in this study, are essential for maximizing the inclusivity, access, and utilization of green spaces.

Currently, much of the design and development of green spaces occur at the discretion of local government, with little or no community involvement or public health influence. Including local public health experts can serve several functions. (1) The design of different

elements of parks and green spaces can be supported by evidence that they influence health-related behaviors and outcomes. (2) Local public health practitioners and scientists can assist with methods of conducting a health impact assessment to identify priority targets and the most effective use of the space for the greatest health impact. (3) Lastly, they can help to identify appropriate measurable outcomes and develop strong evaluation plans. Local public health departments are valuable resources for healthy urban planning partnerships, as they are particularly well versed in the current health needs and priorities of the communities in which they serve and live.

4.4. Challenges of This Study

While this study provides a template for an effective multidisciplinary design framework, there were several challenges. Firstly, an increase in the number of contributing teams added a level of complexity to traditional government-led green space design. Other challenges included organizing effective communication plans between the various contributing design groups. Working on roles, responsibilities, and communication strategies for design teams early on will ensure that a more cohesive planning process occurs. Lastly, it should be noted that there remains uncertainty as to how the work of all of these groups will be included in the final development of the UGS. Ultimately, it is the decision of the local city council and planning commission to finalize the design of the green space. While local city officials have responded favorably to the design components submitted by each design group, it has not yet been decided which elements will be included in the final UGS development. Urban planners must balance the range of competing demands, including housing demand, economic development, and long-term city planning, and recognize that optimizing green space for maximum health benefits is not always a priority [35].

4.5. Limitations and Future Research

While this paper provides an important case study of a community-involved, publichealth-informed design approach for green spaces, there remain several limitations. The relatively small sample sizes of the community survey responses, as well as the health impact assessment, may result in health data and community park input that are not reflective of the greater community.

The moderately large size of the UGS in this case study allowed for enough physical space for a focus on all three priorities: (1) sports and recreational fields and spaces, (2) undeveloped, natural open spaces for nature play and nature therapy, and (3) wildlife habitat and stream restoration. Communities and local governments may face the challenge of working with much smaller green spaces when trying to maximize them and design for multifunctional use. However, this framework is not necessarily dependent on large green spaces, and can be applied to the design of relatively small green spaces. Research has shown that many of the health benefits related to being in nature can be achieved in relatively small natural environments. For example, South et al. [36] demonstrated in a cluster randomized trial that the "greening" of vacant lots reduced self-reported feelings of depression and worthlessness in the intervention group compared to the control group.

Future research should focus on approaches to multifunctional green space design that can be scaled down for smaller spaces such as "pocket parks", which are smaller green spaces located throughout neighborhoods. Additionally, larger sampling of community health data, and community feedback on parks and green spaces, would ensure that larger communities are represented. The incorporation of theoretical models driving multidisciplinary UGS design would also improve our understanding of the relationship between UGS design-based interventions and their use and related health impacts.

5. Conclusions

This study provides important insight into how to develop community-involved, public health-informed design principles for a multifunctional green space. While every green space has unique contextual variables around its design and development, this paper

provides a case study of how the needs of many groups in a community can be met while also restoring natural areas and stream and wildlife habitats. Furthermore, by including public health experts and the local community, the restoration of natural areas can in fact be inclusive of the important health benefits associated with human interactions in natural areas and spaces. The study also highlights the importance of community- and public health-involved frameworks in the design phases of green space development. While land use and development policies are primarily driven by local governments throughout much of the world, work needs to be undertaken to connect local government decision makers with public health scientists and community groups. With the amount of available urban green space declining in most communities, it is critical that efforts are made to make these areas as accessible as possible for a wide range of populations. Optimizing green spaces for sports and recreation as well as interactions with nature will ensure that communities can experience the many interrelated yet distinct health benefits of green spaces.

Funding: This research received no external funding.

Institutional Review Board Statement: Ethical review and approval were waived for this study due to the use of secondary data.

Data Availability Statement: The data presented in this study are available on request from the author.

Acknowledgments: I would like to thank the Scappoose Parks and Recreation Committee for their tireless commitment to improving the parks and green spaces in their community.

Conflicts of Interest: The author declares no conflict of interest.

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Exhibit 39

From:	craig hermes <craigmelhermes@gmail.com></craigmelhermes@gmail.com>
Sent:	Tuesday, October 18, 2022 6:32 AM
То:	Chris Negelspach; Laurie Oliver Joseph
Cc:	meghan.walter@or.usda.gov
Subject:	[External] Scappoose Creek - Buxton Property Proposal
Attachments:	Scappoose_Showcase.pdf

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chris and Laurie, I am a Scappoose resident that lives and owns a home near Veterans Park and have concerns with the recent notice towards development of the property adjacent to the park. Flooding and public safety are just two of the major concerns area residents have with this proposal. Traffic congestion, roads, access, and capable infrastructure are others. This proposal is coming off as a desperate attempt to provide housing development opportunities by whatever means in order to increase Scappoose property tax rolls. Yes, I understand that housing is needed in the area, but that should not cost our community with the risk of further damage and safety as well as increased financial liability and/or property loss.

In the recent past, it was documented that this riparian area was sensitive to change and some work was done to protect it. However, that work addressed current conditions and not future conditions. That work was further tested in 2019 when Scappoose Creek reached floodstage. There was still flooding and damage that occurred as a result and it was noted that those past efforts only prevented it from becoming a larger issue. We are seeing constant change to our climate and weather as well as an increase in forest fires for which Columbia Count is a ticking time bomb. Removing wetlands and natural habitat is not a solution to this and the Buxton development proposal will do just that. For reference, I am including an article from the USDA's Natural Resources Conservation Service that recognizes the potential for disaster with this specific area and that efforts were taken to mitigate the current conditions. If this project was developed and executed with future development of the adjacent property in mind, that does not appear to be acknowledged anywhere and should be done so specifically.

In closing, I'd like to voice my public opposition to the Buxton Development proposal. I believe that any future development will not take into consideration the potential impact that it may have on existing properties and infrastructure upstream, downstream and across stream that are already threatened and exist within an active floodplain.

I am also attaching Mehgan Walter on this email in the event she still serves some capacity in the area and from her involvement in the past.

Thanks

Craig and Melissa Hermes



United States Department of Agriculture

NATURAL RESOURCES CONSERVATION SERVICE CONSERVATION SHOWCASE

Above: Kari Hollander, district manager for the Columbia Soil and Water Conservation District, was instrumental in securing funding to match the federal investment and managing the complex project on a tight timeline. NRCS photo by Spencer Miller

Programs: Emergency Watershed Protection Program

Location: Veterans community park (Columbia County)



When Disaster Strikes, Call a Conservationist

EMERGENCY WATERSHED PROTECTION PROGRAM PROTECTS COMMUNITY INFRASTRUCTURE WHILE SUSTAINING QUALITY SALMON HABITAT

December of 2015 brought unrelenting storms to an already rain-soaked portion of northwest Oregon, resulting in damaging floods that threatened homes, business, roads and utilities.

High water overflowed river banks and overwhelmed storm drainage systems. Landslides toppled onto roads and threatened homes. Streambanks crumbled as they succumbed to erosion.

The damage prompted a Presidential disaster declaration, signed in February of 2016, to help fund recovery and repair efforts in 13 counties across Oregon.

With significant damage to property and infrastructure in Columbia

County, the Columbia Soil and Water Conservation District (SWCD) reached out to local conservationists to assist with recovery efforts.

Exposed Sewer Line Triggers Public Safety Risks

At the Veterans community park along South Scappoose Creek in Columbia County, severe streambank erosion exposed a section of pipe carrying sewage for the City of Scappoose. The streambank collapsed at the site of a popular swimming hole, next to a playground.

"We were faced with a public safety risk. We were really concerned about the pipe failing and the risk of discharge. We knew we had to act fast to protect the

www.or.nrcs.usda.gov

A sewer leak would be catastrophic for this community. We needed to fix it fast, but we had to have help from agency partners to make it happen.

-Chris Negelspach

Before(below left): Severe flooding exposed a section of pipe carrying sewage for the City of Scappoose, which posed a threat to water quality, public safety, and recreation at a local swimming hole on South Scappoose Creek in Columbia County, Oregon.

After (below right): With funding from the Emergency Watershed Protection Program, local conservationists ensured the streambank was restored in a way that protected the city's infrastructure while also supporting salmon habitat and stream health. NRCS photo by Spencer Miller. infrastructure," said Chris Negelspach, an engineer with the City of Scappoose.

Scappoose is a small community of 6,700 people located about 20 miles northwest of Portland.

The exposed sewer line presented multiple threats to people and the environment. A break in the pipe would cut off sewage services to a third of the city's residents and ruin pumping infrastructure downstream. It would contaminate the creek and degrade vital habitat for threatened and endangered salmon such as Coho, cutthroat and steelhead.

And the salmon habitat in Columbia County is absolutely critical to protect. The entire county is 'essential fish habitat'—a designation by the National Marine Fisheries Service that describes all waters and substrate necessary for fish to spawn, breed, feed and grow to maturity.

Also, Columbia County's two major streams (Scappoose and Clatskanie) boast 100 percent native salmon populations. No hatchery-raised fish here.

"A sewer leak would be catastrophic for this community," Chris said. "We needed to fix it fast, but we had to have help from agency partners to make it happen."

So the city turned to their local conservationists for help.

Emergency Watershed Protection Program aids recovery and conservation

Working with the Columbia County Soil and Water Conservation District (SWCD), the city of Scappoose—along with other neighboring communities throughout the county—submitted a request for federal funding through the USDA Natural Resources Conservation Service's (NRCS) Emergency Watershed Protection Program, or EWP.

EWP is a competitive program that offers financial and technical assistance to help communities protect property and infrastructure in response to natural disasters. NRCS offers up to 75 percent of the repair costs in federal funding and a local sponsor—in this case the SWCD—contributes the remaining 25 percent through cash and in-kind services.

In March of 2016, just a month after the emergency declaration, NRCS secured \$3 million in funding to help Columbia County complete 13 projects, including the Scappoose sewer line project.

Construction began in August of 2016 and finished in July of 2017.

As the local sponsor, the Columbia SWCD was instrumental in managing this complex effort on a tight timeline.







Re-stabilized streambank (above):

Chris Negelspach, an engineer with the City of Scappoose, and Meghan Walter, state hydraulic engineer with the Natural Resources Conservation Service, assess the condition of the newly re-stabilized streambank on South Scappoose Creek. NRCS photo by Spencer Miller The process required coordination with many local, state and federal partners to secure the necessary permits, prepare engineering designs, and implement the work on-schedule.

"It's an emergency program, so we had to move at a quick pace, which is a challenge because federal regulatory agencies don't always work within those same timelines," said Kari Hollander, district manager for the Columbia SWCD.

"It required a significant amount of collaboration and trust from our partners to pull it all together."

A Soft Approach to Streambank Stabilization

"Working on this project through the SWCD brings a softer approach to ensure natural protections for salmon habitat and stream health, while also protecting infrastructure," Kari said.

For example, instead of building a concrete wall around the sewer line, the community wanted a bio-engineered solution that used as many natural materials as possible to protect the stream's water quality, salmon habitat and aesthetics.

They accomplished this by placing large sections of cut trees along the stream bank, planting willow trees along the waterline, and planting native grasses and shrubs along the banks. They installed a coconutweave matting to protect the bare soil and retain moisture to feed the seedlings.

"This is not a Band-Aid on the stream bank. We are looking out for the present and the future health of this system," said Meghan Walter, state hydraulic engineer with the NRCS in Portland. "The rock and woody materials provide short term stability, and the streamside plantings and willow trees will develop strong roots in the soil to support the long term viability of the stream bank."

Meghan worked closely with the Columbia SWCD and other partners to ensure the engineering components of the project met NRCS technical specifications and aligned with EWP guidelines.

"This EWP project is a great example of how local relationships and strong partnerships can help a community leverage a federal program to address local needs that have unique natural resource objectives," Meghan said.

With construction finished, the City of Scappoose and its residents can breathe a sigh of relief, knowing that their sewer infrastructure is protected and their salmon habitat remains healthy.

"We don't expect to see anymore failures here," Chris said.

And the neighborhood youth are happy, too—because their favorite swimming hole beckons.

South Scappoose Creek (left):

Columbia County's streams, including South Scappoose Creek, provide essential fish habitat – a designation by National Marine Fisheries Service that describes all waters and substrate necessary for fish to spawn, breed, feed and grow to maturity. NRCS photo by Spencer Miller



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October 2017

From:	Matt Sprague <msprague@pd-grp.com></msprague@pd-grp.com>
Sent:	Tuesday, October 18, 2022 10:14 AM
То:	Laurie Oliver Joseph
Cc:	Chris Negelspach; Elizabeth Happala
Subject:	[External] RE: [External] Scappoose Creek - Buxton Property Proposal

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Laurie,

Thank you for forwarding the Hermes' public comments regarding the Buxton Ranch project. Unfortunately, there appears to be misinformation and/or misunderstanding throughout the community in regards to the project. Below I'll address the concerns of this specific email which will help clarify some of the concerns noted.

- 1. The applicant has performed a Traffic Impact Study for the project that was submitted with the application materials. From the study..."The results of this study indicate that the proposed Buxton Ranch development can be constructed while maintaining acceptable traffic operations at the study intersections." In addition to this finding, the applicant will be completing public street improvements along the project frontage of JP West Road as well as along the frontage of off-site tax lots 402, 403 and 404. This equates to an additional 270 lineal feet of improvement along the roadway resulting in curb, gutter and sidewalk. This greatly improves the safety for pedestrians, bicyclists and motor vehicles using the roadway.
- 2. In regards to flooding, the alteration of the floodplain is supported by a hydraulic analysis rather than just a balanced cut/fill analysis. The base flood elevation has been certified as a "no rise" alteration meaning that the flood plain elevation will remain at its current elevation and therefore have no additional impact to adjacent, upstream or downstream properties.
- 3. The wetlands on the site will see no permanent impacts of any kind. The applicant has purposefully avoided impacts to wetlands in the project design. The one exception to this is a 200 square foot temporary impact area within open space Tract B for the replacement of the existing manhole. It should be noted that the applicant is also working with the City to replace a sewer line along the western boundary that is near its life end being very old. By doing so, the temporary impact is necessary however the result is the existing line will be replaced and any future failure of the line will be mitigated avoiding potential future problems and interruptions for the City and residents utilizing that line.
- 4. The concern regarding natural habitat removal is misplaced. This is evident from the aerial photo on sheet 12 of the submitted plans. The limits of the development are completely located within the existing pasture/hayfield on the site and are not located within natural habitat areas. As can be seen in this plan, the natural habitat is limited to areas very close to the creek and or wetlands. Sheet L.1 is the landscaping plan which demonstrates substantial plantings occurring within the area between existing habitat and the development site. These plantings will substantially increase the natural habitat area along creek resulting in a much better condition than exists today.

If you should have any question, please contact me at our office.

Thanks,

MATTHEW L. SPRAGUE PRINCIPAL I D 971.708.6249_

PIONEER DESIGN GROUP, INC. CIVIL ENGINEERING I LAND USE PLANNING I LAND SURVEYING I LANDSCAPE ARCHITECTURE OREGON: 9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 ext. 1003 HAWAII: PO Box 283304, Honolulu, HI 96828 P 808.753.2376

Exhibit 40

From:	SUZIE SHULL <sueshull57@gmail.com></sueshull57@gmail.com>
Sent:	Tuesday, October 18, 2022 10:44 AM
То:	Laurie Oliver Joseph
Cc:	Joel Haugen
Subject:	[External] Buxton annex concerns

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,

Joel has done a good job of sifting out the problems with this proposal. He has questions proposed that can be expanded upon and identified in detail.

As I have said before, there has been no discussion or planning for the effects on the infrastructure. This includes the demand on water and sewer, as well as utilities and transportation.

The idea that subsequent flooding will result in litigation is true, but who will be called to court? The developer, the city, the State, or FEMA are involved but in reality who bears the responsibility for ignoring the warnings? A question about how and why did FEMA approve the change to the map. Did someone get in their pocket?

Given the climate change and increases in severe weather events, it is irresponsible to think that this area will not flood again and more frequently than 1996 and 2007. With more runoff from this proposed development, it will not be absorbed through the ground and end up adding to the swollen creek.

What does the city get for approving this development? Money from taxes? Their names on the street signs? Is it worth the risks and demands on the residents around it? They don't see it because they don't live here.

I have videos as well as photos from the 1996 and 2007 flooding, and the more recent flooding since the supposed work on the bridge and creek on JP West rds....

I am in ABSOLUTE OPPOSITION to the Buxton project!

Sincerely Susan Shull

From:	Matt Sprague <msprague@pd-grp.com></msprague@pd-grp.com>
Sent:	Tuesday, October 18, 2022 11:35 AM
То:	Laurie Oliver Joseph
Cc:	Chris Negelspach; Elizabeth Happala
Subject:	[External] RE: [External] Buxton annex concerns

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Laurie,

Thank you for forwarding the public comment form Susan Shull.

The City's infrastructure including water, sewer, transportation and other utilities have been found to be adequate to support construction of the Buxton Ranch subdivision. Additionally, the project will construct street and utility improvements to improve on the existing City of Scappoose's overall infrastructure including 270 lineal feet of frontage improvements (curb, gutter, sidewalk) along JP West Road that are off-site in front of tax lots 402, 403 and 404.

The project team has gone to great lengths including detailed hydraulic analysis and a CLOMR application approved by the City and FEMA to ensure that the 100 year flood plain elevation is not increased through the site as well as upstream and downstream from the site after construction. This ensures that a 100 year flood event will not increase impacts to other properties.

For storm drainage, the project complies with the City's requirements for stormwater detention allowing for release of stormwater from the site at existing run off rates after the development is completed to avoid adding to the swollen creek.

Should you have any questions, please contact me at our office.

Thanks,

MATTHEW L. SPRAGUE PRINCIPAL | D 971.708.6249

PIONEER DESIGN GROUP, INC. CIVIL ENGINEERING I LAND USE PLANNING I LAND SURVEYING I LANDSCAPE ARCHITECTURE OREGON: 9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 ext. 1003 HAWAII: PO Box 283304, Honolulu, HI 96828 P 808.753.2376 pd-grp.com

From: Laurie Oliver Joseph <loliver@cityofscappoose.org>
Sent: Tuesday, October 18, 2022 10:50 AM
To: Matt Sprague <MSprague@pd-grp.com>
Cc: Chris Negelspach <cnegelspach@cityofscappoose.org>; Elizabeth Happala <ehappala@cityofscappoose.org>
Subject: FW: [External] Buxton annex concerns
Importance: High

See below public comment.

Matt – would you be able to respond today? We will wrap up the staff report edits today and release it tomorrow so any public comments I get today I will include in the staff report (if submitted prior to 5 pm).

Exhibit 41

From:	Chuck Klobes <klobeschuck@gmail.com></klobeschuck@gmail.com>
Sent:	Tuesday, October 18, 2022 6:41 PM
То:	Laurie Oliver Joseph
Subject:	[External] Buxton division and Huser land

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I hope that the city informs the public about the Huser property development which is in the works. There's another 30 homes that will be using JP West rd and Keys rd. The public needs to know about this development in the making which will really impact the SW and Northwest side of Scappoose. The increase of traffic and criminal activity which we can't find anyone that wants to police our town. That trailer that was stolen and crashed into the fence the other morning, it took police 1 1/2 hour to respond. They're short handed and overworked and these are the results you get is more criminal activity. Property taxes are an incentive for cities to increase housing, but one of these developments is going to bite the city, I would decline both of them as the developers don't have to live here and won't use local labor or materials.

You've already lost one council person over this, and do what your gut is telling you and you will have no worries. Thank You

Chuck

From:	Matt Sprague <msprague@pd-grp.com></msprague@pd-grp.com>
Sent:	Wednesday, October 19, 2022 10:22 AM
То:	Laurie Oliver Joseph
Cc:	Chris Negelspach
Subject:	[External] RE: [External] Buxton division and Huser land

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Laurie,

Thanks for forwarding Chuck's comments.

All development in the City of Scappoose is noticed to the public in accordance with local and state noticing requirements so I have no doubt the City is completing its noticing requirements to properly inform citizens of proposed development projects. The type of project proposed here is not typically the type that generates additional crime being for sale single family detached housing. Increases in crime, if any would be deminimus. In regards to police response, I'm sure the police respond appropriately to those events that are most critical to human life or care initially which would make the most sense whereas the stolen trailer crashed into the fence may not have had as high a priority level based on events occurring at the time. The police take their jobs seriously and work hard to protect the public to the greatest degree possible with the manpower available to them.

There will be increased traffic from development. In this case, as an example, the morning AM peak hour is expected to generate 28 trips leaving the site eastbound onto JP West Road and 10 trips inbound from the east on JP West Road. Overall, the number of new trips is a very small percentage of the total trips that exist at intersections of key concern closer to Hwy 30. As such, any concerns created will be very minor in comparison to existing concerns. In addition, development projects make street improvements along existing frontage streets which provides for capacity as well as safety for pedestrians and bicyclists such as in this case as they may be walking to school. The sidewalk system will be much more robust with the proposed improvements on JP West including on-site and off-site improvements. In total, approximately 570 lineal feet of JP West will be improved and only 300 feet of that is along the project frontage.

For single family detached development, a traffic systems development charge is added to the building permit for traffic system improvements. In this case those fee amounts would total \$110,259.36. These funds will be available to the City to address the most important needs of the City for traffic improvements.

Should you have any questions, please contact me at our office.

Thanks,

MATTHEW L. SPRAGUE PRINCIPAL I D 971.708.6249

PIONEER DESIGN GROUP, INC. CIVIL ENGINEERING I LAND USE PLANNING I LAND SURVEYING I LANDSCAPE ARCHITECTURE OREGON: 9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 ext. 1003 HAWAII: PO Box 283304, Honolulu, HI 96828 P 808.753.2376 pd-grp.com

From: Laurie Oliver Joseph <loliver@cityofscappoose.org> Sent: Wednesday, October 19, 2022 7:47 AM To: Matt Sprague <MSprague@pd-grp.com>

Exhibit 42

JIM LYKINS 52347 SE 3rd STREET SCAPPOOSE, OR 97056 (503) 410-9396 jimlykins@centurytel.net

19 October, 2022 RESPONSES IN GREEN PROVIDED BY APPLICANT

To the Scappoose Planning Commission

I have gone over the Buxton project plans and application and quite frankly have to respond in opposition and dismay at the intensively prepared attempt to justify an atrocious plan that is clearly damaging to the environment and the community.

Among other things, I've heard indications that this could once again relate to the dreaded ROAD THROUGH THE GRABHORN FIELD AND THE OFF-LEASH DOG PARK. If so, that is in outright disdain toward the work of the Grabhorn Ad-Hoc Committee and the City Council's instructions to the Planning Department to reconfigure plans for the Grabhorn field based on our recommendations. That remains TBD, but I'll share more immediate concerns that may be of interest to the Planning Commission and community members.

Let's start with FLOODING. When flooding hits the bridge on JP West and gets clogged there, guess where it backs up . . . right into the Buxton field property and then even more into the properties on the east side of the creek with the proposed wall and all the uphill ground lost to hardscape.

The developer seems to think that it's fine to build a wall along the uphill side of the creek and let the downhill properties fend for themselves next time the creek floods. And baffling as it seems, they apparently expect water not to flow around the ends of their wall and right into the proposed homes that will be on existing land already well inside the designated floodplain. Even their "adjusted" floodplain lines don't account for the 2019 flooding that covered that same area. Go figure! And who's going to pay for the damage that takes place after the developers are gone?

The applicant is modifying the existing floodplain boundary through a balanced cut/fill approach supported by a hydraulic analysis reviewed

and approved by the City and FEMA. The proposed homes will have finished floors 2 feet above the 100 year flood plain elevation. The project will not result in any rise in the 100 year floodplain thereby not impacting adjacent or up or down stream properties.

Please refer to the attached video of 2019 flooding on that exact plot of land.

The only way to prevent the common flooding of the Buxton Floodplain property would be to wall <u>both</u> sides of the creek all the way upstream enclosing all the watershed runoff and downstream until reaching the Multnomah Channel. Even then, I can only imagine the walls would have to be something like 20' high and free of any constricting bridges, considering the repeated flooding in recent years and the all too rapid climate changes we face.

Will the developers being providing financial indemnification to cover such possibilities?

Walling in the floodplain would not be a reasonable approach to flood control. This project, through detailed study and approvals by FEMA will not be raising the flood plain elevation thus not affecting neighboring properties or up or down stream properties.

In much of the country floodplain/wetland properties are being bought, cleared, and rehabilitated to prevent exactly the likely damages to fish and wildlife populations, local environments, and communities represented by construction on this property.

The proposed project is not permanently impacting any wetland areas and is actually increasing the habitat value of the riparian corridor and beyond. The results of this change will be a positive impact to the onsite resources and increased overall habitat area for wildlife.

An observation: Do these proposed stunted individual lots even fit the zoning requirements to fit in among the surrounding neighborhood? These designs remind me of my time in Newport Beach, California, with the neighbors' windows 6 feet from mine on all sides. Not very neighborly.

The project is a planned development which permits certain reductions to base zone standards including lot sizes, setbacks, etc. The average lot size is not substantially smaller than that required by the base zone and no setbacks are proposed that result in less than 10 feet between structures.

It should also be mentioned that while the Planning Department meeting on the 27th is only looking at the 48 Buxton lots, WE ARE ACTUALLY TALKING ABOUT 94 LOTS! Look at the aerial photo #12 Circulation Plan (from the submitted "Street & Storm Plan & Profile...) with plots indicated.

Does anyone think the "Potential Future Development" won't happen if the Buxton proposal does? Even more flooding, plus more environmental damage to creek and wildlife habitat and the community.

Additionally, isn't there is yet another development further up JP West of ANOTHER 40+ LOTS. Consider effects on TRAFFIC, already an ever-growing problem for Scappoose. Anyone who has to use Hwy 30, JP West, Maple Road, and EM Watts to get to Veterans Park or get their kids to school - on both sides of the highway! -knows what a pain that is, every morning and afternoon for hours! The traffic figures the developers use in their submission certainly don't resemble the reality I face every time I cross onto Hwy 30 or head to the dog park. I seriously doubt the existing West side neighborhood would enjoy the change and the additional traffic past Veterans Park would have to be addressed for speed issues and safety concerns.

I believe this same project was previously denied by a 6-0 vote of the Planning Department in 2003, quite justifiably!

A project on this property was denied however it was a substantially different project and was not supported by the detailed studies and analysis that has been completed by this project. The two are not comparable.

If the Planning Department and City now approve this development, they will be in direct opposition to exactly what the citizens of Scappoose have for years of Town Meetings told them what they like about and want for Scappoose! This is not Gresham or Hillsboro, and residents don't want Scappoose to mimic them. Development for the sake of development will not work here; we simply don't have the space. This project is NOT amenable to quality of life for Scappoose residents, and in this case the obvious harm to the environment and the community heavily outweighs the financial desires of property owners and developers who don't even live here!

I appreciate your consideration,

Jim Lykins

Exhibit 43

From: Sent: To: Subject: Matt Sprague <MSprague@pd-grp.com> Thursday, October 20, 2022 10:12 AM Laurie Oliver Joseph [External] FW: [External] Buxton Development Concerns

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Matt Sprague Sent: Thursday, October 20, 2022 9:51 AM To: Laurie Oliver Joseph <loliver@cityofscappoose.org> Subject: RE: [External] Buxton Development Concerns

Applicant response in green font below.

Hi Laurie,

Thank you for forwarding Pat Anderson's comments regarding the project. I'll respond in Green below to the numbered items. Additional detailed information will also be provided during our initial and rebuttal testimony at the hearing.

Thanks,

MATTHEW L. SPRAGUE PRINCIPAL I D 971.708.6249

PIONEER DESIGN GROUP, INC. CIVIL ENGINEERING I LAND USE PLANNING I LAND SURVEYING I LANDSCAPE ARCHITECTURE OREGON: 9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 ext. 1003 HAWAII: PO Box 283304, Honolulu, HI 96828 P 808.753.2376 pd-grp.com

From: Pat Anderson pluto040162@yahoo.com>
Sent: Wednesday, October 19, 2022 2:16 PM
To: Laurie Oliver Joseph <loliver@cityofscappoose.org>
Subject: [External] Buxton Development Concerns

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing in response to the recently published development plans for the Buxton property off of JP West Road, across from Veteran's Park in Scappoose. In February 2022, I attended an informational session that was held remotely where the development plans were shared with meeting participants and then there was a short session for some questions and answers. During that informational meeting, there was a general theme of concern around historically frequent flooding of this property and the impact this development would have on increased flooding and to existing homeowners. Since February, I have not seen or heard any response from the City of Scappoose or the development/project team that conducted the information session that addressed any of the questions and concerns raised. It has been 8 months, and the community finds out by signs posted along the busy JP West Road of Notice by the City Planning Commission that the proposal for the development continues to move forward. As a result, I am submitting, once again, the concerns that I have regarding the proposed development of which I would like to have addressed in the hearing scheduled for Thursday, 10/27/2022.

I have been a resident of Scappoose since May 1996. For the 26 years that we have lived here I have seen and experienced the consistent flooding of Scappoose Creek which has impacted the bridges and neighboring property. Recalling from memory, there was a time in the early 2000's where we received a notice from the city of

Scappoose advising us of an intended planned development on the same Buxton property. There was a map included in this communication of a 100-year floodplain which included this property. I wrote a letter to the City at that time to voice concerns about the flooding that had been a consistent, annual occurrence since I had resided in the city. The frequency of the flooding continues into recent history. Each year the amount of rainfall and the runoff from uphill causes the property to become oversaturated and transforms into a wetland. I have experienced JP West Road being shut down to vehicles due to the rising waters of Scappoose Creek breaching the banks and overflowing into the Buxton property and the property now known as Veteran's Park. With that proposed development, the city took the responsible action and required additional engineering to protect the subdivision from the creek. Needless to say, that was either not possible, or not financially feasible, so the proposed development was withdrawn. During this same timeframe, the headline news stories were on a newly developed subdivision in Wilsonville where new homeowners were dealing with flooding that damaged their brand new homes. The developer and the city were pointing fingers at each other as to who was to blame for permitting building within a known flood zone. Unfortunately, the homeowners had no legal recourse and were left with the financial burden of the flood damage. The City of Scappoose made the right decision back then, yet, here we are again addressing the same concerns as an even larger development is being proposed that would significantly increase the risk and extent of future flooding. To permit building on this land, knowing what we know, and without conducting due diligence to understand the significance of the soil saturation and flooding is unethical, irresponsible and incomprehensible.

To point out how extensive the flooding in this area is can be accounted for by the city's own actions in development along JP West Road:

- The newly constructed bridge on JP West Road was engineered to be heightened to mitigate the flooding of the bridge and connecting roadway.
- When the Corps of Engineers performed the excavation of the land that is now Veterans Park, they purposely graded "bowls" along the creek to contain water overflow from the creek. This has now become known as the seasonal pond to those that frequent the park.
- The years of increased flooding and the progressive erosion of the banks of Scappoose Creek resulted in hundreds of thousands of dollars being spent on the Scappoose Creek Restoration project through grants and the city's contributions.
- Flood insurance requirement of neighboring homes along Scappoose Creek.

As mentioned, I attended the February informational session on this planned development and I felt that the valid questions and concerns that were raised went unanswered by an ill-equipped and under-prepared facilitator. As a result, I'd like to list some of the concerns that were raised that were left unanswered so that the community can understand and feel confident that the developer, city planners and engineers are performing due diligence for risk mitigation to any new and existing property owners.

1. Buxton property wetland, water saturation and recurring flooding.

- Building homes with concrete foundations, roadways and sidewalks significantly reduces or eliminates the saturation ability of existing land, causing more runoff into the creek.
- o Mitigation for managing the runoff into the creek.
- Mitigation for any water runoff that flows downhill from the adjacent hillside that runs up JP West Road which contributes significantly to the saturation and flooding of the creek and land.
- Prevention of flooding for any new homes being developed on this property or will these homes be subjected to flood insurance requirements.
 - Does the cost of flood insurance in addition to the price for the home make it unfeasible for a homeowner to afford?
 - Who is liable for covering any flooding damage that may occur after homeowners purchase?

All development increases impervious surfaces and would increase run-off rates. However, the stormwater collected from the impervious surfaces created by this project are collected and directed to storm water facilities that perform both a water quality function and a stormwater detention function. This is a requirement of the City of Scappoose as well. As such, the detained water is held and released at a rate matching the rate of run-off that exists prior to development thus mitigating adverse impacts of the development on the drainage systems. The new homes are proposed to have finished floors no more than 2 feet above the 100 year floodplain. No portion of the lots are located within the floodplain either. As such, the new homes will not be subject to flooding or flood insurance requirements.

2. Traffic flow and safety.

- Increased traffic flow on this short span of road from JP West to Hwy 30. 48 new homes are being proposed for this small plat of land. Each homeowner would have at least 1, but most likely 2 vehicles which will impact traffic.
- This increases additional traffic flowing a short distance to the intersection of Hwy 30 and JP West creating a situation of gridlock.
- This will result in more drivers taking 1st Street toward the middle school. We already experience drivers
 exceeding neighborhood and school zone speed limits. We can predict this will impact the safety of
 pedestrians, children and other commuter.
- Lack of sidewalks for pedestrian safety, especially as children walk to the middle school on roads that are narrow, no sidewalks, and distracted and speeding drivers.

If you look at the traffic study, as an example, it is noted that approximately 28 vehicles from this project will turn right (east) onto JP West towards Hwy 30 during the morning peak hour. 10 vehicles are expected to turn left into the project from westbound on JP West Road back into the project. On an overall basis, the number of trips leaving the site in the morning peak hour is a fraction of the number of overall trips that reach the Hwy 30/JP West intersection. The traffic study concludes (top of page 24): *"The results of this study indicate that the proposed Buxton Ranch development can be constructed while maintaining acceptable traffic operations at the study intersections."*

- 3. School Accommodations
 - City's currently ability and/or future plan to provide the accommodations and infrastructure to support the growth of student enrollment, particularly for the middle and high school.
 - What is the current student to teacher ratio for the Scappoose schools? Will the quality of a student's education be sacrificed for a new subdivision due to overloading teachers with too many students?
 - Sidewalks for students to walk safely from newly developed subdivision to middle school are non-existent and no plan in the near future.

The Scappoose School district was provided notification of the development by the City and expressed no opposition to the project. School districts across the state including Scappoose have programs where the plan for enrollment through projections to ensure they will accommodate increased or decreased enrollments over time. The notice to the School district of this project provides them the information needed for that planning process.

4. Scappoose Creek / Environmental Concerns

- o Increased flooding impacts the creek impacting fish, reptiles, water fowl, and other wildlife.
- Cows that used to reside on the Buxton property were removed due to environmental concerns/impacts to the creek.
- Replacing the valuable wetlands and green space alongside the creek negatively impacts existing and future wildlife and habitat. Additional light pollution also has negative impact as well.
- How will the city regulate and enforce that the homes built on this property are not introducing any contaminants to the wildlife and creek, rather intentionally or unintentionally:
 - Pesticides, fertilizers, and other toxins being applied to nearby lawns / runoff of applied chemicals
 - Disposal of contaminants and garbage into the creek.
 - Road surface oils and contaminants flowing directly into the watershed.

There will be no increased flooding impacts to the creek that will adversely impact fish, reptiles, water fowl and other wildlife. The Oregon Department of Fish and Wildlife has reviewed the project and are pleased with the projects avoidance of sensitive lands including wetlands. Additionally, this project will vastly expand the quality of the riparian corridor as compared to what is there today and will, as a result, increase habitat value for species native to the area. No wetlands are being removed as a part of this project and the overall habitat value along the creek corridor, even outside of the riparian corridor, are being improved and planted with native species thereby increasing the value of the area for habitat and wildlife. Lighting is generally located along the street and away from the majority of the open space area. Lighting will be shielded and directed downward and will follow City lighting requirements.

Chemical uses are currently regulated by DEQ and it's the responsibility of all persons to follow regulations and apply chemicals in a compliant manner and in accordance with manufacturer recommendations. Disposal of contaminants and garbage into the creek should be protected more with the development than today as the new homes will have backyards facing the creek area and therefore more "eyes" on the area will prevent these types of activities.

Generally dumping occurs in areas where there is not one that will observe the activities which is why it is most common in rural areas and on public lands.

The runoff from the streets will be collected by the storm drainage system and directed to the stormwater facility. This facility is designed to accommodate stormwater treatment for stormwater quality. The water circulates slowly through the facility to allow for chlorofluorocarbons to evaporate off and particulate matter to settle which cleans the water prior to release into the creek.

I plan on attending the upcoming Planning Commission hearing on this topic on 10/27 and hope that these concerns and questions will be addressed in a detailed and informative manner. I would also like to see transparency through some form of communication to the residents of Scappoose on the questions and concerns raised, and the city or developers response since not everyone will be able to attend the planning hearing. I appreciate your time and consideration and look forward to understanding more about the planning for this development whether it moves forward or not.

Best regards,

Pat Anderson 33108 Felisha Way Scappoose OR 503.997.5370

Exhibit 44

Laurie Oliver Joseph

From: Sent: To: Subject: Matt Sprague <MSprague@pd-grp.com> Thursday, October 20, 2022 10:31 AM Laurie Oliver Joseph [External] RE: [External] Comments on Proposed Buxton Farms Development

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Laurie,

Thanks for forwarding the comments below. In response to the comments, I wanted to clarify some misconceptions. The development of this project is not an "unchecked development in a floodplain." The applicant has completed detailed hydraulic study of the floodplain using actual surveyed data. The design of the site will not raise the floodplain elevation either. In addition, the homes are proposed to have finished floors 2 feet above the 100 year floodplain. And, the overall habitat area in the open spaces will be increased in size and value for the benefit of wildlife and the community.

This site was the subject of a different land use approval in the past however this development is substantially different and supported by detailed analysis and studies to ensure it works and does no harm to adjacent properties, wetlands and other resource areas.

If you should have any additional questions, please let me know.

MATTHEW L. SPRAGUE PRINCIPAL I D 971.708.6249

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From: Deb Miller <<u>diamonddeb543@yahoo.com></u>
Sent: Wednesday, October 19, 2022 3:10 PM
To: Laurie Oliver Joseph <<u>loliver@cityofscappoose.org></u>
Subject: [External] Comments on Proposed Buxton Farms Development

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Scappoose Planning Commission:

I would like to share my concerns about the proposed Buxton Farms development from my perspective as a long-term Scappoose resident, local business owner, and invested community member.

I am the homeowner at Tax Lot 1600; my address is 52366 SW. Jobin Lane. My east property line abuts the proposed development. My family has enjoyed living in this home for over 25 years. We have an expansive and lovely view from our back deck of the property being considered for development. We enjoy not only the views, but also the abundance of wildlife that regularly populates the area.

In the years I have lived here, I have witnessed countless incidents of flooding of South Scappoose Creek onto the property — so many in fact that they have become commonplace and seem unremarkable, so I eventually discontinued taking photos and videos. I do still have one video that I would like to submit for public record, a 32-second video I took on February 12, 2019; it provides a clear example of the collection and flow of flooded creek water that inundates this area every few years.

Here is the video link: <u>https://vimeo.com/761975875</u>

I believe the development is shortsighted and irresponsible. Even if the new homes escape short-term damage from flooding, it's only a matter of time before one or more big storm events cause substantial damage.

I submit a potential scenario: unsuspecting buyers new to the area and unaware of the history of the flooding will buy the homes with a false sense of security. After a massive flood event owners will want to relieve themselves of their nightmare and sell and move. But if a home is uninsurable it cannot be sold, so then the owner turns it into a rental. Multiply this several times over. A neighborhood full of rental homes which experiences constant flooding is not a sign of a vibrant economic growth.

When a community has unchecked development in a flood plain combined with unprecedented storms and flooding, too many homes are one event away from catastrophe; this area is subject to repeated events.

Also, this development is relying on FEMA flood maps which even FEMA officials admit are outdated because they calculate future risk by looking at the past. We now know that climate change is a part of our present and future, but the FEMA maps don't take recent record rainfalls into consideration.

Thank you for allowing me to submit my concerns about the matter.

Respectfully, Debra L. Miller 52366 SW Jobin Ln., Scappoose e: <u>diamonddeb543@yahoo.com</u> Video sent by Paul Fidrych via email on Oct. 19, 2022, forwarded to Planning Commissioners on Oct. 20, 2022 along with link to the full digital packet on City's website; <u>https://www.ci.scappoose.or.us/bc-pc/page/planning-commission-15</u>

10/19/23 hibit 46 Reguding the Buston Property It has then brought to monattention that the Buston Property on Mulest Ud? is being considered for debelopment once again. Den my opinion, when it was proposed years and, it has a bad idea due to flooding innes, It is more of a concern today than years ago. myconcern is if a first wall is installed as popoed all people upstisan would be I'm 72 years old and have going up in this commanity low sen the Button property under water multiple times I'm not opped to development, as long as it isn't in a flood plain area which af other people? I do feel through that this property should never be considered now of the Jutare for development since it was turned dain pierraily Thank you. Juscuel Caril las

Exhibit 47

October 19, 2022

My objections to the Buxton Farms development, as proposed, are under the umbrella of the Original Land Use Law 1973 intent (Section 1; (3) "Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities, and the loss of open space and natural beauty around urban centers occurring as the result of such expansion."

Community green space in all communities should be cherished and protected for the greater good of current and future generations. Once lost, it is all but impossible to reclaim, although some communities are managing to buy up floodplain/flood-prone housing and converting it back into green space to help mitigate future flood damage. The value of community green space is well documented, and the recent scholarly article titled "Multifunctional Urban Green Spaces: An Inclusive Public Health Framework" (A.J. Lafrenz, Scappoose 2022) highlights the need for maintaining and expanding such urban green space.

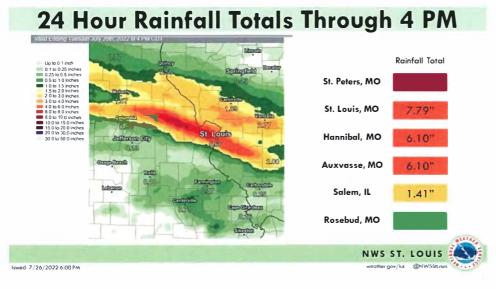
It is obvious to me that the proposed Buxton Farms development runs contrary to this thesis. But further, I submit that this application should be denied based on the following:

- 1) It is counter to both Oregon Land Use Goal 5 and Goal 7 as currently written.
- 2) The environmental impact assessments on the critical habitat of South Scappoose Creek are inadequate and do not even mention the adverse thermal impacts to current listed species from loss of percolation and acres of new impervious surfaces.
- 3) FEMA should have never granted a Conditional Letter of Map Revision for this application. The current FEMA flood delineations do not reflect current reality, aside from the future implications of our warming atmosphere. A much more realistic model for flood risk is available from the 1st Street Foundation (<u>https://firststreet.org/)</u>.

- 4) The applicant failed to note the 2003 denial of a similar development application for this same Buxton parcel. The 2003 planning commission voted 6-0 with one abstention to deny that application.
- 5) The current Scappoose planned unit development language is murky and legally questionable.
- 6) It will create new traffic pressures and safety issues at Veterans/Grabhorn Park and the intersection of JP West and Highway 30, where ODOT will not allow another traffic light.
- 7) If approved, it will not be compatible with the adjacent land use and it will fundamentally degrade the quality and character of Scappoose into perpetuity.
- 8) The Covenants, Conditions, and Restrictions (CCR's) will not be enforceable.
- 9) The old 12-inch cast iron water line they propose to connect to, which currently serves SW Jobin Lane and beyond, will cause water pressure consequences for existing property owners; particularly for those on the uphill side of SW Jobin, who already experience low water pressure.
- 10) The Buxton Farms development, if approved, will likely create extensive litigation, when either this development floods or causes flooding upstream, downstream, or across stream. In light of this, a 30-year bond of at least \$25 million, adjusted for inflation, should be a condition for approval. Since most of the residents of said development will not purchase the expensive flood insurance, as they will be listed as lying above the revised 100-year FEMA flood delineation, regardless of the real flood potential.

In summation, I would like to end with this postulate: The Buxton Farms parcel will flood repeatedly over the next 30 years and beyond due to the increased carrying capacity for moisture in our warming atmosphere. The 17,000 + acre watershed where the Buxton property lies, is at the end of this funnel. In the 1996 flood event, the entire area was a lake we looked at out our window. The 1996 flood was a result of 8-9 inches of rain over a three-day period. Imagine what this will look like when the South Scappoose Creek watershed gets 8 or more inches of rain in a 24-hour

period, as we are currently witnessing in places elsewhere across the country (see St Louis, Missouri this past July courtesy of the National Weather Service) below. NASA predicts things will get worse for us in Scappoose, in terms of intense storm precipitation. Let's listen to them!



Please deny this current Buxton application.

Joel Haugen

52363 SW Jobin LN

Scappoose, Oregon

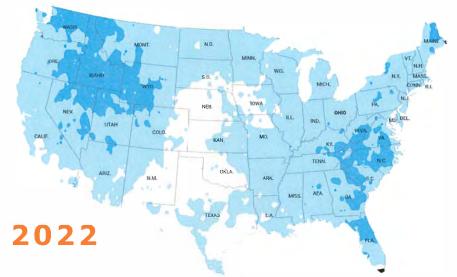
Change in extreme rain events compared to 1980-2010 average.

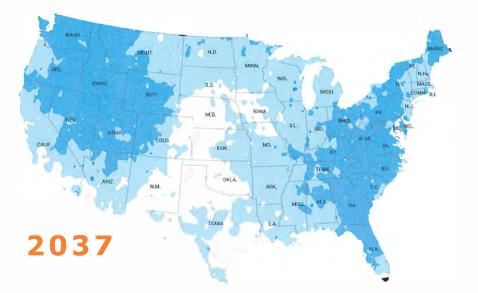
The Next 30 Years NASA 1980-2010 average. -LIGHT

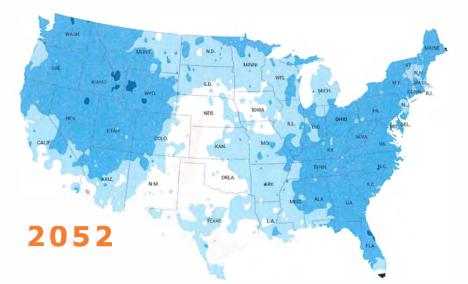
←LIGHTER HEAVIER→

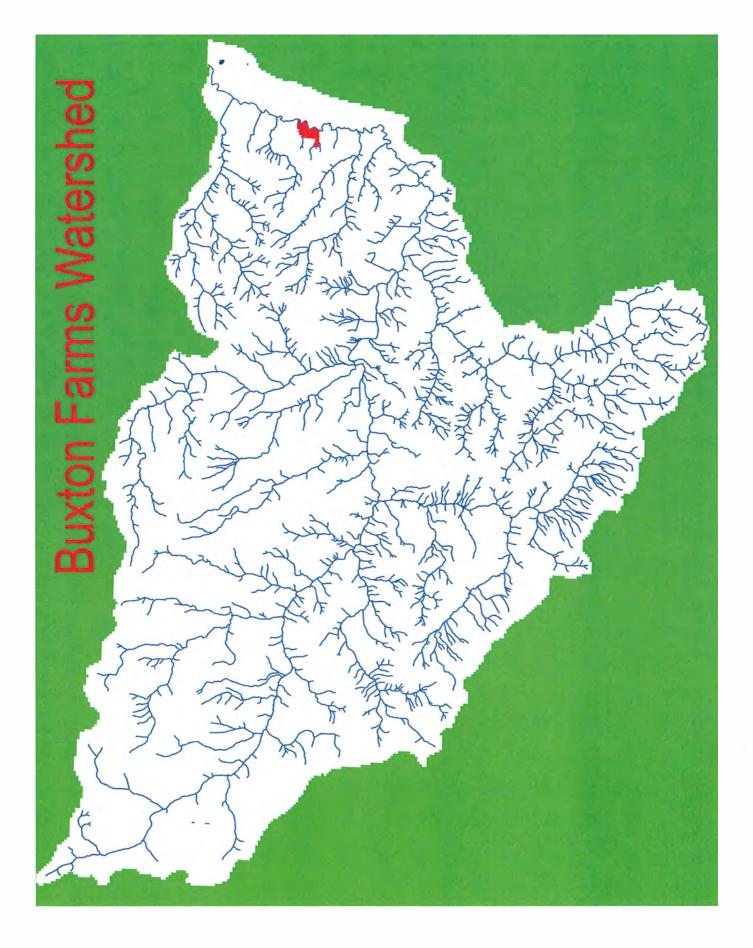


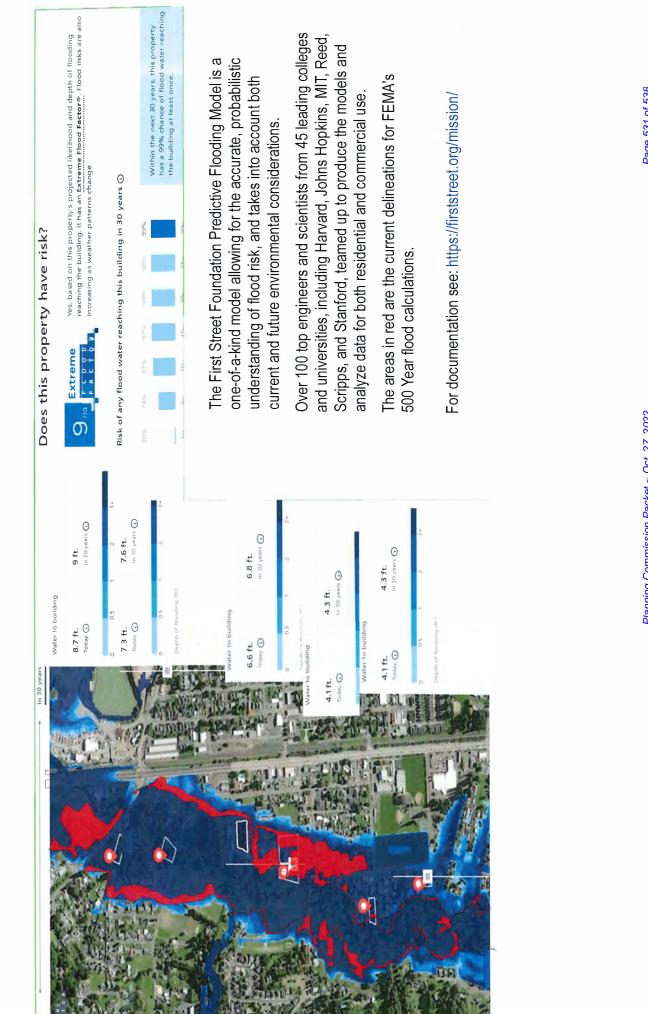
Source: NASA Earth Exchange Global Daily Downscaled Projections (NEX-GDDP).











Planning Commission Packet ~ Oct. 27, 2022

Oregon's Statewide Planning Goals & Guidelines

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

OAR 660-015-0000(5)

(Please Note: Amendments Effective 08/30/96)

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

a. Riparian corridors, including water and riparian areas and fish habitat;

- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic

Rivers;

- e. State Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation

Trails;

h. Natural Areas;

i. Wilderness Areas;

j. Mineral and Aggregate

Resources;

k. Energy sources;

I. Cultural areas.

Local governments and state agencies are encouraged to maintain

current inventories of the following resources:

- a. Historic Resources;
- b. Open Space;
- c. Scenic Views and Sites.

Following procedures, standards, and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.

GUIDELINES FOR GOAL 5

A. PLANNING

1. The need for open space in the planning area should be determined, and standards developed for the amount, distribution, and type of open space.

2. Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open space lands to inconsistent uses. The maintenance and development of open space in urban areas should be encouraged.

3. Natural resources and required sites for the generation of energy (i.e. natural gas, oil, coal, hydro, geothermal, uranium, solar and others) should be conserved and protected; reservoir sites should be identified and protected against irreversible loss.

4. Plans providing for open space, scenic and historic areas and natural resources should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

5. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.

6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.

7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710(23).

B. IMPLEMENTATION

1. Development should be planned and directed so as to conserve the needed amount of open space.

2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area. 3. The efficient consumption of energy should be considered when utilizing natural resources.

4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.

5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.

6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological, and recreational needs for significant natural areas.

7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.

8. State and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.

9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim, transitional and "second use" utilization as well as for the primary use.

Oregon's Statewide Planning Goals and Guidelines GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,¹ earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

B. RESPONSE TO NEW HAZARD INFORMATION

 New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.
 After such consultation, the Department shall notify local governments if the new hazard information requires a local response.

3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

C. IMPLEMENTATION

Upon receiving notice from the Department, a local government shall:

1. Evaluate the risk to people and

property based on the new inventory information and an assessment of:

a. the frequency, severity and location of the hazard;

b. the effects of the hazard on existing and future development;

c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and

d. the types and intensities of land uses to be allowed in the hazard area.

2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.

3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:

a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and

b. prohibiting the siting of
essential facilities, major structures,
hazardous facilities and special occupancy
structures, as defined in the state building
code (ORS 455.447(1)
(a)(b)(c) and (e)), in identified hazard areas,

(a)(b)(c) and (e)), in identified nazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.²

4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and

¹ For "rapidly moving landslides," the requirements of ORS 195.250-195.275 (1999 edition) apply.

² For purposes of constructing essential facilities, and special occupancy structures in tsunami inundation zones, the requirements of the state building code - ORS 455.446 and 455.447 (1999 edition) and OAR chapter 632, division 5 apply.

implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

D. COORDINATION

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

GUIDELINES

A. PLANNING

1. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider:

a. the benefits of maintaining natural hazard areas as open space, recreation and other low density uses;

b. the beneficial effects that natural hazards can have on natural resources and the environment; and

c. the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

2. Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

B. IMPLEMENTATION

1. Local governments should give special attention to emergency access when considering development in identified hazard areas. 2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

3. Local governments should consider nonregulatory approaches to help implement this goal, including but not limited to:

a. providing financial incentives and disincentives;

b. providing public information and education materials;

c. establishing or making use of existing programs to retrofit, relocate, or acquire existing dwellings and structures at risk from natural disasters.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as:

a. limiting placement of fill in floodplains;

b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and

c. elevating structures to a level higher than that required by the NFIP and the state building code.

Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP's Community Rating System Program when local governments adopt these and other flood protection measures.

<u>COMMENTS RECEIVED</u> <u>AFTER PLANNING COMMISSION STAFF</u> <u>REPORT RELEASED:</u>

- 1. Memo from City Planner Oliver-Joseph
- 2. Joel Haugen comments with applicant's response
- 3. Jim Lykins comments
 - a. Applicant's response
- 4. Chip Buxton comments
- 5. Roy Jobin comments
 - a. Applicant's response
- 6. Shannon Hubler comments
 - a. Applicant's response
 - b. Applicant's follow-up
- 7. John Hancock comments
- 8. Jennifer Hancock comments & Hancock photos
 - a. Applicant's response to both on one page



October 21, 2022

Memorandum

To: Planning Commission

From: Laurie Oliver Joseph, AICP, CFM, Community Development Director

Re: Previous land use application on Buxton Property

Public comments submitted regarding the proposed Buxton Ranch residential development have pointed out that a prior application for development (the "Buxton Meadows Subdivision") was reviewed in 2003 and was not approved by the City.¹ While the previous denial does not affect the approval process for the current application, staff wanted to provide some context for the Planning Commission. Since staff and Planning Commission members have changed in the intervening years, staff has reviewed the file for the 2003 application and provided a brief summary below to contrast the 2003 application with the present application:

The 2003 Buxton Meadows Subdivision application requested approval for a 39-lot residential subdivision (SB 1-03). Similar to the present Buxton Ranch application, the 2003 Buxton Meadows application requested approval of applications for Sensitive Lands Development Permits for activities within the floodplain overlay (SLDP 4-03), wetlands overlay (SLDP 5-03), and slope hazard overlay (SLDP 6-03). However, unlike the present Buxton Ranch application, the 2003 Buxton Meadows application was not subject to the Fish and Riparian Corridor Overlay as those code provisions were adopted in 2003 <u>after</u> the application had been submitted. The record also indicates that the applicant had initially proposed a Planned Development and Variance but later modified the proposal to eliminate those elements.

The 2003 proposal included floodway modifications and bank stabilization measures along South Scappoose Creek, with the intention of altering the floodplain boundary. The 2003 applicant did not submit a request for a Conditional Letter of Map Revision (CLOMR) to have the Federal Emergency Management Agency (FEMA) evaluate the proposed activities, so staff and the Planning Commission did not have the benefit of FEMA's perspective on the proposed floodplain alterations. By contrast, no floodway fill or bank alterations are proposed for the present Buxton Ranch application and a CLOMR has been issued by FEMA (CLOMR Approval, File 22-10-0362R, dated June 17, 2022). The

¹ The Planning Commission tentatively voted to deny the application on July 10, 2003 and was scheduled to adopt written findings for denial on August 14, 2003. However, on August 12, 2003, the applicant withdrew the application, so no final decision was issued on the application.

2003 application did not include a hydraulic analysis to evaluate potential upstream and downstream flooding impacts. By contrast, the present applicant engaged a hydraulic engineer to model the proposed floodplain changes and conclude that they would not impact 100-year flood elevations, floodway elevations, or floodway widths (**Exhibit 10** in Planning Commission staff report, dated October 20, 2022).

In 2003, the JP West Road bridge over South Scappoose Creek was smaller and narrower than the current bridge, which Columbia County installed following City approval of Sensitive Lands Development permits (SLDP1-14/SLDP2-14). The narrower bridge at that time constituted a safety concern for vehicles, bicyclists, and pedestrians and also caused floodwater backups during high rainfall events.

The 2003 proposal included filling portions of on-site wetlands to accommodate site development. By contrast, the present application does not propose filling wetlands (it does propose limited temporary wetland impacts to connect to an existing sanitary sewer manhole, but the applicant proposes to restore the disturbed area). Both applications propose impacts and mitigation for wetland buffer alterations.

The 2003 proposal included greater impacts in slope hazard areas than the present application, since the 2003 application would have placed houses in the southwestern portion of the site in the area currently proposed for open space (Tract E).

These details are included as additional findings to the SB1-22, ZC1-022, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22 – Buxton Ranch Planned Development and Subdivision Planning Commission staff report, dated October 20, 2022.



CIVIL LAND USE PLANNING SURVEY P 503.643.8286 F 844.715.4743 www.pd-grp.com 9020 SW Washington Square Rd Suite 170 Portland, Oregon 97223

October 24, 2022

City of Scappoose Planning Commission 33568 E. Columbia Avenue Scappoose, Oregon 97056

RE: Response to Public Testimony Submitted by Joel Haugen for Buxton Ranch. (Casefiles SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22.

Dear Commission Members:

This letter is a response to public testimony submitted October 19th by Mr. Joel Haugen. Mr. Haugen's public comments are in italics. The applicant's response can be found following each of the comments that were provided.

My objections to the Buxton Farms development, as proposed, are under the umbrella of the Original Land Use Law 1973 intent (Section 1; (3) "Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities, and the loss of open space and natural beauty around urban centers occurring as the result of such expansion."

RESPONSE: The Buxton Ranch development is in complete compliance with the intent referenced above. The Buxton Ranch site is already located within the Scappoose Urban Growth Boundary (UGB)and is located within an urban land use district in the City of Scappoose Comprehensive Plan. The site was also included within the City's Housing Needs Analysis and the City's Transportation Plan as land available and planned for development. Areas east, west and north of the site are designated urban and developed to Urban Standards. South of the site, properties are also designated as urban lands and are semi urban at this time with intensification of urban development a possibility.

Goal 14 (Urbanization) of the statewide planning program is, "To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities." Development within an already adopted UGB, such as with the Buxton Ranch development, allows the City of Scappoose to implement its Comprehensive Plan for growth, prevent urban sprawl, and safeguard farm and forest lands in compliance with statewide planning goals.

Consistent with the above, the site is located relatively close to the downtown core area with existing facilities already available and adequate to serve the site. Urban services for new residents are located within the nearby area. Additionally, the design is more efficient requiring less lineal footage for all public improvements including utilities and streets as compared to a standard subdivision. This results in a reduction in overall maintenance costs on a per unit base as compared to larger lot projects as well as an efficient use of urban development area.

The site itself is primarily a grass hayfield which has occasional cattle grazing. In its current condition, it is not an attractive open space resource, having little natural beauty given the on-site activities. After development however, 57% of the currently farmed site will be located within enhanced open spaces which will be planted with native vegetation. The result is actual creation of a valuable open space resource and beautification of that open space with native plantings thereby increasing the habitat value for native species. Additionally, a compacted gravel trail is being constructed to allow the public to enjoy the open spaces and its habitat improvements.

Community green space in all communities should be cherished and protected for the greater good of current and future generations. Once lost, it is all but impossible to reclaim, although some communities are managing to buy up floodplain/flood-prone housing and converting it back into green space to help mitigate future flood damage. The value of community green space is well documented, and the recent scholarly article titled "Multifunctional Urban Green Spaces: An Inclusive Public Health Framework" (A.J. Lafrenz, Scappoose 2022) highlights the need for maintaining and expanding such urban green space.

RESPONSE: As noted in the above response, the site is not currently a community green space and much of it lacks the natural features or any recreational opportunities to qualify as such. 43% of the site is being converted to housing and infrastructure and all of that is located within hayfield/pasture lands. The remaining 57% of the site is being placed within open space tracts including all of the most valuable resource lands. In addition, the area between South Scappoose Creek and the development area will be planted in native vegetation as shown in the landscape plans and a compacted gravel pathway added as a recreational amenity to allow public use through the space interconnecting back up to the street system and effectively extending the trail system in place across the street in Veteran's Park.

The Buxton Ranch project creates and improves the very community green space noted as important in the "Multifunctional Urban Green Spaces: An Inclusive Public Heath Framework" so that it can be cherished and protected for the greater good of current and future generations. Development rights to the open space tracts containing natural resources are being given to the City of Scappoose for green space protection and potential for improvements for recreation and habitat in the future.

It is obvious to me that the proposed Buxton Farms development runs contrary to this thesis. But further, I submit that this application should be denied based on the following: 1) It is counter to both Oregon Land Use Goal 5 and Goal 7 as currently written.

RESPONSE: The foundation for a statewide planning program in Oregon is a set of 19 Statewide Land Use Planning Goals, including Goals 5 and 7 identified by Mr Haugen. Community compliance with these goals is achieved through local comprehensive

planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

These local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the Land Conservation and Development Commission (LCDC), and once approved by LCDC, the plan is said to be acknowledged. It then becomes the controlling document for land use in the area covered by that plan. The City of Scappoose Comprehensive Plan is an acknowledged plan meeting this requirement.

The City of Scappoose Development Code (Chapter 17, Scappoose Municipal Code) sets forth the standards and procedures governing land development in Scappoose, and implements the Scappoose comprehensive plan. As such, if a project complies with the community development code, it is also considered to comply with the comprehensive plan, and the statewide Planning Goals including Goal 5 and 7.

Additionally, the Oregon Department of Land Conservation and Development (DLCD) has coordinated with the Scappoose Staff in regards to the Buxton Ranch project. If there were problems associated with these two goals, DLCD would note the problems in their comments which they did not do. There has been no indication from them that the project does not comply with either goal.

2) The environmental impact assessments on the critical habitat of South Scappoose Creek are inadequate and do not even mention the adverse thermal impacts to current listed species from loss of percolation and acres of new impervious surfaces.

RESPONSE: ES&A consulted Oregon Department of Fish and Wildlife (ODFW) and conducted a site visit with Monica Blanchard, the North Willamette Watershed Assistant District Biologist on August 9, 2019. The project reduces storm water inputs to the creek, uses permeable building techniques and meets water quality facility design requirements to minimize impacts to aquatic species present in South Scappoose Creek as recommended by ODFW. No wetland or riparian forest cover will be disturbed, so no reduction in shade along the S. Scappoose Creek will result from the proposed project. The project avoids permanent impacts to the existing Scappoose Bay Watershed Council restoration project along South Scappoose Creek and the landscape plan will expand the future aerial cover along the creek channel well beyond the current cover conditions. The project maintains a minimum of 50 feet of riparian area east of the project area. A small area of temporary impact within the 50-foot buffer will be restored as per the landscape plan. As determined for the ESA-FEMA Compliance review for the project, it was determined that the project meets significant lands – Fish and Riparian Corridor Overlay standards which will minimize cumulative effects from the proposed land use action.

3) FEMA should have never granted a Conditional Letter of Map Revision for this application. The current FEMA flood delineations do not reflect current reality, aside from the future implications of our warming atmosphere. A much more realistic model for flood risk is available from the 1st Street Foundation (<u>https://firststreet.org/</u>).

RESPONSE: Initially, a Letter of Map Revision (LOMR) was required for this project which completed a detailed hydraulic analysis of a stretch of South Scappoose Creek extending well above and below the site. The LOMR corrected the floodplain boundary and elevations along this reach of the creek to reflect changes that have occurred in the recent past that affected the floodplain. Those changes include the replacement of the JP West Bridge, park construction downstream of the JP West Bridge, and the Scappoose Bay Watershed Council's bank restoration project. With the LOMR completed, the floodplain mapping now reflects the current reality.

The Conditional Letter of Map Revision (CLOMR) was required for alterations proposed within the floodplain with the Buxton Ranch project. The CLOMR utilizes the same hydraulic modeling used to analyze the actual conditions as was used in the preparation of the earlier LOMR. This is to ensure there would be no increase in the 100-year water surface elevation.

In regards to the 1st Street Foundation modeling, WEST Consultants, the applicants Hydraulic Engineer responds with the following:

"Question: Why is the First Street Foundation's 500-year floodplain different than the LOMR floodplain mapping? Are First Street Foundation future flood levels accurate?"

"The First Street Foundation flood risk model is a non-detailed higher-level assessment tool that can help provide some insight into the relative increases in flood risk due to climate change. The hydraulic analysis done for the proposed development required detailed hydraulic modeling, which relied on more accurate (surveyed) topographic data to represent the current geometry of the creek, floodplain, and bridge structure. That being said, a 0.3 ft increase over the next 30-years seems reasonable based on my experience. However, that increase would happen with or without the proposed development. Since the lowest finish floors in the proposed development are at least 2-ft higher than the 100-year flood and 1-ft higher than the 500-year flood, a 0.3 ft increase would not inundate the lowest finished floor."

4) The applicant failed to note the 2003 denial of a similar development application for this same Buxton parcel. The 2003 planning commission voted 6-0 with one abstention to deny that application.

RESPONSE: There is no statutory requirement to note a 2003 denial of a project on the site. The project in front of the Planning Commission is a completely different project in terms of design, detail, analysis and study. According to Staff, the 2003 application lacked all of the necessary analysis including floodplain studies to make findings for and obtain an approval.

The application package submitted to the city for the Buxton Ranch project is complete in its nature with all of the requirements of the community development code and FEMA being met. The detail within the application is extensive and goes beyond just being able

degrade the quality and character of Scappoose. Natural resource protection and the provision of 57% of the site as open space will add to the quality and character of Scappoose.

8) The Covenants, Conditions, and Restrictions (CCR's) will not be enforceable.

RESPONSE: Although unrelated to any approval criteria, with 48 units in the project, the likelihood the Home Owners Association's maintains operations is high and thereby any proposed CC&R's will be enforceable by that association. In addition, any modifications to CC&R's that may impact public facilities or rights must be approved by the City to be adopted by the HOA. This ensures the City's involvement in anything applicable to the business of the city.

9) The old 12-inch cast iron water line they propose to connect to, which currently serves SW Jobin Lane and beyond, will cause water pressure consequences for existing property owners; particularly for those on the uphill side of SW Jobin, who already experience low water pressure.

RESPONSE: The applicant is connecting to the water system in two locations. First in JP West Road and a second connection within proposed Tract A to the line that extends through Jobin Lane. By making these two connections, the project effectively creates a looped water system which may help increase water volume availability throughout the neighborhood.

The applicant completed Fire Hydrant Flow Testing which was submitted with the application. The water pressure of 60 psi static and 57 psi residual is on the lower side but completely serviceable to single family homes. The flow rate is currently at 1600 gallons per minute or more. The pressure and flow are good for fire service and domestic water needs. There may be lower pressures in higher elevations but that is not something this project will impact nor can this project remedy those flow pressures. This project may however increase flow rates at higher elevations with the looped system.

The City Engineer has reviewed the preliminary utility plans and has not raised any similar concerns. Final plans meeting the City's engineering standards will be reviewed by the City Engineer prior to construction.

10) The Buxton Farms development, if approved, will likely create extensive litigation, when either this development floods or causes flooding upstream, downstream, or across stream. In light of this, a 30-year bond of at least \$25 million, adjusted for inflation, should be a condition for approval. Since most of the residents of said development will not purchase the expensive flood insurance, as they will be listed as lying above the revised 100-year FEMA flood delineation, regardless of the real flood potential.

RESPONSE: According to the hydraulic analysis, the Buxton Ranch development will not flood during the 100- and 500-year floods. The finished floors of the proposed homes will be set at least two feet above the 100-year flood elevation and one foot higher than

to make a determination that a project can meet the code. It demonstrates that all applicable code criteria for a development of this type are met.

5) The current Scappoose planned unit development language is murky and legally questionable.

RESPONSE: There is no indication above as to specific language that is "...murky and *legally questionable*." The applicant has addressed all of the Planned Unit Development criteria as written in the code of which the language appeared to be clear to the applicant. In addition, the Staff Report includes findings by staff indicating that the application meets the applicable approval criteria of the Planned Unit Development Overlay in Chapter 17.81.

6) It will create new traffic pressures and safety issues at Veterans/Grabhorn Park and the intersection of JP West and Highway 30, where ODOT will not allow another traffic light.

RESPONSE: With any development, additional traffic is added to the circulation system. The city therefore required the applicant to have a licensed engineer complete a Traffic Impact Study. According to the Traffic Impact Study: *"The results of this study indicate that the proposed Buxton Ranch development can be constructed while maintaining acceptable traffic operations at the study intersections."* All of the study intersections are expected to meet City/ODOT mobility standards and targets.

7) If approved, it will not be compatible with the adjacent land use and it will fundamentally degrade the quality and character of Scappoose into perpetuity.

RESPONSE: As demonstrated in the applicant's findings as well as staff's findings, the Buxton Ranch project will be compatible with adjacent land uses. The design provides a well-organized system of streets, pathways and open space. It also clusters the residential lots while incorporating the natural features of the property, in particular, South Scappoose Creek. The smaller lots are concentrated to the interior area of the project site away from the perimeter. The perimeter lots along the west boundary have lot sizes that exceed the R-1 standards consistent with abutting properties to the west which are also in the R-1 zone.

To the north is Veteran's Park which creates no compatibility issues and is in fact a benefit to new residents being so close to a city recreational facility. Existing development to the east is separated from the proposed homesites in Buxton Ranch by the South Scappoose Floodplain and are zoned R-4 and A-1, which are higher density districts. South of the site, properties remain that are under developed but that could develop to higher densities in the future. In this direction, the natural resources create a buffer between the developed site and those properties.

There are no indications of compatibility issues to be found. The applicant also argues that the quality of their development and proposed homes will increase rather than

that 500-year flood elevation. Additionally, the design will not result in a rise in the 100-year flood elevation. A 30-year bond is unnecessary as a result of this development.

In summation, I would like to end with this postulate: The Buxton Farms parcel will flood repeatedly over the next 30 years and beyond due to the increased carrying capacity for moisture in our warming atmosphere. The 17,000 + acre watershed where the Buxton property lies, is at the end of this funnel. In the 1996 flood event, the entire area was a lake we looked at out our window. The 1996 flood was a result of 8-9 inches of rain over a three-day period. Imagine what this will look like when the South Scappoose Creek watershed gets 8 or more inches of rain in a 24-hour period, as we are currently witnessing in places elsewhere across the country (see St Louis, Missouri this past July courtesy of the National Weather Service) below. NASA predicts things will get worse for us in Scappoose, in terms of intense storm precipitation. Let's listen to them!

RESPONSE: The Buxton Ranch parcel will see flooding as portions of the open space areas proposed on site are located within the 100-year floodplain. This is typical for land development adjacent to streams and waterways. However, none of the homes within this project will be flooded as a result of any 100-year or 500-year event. The finished floors of the homes will be set two feet above the 100-year floodplain and one foot above the 500-year floodplain to ensure their protection.

As mentioned earlier in this letter, information provided by the project's Hydraulic Engineer demonstrates that if any increase in the base flood elevation occurs onsite within the next 30-years, that increase would occur independent from this development. This development does not exacerbate that potential nor does this development increase flooding potential or impacts to adjacent or up and down stream properties. This project has been designed so that no impacts would occur to the proposed homes even in the event that levels rise.

Sincerely, **Pioneer Design Group, Inc.**

Minden L. Sum

Matthew L. Sprague Principal

JIM LYKINS 52347 SE 3rd STREET SCAPPOOSE, OR 97056 (503) 410-9396 jimlykins@centurytel.net

19 October, 2022

To the Scappoose Planning Commission

I have gone over the Buxton project plans and application and quite frankly have to respond in opposition and dismay at the intensively prepared attempt to justify an atrocious plan that is clearly damaging to the environment and the community.

Among other things, I've heard indications that this could once again relate to the dreaded ROAD THROUGH THE GRABHORN FIELD AND THE OFF-LEASH DOG PARK. If so, that is in outright disdain toward the work of the Grabhorn Ad-Hoc Committee and the City Council's instructions to the Planning Department to reconfigure plans for the Grabhorn field based on our recommendations. That remains TBD, but I'll share more immediate concerns that may be of interest to the Planning Commission and community members.

Let's start with FLOODING. When flooding hits the bridge on JP West and gets clogged there, guess where it backs up . . . right into the Buxton field property and then even more into the properties on the east side of the creek with the proposed wall and all the uphill ground lost to hardscape.

The developer seems to think that it's fine to build a wall along the uphill side of the creek and let the downhill properties fend for themselves next time the creek floods. And baffling as it seems, they apparently expect water not to flow around the ends of their wall and right into the proposed homes that will be on existing land already well inside the designated floodplain. Even their "adjusted" floodplain lines don't account for the 2019 flooding that covered that same area. Go figure! And who's going to pay for the damage that takes place after the developers are gone?

Please refer to the attached video of 2019 flooding on that exact plot

of land.

The only way to prevent the common flooding of the Buxton Floodplain property would be to wall <u>both</u> sides of the creek all the way upstream enclosing all the watershed runoff and downstream until reaching the Multnomah Channel. Even then, I can only imagine the walls would have to be something like 20' high and free of any constricting bridges, considering the repeated flooding in recent years and the all too rapid climate changes we face.

Will the developers being providing financial indemnification to cover such possibilities?

In much of the country floodplain/wetland properties are being bought, cleared, and rehabilitated to prevent exactly the likely damages to fish and wildlife populations, local environments, and communities represented by construction on this property.

An observation: Do these proposed stunted individual lots even fit the zoning requirements to fit in among the surrounding neighborhood? These designs remind me of my time in Newport Beach, California, with the neighbors' windows 6 feet from mine on all sides. Not very neighborly.

It should also be mentioned that while the Planning Department meeting on the 27th is only looking at the 48 Buxton lots, WE ARE ACTUALLY TALKING ABOUT 94 LOTS! Look at the aerial photo #12 Circulation Plan (from the submitted "Street & Storm Plan & Profile...) with plots indicated.

Does anyone think the "Potential Future Development" won't happen if the Buxton proposal does? Even more flooding, plus more environmental damage to creek and wildlife habitat and the community.

Additionally, isn't there is yet another development further up JP West of ANOTHER 40+ LOTS. Consider effects on TRAFFIC, already an ever-growing problem for Scappoose. Anyone who has to use Hwy 30, JP West, Maple Road, and EM Watts to get to Veterans Park or get their kids to school - on both sides of the highway! -knows what a pain that is, every morning and afternoon for hours! The traffic figures the developers use in their submission certainly don't resemble the reality I face every time I cross onto Hwy 30 or head to the dog park. I seriously doubt the existing West side neighborhood would enjoy the change and the additional traffic past Veterans Park would have to be addressed for speed issues and safety concerns.

I believe this same project was previously denied by a 6-0 vote of the Planning Department in 2003, quite justifiably!

If the Planning Department and City now approve this development, they will be in direct opposition to exactly what the citizens of Scappoose have for years of Town Meetings told them what they like about and want for Scappoose! This is not Gresham or Hillsboro, and residents d**on't** want Scappoose to mimic them. Development for the sake of development will not work here; we simply don't have the space.

This project is NOT amenable to quality of life for Scappoose residents, and in this case the obvious harm to the environment and the community heavily outweighs the financial desires of property owners and developers who don't even live here!

I appreciate your consideration,

Jim Lykins

APPLICANT'S RESPONSE TO JIM LYKINS TESTIMONEY SUBMITTED TO THE CITY ON OCTOBER 19, 2022

Jim Lykins Concerns in black. Applicant's response in green.

Let's start with FLOODING. When flooding hits the bridge on JP West and gets clogged there, guess where it backs up... right into the Buxton field property and then even more into the properties on the east side of the creek with the proposed wall and all the uphill ground lost to hardscape.

The developer seems to think that it's fine to build a wall along the uphill side of the creek and let the downhill properties fend for themselves next time the creek floods. And baffling as it seems, they apparently expect water not to flow around the ends of their wall and right into the proposed homes that will be on existing land already well inside the designated floodplain. Even their "adjusted" floodplain lines don't account for the 2019 flooding that covered that same area. Go figure! And who's going to pay for the damage that takes place after the developers are gone?

The applicant is modifying the existing floodplain boundary through a balanced cut/fill approach supported by a hydraulic analysis reviewed and approved by the City and FEMA. The proposed homes will have finished floors 2 feet above the 100 year flood plain elevation. The project will not result in any rise in the 100 year floodplain thereby not impacting adjacent or up or down stream properties.

Please refer to the attached video of 2019 flooding on that exact plot of land.

The only way to prevent the common flooding of the Buxton Floodplain property would be to wall <u>both</u> sides of the creek all the way upstream enclosing all the watershed runoff and downstream until reaching the Multnomah Channel. Even then, I can only imagine the walls would have to be something like 20' high and free of any constricting bridges, considering the repeated flooding in recent years and the all too rapid climate changes we face.

Will the developers being providing financial indemnification to cover such possibilities?

Walling in the floodplain would not be a reasonable approach to flood control. This project, through detailed study and approvals by FEMA will not be raising the flood plain elevation thus not affecting neighboring properties or up or down stream properties.

In much of the country floodplain/wetland properties are being bought, cleared, and rehabilitated to prevent exactly the likely damages to fish and wildlife populations, local environments, and communities represented by construction on this property.

The proposed project is not permanently impacting any wetland areas and is actually increasing the habitat value of the riparian corridor and beyond. The results of this change will be a positive impact to the on-site resources and increased overall habitat area for wildlife.

An observation: Do these proposed stunted individual lots even fit the zoning requirements to fit in among the surrounding neighborhood? These designs remind me of my time in Newport Beach, California, with the neighbors' windows 6 feet from mine on all sides. Not very neighborly.

The project is a planned development which permits certain reductions to base zone standards including lot sizes, setbacks, etc. The average lot size is not substantially smaller than that required by the base zone and no setbacks are proposed the result in less than 10 feet between structures.

It should also be mentioned that while the Planning Department meeting on the 27th is only looking at the 48 Buxton lots, WE ARE ACTUALLY TALKING ABOUT 94 LOTS! Look at the aerial photo #12 Circulation Plan (from the submitted "Street & Storm Plan & Profile...) with plots indicated.

Does anyone think the "Potential Future Development" won't happen if the Buxton proposal does? Even more flooding, plus more environmental damage to creek and wildlife habitat and the community.

Additionally, isn't there is yet another development further up JP West of ANOTHER 40+ LOTS. Consider effects on TRAFFIC, already an ever-growing problem for Scappoose. Anyone who has to use Hwy 30, JP West, Maple Road, and EM Watts to get to Veterans Park or get their kids to school - on both sides of the highway! -knows what a pain that is, every morning and afternoon for hours! The traffic figures the developers use in their submission certainly don't resemble the reality I face every time I cross onto Hwy 30 or head to the dog park. I seriously doubt the existing West side neighborhood would enjoy the change and the additional traffic past Veterans Park would have to be addressed for speed issues and safety concerns.

I believe this same project was previously denied by a 6-0 vote of the Planning Department in 2003, quite justifiably!

A project on this property was denied however it was a substantially different project and was not supported by the detailed studies and analysis that has been completed by this project. The two are not comparable.

Laurie Oliver Joseph

From:	Matt Sprague <msprague@pd-grp.com></msprague@pd-grp.com>
Sent:	Monday, October 24, 2022 11:40 AM
То:	Laurie Oliver Joseph; Chris Negelspach
Cc:	Puls, Steve
Subject:	[External] FW: Chip Buxton email for Hearing - FW: Upcoming Scappoose Meeting

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Laurie and Chris,

The Property Owner prepared the email below to Steve Puls of David Weekley homes as public comment for the Planning Commission's consideration. Please forward and thank you very much.

Thanks,

MATTHEW L. SPRAGUE PRINCIPAL | D 971.708.6249 PIONEER DESIGN GROUP, INC. CIVIL ENGINEERING | LAND USE PLANNING | LAND SURVEYING | LANDSCAPE ARCHITECTURE OREGON: 9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 ext. 1003 HAWAII: PO Box 283304, Honolulu, HI 96828 P 808.753.2376 pd-grp.com

-----Original Message-----

From: chip.buxton@gmail.com <chip.buxton@gmail.com> Sent: Sunday, October 23, 2022 9:27 AM To: Puls, Steve <SPuls@dwhomes.com> Cc: Fred Mueller <fredmueller@cbbain.com> Subject: Upcoming Scappoose Meeting

Steve;

I want to send you a quick note concerning my thoughts of the upcoming Scappoose Land Use meeting. I am sure you and your team are fully prepared to review the project in a professional and successful manner. After three years of data collection and analysis, flood plain modeling and environmental risk mitigation, in addition in working closely with the city regarding flooding issues, I have no doubt you will be able to effectively resolve any questions or concerns which may arise.

Before DW came on board, I had already had several conversations with Laurie O., Chris N., Pat W. (SBWC), Mike S., and others, concerning the city's Strategic Growth Plan. I was always impressed with the plan, as it was very forward thinking, and recognized the immediate need for quality housing in order to meet the business needs of the city for sustained economic growth. I believe DW has stayed true to those intentions throughout this process. We have spent a great deal of time and money in resolving many of the technical, engineering and environmental issues, basically the "what, where, how" questions of development. But now, I think it is time to focus on the most important question...the "Why" as shown in the cities strategic plan.

In my 20 years as a Naval Officer and pilot, we had a saying: always fly from the cockpit, and not from the tail of the aircraft. What this means is to always look ahead, fly the mission, control the aircraft. Take it where you need it to go. Flying from the tail means you are being controlled by the plane, you are along for the ride, always behind the aircraft, and no longer controlling its direction; more focused on straight and level and not using the plane for what it was designed to do. Those who only look back and fly from the tail of the plan may have a smooth ride for a few moments, but will fail the mission, or worse, crash the plane. All pilots learn from the first day of flight training never to ever fly from the tail of the plane.

We've solved the technical, environmental and engineering issues of Buxton Ranch, but why we're doing it is simple: We're building affordable homes young families can actually afford. A neighborhood families just starting out can comfortably live in and start building their own memories, just as we built ours. Scappoose is a wonderful community to grow up in; and as corny as this may sound, it 100% true: These are homes, in a solid and secure neighborhood, that provide young families an opportunity to live in a kind of neighborhood we all remember growing up in. Many people say those kinds of places no longer exists; that may be true in other places. But not here.

That is why I was impressed with the Scappoose Strategic Plan. It recognized the need for his type of housing; not just as statistical or financial numbers reflecting growth or revenue trends, but as a desired to create this type of family-friendly neighborhood oriented developments. The only way to attract business investment, in an already overly competitive and saturated market area of Portland, is to provide something the other metropolitan areas cannot. I believe this development does just that.

I know there are others who do not think this project should continue. They are entitled to their opinions just as we are entitled to ours. Defending that right is why, at 24 years old, I took the oath to defend those rights. I believe in it as much today as I did back then. For those that oppose, please listen to what they have to say; perhaps they may have an idea or consideration we have not thought of and could be incorporated into the planning design.

But one thing we should not do is allow this project derailed by those who think my property is solely for their own use, reviving their own long past memories, and have no room for anyone else to grow new ones. That is a prime example of "Flying from the tail of the plane" and is something all of us, not just me or DW, but everyone living in the community of Scappoose, cannot allow. We must keep looking forward, and fly this plane from the cockpit. There are 50 young families out there looking for a home; lets make sure we give them one so they can grown their own memories.

Answering the "Why" is always the hardest question to answer. It is also the most important. Why are we developing this property? Simply to give 50 families a chance to afford a home in a great community.

It's that simple.

Chip

Sent from my iPad ***This email originated from a non David Weekley Homes email address***

Received October 24, 2022 H: Laurie - Good day to you -Thanks for taking the time to read my letter. As I was looking over the Buxton Ranch subdivision plans a couple of thought came to mind. I'M not opposed to development. If the city is not moving torward it is in the process of becoming stagnate. My concern is for the liveability of our town. I have lived here all my life, (67 yrs). Prior generations have helped build this town and now some of my children are raising their Children here. I understand the desire for the density of dwellings but at what point does that affect the liveability of the town. When I see developers being allowed to build on 3750+- st lots and road frontages on most lots being less than 40' which this subdivison promotes I believe we've Crossed the threshold of compromising liveability.

when I observe the narrow lots, I see very little woom for on street parking. that might be fine if there's only two cars/drivers in the household, but when there's more than two it can create a problem. With the homes having the potential of being no more than 10 apart (5' sideyord setback) it brings up another liveability concern. NS I travel Via JP West, Road I have & some concerns about the traffic. It Egglestin In was tied into this subdivision it would alleviate some of my Concern because people from this subdivision and others could access HWY 30 at the EM Watts stoplight. I see the potential to develop Eggelston In in the future but who knows when that will happen. As it is now getting on to HWY 30 at the SP west intersection is hard to do especially if you have to cross troffic to head North. I see alot of people come down JP west turn right on 1st, street, then hit the stoplight at the mid School. This is somewhat of an inconvenience because when cars are parked on both

sides of 1st street it's not wide enough for two cars to safety pass one another. One car has to wait at a wide spot until the other car gets through. I know you have the best intrest of the city in mind and it's hard meeting the needs of the town and the people. As the city is growing you have a real challenge of staying ahead of the curve. Again thanks for reading my Fcents worth As it is voting season If a person could vote on the Buxton Devolopment I would have to vote NO. Roy John Roy Jobin 57338 SW Jobin LN

Laurie Oliver Joseph

From:	Matt Sprague <msprague@pd-grp.com></msprague@pd-grp.com>
Sent:	Monday, October 24, 2022 7:20 PM
То:	Laurie Oliver Joseph
Cc:	Chris Negelspach; Elizabeth Happala; N.J. Johnson
Subject:	[External] RE: Public comment received from Roy Jobin

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Laurie,

Thank you for forwarding Mr. Jobin's comments. I was unable to print them but will respond to them in this email.

The first concern is centered around livability, density and the size of the lots. As a Planned Development, flexibility to the development standards can be granted by the City. In this case, development of the property results in the preservation of 57 percent of the overall site. This preserves natural resources while also adding some park spaces outside of resource areas. To put it simply, the design clusters the density onto a portion of the site to limit impacts to resources. The permitted density on the site is 46 units and the Planned Development provisions permit up to an additional 25 percent above base density. This proposal at 48 lots only requests a 4 percent increase to the base density.

By preserving natural resources, clustering the new homes and providing almost every new home an opportunity to abut one of those open spaces it increases the livability of the residents of the project and community. Smaller lots can create the feel of a more tight knit community by increasing opportunities to see neighbors more regularly and form bonds. A tighter community can be a safer community with more "eyes on the street". Neighbors are more likely to notice if something is amiss. The community benefits from the open space preservation and public amenities that are added by the development for public use such as the trail system.

Although to some, the smaller lot size may appear crowded, for many it means that they can purchase a more affordable home in a nice development in a nice community. This fills a niche that is sorely needed and in demand within the community and contributes to more diverse housing opportunities. It can also lead to retention of existing residents by providing a more affordable choice as compared to large homes on large lots.

Regarding setbacks, the setbacks of 10 feet between homes is quite typical of most jurisdictions even in the lowest density zones. Some homes are now constructed with 6 feet between buildings. 10 feet is a reasonable distance between homes to not just maintain privacy but to also allow for maintenance of the side of the home without needing to utilize part of a neighboring property.

The second concern relates to on-street parking. The applicant is proposing homes with 2 car garages and will have space for 2 cars in the driveway. This is a minimum of 4 off-street parking spaces per unit. The applicant has also submitted a plan to show the parking that will be available on the street. Sheet 5 of the plan set shows that there will be room to park more than 60 vehicles on the street which is almost 1.25 spaces per unit. This can be accommodated due to the applicants design with open spaces fronting the street where driveways don't conflict with on-street parking as well as appropriate driveway spacing on the lots to allow parking spaces on the street frontage of the majority of the proposed homes.

The last item of concern is centered around traffic. With any development, additional traffic is added to the circulation system. The city therefore required the applicant to have a licensed engineer complete a Traffic Impact Study. According to the Traffic Impact Study: *"The results of this study indicate that the proposed Buxton Ranch development can be*"

constructed while maintaining acceptable traffic operations at the study intersections." All of the study intersections are expected to meet City/ODOT mobility standards and targets.

The applicant is improving almost 600 lineal feet of JP West Road to current city standards with 18 feet of pavement, curb, planter strip and sidewalk. These kinds of improvement help increase carrying capacity. Each unit also pays a traffic impact fee or Systems Development Fee for traffic with their building permits. These funds can then be utilized by the City to make improvements to areas in need. The funds help offset any impacts from the development by allowing the City to utilize them in a positive manner.

Should you have any additional questions, please contact me at our office.

Thanks,

MATTHEW L. SPRAGUE PRINCIPAL I D 971.708.6249

PIONEER DESIGN GROUP, INC. CIVIL ENGINEERING I LAND USE PLANNING I LAND SURVEYING I LANDSCAPE ARCHITECTURE OREGON: 9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 ext. 1003 HAWAII: PO Box 283304, Honolulu, HI 96828 P 808.753.2376 pd-grp.com

From: Laurie Oliver Joseph <loliver@cityofscappoose.org>
Sent: Monday, October 24, 2022 5:46 PM
To: Matt Sprague <MSprague@pd-grp.com>
Cc: Chris Negelspach <cnegelspach@cityofscappoose.org>; Elizabeth Happala <ehappala@cityofscappoose.org>; N.J.
Johnson <njohnson@cityofscappoose.org>
Subject: Public comment received from Roy Jobin

Matt-

See attached. If you could provide a quick response, that would be great.

Best-

Laurie Oliver Joseph, AICP, CFM | Community Development Director City of Scappoose 33568 E Columbia Ave. | Scappoose, OR 97056 | tel: 503-543-7184 email: loliver@cityofscappoose.org To: Laurie Oliver Joseph City of Scappoose, City Planner loliver@cityofscappoose.org

From: Shannon Hubler, 33130 Felisha Way Scappoose, OR

RE: Buxton Ranch Planned Development

Dear Ms. Oliver Joseph,

I am writing in opposition to the development of "Buxton Ranch", as the development is currently proposed. I am not opposed to development of this property, but rather I am extremely concerned by the sheer size of the proposal and the likely impacts to South Scappoose Creek and the surrounding neighborhoods.

With all urgency, I strongly oppose rezoning the Buxton Ranch property from Low Density Residential to R1-PD (Planned Development Overlay).

As a professional aquatic ecologist, with 25+ years of experience across the entire state of Oregon, I am concerned that this development—as planned—is highly likely to result in significant increased flood risk and degradation of the ecological conditions of South Scappoose Creek.

Hydrological concerns

- Floodplains offer the greatest relief against the risks of extensive flooding. I am extremely shocked by the amount of development proposed within the floodplain.
 - Of the 48 proposed lots, a total of 29 lots—60%--are at least partially within the 100-year floodplain. Again, 60%! This is alarming.
 - Both stormwater facilities are also in the current floodplain.
 - By a simple visual estimate, it appears as if the current proposal will reduce the west-side floodplain of South Scappoose Creek by 20% 30%.
 - Homes in the new development will be "out of the floodplain through use of cut-and-fill to elevate them above the current 100-year floodplain.
 - The reduced west-side floodplain and armored retaining wall will effectively increase flooding risks to existing homes on the east-side of South Scappoose Creek and properties downstream of JP West Road.
 - With the potential for further development within this sub-watershed (see Buxton Ranch development plan, pp. 12, "Curculation Plan"), there is an even greater need to preserve floodplain capacity to protect all City residents from increased flooding risks.
- Most of these lots are quite small, meaning that nearly all of the total development area (along with roads, sidewalks) will be "impervious surfaces".
 - The drastic increase in imperviousness means that nearly all precipitation will be unable to infiltrate into the ground and thus be ushered via gutters and storm drains to stormwater retention facilities.
 - The submitted development plan does little to provide evidence that these stormwater retention facilities will be able to withstand extreme rainfall events.

- While stormwater retention can reduce peak flows (if developed with enough capacity—which has not been proven by the application—they do not reduce total runoff volume. Thus, post-runoff stream flows will be higher than normal, which is likely to lead to increased stream bank erosion.
- Future projections of precipitation in Northwest Oregon show likely increases in overall precipitation in the fall, winter, and spring seasons. Even more pertinent to this development proposal is the increased likelihood of extreme rainfall events. Developing a floodplain under these conditions is a recipe for disaster, as the current 100-year floodplain likely underestimates the potential flooding risks.

Ecological concerns

- The Scappoose Watershed has been identified by the Oregon Department of Wildlife as one of the top four basins for successfully achieving recovery goals in the Lower Columbia.
 - South Scappoose Creek contains populations of threatened steelhead trout and endangered coho salmon.
 - Other sensitive fish species within the South Scappoose Creek watershed include cutthroat trout and lamprey.
- All of these species require cold water and suitable streambed sediments to thrive.
 - Increased impervious surfaces reduce connectivity of precipitation into the floodplain. In turn, this reduced infiltration results in higher stream temperatures, especially as runoff is returned to stream after sitting in open retention ponds, which act as solar sinks.
 - Higher stream flows as a result of increased impervious surfaces are frequently associated with greater rates of erosion. This in turn mobilizes fine sediments, smothering suitable salmonid spawning habitats.
- In addition, all of these species are considered highly sensitive to typical contaminants associated with intensive urban development and stormwater retention pond outflows.
- Increased streamflows due to increased impervious surfaces is likely to impact the suitable slow-water habitats required by juvenile fishes, thereby impacting already threatened, endangered and sensitive fish populations.

The above hydrological and ecological concerns point to significant risk to The City by approving the Buxton Ranch proposal to change the zoning to R1-PD. Most significantly to the existing property owners on the adjacent east-side and both sides downstream of the proposed development. And that does not include general concerns of increased traffic and infrastructure needs (sewerage, water, schools) brought on by a development of this size.

Again, I am not opposed to growth and development in Scappoose. But I am opposed to uncontrolled growth that serves to benefit few at the cost of all other residents. I urge the City Planning Commission, as well as City Commissioners, to vote no on the proposed Buxton Ranch development, in its current state.

(At your request, I will provide professional references for all statements made in this public comment.)

Thank you for your consideration, Shannon Hubler

APPLICANT'S RESPONSE TO SHANNON HUBLER TESTIMONEY SUBMITTED TO THE CITY ON OCTOBER 19, 2022

Shannon Hubler's Comments in Black. Applicants' response in green.

Hydrological concerns

Floodplains offer the greatest relief against the risks of extensive flooding. I am extremely shocked by the amount of development proposed within the floodplain. o Of the 48 proposed lots, a total of 29 lots—60%--are at least partially within the 100-year floodplain. Again, 60%! This is alarming.

RESPONSE: All of the proposed lots will be above the 100-year water surface elevation and would be removed from the proposed floodplain.

o Both stormwater facilities are also in the current floodplain.

RESPONSE: The proposed detention ponds are both located <u>outside</u> of the <u>proposed</u> floodplain.

- o By a simple visual estimate, it appears as if the current proposal will reduce the west-side floodplain of South Scappoose Creek by 20% 30%.
- o Homes in the new development will be "out of the floodplain through use of cut-and-fill to elevate them above the current 100-year floodplain.
- The reduced west-side floodplain and armored retaining wall will effectively increase flooding risks to existing homes on the east-side of South Scappoose Creek and properties downstream of JP West Road.

RESPONSE: (This response addresses the 3 bulleted items above.) Floodplain volume is the primary concern in regards to storage vs area. Much of the floodplain "area" being filled is very shallow and contributes little in volume to the floodplain storage. A detailed hydraulic analysis by a licensed engineer was conducted to ensure that the proposed development did not increase the 100-year water surface elevations by more than 0.00 ft (no-rise). This was done so that the 100-year floodplain along the east side of South Scappoose Creek or upstream properties would not change. Furthermore, to preserve floodplain storage and protect downstream areas the cut and fill was balanced so that there would be no net decrease in flood storage for the 100-year flood.

o With the potential for further development within this sub-watershed (see Buxton Ranch development plan, pp. 12, "Curculation Plan"), there is an even greater need to preserve floodplain capacity to protect all City residents from increased flooding risks.

RESPONSE: The proposed project utilizes balanced cut and fill so that floodplain capacity is slightly greater than before the project.

Most of these lots are quite small, meaning that nearly all of the total development area (along with roads, sidewalks) will be "impervious surfaces".

RESPONSE: Although the lots are smaller than typical R-1 zoning as permitted through the Planned Development Provisions, they are clustered together in a smaller area of the site. This results in concentrated impervious surfaces vs spreading them throughout the development site. The impervious surfaces on this site are not necessarily greater than would be found in a standard R-1 subdivision and this project may likely have less impervious surface because less public infrastructure including streets are necessary to serve the development.

o The drastic increase in imperviousness means that nearly all precipitation will be unable to infiltrate into the ground and thus be ushered via gutters and storm drains to stormwater retention facilities.

RESPONSE: Currently, precipitation on the site has very limited infiltration capability. The existing soils on the Buxton property were tested by the Geotech for infiltration properties. This testing was completed in test pits 13 and 14. The Conclusions and Recommendations for infiltration of soils was summarized as follows by the Geotechnical Engineer. "The measured vertical infiltration rate in test pits TP-13 and TP-14 at depths of 6 and 5 feet, respectively, was 0 inches per hour. The results of our infiltration testing indicate the soils exhibit low permeability and the site is not suitable for infiltration of stormwater."

o The submitted development plan does little to provide evidence that these stormwater retention facilities will be able to withstand extreme rainfall events.

RESPONSE: The City's design standards are intended to ensure that these stormwater quality and detention facilities are able to withstand extreme rainfall events. The applicant has demonstrated compliance with the design requirements in place at the City, has provided a storm drainage report and has also submitted design plans that demonstrate the facilities are able to withstand extreme rainfall events.

• While stormwater retention can reduce peak flows (if developed with enough capacity—which has not been proven by the application—they do not reduce total runoff volume. Thus, post-runoff stream flows will be higher than normal, which is likely to lead to increased stream bank erosion.

RESPONSE: The storm facilities are sized to restrict the existing 2-year flow to half during the developed 2-year event as well as matching the 5-, 10- and 25-year flows from existing to the proposed development. A storm water report was submitted to the City. The City Engineer determined the design meets the standards of the City of Scappoose. One of the primary reasons for the restricted flows is to limit stream bank erosion.

• Future projections of precipitation in Northwest Oregon show likely increases in overall precipitation in the fall, winter, and spring seasons. Even more pertinent to this development proposal is the increased likelihood of extreme rainfall events. Developing a floodplain under these conditions is a recipe for disaster, as the current 100-year floodplain likely underestimates the potential flooding risks.

RESPONSE: Since the proposed units will be at least 2.5 feet above the 100-year water surface elevation, this provides a safety buffer for hydraulic and hydrologic uncertainties, including potential increases in the future 100-year flood due to climate change. It should be noted that if future predictions do come to light, they would occur if this development existed or not. This development will not exacerbate this predicted problem and the proposed homes are protected in the event things do change.

Ecological concerns

- The Scappoose Watershed has been identified by the Oregon Department of Wildlife as one of the top four basins for successfully achieving recovery goals in the Lower Columbia.
 - o South Scappoose Creek contains populations of threatened steelhead trout and endangered coho salmon.
 - o Other sensitive fish species within the South Scappoose Creek watershed

include cutthroat trout and lamprey.

RESPONSE: The applicant contracted ES&A to complete an assessment of the proposed Buxton Ranch Subdivision for compliance with the Endangered Species Act (ESA) to support the Buxton Ranch Conditional Letter of Map Revision based on Fill (CLOMR-F) application to the Federal Emergency Management Agency (FEMA). ES&A evaluated potential direct or indirect effects of the proposed subdivision development on species listed or proposed for listing under the ESA. The species at issue included those subject to the jurisdiction of the National Marine Fisheries Service (NMFS) and US Fish and Wildlife Service (USFWS). Additionally, ES&A consulted Oregon Department of Fish and Wildlife (ODFW) and conducted a site visit with Monica Blanchard, the North Willamette Watershed Assistant District Biologist on August 9, 2019. The proposed project will not alter the South Scappoose Creek channel stream habitat used by these species and the project will meet local stormwater treatment and detention requirements to minimize impacts to water quality and quantity in the creek. Current habitat use will not be impacted by project.

- All of these species require cold water and suitable streambed sediments to thrive.
 - o Increased impervious surfaces reduce connectivity of precipitation into the floodplain. In turn, this reduced infiltration results in higher stream temperatures, especially as runoff is returned to stream after sitting in open retention ponds, which act as solar sinks.

RESPONSE: the drainage facilities are designed to release the collected storm water within 24 hours of an event. Typical storms in this area occur when outside temperatures are relatively cool. Because of the short duration in the facilities and typical temperatures the water does not see substantial heating. Additionally, the plantings in the facilities will shade a good portion of their area which aides maintaining water temperatures.

o Higher stream flows as a result of increased impervious surfaces are frequently associated with greater rates of erosion. This in turn mobilizes fine sediments, smothering suitable salmonid spawning habitats.

RESPONSE: Impervious areas can cause higher runoff volumes, which, if not properly detained, can increase the risk of downstream erosion and channel incision. However, properly designed detention helps approximate the natural flows. To approximate those natural flows, the storm facilities are sized to restrict the existing 2-year flow to half during the developed 2-year event as well as matching the 5-, 10- and 25-year flows from existing to the proposed development. And, design of the storm system with sumped catch basins, a water quality manhole, and the time the storm water spends in the pond along with the vegetation in the facility the sediment settles out of the water column and is trapped in the systems and not released downstream.

It should also be noted that the South Scappoose Creek drainage area is 25 square miles and the developed area on site is approximately 7 acres (only 4/10,000ths of the basin), the potential increase in runoff volumes due to additional impervious area at the site is unlikely to significantly impact the conditions in the creek.

• In addition, all of these species are considered highly sensitive to typical contaminants associated with intensive urban development and stormwater retention pond outflows.

RESPONSE: The City requires removal of 65% of the phosphorus from the collected storm water prior to releasing. This is accomplished by installing trapped catch basins, water quality manholes

and the plantings in the facility. Then, the duration the water resides in the pond allows the contaminants time to settle out.

• Increased streamflows due to increased impervious surfaces is likely to impact the suitable slow-water habitats required by juvenile fishes, thereby impacting already threatened, endangered and sensitive fish populations.

The above hydrological and ecological concerns point to significant risk to The City by approving the Buxton Ranch proposal to change the zoning to R1-PD. Most significantly to the existing property owners on the adjacent east-side and both sides downstream of the proposed development. And that does not include general concerns of increased traffic and infrastructure needs (sewerage, water, schools) brought on by a development of this size.

RESPONSE: The project incorporates ODFW recommendations for reducing storm water inputs, use of permeable building techniques and expanded water quality facility to minimize impacts to aquatic species present in the South Scappoose Creek reach extending through the site. Additionally, a minimum of 50 feet of riparian buffer will be provided along all wetlands and the waterway OHW limits east of the between the project area. The project meets significant lands – Fish and Riparian Corridor Overlay standards which will minimize cumulative effects from the proposed land use action.

Hand delivered 10/26/2022 1:48 pm

10/24/2022

City of Scappoose Planning Commission

Re: Buxton Ranch Proposal hearing 10/27/22 From: John Hancock

Dear Sir or Madame,

The Buxton Ranch proposal is a FABULOUS OPPORTUNITY... for Capitalist to invade the small sleepy city of Scappoose and make millions of dollars at our expense. It is self-serving, disrespectful and just outright greedy.

The Buxton Ranch proposal is a **DISASTER IN WAITING**....for the following reasons:

- 1. Traffic problems
- 2. High flooding potential
- 3. Water supply and drainage issues
- 4. Conflict with endangered species act
- 5. Conflict with Creek and Wildlife Overlay zone (A city of Scappoose protection)
- 6. Increased water temperature in South Scappoose Creek

Tampering with the wetland will produce traps for young salmon and steelhead. Changing the dynamics of the basin will increase creekway flood speed, scouring and pollution input. These things would constitute an illegal "take" under section 9 of the Endangered Species Act. Removing the water storage capability of the field in question and adding impervious surfaces will raise the temperature of the creek during spring and summer months. The salmon in the creek is temperature sensitive. Any adverse impact on the essential habitat would constitute a "take" under section 9 of ESA and a violation of Scappoose Dev. Code 17.90.010.

The general planning, flood plain and floodway, wetland and essential habitat issues in this case form an interconnected whole. All the data necessary to make the reasoned determination of whether this proposal is in compliance with the City's development code and state and federal requirements should be before the planning commission, at the same time, and subject to public review. Making decisions when so much data is missing is bad policy and leads to greater risk to the community. The city of Scappoose has regulations in place that addresses, "encroaching on designated floodways." If the water carrying and storage capacity of the existing flood plain is diminished by the proposed development, then the city will be in violation of Dev. Code 17.84.180A

To approve this project for the benefit of lining a few pockets would be a monumental mistake. There are far better uses for this sensitive land than packing it with ticky-tacky houses. Perhaps the city and its citizens should consider buying this property for greenspace preservation. No one ever regretted planning wisely.

Sincerely, John Hancock

52445 SW Jobin Lane Scappoose, OR 97056 City of Scappoose Attention: Land Use Planning Dept. Re: Buxton Ranch Planned Development Public Hearing Oct, 27, 2022 @7:00pm

Dear Commissioner and Land Use Representatives:

As a Scappoose Resident of 20 years, I have watched this land flood numerous times and when it doesn't flood, it still has standing pond water for months out of the year. This year the ground water was so high that the field grass didn't turn brown even after the hay was harvested. The grass stayed green all summer and into fall, even though we had record low rain fall this year, 2022. The soil on the field in question is a sandy loam, ideal for storing many gallons of overflow and ground water. Where will this water go if Buxton Ranch goes in?

The massive increase of traffic from this one development alone will bring an additional 144 vehicles full time to the neighborhood directly adjacent to the Veterans Park. That 144 vehicles is based on 3 car families, (not including boats, RV's, trailers, non-running and unregistered vehicles). That is 52,560 more cars / year trying to navigate the stop sign at J.P. West and 4th and 1st and then Hwy 30. Even now the traffic has increased so much that it is necessary to wait up to 5 minutes to make a left turn onto the highway from JP West.

Don't forget the delivery vehicles and contractor services. Jobin Lane has 16 houses and gets an average of 8 deliveries per day. The Buxton Ranch, using the same eyewitness formula would have 24 deliveries per day or 8,760 delivery vehicles per year. Now you have 61,320 more cars per year travelling these small rural roads which are already unsafe at the current population. And that is also not including other developments you are entertaining for further up JP West.

Please also consider the words that are on you own website at ci.scappoose.or.us/planning/

Flood and Floodplain Information: "The city has close to 173 acres of floodplain and 245 individual parcels... within the floodplain."

Insure Your Property "If you are in the floodplain, odds are that someday your property will be damaged."

Everyone in the City of Scappoose is eligible to obtain flood insurance

In order to get the discounted insurance, the city is required to "regulate activities that may obstruct or change the flow of water." The Buxton Ranch proposal will certainly obstruct and change the flow of water. If you go ahead with this zoning change and allow building on sensitive land, you will be going against the CRS that allow Scappoose city residents to buy

* Emphasis added Pg 1 - JHancock flood insurance from the NFIP and receive the discount. This looks like a conflict of interest with the very citizens that you serve and with the city that you work for.

Water always goes somewhere. If you don't allow the overflow and groundwater to be where it historically has always been, where will it go? The path of least resistance; it will go across the creek and flood the properties on 4th St and the nearby So. Scappoose Creekside properties. You should not allow development, residential or commercial, that will potentially cause damage/flooding to other existing properties and dwellings. Who will take responsibility for these probable consequences down the line? The city? The developer(s)? Who will benefit from these houses? Not the people who buy them? Not the people who live near them? Not the citizens of Scappoose? Think carefully whom you serve.

In addition to the problems of flooding with the Buxton Ranch proposal, there is also a problem with fire access and egress. There is only one proposed access for this property. A pie in the sky option down the line, is not an egress. The development on Maria lane above Veteran Park had to put in a third exit in for fire. Two were not enough then. Why would one entrance/exit be enough now? By approving this proposal, you would be putting 48 homes and the families that live in them at risk for fire. To solve this problem, more sensitive land would have to be developed and more water would be redirected to other existing homes, causing more damage.

As you make decisions about the future of Scappoose, I hope you will be forward looking. I hope you will protect sensitive land and preserving the livability of our city. The Buxton Ranch proposal would have a potential flooding impact on all Residents along both sides of South Scappoose Creek. The intense traffic increase will affect everyone who lives in the vicinity and it will impact all those who enjoy the park. Therefore, more notification of the citizens of Scappoose is necessary before any thought is given to moving forward with this project.

Sincerely, Hancoi

Jennifer Hancock 52445 SW Jobin Lane, Scappoose, OR 97056

503-583-3511













Proposed Buxton Ranch Property After StamEvent 3-9-22







9-10-22 Festival@Veteran Park Overflow Parking on subject property

Laurie Oliver Joseph

From:	Matt Sprague <msprague@pd-grp.com></msprague@pd-grp.com>
Sent:	Thursday, October 27, 2022 10:47 AM
То:	Laurie Oliver Joseph
Cc:	Chris Negelspach; Elizabeth Happala
Subject:	[External] RE: Two more public comments

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Laurie,

I have reviewed the comments provided by Jennifer Hancock and separately by John Hancock. I will address them separately below.

<u>Response to Jennifer Hancock comments:</u> All of the comments by Jennifer with the exception of one have already been addressed by the applicant in detail in response to other public comments. The exception is the concern regarding fire access/egress. She notes there is only one access and is concerned this is not enough. There is only one access into the site with no other access points available to the east, west or yet to the south. This is not particularly unusual but does require special considerations to be accommodated. When a single access point provides access to 30 units or more, there are two options. First, provide a second access or secondly sprinkler all of the homes. The applicant is sprinklering all of the homes because at this time, a second access is not available. By sprinklering, the project complies with fire standards for access. The Fire Marshall for the City of Scappoose has reviewed the plans and worked with the applicant to ensure that all fire requirements are met. Below is the standard describing options for access roads to one and two family residential developments.

ADDITIONAL ACCESS ROADS – ONE- AND TWO-FAMILY RESIDENTIAL DEVELOPMENTS: Developments of one- and twofamily dwellings, where the number of dwelling units exceeds 30, shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. Exception: Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required. (OFC D107)

<u>Response to John Hancock comments:</u> All of the comments by John have already been addressed by the applicant in detail in response to other public comments. There continues to be a perception that the volume of the floodplain carrying capacity is being affected. It is not. There is an increase in volume from this project of 9 cubic yards of storage. There is also a perception that wetlands are being impacted. They are not. One exception is a temporary impact to a small wetland along the west boundary to connect to an existing sanitary manhole. This is a long way from the creek and temporary. Evidence has been provided in prior testimony that the traffic generated from the site meet all service level requirements at studied intersections and that high flooding is not a potential as there is a zero rise to the flood plain elevation. Water supply is not an issue for this project and supply overall will increase with the looped system. There are not conflicts with the endangered species act and ODFW appreciates the avoidance of impacts that this project is proposing. The area around the Creek and that would typically contain wildlife is being improved and expanded greatly as compared to what exists today. Finally, water temperature increases in the creek from this development are unlikely based on the duration of storm retention, treatment, landscape cover and release to the riparian corridor.

Should you have additional questions, please contact me at our office.

Thanks,

MATTHEW L. SPRAGUE PRINCIPAL | D 971.708.6249

PIONEER DESIGN GROUP, INC. CIVIL ENGINEERING I LAND USE PLANNING I LAND SURVEYING I LANDSCAPE ARCHITECTURE OREGON: 9020 SW Washington Square Rd. Suite 170 Portland, OR 97223 P 503.643.8286 ext. 1003 HAWAII: PO Box 283304, Honolulu, HI 96828 P 808.753.2376 pd-grp.com



5.1 CONTINUATION OF Docket # SB1-22, ZC1-22, CU1-22, SLDP (1-22, 2-22, 3-22, 4-22)

The record was left open for 10 days to allow for additional written testimony to be submitted following the October 27, 2022 Planning Commission hearing on the Buxton Ranch application.

The City received 17 comments during the 10-day open record period.

The City also received a final written argument from the applicant's attorney during the 7-day period for the rebuttal.

Below is a list of the 18 attachments with packet page numbers in blue:

- **1.** Pat Anderson pg.35-39
- 2. Rita Beaston pg.40-43
- 3. Bryan and Lindsey Goodwick pg.44-45
- 4. Lesley Harbison pg.46-48
- 5. Chris Koback, (Hathaway Larsen, Joel Haugen's attorney) pg.49-58
- 6. Joel Haugen pg.59-61
- 7. Roman and Pat Hesch pg.62
- 8. Jennifer Clark pg.63
- 9. Jennifer Hancock pg.64
- 10. John Hancock pg.65
- **11. Kristine Walz** pg.66-70
- **12. Shane Walz** pg.71-72
- **13.** Charles Muehleck pg.73-74
- 14. Taylor Murray pg.75-79
- **15. Janice Rodriquez** pg.80-82
- **16. John Smith** pg.83-84
- 17. WEST Technical memo pg.85
- 18. Garrett Stephenson Final Written Argument (Schwabe, Williamson & Wyatt, applicants attorney) pg.86-98
 - a. Exhibit 1; Scappoose Bus Schedule pg.99
 - b. Exhibit 2; City's 2017 Housing Needs Analysis pg.100-110

November 7th, 2022

Laurie Oliver Joseph City Planner, City of Scappoose loliver@cityofscappoose.org

City of Scappoose Planning Commission

Dear City of Scappoose City Planner and Planning Commission:

I am writing to you once again in regard to the development of the Buxton Property, a proposed 48home subdivision in Scappoose. This time I am following up on the 10/27/22 Scappoose Planning Commission meeting, as well as, review of the documentation provided in that meeting.

UNSUBSTANTIATED FINDINGS

I was disappointed in the content of the 10/27/22 meeting as the majority of the meeting was given to the development planning team and their engineers in providing a very lack luster slide presentation, similar to the February Zoom presentation. It is astonishing to me that in 8-months they are still unable to quantify with any numbers, statistics or metrics to demonstrate the outcome of their analysis and proposals. For example, their traffic impact study stated "acceptable traffic operations at the study intersections." No numbers were presented on the current traffic, during peak and non-peak hours. No numbers or statistic on the growth pattern for traffic flow, within school zones, during peak and nonpeak hours. Yet they claim they are within the acceptable range. This is the 2nd time that I have participated in a presentation by the Developer and I can honestly say that if this is their example of putting their best foot forward they have failed miserably. They did not address the important questions and concerns that the neighbors and citizens have expressed yet they did spend considerable time covering the "look and feel" of the neighborhood, the exterior home appearance, and other nonessential concerns. Having engineers present and speak in terms and formulas that a normal citizen is not able to comprehend is either an lack of preparation or a full on effort to avoid transparency and full disclosure. This should be a red flag of warning to the planning commission as it is a red flag to the concerned citizens.

PUBLIC UTILITIES IMPROVEMENTS

The development plans state that there will be 2 stormwater facilities on the property, and that "the Homeowners Association will maintain the stormwater facilities." These affordable homes will now require an additional HOA fee, owed by the homeowner in addition to their mortgage, taxes, and insurance. What is the expected cost for this maintenance that will be shared by the homeowners? (The first phase and subsequent phases)

What's very disconcerting is that the City of Scappoose, along with the developer, is putting full faith on an HOA to be responsible for the management of the flood mitigation. This is mind boggling and I would like to understand what our City Attorney's view is on this. Several years ago, the Columbia Riverview Estates residents, of which I am one, had an issue that we took to City Council and City management due to a safety concern when a house in the neighborhood was to be rented as a half-way house. We were told by the City that they had no jurisdiction or legal authority over an HOA. If what we were told then is still true, if the HOA does not perform the duties they are "requested" to do, how does the city hold them legally accountable and how will it be enforced? From past experience, the city of Scappoose will have no recourse and will leave its citizens at risk.

DEVELOPER EXPERTISE, EXPERIENCE, INTEGRITY, AND QUALITY PRODUCT

I did not see any information provided by David Weekley Homes that highlighted their prior experience and expertise on building on wetlands and flood prone land. Due to the complexity of planning and developing on this type of land, and due to the increased risk of unexpected issues, it should be required that the developer provide evidence that they have successfully planned and developed a subdivision with the same characteristics that the Buxton property presents.

Do not believe the shiny brochure that David Weekley Homes may have handed you (literally or figuratively). Here are some findings on David Weekley Homes that raise my concern on the expertise and competence to build on such sensitive land:

- BBB shows a 1.48/5 stars on Customer Review.
 - o 34 complaints closed in last 3 years.
 - 14 complaints closed in last 12 months.
 - Complaints with: Problems with Product and Service, Guarantee and Warranty issues.
- YELP rating 2/5 stars with similar complaints of quality, workmanship and warranty.
- LevelSet reports that David Weekley Homes: "This contractor scores a C for payment and ranks in the top 70% of large U.S. contractors."
 - 1.5 starts out of 5; Payment Score 66/100.
 - Habitual late payment reports recorded recently from \$1000-\$10,000.

We have gone through the building process twice: one was a great experience, and the other a nightmare experience. Based on my personal experience, I can honestly say If I saw these types of complaints about a developer/contractor that I was on basic construction fails, I would not hire them to build my home, as many people have come to regret. The City of Scappoose should look deeper into the performance, competence, and integrity of this developer.

COST BREAKDOWN FOR AFFORDABLE HOUSING

This subdivision is being marketed as affordable housing. Where is a cost breakdown structure for the proposed development so that we can align the forecasted budget to complete the development to the proposed price of the homes that will be sold? The exorbitant cost for the land modifications and flood mitigation should be outlined by the developer. There needs to be a contingency allowance to absorb any unexpected cost overruns or any unforeseen issues that need to be addressed. The cost breakdown structure should be all-inclusive of each expected expense item, along with the income from home sales to ensure that it is a positive return on investment. Having these details would prevent the developer from citing unexpected cost overruns to drive up home purchase price.

Current searches on David Weekly Homes locally have home prices range from \$400k-800K+. How many of these subdivisions were built on flood prone land? Make the developer explain how they can develop these "affordable" homes while incurring all of the additional costs for the land development and flood mitigation.

FLOOD FACTOR

During the Planning Commission meeting it was explained that FEMA had modified the flood map so the property is not totally within the flood plain. This, though, does not mean that there is no flood risk. As a matter of fact, the FEMA flood map is based on current state and is not taking into consideration future state conditions, such as changes in climate conditions, and replacement of ground saturation with hardscapes that won't absorb precipitation and will increase water runoff. Development on this site and all planned and unplanned development up the hills will result in increased water runoff into Scappoose Creek. Yes, property owner may no longer need to carry expensive flood insurance, and they may also be able to secure a home loan and homeowners insurance; however, they may not realize that any damage that is caused by flooding will fall on the property owner to be paid for out of pocket.

There is a flood risk application called Risk Factor that will inform the detailed flood risk for specific properties and apply a score from 1-10 for the property address. Here is what I found when I plugged in a couple of neighboring addresses:

- 1. 33166 SW JP West Rd Scappoose OR: Scored 8/10 which is considered **Severe Risk**. The risk of flood water reaching this property is:
 - 17% in 1 year
 - 67% in 5 years
 - 88% in 10 years
 - Within 30 years this property has a 99% change of flood water reaching the building at least once.
 - Estimated cost of 5.3' of water: \$200,853-218,501.
- 2. 33208 SW Day St, Scappoose, OR: Scored 9/10 which is considered **Extreme Risk.** The risk of flood water reaching this property is:
 - 20% in 1 year
 - 74% in 5 years
 - 91% in 10 years
 - Within 30 years this property has a 99% change of flood water reaching the building at least once.
 - Estimated cost of 5.3' of water: \$216,571-233,007.

In reviewing the documented received at the Planning Commission meeting, there was a letter from Chip Buxton. In his letter, Mr. Buxton, a Naval Officer and pilot, used the saying "always fly from the cockpit, and not from the tail of the aircraft." He used this analogy to emphasize looking ahead, fly the mission, control the aircraft. I agree with this analogy; however, the City of Scappoose and the City Planning Commission needs to act as the pilot in this decision-making process. You are in control of this plane and you need to take it where it needs to go. You are responsible for carrying out the mission, being the protector of those you serve, which are the current and future residents of Scappoose. As City Planners, you should not allow the developers to occupy the pilot's seat and do not rely on them as a copilot. As Mr. Buxton put it, you should never, ever fly from the tail of the plane. Or, in other words, don't let the tail wag the dog here! Ensure that the City of Scappoose is performing their own due diligence is do not be swayed by the consultants and engineers that are paid by the developer. I am sorry if the Buxton property was a bad investment for the current owner and that it has presented itself to be a challenge to unload; however, we should not make this property a bad investment for 48+ new, unsuspecting homeowners, or create victims of our current homeowners that will be put at risk.

I implore that the Planning Commission, City Attorney, City Council, Mayor and anyone else that has any say in whether this proposed development be approved or rejected, act as the enlightened leaders we need you to be in this moment: to look at the problem for what it is and do the right thing. REJECT THE PROPOSED DEVELOPMENT!

Sincerely,

Pat Anderson

33108 Felisha Way, Scappoose OR 97056

Laurie Oliver Joseph

From:	Pat Anderson <pluto040162@yahoo.com></pluto040162@yahoo.com>
Sent:	Monday, November 7, 2022 4:54 PM
То:	Laurie Oliver Joseph
Subject:	[External] Buxton Property Development
Attachments:	Buxton Property Development.docx

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Laurie,

Please accept the attached letter for the Planning Commission rebuttal from the 10/27 meeting. It is my understanding the deadline was extended to today. Thank you so much!

Best regards, Pat Anderson 503.997.5370 October 28, 2022

City of Scappoose Planning Commission

Regards to: The Buxton Development

Thank you for extending the comment period on this project. There is a lot to comprehend and decipher here. While I am not against development, there are a lot of points that need to be visited (and possibly amended) for everyone's safety.

As I stated at the Planning Commission meeting October 27, 2022, I have lived in Scappoose most of my life. I have lived and owned 3 different pieces of property that included South Scappoose Creek for the last 40 years. I was one of the founding members of the Scappoose Bay Watershed Council and ended up working for them for over 10 years. Scappoose Creek was MY BABY! I know it from its headwaters to the bay. I've seen it flood many times and have to live with the threats/results of that every year. This creek is ALIVE. Meaning it moves. It carves out the banks; it moves rocks and trees (yes, whole mature Cedar and Douglas Fir (with root wads attached) come down the stream in high flows). It needs space to spread out in high flows. This allows it to slow down, which in turn allows the velocity to slow and not cause erosion, as most of the soils along the creek are deep sediment, with some rock. But the high velocity eats out the soils causing erosion and undercuts along the banks, which in turn fall off and leave even more erosion.

The other point that needs to be added into the decision making is the fact that the climate is changing. Our weather is changing. The long term forecast for this area is more rain in shorter periods of time, along with dry summer months. This means flashier, more intense stream heights (aka – more intense flooding).

So the points that I need to make:

- 1) In the applicant's narrative they stated that their goals are;
 - a) Take advantage of and protect the sensitive environment, visual, and recreational values of South Scappoose Creek.
 - i) Yes, from an environmental stand point, this is a very sensitive and important area. This creek is prime salmonoid habitat. This stretch also contains populations of fresh water mussels (which are also compromised). In high water events salmon smolts (the juveniles that stay in the stream for up to 3 years) need small side channels and small ponds to get out of the fast current. During spawning season, they need gravel, logs, structure in order make nests and lay their eggs. The fresh water mussels need rocky bottoms and low silt in the water to survive. They're filter feeders. They clean the water so salmon can survive. Their survival goes hand in hand with the survival of the salmon. In other words, they depend on one another. The proposal on this application does nothing to preserve or enhance these conditions, they will actually cause more damage to the creek.

To do this right, you'd have more than a million dollars into it and you'd never be able to make your sale profitable.

- ii) This community has long relished open spaces. By squeezing that visual aspect to within the riparian corridor is not keeping with that vision.
- iii) As for recreational values; the only thing I saw in the plans was a gravel path meandering along the high edge of the riparian area. I have a couple thoughts on that: 1. Since the path is in the floodplain, how is it going to be maintained, and by whom? In a high-water event, you will lose most of the path and it will have to be rebuilt. 2. Also being gravel, how do you make it ADA accessible? 3. My other thought is in the end, if/when this project is done. If you put in a path and open it to the public, there will be hundreds of people using it in no time. The plantings will be new, young and small. Keeping people on the path and not going to the creek will be IMPOSSIBLE. This area needs time to get established before the public has access. That could mean a year or 2 or longer unless other safeguards are put into place.
- b) Maintain floodplain storage capacity with balanced cut/fill, while ensuring the home sites and adjacent properties are safe from flooding.
 - While the concept itself has valid applications, this is not the correct place to use it. By filling in the upper pieces of the flood plain and cutting the bank out along the creek is in effect concentrating the water flow into more of a channel. This will increase the velocity and cause more flooding and erosion downstream. The upper pockets where water is able to pool in and slowly release allow the water to slow down and (I like this term others were using) peculate it way to the stream. This also allows the water to be cleaned before entering the stream helping with the water quality. Sedimentation is a huge issue with the creek most of the way through town.
 - As far as ensuring this project does not cause flooding for its neighbors, the erosion that will occur (on both sides of the stream) WILL eventually cause issues to the neighbors on the east side of the creek. And who is going to pay for their damages? There are several that already have issues with erosion. The banks are getting closer and closer to their homes. It's been an issue for years. What you have proposed will only aggravate the situation.
 - iii) The soils along this stretch of the creek are deep sediment (great for farming). When it gets cut back and only plants are put in, the next high water will eat out more banks and cause more damage. If this project moves forward and the banks are cut out, there needs to be substantially more erosion control than just plantings. It needs to be completely engineered by geomorphologists. I've done a few, I've seen successful projects and some not so successful projects. You cannot afford for this not to be successful. The stakes are too high!

2) AS far as the FEMA Flood maps go. It may look good on paper, but the criteria that was used to get them revised is by no means valid argument for the changes. The whole idea of the over sizement of the bridge was to relieve some of the constriction of the creek through this area in high flows. The banks of the creek stepped back in Veterans Park was to give more water storage in high flows. This in NO WAY decreases the need for more storage or lowers the risk of flooding in this area. It was one step in that direction with many more needed. By doing away with the off-channel water storage and concentrating the water flow will only aggravate the flood conditions.

The statement that was made during the October 27th meeting about neighbors no longer needing flood insurance... that just gave false security to them all! There is no way the change on that map is going to make them safer! As I stated before with climate change, we will see higher floods levels. Haugen's' depiction of the floods around the country makes a very valid, poignant point.

3) Another concern is the amount of run off that is not allowed to "percolate" into the current fields. That will be running off roof tops, driveways and road ways. It will be hitting the stream at a much faster rate. The storm water collection sites are both already within the existing flood plain. This will be adding to the flood effect. Was all this water taken into consideration in amount /height of water during a high flow event?

In conclusion:

Please remember, everything you do down-stream affects all of us upstream! We DO NOT have the storage we did in the 1996 flood. The Scappoose Sand and gravel pit was a HUGE storage area and when the dike broke and flooded into it, it gave immediate relief all the way up the stream through town and through the Raymond Creek Subdivision. It has since been filled in. We need more storage areas off channel as well as connected to side channels. Blatant cutouts do not fill the need for flood control or for the habitat needs of the species in our stream. This piece needs to be rethought and changed, even if it means fewer homes and a larger green space in this project.

Thank you for the opportunity to voice my concerns as scientist and as a land owner.

Rita Beaston 32200 Branch Rd Scappoose, OR

Laurie Oliver Joseph

From:	Rita Beaston <rbeast731@msn.com></rbeast731@msn.com>
Sent:	Sunday, November 6, 2022 11:57 AM
То:	Laurie Oliver Joseph
Subject:	[External] Additional comments for the Buxton Farm development
Attachments:	Buxton comments 10 28 2022.docx

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Oliver,

Attached are my comments to be added to the Buxton Farm Development . Thank you Rita Beaston 32200 Branch Rd Scappoose, OR

Sent from Mail for Windows

Laurie Oliver Joseph

From:	Bryan and Lindsey <twotailsfarm@gmail.com></twotailsfarm@gmail.com>
Sent:	Monday, November 7, 2022 3:29 PM
То:	Laurie Oliver Joseph
Subject:	[External] Buxton application testimony

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Scappoose Planning Commission,

Our names are Bryan Tranel and Lindsey Goodwick, and we live at 52418 SW Jobin Lane, Scappoose, OR 97056. Our property boundary directly borders the proposed Buxton Ranch development on the West side of that site.

We are not opposed to growth and change, we support Scappoose commerce, and we strongly believe a 48 home development on this particular piece of property would be unwise for multiple reasons:

•

- The site proposal
- is attempting to manufacture as many dwellings as will fit in order to maximize profit. The adjacent Columbia River estates has fewer homes occupying a comparable amount of land and is a considerable development on its own. The proposed Buxton homes are designed
- to attract similar family types (either preexisting or newly established families). Calculating a minimum of one married couple with one child per household, that is 144 people living within this proposed site. Some homes may have fewer members, but the reality
- is many family sizes will be even larger than that.
- •
- •
- Any undeveloped
- land is a potential site for residential properties, but that does not mean it should be developed. Portland was founded with a conscious awareness of mitigating urban sprawl. As part of the Portland metro area, Scappoose has a responsibility to be active
- participants in this core value. Scappoose as a town is still very much trying to find its identity. Bringing in more
 housing development without a clear vision for what our town actually is and should become is nearsighted. We
 feel the city should think more
- progressively than this. What do we want our schools to look like in the decades to come, what do we want to bring to our town before we simply build more homes to fit overpopulation?
- •
- •
- We have lived
- in our home for 6 years, and in that time we have personally witnessed the site area flood as far as our property line every year. We don't doubt enough fill material could be brought in to raise the site above the floodplain, but with this many property sites
- in such a small area, the overall negative impacts vs positive impacts strikes us as unhealthy.

•

Sincerely, Bryan and Lindsey To Scappoose City Planning Commision or those who hear this matter,

I am a resident of Jobin Lane and I want to add my voice to the topic of a development being proposed for the field below our lane, Buxton Development.

I have several misgivings about this matter that I feel are practical and would make the approval and pursuance of a development irresponsible on the Cities part.

First, I am concerned about the traffic that would increase due to another development being squeezed into our small town. Not only would we have considerably more traffic on JP West but getting out onto Highway 30 is difficult enough let alone adding the several new developments that are in the various planning stages in the city and in St Helens. Very few households have one car, most have 2-3 especially if there are teenagers in the home. Also, there is already a huge increase in delivery truck drivers and if there are more residents there will be more delivery trucks. The bottleneck of Scappoose does not need more traffic, JP West does not need more traffic and all around it will make the quality of small town life even lower than it has already become.

Secondly, I am concerned about the city watershed, water treatment, city sewer and all that encompasses these topics. I am not an expert in these things but I know a small town of 5700 that has ballooned over the last 10-15 years may not be equipped to deal with thousands of more people. Is the city ready? You will know this better than I. Can the city's infrastructures handle safely and with a high quality of living, a few thousand more people?

Lastly, the field is a floodplain. It will always be a floodplain. A rich developer can throw money at the issue and persuade the city to do things that benefit their prerogative, but that does not change the fact that it is still a floodplain and it floods yearly. How many hoops must be jumped through to develop that land? The end result will be to tightly pack in houses, decrease the serenity of those who live here currently, increase traffic on roads and at the park. Additionally, dozens of homes may end up with water damage during a particular torrential rain season. What would the recourse be in that circumstance?

Final thoughts, will the city widen JP West or highway 30 through Scappoose? No, of course not, that is not possible and not practical. So why are you considering packing more homes into a town that has a finite amount of land. The charm of Scappoose has been its small town appeal, it's quiet nature. We are losing that atmosphere. If you care about this town make good choices for the Scappoose residents and for the town as a whole.

Thank you for hearing my voice.

Lesley Harbison

From:	Harbison, Lesley <lesley.harbison@pacificu.edu></lesley.harbison@pacificu.edu>
Sent:	Sunday, November 6, 2022 6:23 PM
То:	Laurie Oliver Joseph
Subject:	[External] Buxton Development - Resident concern
Attachments:	To Scappoose City Planning Commision .docx

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Scappoose City Planning Commision or those who hear this matter,

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Thank you for hearing my voice.

Lesley Harbison

Lesley Harbison RDH, EPDH, MS | Assistant Professor | School of Dental Hygiene Studies

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November 7, 2022

VIA EMAIL

City of Scappoose Planning Commission c/o Susan Reeves, City Recorder 33568 E. Columbia Ave Scappoose, OR 97056 <u>sreeves@cityofscappoose.org</u>

Re: <u>Buxton Farms Subdivision SB1-22; ZC1-022; CU1-22; SLDP1-22; 2-22, 3-22, and 4-22</u>

Dear Commission Members:

We represent Joel Haugen who owns real property near the development proposed in the abovereferenced application and who will be impacted by the decision on them. We are writing to present evidence that demonstrates that the application does not satisfy mandatory approval requirements and must be denied.

Overview

The proposed development is on approximately 17 acres of heavily constrained property. According to the application and staff report, there are four separate permits required because the development will impact four sensitive land overlays areas-Floodplain, Wetlands, Slope Hazard, and Fish & Riparian Corridor. In addition, the numerous site constraints make safe, code-compliant access impossible. The proposal relies on a single long, dead-end street to serve 48 residents.

The applicant is proposing 48 lots for residential dwellings on lots, many of which are below the minimum size justifying that reduction by using the Planned Development provisions in the code. The applicant acknowledges that currently its lot size proposal does not meet the code. Only 18 of the 48 lots are outside the current floodplain. The minimum lot size for those lots is 6,000 and the Planned Development provision may allow reductions for those lots. However, 30 of the proposed lots are in the existing floodplain and, in that restricted area, the minimum lot size is 20,000 square feet. On page 7, n. 5, the staff report acknowledges that if the floodplain delineation

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Planning Commission Meeting ~ Nov. 17, 2022

remains as it is when you are being asked to decide the application, that standard cannot be changed, and those 30 lots would not be approvable even with the Planned Development.

To account for this significant deficiency in the application, the applicant is asking you to approve all 48 lots now, including the 30 lots that clearly do not meet the mandatory requirements for lot sizes in the floodplain because the applicant believes it can convince FEMA to change the delineation of the floodplain after the applicant adds fill to the current floodplain. The applicant asserts that it is entitled to complete certain development in the current floodplain and, in doing so, alter the floodplain such that FEMA can approve a new floodplain elevation taking all 48 lots out of the floodplain. The applicant wants you to approve all of the site development for the entire 48-lot proposal now and wait to formally plat the 30 lots now in the floodplain later <u>if</u> FEMA approves the floodplain alterations.

The applicant also wants you to approve a single access road through the development that will be over 2,000 feet long with no intermediate connecting streets or pedestrian pathways. The city standard requires a block be no longer than 530 feet and prohibits cul de sacs over 500 feet absent specific findings. It is not clear why the applicant does not feel it has to even address the city cul de sac standards, but it appears that the applicant asserts that because it "stubbed" its street at a location where in the future there can be a connection, it is not a cul de sac. Of course, the applicant has no evidence to show that it is reasonable to expect that connection at any time in the foreseeable future.

In this letter, we will demonstrate the failure of the applicant to address critical approval criteria. We structure our letter to focus first on the most significant flaws in the proposal under the development code and address the inconsistencies with the comprehensive plan and state-wide planning goals later.

The Applicant has not met its burden of demonstrating compliance with relevant approval criteria.

1. <u>The applicant's proposal to alter the floodplain violates SDC 17.84.040.</u>

As we noted above, a critical component of the applicant's plan is to use "allowed development" to generate fill raising the floodplain level in areas now subject to the more restrictive 20,000 lot size requirement. That is the only way the applicant can seek approval for 30 of the proposed lots. The applicant's stated plan is to develop all of the site development in Phase I, including the streets, utilities, and stormwater detention ponds. Ostensibly, the excavation from that development will be used to alter the floodplain allowing the developer to propose a formal change to FEMA. However, the applicant skips over an important point. Not all of the site development that will generate the fill it needs is allowed in the floodplain. SDC 17.84.040 provides:

17.84.040 Permitted Uses.

- *B.* The following uses shall be permitted in special flood hazard areas and shall require a development permit under this Chapter in addition to any applicable federal, state or county permits:
 - 1. Residential zones: A single-family detached dwelling or a single-family manufactured home and their accessory uses on lots greater than 20,000 square feet where a structure is to be placed within an area regulated by this Chapter;
 - 2. Commercial and Industrial zones: Permitted uses of the underlying zone and their accessory uses on lots greater than 20,000 square feet where a structure is to be placed within an area regulated by this Chapter;
 - 3. Installation, reconstruction or improvement of underground utilities or roadway improvements including sidewalks, curbs, streetlights and driveway aprons;
 - 4. *Minimal ground disturbance(s) but no landform alterations;*
 - 5. Substantial improvements to existing structures;
 - 6. Community recreation uses such as bicycle and pedestrian paths or athletic fields or parks;
 - 7. Public and private conservation areas for water, soil, open space, forest and wildlife resources; and
 - 8. Public works projects.

The applicant is seeking approval to develop in Phase I, two stormwater detention ponds. Tract C, the larger of the two ponds, is located primarily in the current floodplain. It appears that about 2/3 of that pond is in the floodplain. Tract G, a smaller detention pond, is completely within the current floodplain.

There is no way to read SDC 17.84.040 to allow development of private stormwater detention ponds in the floodplain. Telling, the applicant did not provide any discussion or analysis explaining what provision in SDC 17.84.040 allows development of private ponds in the floodplain. Grading for two significant detention ponds cannot be justified as minimal ground disturbance, improvements to existing structures, recreational uses, or public works projects. The only provision the applicant could try to use is Subsection 3 that relates to utilities and road improvements.

However, private detention ponds are clearly not underground utilities. The ponds are open surface improvements unlike any underground utility such as sewer and water pipes that cannot be observed from the surface. There is no plausible way to squeeze large, open detention ponds into underground utilities. Nor are the ponds, that primarily serve to detain private runoff from 48

proposed lots, roadway improvements. Applying the rules of construction required¹, the plain text limits allowed development under Subsection 3 to road improvements, which include the street, sidewalks, curbs, street lighting, and driveway aprons. The drafters did not include private detention ponds in the definition of a roadway improvement. If the drafters intended road improvements to include private detention ponds for private stormwater, they would have included that term in Subsection 3. ORS 174.010 advises that in construing legislation, one is not to add terms that the drafters omitted.

There is additional context that supports our position. The proposed detention ponds do not serve only to treat runoff roadway improvements referred to in SDC 17.84.040(B.3). The streets, sidewalks, and curbs will all be dedicated to and maintained by the public. Those are the only roadway improvements. The detention ponds will remain privately owned by an association. That is because the primary purpose of the ponds is to detain runoff from the improvements on all 48 proposed lots. Staff Report, p. 342. Of the 167,488 feet of impervious surface that contributes runoff to the pond, 126,720 feet is attributed to the 48 lots. The runoff from those 126,720 feet of surface is all private runoff not from any roadway improvements. Clearly the proposed ponds are not roadway improvements by any stretch. Consequently, applying the plain text of SDC 17.84.040, in context, the applicant cannot obtain approval to develop the ponds as part of Phase I.

The inability of the applicant to complete construction of the private detention ponds, as proposed in Phase I, has significant ramifications. First, without that development, the applicant cannot satisfy other approval criteria related to treating stormwater. Without the private ponds, the remaining proposed development cannot be approved because the applicant cannot show that they are treating runoff as required in SDC 17.154.100. The applicant has not even demonstrated that it could adequately treat runoff from the first 18 lots without Tracts C and G. Nor could it treat the 38,979 feet of surface for the proposed street. Unless the applicant can demonstrate the ability to locate the detention ponds outside the current floodplain, there is no way it can construct them, as proposed in Phase I, and no way to satisfy the relevant criteria.

Even if the applicant could find a path to pursue approval for some part of the proposal without developing the detention ponds, because the applicant cannot grade in the areas of Tract G and most of Tract C as part of Phase I as planned, it is uncertain that the applicant will be able to accomplish the filling it needs to raise the floodplain elevation enough to get a new FEMA delineation that allows any of the lots in Phase II to be approved. This is another fatal flaw. The applicant acknowledges that unless it can raise the floodplain elevation enough to get final FEMA

¹ In construing legislation, including local ordinances, a decision maker is instructed to first analyze the text in context. *State v. Gaines*, 346 Or 160 (2009). The decision maker can also consider any relevant legislative history in the first level. If after the first level of analysis the provision in question is capable of two reasonable interpretations (is ambiguous), the decision maker can consider maxims of construction.

approval to revise the floodplain, the 30 lots in Phase II cannot be used for residences because they do not meet the minimum lot size for lots in the floodplain.

Another significant issue the Planning Commission needs to evaluate is the analysis upon which the applicant relies to assert that it will be able to revise the floodplain elevation. You will hear evidence from others that FEMA and the applicant's analysis does not account for the entire watershed. When the Scappoose Drainage District recently had to recertify the dike, it retained qualified experts to evaluate the floodplain. The proper analysis employed by West Engineering accounted for all of the watershed in evaluating the floodplain and relevant elevations.

2. <u>The application fails to satisfy block length and connectivity standards.</u>

The city has specific requirements for the design of public streets and the applicant has not demonstrated how they meet those standards or justify a decision to not apply them. First, SDC 17.154.040 provides:

17.154.040 Blocks.

- A. The length width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated, consideration of needs for safe and convenient pedestrian and vehicular access and circulation and recognition of limitations and opportunities of topography.
- B. Except for arterial streets, no block face shall be more than five hundred and thirty (530) feet in length between street corner lines and no block perimeter formed by the intersection of pedestrian access ways and local, collector and arterial streets shall be more than one thousand five hundred feet in length. If the maximum block size is exceeded, mid-block pedestrian and bicycle access ways should be provided at spacing no more than 330 feet, unless one or all of the conditions in Subsection C can be met. Minimum access spacing along an arterial street must meet the standards in the city's adopted Transportation System Plan. A block shall have sufficient width to provide for two tiers of building sites. Reverse frontage on arterial streets may be required by the planning commission.

The proposed Eggelston Lane will exceed 2,000 feet. (Staff Report, p. 94). The applicant asserts that topography and other constraints make it impossible to meet that requirement. However, the applicant did not even discuss the ability to extend the Day Street right-of-way. It appears that the right-of-way extends to or close to the site boundary. The applicant admits that roadway improvements are permitted in the floodplain. Thus, it would appear some analysis of the ability to extend Day Street is required under the above code sections. Yet, the applicant offered no analysis to support a claim that the connection could not be made making the proposed street network much closer to compliant.

The block length issue presents a safety issue as much as a connectivity issue. In the event of an emergency situation, the residents in the proposed development will have one source for obtaining emergency services. If Eggelston Lane is impassible or blocked, the residents will be stranded without emergency service allowed to reach them. It is not speculative to consider the possible impassibility of Eggelston Lane. The applicant admits that, even under its overly conservative watershed model, in a 100-year flood event, Eggelston Lane will flood but diminishes the volume of water and possible impact on the area. Because a future flood event impacting the single source for emergency vehicles is reasonably anticipated, it is critical that the city mandate an analysis of the extension of a secondary access using the Day Street right-of-way. In light of the fact that the applicant proposes to sell 48 lots and homes making significant profit, the cost of the extension would likely pass the rough proportionality test.

The applicant tries to avoid the city requirements and limitations on cul de sacs. SDC 17.154.040(C.3) provides:

- 3. A cul-de-sac street shall only be used where the city engineer and planner determine that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, all of the following standards shall be met:
 - a. The cul-de-sac shall not exceed a length of 500 feet, except where the city engineer and planner determine that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
 - b. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code and the standards of Public Works Design Standards.
 - c. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to the standards in Section 17.120.180(Q), as applicable. (Ord. 857, 2016; Ord

The applicant did not even attempt to demonstrate compliance simply stating there will be no cul de sac. Yet, that is how Eggelston Lane will operate. Unless the applicant can show that Eggelston Lane is reasonably likely to extend over the creek and connect somewhere, it is a cul de sac that exceeds the standard. There are steps the applicant must take for approval of a longer cul de sac and it has not done them.

The applicant also failed to demonstrate compliance with another code section related to connectivity. The applicant tried to make a case to get out of constructing a needed connecting

street that will provide a significantly safer environment asserting that it qualifies for an exception to the block length standards. Staff Report, pp. 95-96. However, it ignored mandatory requirement to get that exception. SDC 17.154.040(C.1) provides:

Where topography and/or other natural conditions, such as wetlands or stream corridors, preclude a local street connection consistent with the stated block length standards. When such conditions exist, a pedestrian access way shall be required in lieu of a public street connection if the access way is necessary to provide safe, direct and convenient circulation and access to nearby destinations such as schools, parks, stores, etc. (Emphasis added).

The applicant admits in the narrative that having connections to parks and surrounding areas is essential. It touts that point as one of the benefits of the proposal. Yet, the applicant refused to provide the basic street connection required by the code. To avoid that requirement, it appears the applicant seeks an exception under the above provision. Indeed, if the city is going to allow the applicant to not meet the requirements for block length, it can only do so by applying the above exception provision. A pedestrian accessway shall be required. The plain text is mandatory. There is no other legally justifiable means to allow an applicant to avoid the block length requirement. Yet, the applicant also seeks to avoid providing even pedestrian connection in lieu of the required street connections. The code simply does not allow that. The plain text is mandatory. If an applicant seeks to avoid the block length requirements using the exception provision, it must provide pedestrian connection in lieu of the streets. That means the pedestrian connections must be located where street would otherwise be required to meet applicable standards. That will provide pedestrian connections that will allow residents to obtain that benefit. If Day Street cannot be extended, and the applicant did not meet the burden of showing it cannot be extended, pedestrian connections to shorten the block and create connectivity are mandatory.

3. <u>The applicant is inconsistent with SDC Chapter 17.81.</u>

The applicant is seeking to enhance and expand its proposed development using the Planned Development provisions. It proposes to create smaller lots than the base zone requires and even smaller lots in the current floodplain. It proposes to add "bonus lots". Finally, the applicant is asking you to approve the entire 48 lots development now even though most of the lots are in the floodplain and significantly undersized and allow it to phase the development for only plot platting purposes so the lots currently not approvable lots will be "platted", if FEMA changes the floodplain delineation.

First, SDC 17.81.030(A) allows a planned development to be approved with smaller lots, if it is compatible with the surrounding area. The lots proposed, for the most part, are drastically smaller and different than lots in the area. Single-family lots in the area tend to be larger suburban type

lots. Those lots fit with the generally open feeling in the Buxton Farms area. Lots as small as 3,500 feet simply do not fit with what is there.

Second, the density bonus in SDC 17.81.030(C) is not supported by the circumstance. As we discussed above, the proposed transportation facilities are clearly lacking. The block length is significantly longer than the city standard and the applicant has not demonstrated why a connecting street cannot be constructed. The development will be served only by a single long, dead-end street that will operate as a cul de sac. The applicant simply ignored the standards that prohibit a cul de sac of that length. Adding more units to an already deficient and potentially dangerous transportation network is not consistent with the code provision allowing density bonuses.

Third, the applicant's proposed phasing could lead to a situation that is impossible for the city to address and lead to significant litigation down the road. The applicant proposes to construct all of the site improvements based on a single tentative plan approval and then proceed to construct 18 homes on the lots in "Phase I". Its plan is to use the development in Phase I to alter the floodplain enough so FEMA will approve a new floodplain delineation that takes the remaining 30 lots out of the floodplain.

As we explained, the first flaw in that plan is that some of the development the applicant proposes to raise the floodplain is simply not allowed under the code. That means the first phase site work cannot be approved. Even if one assumes that development will be completed, there is no assurance that FEMA will approve a new delineation. In separate submission, other participants will be providing evidence to show that FEMA's mapping is not accurate and that the proposal to change the floodway has serious flaws.

The applicant avoids all discussion of what will happen and what it will do if the hoped-for change in the floodplain is not finally approved by FEMA. This presents a serious issue for the city. It is important to note that the applicant is not asking for approval now of 18 lots and the infrastructure to serve it. It is asking for approval of all 48 lots and all of the infrastructure. It simply wants to delay recording a plat that has 30 lots. But what if FEMA does not approve the floodplain change? The city will have approved 30 lots that will be in the floodplain and are well below the 20,000foot minimum. How will that affect the approval? The applicant did not even submit a plan that shows how its proposed development can be approved with that 20,000-foot minimum imposed. There is no evidence in the record to demonstrate that a proposed development without the FEMA final approval of the change can be approved.

A proposal can sometimes be approved with conditions that will, if completed, result in compliance with mandatory criterion. For example, in a two-stage approval process, if compliance with the condition is subject to a subsequent proceeding during which citizens can participate, the applicant must demonstrate, with substantial evidence, that the condition is feasible. However, if the approval is final with conditions and compliance of the conditions is not subject to a subsequent

review, the applicant has a higher burden to show that compliance is likely and reasonably certain to succeed. *Gould v. Deschutes County*, 216 Or App 150, 171 P3d 1017 (2007). The applicant is seeking approval of a tentative plan that is contingent upon FEMA approving a specific new floodplain elevation. Assume that FEMA does not approve that revision or approves a different revision that does not produce the elevation that the applicant relies upon. There is no process identified for the city to review the already approved tentative plan for compliance with the ultimate FEMA decision. At a minimum, the applicant must produce evidence that it is likely and reasonably certain that the floodplain elevation will be revised exactly as it is presented in the application material. However, our client submits that, given the serious consequences of giving final approval that applies a new zoning overlay and approves significant development in the floodplain, the city must go further and require that the applicant obtain final FEMA approval before getting approval for a proposal that includes 30 lots in the current floodplain.

4. <u>The applicant's stormwater proposal, assuming it could construct the ponds in a</u> <u>floodplain, which it cannot, has serious flaws.</u>

SDC 17.154.100 mandates that all development effectively treat stormwater. It states:

17.154.100 Storm drainage.

A. The planner and public works director shall issue permits only where adequate provisions for stormwater and floodwater runoff have been made, and:

1. The stormwater drainage system shall be separate and independent of any sanitary sewerage system.

2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street.

3. Surface water drainage patterns shall be shown on every development proposal plan.

4. All stormwater analysis and calculations shall be submitted with proposed plans for public works directors review and approval.

5. All stormwater construction materials shall be subject to approval of the public works director.

Under the applicant's proposal, two stormwater detention ponds will be in what is now the floodplain. The elevation is low. The plan is to direct stormwater from 167,488 feet of impervious surface in the ponds for treatment before it is released to the creek. The creek is an important component of the large ecosystem and the protection of native species. Yet, from the applicant's stormwater report, one can see that the applicant anticipates flood events that overwhelm the detention pond. Staff Report, p. 264. The answer to this from the applicant is that in those events, the untreated water will overflow the berm on top of the pond flowing to the creek. This appears to be a serious impact to the delicate system that the city's comprehensive plan requires to be protected.

Comprehensive Plan

The applicant failed to address the comprehensive plan policy requiring orderly growth in accordance with health, safety, and welfare. The applicant focuses on the need for housing and its plan to provide recreational amenities. However, as we illustrated, it is proposing development (detention ponds) in the floodplain in violation of the code. It is proposing a single long, dead-end street that present serious safety issues. It is failing to provide required pedestrian connections. The applicant failed to address what will happen if there is a flood event that impacts access on Eggelston Lane. The application is not consistent with the policy promoting orderly development.

Policy 2.7 and Policy 3.7 of the Transportation Facility section in the comprehensive plan is not met. There is no discussion of how allowing a single long, dead-end street not meeting city standards comports to this policy. Policy 3.7 reinforces that pedestrian connections are mandatory. The application does not remotely address that policy.

The application is not consistent with the policy on Suburban Residential Land Use. Subsection 4 recites that the city should diligently review all subdivision plats to ensure the establishment of safe and efficient road systems. There is no need to belabor the point. The proposal includes a noncompliant and unsafe road system with no required pedestrian connections.

Very truly yours,

HATHAWAY LARSON LLP

s/ Christopher P. Koback

Christopher P. Koback

CPK/ep

cc: Client

New Buxton Farms Evidence submitted for November 17, 2022 Planning Commission Hearing by

Joel Haugen, 52363 SW Jobin LN, Scappoose, Oregon

Hathaway-Larson attorneys have provided abundant cause for you to DENY the current Buxton Farms application in their submitted testimony for the November 17, 2022 hearing. Should you decide to accept the City's recommendation and approve this application anyway, you will be doing irreparable harm to our community and the Scappoose Creek watershed environment. However, if you do make the mistake of approving it, you can get some redemption by adding some specific compensating conditions to help mitigate the damages. Thus, I ask that you add the four conditions numbered below to help compensate for the harm Buxton Farms will cause.

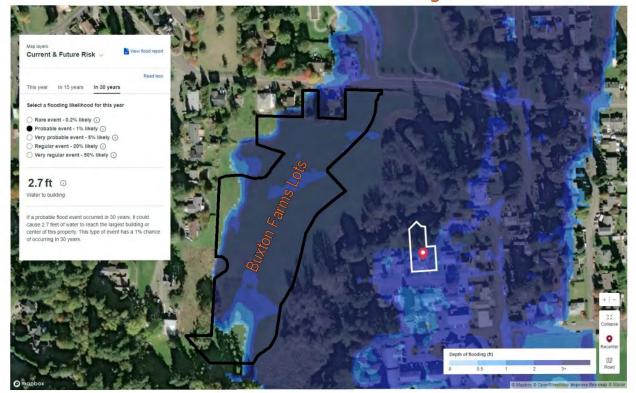
- 1) A. Require an independent expert hydraulic analysis of the entire South Scappoose Creek Watershed, like that recently done by West Engineering for Scappoose Drainage District in order to re-certify the dike. This should include modeling for projected heavier rainfall events in our area like those factored into the RiskFactor flood modeling currently used by 31 federal agencies. RiskFactor was recently developed with the collaboration of 45 top U.S. colleges and universities due in part to FEMA's outdated approach to the science of flood risk and inability to keep its maps current, which has resulted in a significant underestimation of the risk of flooding in many areas.
 - **B.** Require a separate report on hydraulic scour potential along the entire segment of South Scappoose Creek from upstream of the E.M. Watts Bridge to downstream of the Scappoose-Vernonia Highway bridge, for projected higher rainfall regimes in this watershed. Note the references below.

FEMA's outdated approach to the science of flood risk and inability to keep its maps current have resulted in a significant underestimation of the risk of flooding in many areas (see: Flood Risk Delineation in the United States: How Much Loss Are We Capturing, Blessing et.al.2017). This is one reason that 31 federal agencies are using RiskFactor modeling to better reflect flood risk. A relevant case excerpted below from Marquette University Law School 2019, is a scholarly article titled "Assumption of Flood Risk" by Alexander Lemann, Marquette University Law School, <u>alexander.lemann@marquette.edu</u> is worth considering.

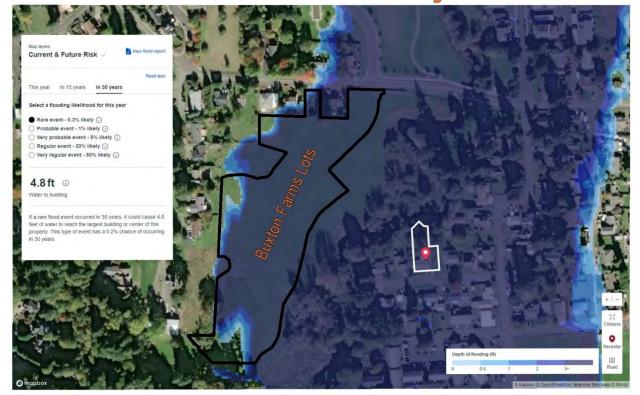
"Flood risk is very much a moving target; each of these factors is subject to change, often with devastating effects. In May of 2018, Ellicott City, Maryland, was hit by devastating flooding. Thanks to videos taken and posted to social media by terrified residents watching from second story windows as their downtown turned into a roiling river of brown floodwater, the event briefly captured widespread attention. To locals, the flood was notable not just for its magnitude, but because it was the second 1,000-year flood (a flood with a 0.1% chance of occurring in any given year) in three years. Ellicott City is an old mill town. It was founded in 1772 and has flooded over a dozen times since then. The source of its floodwaters has historically been the Patapsco River, which flows into Baltimore and forms its harbor. The flood events of 2016 and 2018, however, resulted from flash floods on the Tiber River, a small tributary of the Patapsco that flows through Ellicott City. The surrounding area has seen widespread development in recent years, which has covered absorbent soil with asphalt and created a flash flooding problem that most agree is new. The flooding in Ellicott City is flooding was caused by a brief but intense period of rainfall, one of several sources of flooding that climate change is expected to exacerbate. Warmer air holds more moisture, which can cause heavier rainfall. The number of extreme precipitation events in the United States has been well above average for the past three decades, a trend that is expected to continue."

• Noteworthy: According to Janice Clark, Regional Public Housing Director and attorney for HUD, they use RedFin and RiskFactor for more reliable flood predictions over FEMA.

100 Year Flood Projections



500 Year Flood Projections



(Learn more about FloodFactor at: https://youtu-be/PVgcq_7IQSw) Nov. 17, 2022

- 2. Require an appropriate bond deposit to pay for likely damage claims due to this development
- 3. Require compensating development of community assets such as a public nature trail in Open Space Track E
- 4. Require minimum lot sizes of 6,000 square feet, as in the underlying R-1 Zone, since the proposed PUD is not compatible with the neighboring residential properties.

Sincerely,

Joel & Judy Haugen

52363 SW Jobin LN

Scappoose, Oregon 97056

From:	Pat Hesch <romanhesch2014@comcast.net></romanhesch2014@comcast.net>
Sent:	Sunday, November 6, 2022 11:13 AM
То:	Laurie Oliver Joseph
Subject:	[External] Housing development, Buxton

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Oliver,

The development of the Buxton property wold greatly effect our home and the community. It would cause irreplaceable damage to our personal property. Thank you for hearing our concerns.

Roman and Patricia Hesch

Sent from my iPad

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Planning Commission Meeting ~ Nov. 17, 2022

Scappoose Planning Commission

November 07, 2022

RECEIVED NOV 07 2002 4:23 pmgm

BUXTON RANCH PROPOSAL

- 1. Goes against the community vision of Scappoose government and its citizens.
- 2. Goes against the Flood insurance program and Scappoose's responsibility to maintain a discount for residents
- 3. Does not provide for improvements to infrastructure including:
- 4. Wastewater treatment plant which is nearing capacity, per Kevin Turner.
- There will be excessive traffic with very few, if any, remedies. An independent and comprehensive traffic study is needed to include any new developments underway or planned for the near future impacting traffic on JP West.
- 6. Does not address limited water pressure from Holding Tank on Keys Rd for residents on Jobin Lane and potentially at the Buxton site.
- 7. Rapid building and development before adequate infrastructure is in place, is a recipe for failure. Slow compatible growth I best.
- 8. The temperature of the creek will increase and cause damage to Salmon Habitat

If you vote in favor of this proposal you will be changing the shape and nature of our little town forever. That is why I'm in favor of a city wide vote on this development. It is a turning point for our town. Instead of nurturing this small town with its unique character, you will change it to just another bedroom community of Portland. If you allow ticky-tacky houses that will turn into slums in a few years, you can look back and say, "I DID THAT."

Sincerely,

Vancor / Jennifer Hancock

delto city on 11-7-22

November 07, 2022

Scappoose Planning Commission 33568 E. Columbia Ave Scappoose, OR 97056

John R. Hancock 52445 SW Jobin Lane Scappoose, OR 97056

Dear Sir or Madame,

· • •

This letter will be short and to the point: The proposed Buxton Ranch project, due to its size, has generated too many questions and too many answers for a small group of Scappoose Residents to consider. The scope of the project effects everyone. All citizens in Scappoose, who utilize Veteran's Park for little league, concerts, dog walking, etc. will be affected. Since Veteran's park is a public park and adjacent to the Buxton property, that gives a right to the public to consider this proposal. Until all citizens of Scappoose, not just a few, are given an opportunity to weigh in, please put this proposal on hold.

Respectfully,

November 7, 2022

Laurie Oliver City of Scappoose Street Address City, State, Zip loliver@cityofscappoose.org

RE: Buxton Ranch Planned Development and Subdivision

Dear Laurie,

I have many questions, comments and concerns regarding the proposed Buxton Ranch Planned Development and Subdivision.

- 1. Additional research should be required for how this development pertains to the following Statewide Planning Goals:
 - a. Goal 5: To protect natural resources, and conserve scenic and historic areas, and open spaces. By all accounts this development is moving in the completely opposite direction from Oregon's Goal 5. The documents provided state that the proposed zone change, planning development overlay and subdivision is not in conflict with this goal however this site contains Natural Resources, Scenic Areas and Open Spaces all of which are going to be negatively impacted by this development. The site contains the following sensitive lands that by all accounts qualify as natural resources, scenic areas and open spaces:
 - i. Floodplains
 - ii. Floodway
 - iii. Drainageways
 - iv. Wetlands the site contains six identified wetlands, as depicted on the phasing plan.
 - v. Fish and riparian corridor: Fish & Wildlife Assessment seems inadequate for the critical habitat of South Scappoose Creek. See Light Pollution below.
 - vi. Slope hazard areas
 - b. Goal 6: To maintain and improve the quality of the air, water and land resources of the state. The documents provided state that the development will have no significant impact with respect to this goal. How will putting 48 new houses next to wetlands, a floodplain, a floodway, a drainageway and a fish and riparian corridor not have a significant impact on the quality of the air, water and land resources of the state? The applicant's response to this goal is insufficient.
 - c. Goal 7: To protect people and property from natural hazards. Putting 48 houses in an area that is dominated by a floodplain, floodway, drainageways and slope hazards is at odds with this goal.
 - d. Goal 10: To provide for the housing needs of citizens of the state. I would assume that part of this goal is to provide SAFE housing for the needs of citizens of the state. Putting

48 houses in an area that is dominated by a floodplain, floodway, drainageways and slope hazards is at odds with this goal.

- e. Light Pollution also plays against the goals I have listed above. Light pollution is a serious problem that affects human health, wildlife behavior and our ability to observe stars and other celestial objects. Artificial lighting heavily impacts and threatens the balance of the ecosystem. Numerous wildlife including plants and animals highly depend on the nocturnal and diurnal influences. Light pollution negatively impacts animals and plants physiology thereby modifying the competitive interactions of the animals, tampers with their migratory patterns and distorts predator-prey relations. Through the other developments that I have noticed throughout Scappoose, I have gathered that light pollution is not something that Scappoose regulates. Therefore, putting this large of a development next to the natural resources of the six wetlands and the Scappoose Creek will have harmful effects to their ecosystems.
- f. Another factor that works against these goals is how this land will be constructed. I understand that the plan is to cut and fill the site to have a net zero impact on the property as a whole and I understand that the new houses will be raised up above the current floodplain however this has a host of environmental impacts as well. The existing soils have been farmed for years which means they will more than likely have to be cement treated. Cement treating the soil in a floodplain, a floodway or a drainageway can have negative impacts on the PH level of Scappoose Creek during construction.
- 2. The applicant is requesting a conditional use to the R-1 Low Density Residential Requirements. The applicant is seeking approval to utilize the less stringent requirements of the Planned Development Overlay. The applicant is not meeting the purpose of the planned development overlay. They are just using it as a way to pack more houses into the space.
- 3. JP West Rd. is massively underdeveloped for the residences' current safety needs and will be grossly inadequate for this development and the other new developments planned in the vicinity.
 - a. Pedestrian Safety:
 - i. JP West Rd. needs sidewalks from Highway 30 to Ashley Ct. The current condition is unsafe and it is about to become exceedingly dangerous by adding so many additional residents to the area. More residences mean more children walking on the side of JP West Rd.
 - b. Transportation Safety:
 - i. The transportation study that was conducted as part of this application does not take into consideration the new developments planned in the vicinity. The transportation study also seems wildly inaccurate. The study estimated that the proposed 48-lot development would generate 514 daily trips, of which 38 would be during the morning peak hour and 50 would be during the evening peak hour. With the way the City of Scappoose residents function I believe that a 48lot development will produce at least 100 additional trips during morning and evening peak hours.
- 4. Scappoose's current infrastructure is inadequate for the number of housing developments the city has been approving.

- a. Schools: Our schools are already suffering from overcrowding due to the last round of affordable housing that was built in Scappoose. This new development will further tax them.
- b. Municipal Water Supply Issues: Many households in Scappoose are already experiencing low water pressure. Adding a new 8" waterline off of the exiting 12" waterline in JP West will further exacerbate the issue.
- c. Sanitary Sewer: I have no idea what the City's capabilities are to treat waste water from 48 new houses. Is the city capable of this?
- d. Stormwater: The applicant is proposing to turn an approximately 17-acre site that currently all infiltrates into a development that will be dominated by hardscapes that will no longer infiltrate. This will put more pressure on our storm system and Scappoose Creek.
- 5. The applicant is seeking approval of four Sensitive Lands Development Permits, for Floodplain, Wetlands, Slope Hazard, and Fish & Riparian Corridor activities.
 - a. I would understand the potential to approve this application if they were seeking approval of ONE Sensitive Lands Development Permits but four exceptions is too many. Scappoose needs to stop developing its sensitive lands and start protecting them.
 - b. The development is proposed within an existing floodplain.
 - i. The applicant has stated that one of their goals and objectives is to maintain floodplain storage capacity with balanced cut/fill, while ensuring the home sites and adjacent properties are safe from flooding. I do not mean to sound melodramatic but the glaciers are literally melting, the sea level is rising and rainfall is increasing. We don't need to maintain the existing storage capacity, we need to far exceed the existing storage capacity. I moved to my current house in 2013. The Buxton field has had flood waters to some extent every single winter since I moved into my house. An additional 9 cubic yards of flood storage capacity is inadequate.
 - ii. Water will go where it wants to go, it will not go where the engineers want it to. The likelihood that cutting and filling this field to build this development will have negative impacts upon the properties to the east of Scappoose Creek is very high.
 - iii. Per the National Oceanic and Atmospheric Administration's 2022 Sea Level Rise Technical Report global sea levels are predicted to rise a foot by 2050:
 - 1. By 2050, "moderate" (typically damaging) flooding is expected to occur, on average, more than 10 times as often as it does today, and can be intensified by local factors.
 - Average sea levels have swelled <u>over 8 inches (about 23 cm) since</u> <u>1880, with about three of those inches gained in the last 25</u> <u>years.</u> Every year, the sea <u>rises another .13 inches (3.2</u> <u>mm.)</u> New <u>research published</u> on February 15, 2022 shows that sea level rise is accelerating and projected to rise by a foot by 2050.
 - iv. The fact that this land was ever zoned residential is preposterous. Why would a floodplain ever be zoned residential? Scappoose needs to change the current approach to floodplains and start protecting them as the natural resource that they are.

The City of Scappoose has the opportunity to help the community grow in a meaningful way. The transformational effect that this development will have on Scappoose will change the character of the community and eliminate significant green space. Once this is gone we will never be able to get it back. Municipalities/communities all over the nation are purchasing floodplain lands similar to this site to help mitigate rising flood levels. These are the types of lands that Scappoose should be converting into parks in part to protect Scappoose Creek habitat, mitigate future community flooding and therefore help protect the citizens of the community. This is a great opportunity to extend Veterans park to the south. Scappoose' development thus far has been very haphazard. It is time for Scappoose to invest in itself.

I urge the City Council to considered what the existing residents of Scappoose want out of our city. The public outcry over the proposed development should be an eyeopener for the council members. The loss of open space and natural beauty that will occur as the result of this development is not worth it to any of the citizens of Scappoose that I have spoken to.

Sincerely, Kristine Walz 52309 SW Jobin Ln., Scappoose, OR 97056 Kristine.stoller@gmail.com 541-981-3427

From:	Kristine Walz <kristine.stoller@gmail.com></kristine.stoller@gmail.com>
Sent:	Monday, November 7, 2022 4:40 PM
То:	Laurie Oliver Joseph
Subject:	[External] Buxton Ranch Planned Development and Subdivision - Opposition Letter
Attachments:	Buxton Development Opposition.pdf

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Laurie,

Please see the attached letter concerning the Buxton Ranch Planned Development.

Thank you, Kristine Walz 52309 SW Jobin Ln., Scappoose, OR 97056 <u>kristine.stoller@gmail.com</u> 541-981-3427

From:	Shane and Kristi Walz <walzmania@gmail.com></walzmania@gmail.com>
Sent:	Friday, November 4, 2022 3:34 PM
То:	Laurie Oliver Joseph
Subject:	[External] Opposition to the David Weekley Homes development of the Buxton Ranch property

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Laurie,

My name is Shane Walz and I am a Scappoose resident. I'm writing to you today to express my opposition to the development of the Buxton Ranch property currently proposed by David Weekley Homes.

The prospect of 48 new homes being packed onto the floodplain in consideration strikes me as preposterous. I apologize for any lack of civility that may come through in my tone of the words I use. I'm having difficulty understanding why there seems to be such a lack of common sense around the idea of such a development and the irreversible negative impact said development will cause to the residents of Scappoose and our direct sense of well-being. The fact that this absurd proposal has made the progress it has, brings me a great deal of frustration, anger, and concern.

There are certain aspects of living here in Scappoose that make this city special. The quiet, cleanliness, night sky, and *lack of population density* are tops on my list. Allowing a developer to cram 48 houses onto an open space cuts against all of those positive traits.

I have many questions regarding the 500 page proposal to tarnish the future of Scappoose presented by David Weekley Homes. I care not to direct my questions to the developer as I have no palate for the well-funded, sales pitch slick answers undoubtedly to be given. I've also been hesitant to pose my questions and concerns to the City Council because I fear that dollar signs are clouding common sense.

My concerns are as follows-

1) I have zero faith in the idea that humans can successfully alter nature and personally feel that *humans shouldn't attempt to alter nature*. That field is a vital part of this area's ability to process winter precipitation. Adding 48 rooftops and driveways, a paved road, and all of the other proposed non-percolating surfaces to the area is a terrible idea. Forget water storage facilities and floodplain sculpting (seriously?!). This proposal is a multi-family and environmental disaster in the making.

2) Traffic. How can anyone believe that the traffic assessor is accurate in that only 38 cars will be added to daily rush hour traffic? Less than 1 car per house is going to go to work or school each morning? Allow some common sense math. 48 houses, average 2 cars per house (at the least, most American households have more, very few have less), estimate 2 people leaving in their own vehicles each morning (could easily be more if 2 parents each go to work and children go to school). We Americans are terrible at carpooling. It's not a stretch to estimate 75+ cars each morning as a more accurate reality. 38 added trips is a farce crafted to take some sting out of the reality behind this proposal.

3) Light pollution. My home faces the Buxton Ranch property and I greatly enjoy the dark night sky that affords views of celestial bodies, as do my neighbors. The reflective nature of the proposed hard surfaces to be built and the required street lighting will annihilate the darkness. "Down-firing" street lights are not the solution. Not developing natural areas is.

4) Environmental impact. David Weekley Homes has made a disturbing claim that altering the floodplain, building 48 new houses (roofing, siding, paint, insulation, adhesives, and all of the associated packaging) and pouring concrete for sidewalks, streets, curbs and driveways (not to mention the fuel, oil and inevitable pollution that are a part of the machinery and equipment necessary for such a proposal) will have *no environmental impact* to the surrounding area! Common sense tells me that's obviously not true. If Scappoose Creek needs legal defense to protect itself then it is surely doomed.

5) City of Scappoose infrastructure. Many Scappoose residents already suffer from poor water pressure. How much fecal matter do you want to invite to our treatment facility? School classrooms are going to be choked to the maximum which completely suffers the future well-being of Scappoose. Local food supplies. I don't know about you but I'm not so sure

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our Fred Meyer is up to the task of supplying groceries for the potential flood of Scappoose residents as per the city's "full steam ahead" development plans.

6) Future development plans. On page 12 of one of the bundles of documents I've received there is a color map that shows "POTENTIAL FUTURE DEVELOPMENT" due south of the Buxton Ranch property. There are 45 more houses proposed! That's 93 houses that David Weekly Homes wants to dump around Scappoose Creek. No environmental impact? No traffic impact? No negative health attributes in erasing our precious green spaces for "affordable housing"? It will be a historically tragic loss if developers are permitted to turn Scappoose into another unattractive and overly developed suburbia.

7) There is a very tangible reality that this development, if approved, will become a large-scale community disaster. Let's not be naive and ignorant about building houses on floodplains!

I am very stressed out about the Buxton Ranch/ David Weekly Homes development proposal. I'm terrified that the only benefit that is taking place is that the proponents stand to gain an incredible pocket-lining profit. That profit will come at the expense of our valuable community and our invaluable green spaces. All under the sickening guise of "affordable housing and an improved riparian corridor". This proposal is not a benefit to our sacred community and the spaces we presently get to appreciate. These developers are going to squeeze every house they can into our community while they squeeze every last drop of small-town feel out of Scappoose. If our city council members are incapable of implementing common sense and protecting the natural beauty of Scappoose, and the well-being of the existing citizens, then it's time to elect a council that will. God help us all.

may your own home be a peaceful one, Shane Walz 52309 SW Jobin Ln. Scappoose November 1, 2022

Laurie Oliver Joseph Community Development Director Scappoose, Oregon

RE: Comments regarding Buxton Ranch Planned Development

Hello Ms. Joseph

I would like to offer comments on this planned development that is proposed in known wetlands within the city limits of Scappoose. While I am not opposed to residential development (it is inevitable), I am opposed to inappropriate residential development, which I believe this project is. The City agreed several years ago that this property was not an appropriate location for a high-density residential subdivision. I hope that the City will come up with this same conclusion this time also. But I am a bit of a pessimist ...

I won't pretend to be knowledgeable in the land use laws that need to be satisfied. I will leave that to others to determine. However, I believe that there is an additional threshold that the development needs to meet: <u>That it provides a long-term benefit to the city - the government and its citizens</u>. I participated in the remote call presentation that the developers hosted earlier this year. From that presentation, I walked a with the following thoughts and concerns if the City does consider allowing the development:

- The City should require that all of the undeveloped land (i.e., wetlands) between the homes and Scappoose Creek be deeded over to the City. In the presentation, the developer stated that the current plan was that this property would be owned by the HOA but have a linear access within the property for public use. The developer during the remote presentation indicated that, as I understood his response, they would be willing to deed this land to the City. <u>The City should require this as a</u> <u>condition of development</u>.
- 2. The City should develop a plan on limiting residential on-street parking. The proposed extension of Eggleston Lane will serve approximately 41 residential properties, most of which appear will have less than 40 feet of street fronting. Accepting the fact that Oregonians do not use garages for their intended purpose, Eggleston Lane will be a virtual parking lot and a visual community eyesore. <u>City should require that future home owners within this develop use off-street parking only and that street parking be reserved for guest activity only.</u>
- 3. The HOA should be held legally responsible for potential future flood damage. The developer plans to recontour the elevation of a great part of this property to reconfigure the wetland area. Recognizing climate change, which some already say is creating increased and more dramatic disaster events, the City is at risk of future financial burden if the current elevation plan is later determined to be inadequate. The City has an obligation to not burden its citizens due to poor land development decisions. The City should require that the development's HOA be held permanently liability for flood damage that may occur in the future within the development proper and also property across Scappoose Creek from the development, including city infrastructure within or adjacent to the development. This provision should be recorded on all property deeds as the properties are initially sold.

Thank you for the opportunity to provide my comments.

Charles Muehleck 33101 SW JP West Rd Scappoose OR 97056

From:	Charles Muehleck < charlesmuehleck@msn.com>
Sent:	Tuesday, November 1, 2022 2:07 PM
То:	Laurie Oliver Joseph
Subject:	[External] Comments on Buxton Ranch Proposed Development
Attachments:	Buxton Comments.docx

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Laurie ~

Please accept my comments regarding the residential development that is being proposed within wetlands just off JP West Road. Please confirm back to me that my comments will be incorporated into the city's decision-making process. Thank you.

Chuck Muehleck 33101 sW JP West Rd Scappoose OR 97056

From:	Taylor Murray <tbmurray23@gmail.com></tbmurray23@gmail.com>
Sent:	Monday, November 7, 2022 2:29 PM
То:	Laurie Oliver Joseph
Subject:	[External] Buxton Ranch Development - Written Testimony

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission and City Council,

I am writing this letter to express my concerns over the proposed Buxton Ranch Development. I believe that allowing for this type of high density development in a floodplain will create undesirable consequences for the City of Scappoose, and the values that the City strives to achieve. In addition to this, allowing a development into this wetland along South Scappoose Creek has environmental consequences that are also counter to the City's goals.

Professionally, I work for the USDA and manage policy and National Conservation programs at the state level for the Farm Service Agency. One of my biggest programs is the Conservation Reserve Program (CRP). Our CRP projects are very similar to the restoration work that has been implemented along South Scappoose Creek, both on the Veterans Park stream bank and the Buxton property. While I am not writing this letter in an official capacity, I do have 15 years' experience administering projects similar to the one that went in along South Scappoose Creek, and hope my insight and experiences with these types of programs will help highlight why this development is a bad idea hydrologically and conceptually for existing residents of Scappoose, wildlife, and salmonid species.

The Scappoose Comprehensive Plan states the following:

- 1. Open Spaces are the natural life support for our community. They clean our water and air. They also reduce flooding and lower the cost of managing stormwater. Open spaces preserve natural "ecosystem services" and functions that we need for a sustainable environment and economy.
- The Buxton field, as many people have written in testimony, floods from South Scappoose Creek up almost to
 the backyards of the eastern homes on Jobin Lane annually. It has flooded to a large scale that also covered all
 of Veterans Park to the edge of Roger Kucera Way twice in the last 5 years. This will become more frequent and
 cause damages to the park's infrastructure, the stream restoration efforts, and the stream channel itself, if the
 Buxton Ranch Development is allowed to proceed.
- Building up the Buxton Ranch site will only serve to displace water, which will end up in the existing neighborhoods east of Scappoose Creek, as well as downriver, or north of the Buxton development.
- The initial plan has no egress, only an access point to JP West in the initial iteration of the plan. What happens if the new development home owners cannot get out due to flooding of their one road out of the development?

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- Currently, the Buxton Ranch site is a fully functioning ecosystem and wetland. Our forefathers had the wisdom to leave areas that are in a floodplain free from development. That is why there is so much land along southwest Scappoose Creek that remains undeveloped. It allows for annual floodwaters to be absorbed back into the wetland soils that are prevalent along southwest Scappoose Creek.
- The entire hillside West of Jobin Lane is dotted with springs and seeps that flow down the hill and into the field in the rainy months. The field serves to filter that water and absorbs much of it, before it hits the creek and causes more flooding downstream. If that is replaced by concrete, the stream flow will increase in volume, and lower areas will flood more extensively elsewhere along the creek (east and north).
- Significant numbers of deer use the field for wildlife cover and access to the creek. Coyotes, skunks, and raccoons roam the field at night, and wetland birds such as duck, geese, and Great Blue Heron benefit from this ecosystem. Additionally, beaver and anadromous fish occupy the creek, among other species.
- Not only will this have a human impact through displacing the water in Scappoose Creek which will lead to flooding in other parts of the City, it will have an impact on the wildlife that depend on natural ecosystems such as this, and wetland environments to exist.
- Managing stormwater: will the City of Scappoose ensure that the stormwater catchment systems planned for the Buxton development are fully functioning, or will this be something that an HOA representing the new neighborhood will perform? How will concerned citizens know that the stormwater systems are being correctly maintained, and will not fail and overflow into southwest Scappoose creek during a major flood event, depositing the polluted water in an area where salmonid species habitat is being restored?
- 2. The South Fork of Scappoose Creek is the only significant wildlife habitat within the City. The South fork serves as a migration route for anadromous fish to reach spawning grounds. The creek is a sensitive habitat, and it is important that the City Planning process include provisions to try and protect this ecological system.
- The Buxton Development will come at the expense of the above, for all the reasons mentioned previously.
- Construction at such a scale will likely find construction debris in south Scappoose Creek, not to mention chemical runoff and inadvertent polluting impacts on the creek.
- Once the development is complete, there will be runoff associated with the paving, roofing tiles, vehicle fluids, etc. While there are stormwater systems planned, they will not be in place to stop any pollution during the construction phase, and if they end up failing in a major rain event, will dump their toxic contents directly into South Scappoose Creek. Even if they function properly all of the time, additional pollutants from this development will certainly find their way into South Scappoose Creek.
- Removing the wetland in favor of the Buxton development will result in increased stream flow/velocity, which in addition to creating flooding north of the Buxton development and east into the existing Scappoose neighborhoods, will create more issues with the stream channel and likely negate the riparian restoration work that has been occurring along South Scappoose Creek.
- All of the above will have an impact on any fish or wildlife species that depends upon South Scappoose Creek, and the wetlands and ecosystems that surround it.
- Will the city allow construction to occur during Oregon's Primary Nesting Season of March 15 through July 15, given the City's Comprehensive Plan identifies protecting wildlife and habitat, given that many threatened or endangered species thrive in wetlands such as this during the nesting season?
- At the very least, if the City of Scappoose believes that it is a good idea to allow the Buxton Ranch Development to proceed, the City should consult with the following agencies and entities to have a scientific opinion on the impact of salmonid species restoration and Southwest Scappoose Creek restoration work, as the groups who implemented the streambank restoration and habitat improvements to the creek did so with grant money, USDA federal funds that are derived from taxpayer dollars, and potentially city of county taxes that are earmarked for this type of work. In doing it's due diligence, the City should request a full environmental assessment of the impact the Buxton Ranch will have on South Scappoose Creek and the efforts to restore salmonid and wildlife habitat from the following:

- Scappoose Bay Watershed Council
- Columbia County Soil And Water Conservation District
- USDA Natural Resource Conservation Service Oregon
- Oregon Department of Fish and Wildlife
- U.S. Department of Fish and Wildlife
- U.S. Army Corps of Engineers
- FEMA
- Oregon Department of Environmental Quality

Doesn't a development such as the Buxton property fall under both the City's Wetland and Riparian Corridor Inventoried properties (Scappoose Municipal Code Chpt 17; Ord 635 and Ord 687), and if so why would the City consider this if the Scappoose Comprehensive Plan seems to value maintaining both Wetlands and Riparian Corridors, and has identified South Scappoose Creek as the only significant wildlife habitat in the city?

If the City actually values Open Space, and has fallen short of the number of acres needed for a park based on the current populations, why not attempt to purchase the Buxton Ranch property as a further extension of the park's system in Scappoose? It seems to embody Scappoose's Comprehensive Plan in protecting ecosystems, water quality, mitigation of floods, and providing additional open spaces for the city.

There are many things written in the comprehensive plan that look to improve infrastructure. Living on Jobin Rd, off of JP West I read through the Comprehensive Plan and think of what infrastructure and services are already lacking currently, and then I think about what an additional 48 houses who only have an exit initially to JP West would do to our current lack of infrastructure and services.

- An additional 48 homes will have vehicles pulling using JP West during the daily commute. A real conservative estimate would say that would be 96 additional cars traveling between Veterans Park to HWY 30 every day.
- There are two school bus stops, one at JP West, one at 4th street. There are currently no sidewalks for students
 to utilize beyond Veterans Park. All those additional cars and additional kids walking to school or the bus will
 now be sharing what is currently already an unsafe road to walk on.
- If Buxton Ranch proceeds, we could have 300-400 people more in Scappoose. Can the police force cover that many more residents? Can the schools take on that many more students? Can the school buses accommodate that kind of increase in students?
- Will the Buxton development pay for any mitigation for any of these additional stressors to the existing neighborhood? With so many more cars in Scappoose and utilizing Jp West road, will the developer install sidewalks along JP West for example, or a stoplight at JP West and Columbia? Is that covered in Ord 672, or does that only include improvements to the area within the boundary of the field that is proposed for development?
- It seems like there are many areas that the City could improve upon existing neighborhoods urban facilities and services first, versus entertaining a new development that will likely require investment of those city taxpayer funds into the newly developed Buxton property's infrastructure, versus a more equitable approach of ensuring services that don't currently exist are brought to existing neighborhoods first, prior to any new development being considered for any improvements derived from existing residents taxes.

The Buxton Development is clearly incompatible with the City of Scappoose's Comprehensive Plan. The Comprehensive Plan identifies that building this development along South Scappoose Creek is detrimental to the City of Scappoose in several sections, as follows:

- The City states that South Scappoose Creek is the only significant wildlife habitat in the City. The Comprehensive Plan states that the 100 year floodplain provides some protection for the area's fish and wildlife. And the City has identified the riparian corridors and supports protection of these areas (Ord 687). Given that this property is in the 100 year floodplain, is a part of the mapped riparian corridors, and is the only significant wildlife habitat in the City, isn't that enough to deny this application for development given it is such an environmentally sensitive and important piece of land to the City of Scappoose (Ord 635)?
- How could the City possibly develop a watershed control plan to improve watershed management by approving a development that would completely upset the hydrology of South Scappoose Creek and create additional flooding for the City's existing residents (Ord 672)?
- Flooding will only increase for much of Scappoose if this development is allowed to proceed, which is contrary to the Comprehensive Plan goals because this development will in all certainly increase flooding (Ord 694).
- Per Ord 694, how would it even be considered to allow a developer to not only fill the wetland that is currently the Buxton Ranch site, but also build it up to a level that would make it higher than the existing neighborhood on the east side of the creek? The plan is contrary to Ord 694 in every way.
- Given there is no infrastructure to carry stormwater away from this property as there are no ditches along JP West road, the default method for this development is releasing stormwater directly into the creek, after passing through a catchment system. I am not sure how that would be allowed under Ord 694.
- Where will all that spring and seep water that runs out of the hills on the west side of Jobin Lane end up once the hydrology of the soils and existing drainages has been irreparably altered? Most people on the west side of Jobin Lane have one or more springs coming through our yards from the hills above us. This will likely create mitigation work on the part of the residents on Jobin Lane, once the Buxton field historic drainages are altered. Will the developer be required to pay for any mitigation that will be required once the hydrology is irreparably modified and issues in the existing neighborhood occur as a result?

The Scappoose Comprehensive Plan has identified the following in the Significant Findings with Regard to Natural Factors and Local resources:

- There is a history of flooding and groundwater problems where development has occurred in floodplain and wetland areas of Scappoose. This will happen if this site is developed, and the City knows it will happen from previous experience.
- South and North Scappoose Creeks have large flood plain areas that periodically flood. This is becoming an annual occurrence at the Buxton Property, and isn't limited to just the unusual rain events. The field takes on and holds standing water for much of the winter. It slowly absorbs back into the soil, as it is a functioning wetland. As a wetland, it performs a large job to mitigate flooding. If it is taken away for this development, there is no way that water will not impact another part of town, either east or north of the development.
- There are significant fish and wildlife resources in the Scappoose area that should be protected when urban development is proposed. The City has identified South Scappoose Creek as the only significant wildlife habitat in the City. Isn't that enough to want to preserve the wildlife that depends upon it?
- Topography, flooding and soils pose hazards for development. This site possesses all of those things that make it an undesirable building site. The company is not from Oregon and doubtfully has a strong knowledge of our

annual precipitation, hydrology of these important soils, or the history of South Scappoose Creek's flooding. The development will alter the topography and soils, and cause increased flooding that will have a lasting impact on every property that neighbors the Buxton development, as well as those properties to the east and north of this development that will experience additional flood events that will also be more extreme.

The Scappoose Comprehensive Plan has identified the following in the Goal for Natural Factors and Local Resources:

Goal 4: Ensure the conservation of fish and wildlife areas and habitats, including wetlands, floodplain, and riparian areas. Goal 5: Encourage the retention of open spaces within and between the different zoning areas. Goal 7: Preserve outstanding scenic areas. The Buxton Ranch development is contrary to this entire set of goals, not just the three I listed. Once the development is built, all 7 of these expressed goals become meaningless. There is no returning nature or the City's local resources back to a pre-developed state. If these are the City's goals, this development should not be considered.

I have confidence in the Planning Commission and that the determination on whether to build the Buxton Ranch development will involve adherence to the goals, values and vision that is laid out in the Scappoose Comprehensive Plan. I do not believe that this development embodies any of the values that we as a City have identified, and I believe the planned development will be of great detriment to the City of Scappoose for all of the reasons I have identified above, and more. I am not opposed to development, but only if it is done correctly. This site is not suitable for such a large development and the impact it will have on existing homes and infrastructure in Scappoose. Again, there was a reason that our forefathers didn't build on that land beside the creek. Nothing has changed with the hydrology of those soils, or the way they function during flood events. They are wetlands and should be preserved as such. Flooding isn't going away, and this planned development will only create more issues and cost for the City, where those funds could be used on current infrastructure improvements for the City as a whole.

Thank you for reading my written testimony.

Respectfully,

Taylor Murray

52433 SW Jobin Ln.

541-908-0827

Tbmurray23@gmail.com

From:	Janice <janicec1@aol.com></janicec1@aol.com>
Sent:	Monday, November 7, 2022 10:13 AM
То:	Laurie Oliver Joseph
Cc:	darriljennifer@gmail.com
Subject:	[External] Buxton Ranch

CAUTION: This email is from outside the City of Scappoose. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Oliver,

I, Janice (Clark) Rodriquez, would like to share some concerns regarding the proposed Buxton Ranch development. By way of background, I grew up in Scappoose and graduated from Scappoose High School. I went on to receive a Bachelor of Arts degree from Eastern Oregon University and law degree from the University of Oregon School of Law. I'm an Oregon-licensed attorney (since 1997) and have specialized legal and non-legal experience working with HUD's affordable housing programs for 20+ years. Although I do not currently live in Oregon, I still have strong ties with the community, having immediate family and friends who still live there. I'm incredibly proud of my Oregon roots calling Scappoose my "hometown". Scappoose truly is a quintessential Pacific Northwest small-town community with its lush vegetation, beautiful evergreens and vast wetlands; however, what makes Scappoose special is now being compromised with the Buxton Ranch development.

My professional career has primarily included worked closely with HUD-funded affordable housing programs where I have provided legal and/or policy advice on affordable housing matters. This has entailed disaster recovery advice for numerous communities impacted by natural disasters. My affordable housing background is very diverse and has included but is not limited to: (1) improving the quality of housing in the US Virgin Islands still adversely impacted decades after hurricanes struck; (2) providing advice to a local agency that HUD would no longer fund a Public Housing property serving low-income Public Housing families because of updated FEMA maps reclassifying the property in a floodway; and (3) advising numerous agencies on redevelopment goals for properties having experienced damage from flooding, mold, and other health and safety issues. With this extensive experience, I've learned where the sad reality is that water-damaged properties deteriorate and sometimes it takes years or even decades to recover, if they recover at all (oftentimes representing slum and blight in communities). In some cases, the homeowners have the financial means to address the damage but in many other cases, homeowners struggle with the financial means to address water-damage, and especially at this juncture where we've seen unprecedented inflation and high mortgage rates. By comparison, we should take a step back and think about our most vulnerable families, and specifically, low-income elderly and disabled families living in Public Housing. If HUD expressly prohibits federal funding for or allowing low-income families to reside in Public Housing units (oftentimes viewed as "housing of last resort") in floodways, then if we truly care why would we ever want to see our Scappoose residents buying homes in a part of the community that has a longstanding history of flooding? Redfin.com data shows nearby homes as "Severe Flood Risk" and so it stands to reason the same level of risk would carry over to the Buxton Ranch homes. HUD has standards to protect our most vulnerable populations to ensure they live in decent Public Housing free of health and safety issues, so why can't we do the same for Scappoose residents and protect these future homeowners from investing in Buxton Ranch, where the floodplain boundaries were conveniently changed to allow for development on land that has historically been prone to flooding? We should not be so short-sighted and think more "long-term" for our Scappoose residents, and particularly how we will support these Buxton Ranch residents after the builder's one-year home warranty expires and the builder is long-gone from the community, leaving the City of Scappoose and impacted residents left to pick up the pieces the next time flooding occurs. Our Scappoose residents deserve better.

I reviewed a section of the City of Scappoose's 2018 Comprehensive Plan and would like to underscore page 184 of the Comprehensive Plan. The section that reads, "Policies for Hazard Areas" provides in part, "All development within the 100-year floodplain shall conform to the standards set by HUD". We must be mindful of and adhere to these standards on the Buxton Ranch property and the historical (not craftily carved out new boundaries).floodplain designation. HUD has very comprehensive environmental standards in place yet I do not recall running across any specific analysis of HUD standards in the Buxton Ranch documents. Has an attorney opined on the standards set forth in 24 CFR Parts 58, for example? Although I recognize the development is not federally-funded, these are nevertheless HUD standards that any

well-run community should adhere to (and especially as it relates to potential future HUD funding for the community, that may for example include funding for sidewalks or other improvements) and must be thoughtfully reviewed, per the Comprehensive Plan, and applied accordingly. Moreover, HUD's Office of Fair Housing Equal Opportunity is charged with enforcing fair housing laws. Has an analysis of impediments been conducted to determine whether the development, as proposed, and future development activities, will adversely impact certain demographics in the community? It concerns me that HUD standards, whether environmental or fair housing in nature, were not thoughtfully considered here as far as I can tell. Moreover, I do not recall seeing a few of federal EPA laws, only environmental laws at the state level. In some cases, Federal laws may be more stringent and as such, must be considered in the analysis.

I own a home in Clermont, Florida (Central Florida). Central Florida rarely experiences hurricane-level winds; however, tropical storms, heavy rains, and flooding are sometimes a factor. When my husband and I purchased our first Florida house in 2017, I had no idea that it would be such a challenge finding an insurance company willing to insure us, despite truly being in the middle of the state and not in a floodplain area (Redfin identified our level of flood risk as "Level 1" with minimal chance of our property flooding over the next 30 years yet it was a big challenge finding an insurance company to insure us). In recent years, most national insurance companies have pulled out of the Florida homeowners insurance market, regardless of location in Florida. These experiences have caused me to pause and think about the consequences of building numerous homes along the Scappoose Creek. To this point, Redfin.com includes the most upto-date flood risk projections (FEMA does not always timely update their maps) and according to Redfin data, for flood risk, nearby properties in the Buxton Ranch vicinity are ranked "7 on a scale of 10" (10 being the worst) with a "Severe Flood Factor" designation with commentary about how the properties' risk of flooding is increasing as weather patterns change. More importantly, when I reviewed the Buxton Ranch plan, I saw extensive impervious cover with the homes being in such close proximity to each other. Despite the stormwater facility, I'm very concerned that there will be no way for water to get to the soil to absorb the stormwater (particularly with heavy rains) and this will potentially contribute to more flooding in an area that is already prone to flooding, and justifiably rated high risk. We know that homes built in wetlands along bodies of water are already a high risk for insurance companies. As such, do we want insurance companies to pull out of the Pacific Northwest generally or Scappoose specifically due to failed city planning efforts? And, have we thought about how this adversely impact the community? The builder will be long gone after the one-year warranty and where will that leave us then? Are we truly willing to take a risk in development activities that could harm current and/or future Scappoose residents? Do we care? And in doing so, have we truly thought about what higher insurance costs or not being able to obtain insurance coverage will do for current Scappoose residents? To this point, I have elderly friends and family in close proximity to Scappoose Creek that are already at risk and will be adversely impacted by the Buxton Ranch development. Some have lived in Scappoose for decades now and if we do anything, let's think about the elderly residents on fixed incomes who may find it difficult to continue living in their homes since they can't compete with rising insurance costs or address future flood damage to their homes at a time when we're seeing unprecedented inflation. Our Scappoose residents, and particularly our elderly and disabled residents, deserve better. This is why an analysis of fair housing laws and any impediments for elderly, disabled, or other demographics must be considered. This is what the Comprehensive Plan requires (ie, conforming to the standards set by HUD) and what our Scappoose residents deserve.

I hope that the City of Scappoose will thoughtfully revisit these development plans and if decisions are made to move forward with approving the Buxton Ranch development, then please reconsider the following:

1. 1) Grant a conservation easement in lieu of the Eggleston Lane extension. In particular, I hope the community will revisit the Eggleston Lane extension and not push the road through. It would mean a lot to Scappoose residents if this greenspace and wetlands between the Buxton Ranch development and Eggleston Lane were preserved, particularly when factoring in sensitive habitats for native species of wildlife and the opportunity to minimize wetland disturbance. We should all be genuinely concerns about the multiple species of lamprey and trout that may be adversely impacted by the development, impacting their rearing and migration. Other species may also be adversely impacted.

2. 2) Address resident safety. With the proposed Eggleston Lane extension, I'm concerned about the safety of Scappoose residents since the EM Watts/Keys Road/Eggleston Lane intersection is already dangerous and a lot of Scappoose residents walk the loop up Keys Road without having the benefit of sidewalks (these residents include my elderly parents, sister, and elderly/non-elderly friends among many other residents). Their safety would be more at risk, absent sidewalks and increased traffic flow. Additionally, this intersection is prone to more accidents since it is a blind corner. I trust the City of Scappoose has also given thought to these concerns, since to not evaluate such safety issues and needed road improvements rises to the level of negligence.

3. 3) Require the developer to pay for road improvements on the Eggleston Lane extension, and specifically, on the existing road that the developer does not own. Otherwise, this would be a big expense for the city and its taxpayers. Of course, a conservation easement (see above) is preferred over the road extension.

2

4. 4) Consider a less dense development plan that reduces impervious cover and includes homes that are more compatible with the community. Specifically, the design plan includes homes in close proximity to each other and not only will there be little to no space to absorb the stormwater, but a highly dense subdivision does not mesh well with other homes in the community that typically have more greenspace and wetlands.

5

I would like to share some other concerns:

1. 1) The floodplain boundaries were craftily modified to allow for construction in this area and removal of the floodplain boundaries. This is very disturbing.

2. 2) It is unclear whether the stormwater facility is sufficient to address stormwater for just Phase 1 or future phases as well?

3. 3) The safeguards and precautions to protect the quality of the water that flows into Scappoose Creek have not been fully evaluated by the City. .

Thank you for the opportunity to share these concerns with you and for your thoughtful reconsideration of the Buxton Ranch development. Kindly acknowledge receipt of this email since I understand you may not have received my initial request.

Respectfully submitted,

Janice Rodriquez

Laurie Oliver Joseph

From:	John Smith <jwsmith1325@live.com></jwsmith1325@live.com>
Sent:	Tuesday, November 1, 2022 11:37 AM
То:	Laurie Oliver Joseph
Subject:	[External] Fw: 48 unit development on Buxton Property - comment I grew up at 33166 SW JP West Road

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Forwarded to you for inclusion in the extended period public comment per our telecon a few moments ago. Thank you.

From: John Smith
Sent: Wednesday, October 26, 2022 8:42 PM
To: mayor@cityofscappoose.org <mayor@cityofscappoose.org>; pmmchugh@cityofscappoose.org>
Subject: 48 unit development on Buxton Property - comment I grew up at 33166 SW JP West Road

Scott/Mr. McHugh,

Let me reintroduce myself to you. I am John William (Bill) Smith. I grew up at 33166 SW JP West Road right in front of that field about 100 yards from the Scappoose Creek bridge on the south side of JP West. I graduated in 1987 from Scappoose High and knew you both.

I just saw a spotlight article on line about the proposed development and even though it is quite late felt compelled to at least try to give my opinion. Please disregard it or forward it to the rest of the council if you want to.

I am not involved in this proposed project in any way. I have not seen the proposed plans or proposed staff conditions. Our family sold that house in the early 2000's. I am not a licensed civil engineer, but I graduated from OSU in Construction Engineering Management in 1992. I have worked managing billion dollar construction projects in several states, building thousands of apartment units, building strip malls, building schools, building office buildings and even worked for a developer.

I don't think this project should be approved. While with enough money and proper engineering just about anything can be accomplished, I seriously doubt this property can be profitably developed properly. And once the homes are sold and the warranty has expired it will not be their problem anymore. I watched that field flood extensively, regularly and often all my life. I have seen the Scappoose Creek flood all the way to our old home. I remember many years of floods not just 1996. Every year and multiple times a year that field is flooded, and much of it is flooded. It is not just the creek, but all the water coming down off the hill.

I also remember all the homes from time to time flooding at the bottom of Smith Road. I fear you are just creating a similar situation that will be an annual worry, if not problem, and those home owners will be unsuspecting and damaged, and possibly injured or worse.

Just my two cents. Good luck with your decision.

I hope all is well with both of you and your families!

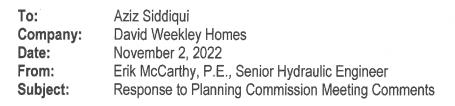
Sincerely,

Bill Smith 503-358-8189

TECHNICAL MEMORANDUM



2601 25th St. SE Suite 450 Salem, OR 97302-1286 (503) 485-5490 (503) 485-5491 Fax www.westconsultants.com



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During the City of Scappoose planning commission meeting on October 27, 2022, a neutral testimony was provided by Jonathan Archibald, P.E. regarding the proposed Buxton Ranch development. During his testimony, Mr. Archibald expressed confidence in WEST Consultants' technical expertise, and he also stated that he did not find any issues during his review of the Letter of Map Revision. His testimony also included two general comments regarding floodplain storage and potential velocity increases caused by the proposed development. Responses to his comments are below.

Comment regarding potential velocity increases in the channel due to the proposed development and the potential scour risks

Since the JP West Road bridge constricts flow and backs up water into the floodplain along the proposed project, the channel flow velocities are relatively low. The maximum increase in the average channel velocity is only 0.5 ft/s. Since the average velocities in the portion of the channel with velocity increases are less than 4 ft/s, the risk of scour is low for both the existing and proposed conditions.

Comment regarding cuts from the floodplain not matching the floodplain fill at the same elevations and suggestion to upgrade the hydraulic model to unsteady flow to better assess downstream impacts

Regarding the floodplain fill requirements, the City of Scappoose municipal code 17.84.170B states:

No fill in floodway fringe areas shall be allowed unless the net effect of excavation and filling operations (on site) constitutes no positive change in fill volume, as certified by a registered professional engineer.

The floodplain cut and fill balance meets the regulatory requirements, which do not require unsteady flow analysis or that the floodplain cut and fill be balanced at the same elevations.



November 14, 2022

Garrett H. Stephenson Admitted in Oregon T: 503-796-2893 gstephenson@schwabe.com

VIA EMAIL

City of Scappoose Planning Commission c/o Ms. Laurie Oliver Joseph Community Development Director 33568 East Columbia Avenue Scappoose, OR 97056 loliver@cityofscappoose.org

RE: Buxton Ranch Planned Development File Nos. SB1-22, XC1-022, CU1-22, SLDP 1-22, 2-22, 3-22, and 4-22

Dear Chair Jensen and Members of the Planning Commission:

This firm represents David Weekly Homes, the "Applicant" in the above-referenced file. We greatly appreciate the Planning Commission's continued hard work and review of this Application. This letter constitutes the Applicant's second open record response and final written argument. It is timely submitted prior to the close of the second open record period on 5:00 PM on Monday, November 14, 2022.

The Applicant appreciates the public concerns regarding this Application; however, as submitted, the Application complies with the applicable provisions of the City of Scappoose Land Use and Development Code ("LUDC") and Comprehensive Plan. As discussed below, the Application is only subject to clear and objective approval standards and procedures. In accordance with ORS 197.522(3), to the extent the Planning Commission believes the Application does not satisfy any applicable clear and objective approval standard, the Planning Commission must allow the Applicant to either amend its application or propose clear and objective conditions of approval.

1. The CLOMR and LOMR Process

The Applicant understands the community's concerns about development of the Buxton Ranch property. It is clear from the public testimony that nearby residents are accustomed to looking out over this fairly scenic property and assumed that it would remain undeveloped. However, the decision before the Planning Commission is not one of policy; that is, the Application does not ask the Planning Commission to determine whether the Buxton Ranch property should develop for residential uses. That decision has already been made and is reflected on the City's Comprehensive Plan and zoning maps, which designated the Buxton Ranch property for single-family residential uses. Under Oregon law, owners of property are entitled to use the property consistent with its zoning. To that end, the Application must be based on the standards and criteria within the LUDC when the application was first submitted. ORS 227.178(3)(a).

Much of the public comments submitted to date have raised concerns with FEMA's decision to issue a Conditional Letter of Map Revision (CLOMR). City staff have provided a very good explanation of this process in the Staff Report at pages 5 and 39-45. As explained therein, the FEMA element of the project comes in two steps. First, FEMA issues a CLOMR, which is based on the plans proposed by the Applicant. The CLOMR states, in essence, that if the project is constructed as proposed, the official FEMA Flood Insurance Rate Map ("FIRM") will change as anticipated. In this instance, FEMA issued a CLOMR on June 17, 2022 which indicates that certain areas on the property will be raised by .01 to .07 feet above the existing flood elevation.¹ FEMA's approval explains that a final Letter of Map Revision will be issued if the Project is constructed as proposed: "If the project is built as proposed and the data below are received, a revision to the FIRM and FIS report would be warranted." See Staff Report Exhibit 9. After grading on the property is complete, the Applicant will be required to provide FEMA, among other things, a hydraulic analysis for as-built conditions and as-built plans certified by a civil engineer.

There is nothing unusual or unprecedented about this process. In fact, the FEMA FIRM map was changed in 2021 to reflect the changes in the floodplain created by construction of Veterans Park, replacement of the JP West Bridge, and Scappoose Bay Watershed Council restoration. This change had the effect of reducing the flood elevation established in the original 2010 map.

Many public comments have argued that FEMA erred in some respect in issuing the CLOMR for this project. However, that question is not before the Planning Commission. Rather, the LUDC specifically recognizes the FIRMs determined by FEMA (LUDC 17.84.030) and does not have standards or criteria upon which the Planning Commission may decide whether FEMA is correct or not. Rather, FEMA's CLOMR is a factual aspect of the Application, which supports staff's finding that that the proposed development will be located outside of the final 100-year flood plain.

The remaining elements of the Application consider whether or not the particular proposed development satisfies the approval criteria for a Planned Development/Zone Change, Subdivision, Conditional Use, and Sensitive Lands Development Permits. It is worth noting that, in this instance, the purpose of the Planned Development application is to allow all homes to be built on the upland portion of the Property, out of the proposed flood elevation and away from Scappoose Creek. This process allows for reservation of nearly 57 percent of the Property as open space. The deviations from the standard code requirements in this instance are minor, and primarily consist of lot size flexibility and 4% density bonus to offset reservation of so much property as open space and the creation of public parkland, as well as limited deviation from block length standards to account for the necessarily reduced width of the development area to allow for the preservation of the existing wetlands directly south and east of the Property.

¹ Note that references to floodplain elevation or level changes are somewhat imprecise; the Application proposes to modify the "area" of the floodplain to bring some areas of the site above the 100-year flood plain. However, these improvements will have a "no-rise" design so are not changing the actual elevation or level of floodwaters.

In summary, the Application is carefully designed to protect as much of the Property as possible while fulfilling the City's intentions that the Property be developed for residential uses. The Application has been under development for over two years and countless hours have been invested by the Applicant and City Staff to ensure that FEMA will ultimately approve the resulting flood elevation and that the Application satisfies all applicable criteria and standards, except where limited deviations from the same are justified.

As a result, the Staff Report and Application firmly and comprehensively explain why the Planning Commission can find that all applicable criteria are met. The Applicant accepts the conditions proposed by Staff and respectfully requests that the Planning Commission approve the Application per Staff's recommendation.

2. Response to Public Comments

a. The proposed subdivision complies with the minimum lots sizes for a Planned Development in the R-1 zone and is compatible with the surrounding area.

Mr. Christopher Koback submitted a letter on behalf of Joel Haugen dated November 7, 2022 in which he argues that 30 of the proposed lots are located in the existing floodplain and thus the minimum lot size is 20,000 square feet. However, the Applicant is not proposing development of residential development in an existing floodplain. Specifically, the Applicant has received a FEMA CLOMR indicated that FEMA will revise the floodplain boundary for the subject property and all of the proposed units will be located outside of the floodplain. The CLOMR allows the Applicant to do the work necessary to revise the floodplain boundary and the LOMR will confirm that the Applicant did all of the proposed work consistent with the CLOMR.

LUDC 17.81.050 establishes the compatibility criterion as follows: "the planned development shall present an organized arrangement of buildings, facilities, open spaces and improvements such as recreation facilities, landscaping and fencing to ensure compatibility with the comprehensive plan and the area in which it is to be located." Project opponents have argued that the lot proposed lot sizes are different than other lots in the R-1 zone, but such argument misinterprets LUDC 17.81.050, which focuses not on lot sizes but the "arrangement of buildings, facilities, open spaces, and improvements." As explained above, the lot layout is specifically intended to protect the sensitive natural features of the property by clustering development away from Scappoose Creek, while at the same time reserving the majority of the site area for open space, much of which will be accessible via a public recreational trail.

The Application proposes the same single-family uses as are prevalent in the area; the fact that some lots will be smaller than existing lots in the area does not mean that the use will be anything other than single family or will have a greater impact on the neighborhood. Even if lot size were a key component of compatibility, the Planning Commission should note that the average lot size proposed in the Application is similar to other lots in the R-1 zone and surrounding area. The R-1 zone permits residential lots that are 6,000 square feet and LUDC 17.18.030.A allows a Planned Development with smaller lots if the proposed lot sizes are compatible with the surrounding area. The Applicant is proposing lots that range in size from approximately 13,000

square feet to 3,500 square feet, with an average of nearly 5,000 square feet. The Planning Commission can find that the proposed development is compatible with the surrounding area because it proposed single-family residential uses; exactly those uses allowed throughout the R-1 zone. First, the average lot size is only slightly smaller than the permitted lot size in the R-1 zone without a Planned Development Overlay. Second, there are numerous lots that are 5,000 square feet within 900 feet of the subject property, particularly those to the east. As a result, the proposed average lot size is compatible with the surrounding area.

b. Grading is permitted to reduce the floodplain level and stormwater facilities are permitted in the existing floodplain.

Mr. Koback argues that the two stormwater detention ponds proposed by the Applicant in Phase 1 are not permitted in the existing floodplain. However, Mr. Koback is incorrect for two reasons. First, LUDC 17.84.040.B.3 specifically permits the installation, reconstruction or improvement of underground utilities or roadway improvements in the existing floodplain. The proposed grading plan is necessary to construct the proposed extension of SW Eggleston Lane. Moreover the two stormwater detention ponds are necessary to treat stormwater runoff from the roads and are thus part-and-parcel of the proposed roads that are permitted in the existing floodplain. In fact, the Applicant's preliminary stormwater report clearly explains why the proposed catch basins are necessary to treat runoff from roadways, regardless of whether they treat stormwater from homes:

"Eggleston Road roadway stormwater runoff south of STA 11+61.67 and supplemental driveways, sidewalks and turnarounds will be collected via catch basins and directed to the primary stormwater facility located in Tract 'C' where it will be treated. SW J.P. West Road roadway runoff between STA 6+68.88 to 9.52.25 will be collected by a catch basin and directed to the secondary stormwater facility located in Tract G where it will be treated."

Thus, the record clearly demonstrates that the catch basins are necessary to serve the road improvement which is allowed prior to issuance of the LOMR. There is also nothing in the approval criteria or standards that supports Mr. Koback's view that these cannot also be used to treat runoff from homes that may be developed after the LOMR is issued.

Second, LUDC 17.84.040.B.8 permits "Public works projects," which are defined as "projects that are *necessary to enhance or maintain general public welfare*. Such projects may include, but are not limited to, flood control structures, public buildings, city infrastructures, utilities, parks and projects associated with resource protection." LUDC 17.84.015 (Emphasis added). The plain text of the definition does not state that public works projects are only those performed by public agencies. *See State v. Gains*, 346 Or 160 (2009) (in construing legislation, including local ordinances, a decision maker is instructed to first analyze the text in context). The definition is purposefully broad because projects that are "necessary to enhance the public welfare" are commonly constructed by private applicants for development permits. In addition, the definition includes "flood control structures" (i.e. the two stormwater detention ponds) as proposed by the Applicant. Notably, the proposed stormwater detention ponds require permits from the

Scappoose Department of Public Works and thus both are public works projects as defined in the LUDC and are permitted in the existing floodplain.

Next Mr. Koback argues that without the two stormwater detention ponds the Applicant is unable to construct Phase 1. However, Mr. Koback included no evidence to support this assertion. The City can approve the stormwater ponds as either necessary to accommodate a public road or as public works projects. Mr. Koback cites to no requirement in the LUDC that requires the Applicant to demonstrate how it can provide stormwater detention and treatment to dwellings in Phase 1 without the proposed stormwater facilities. If the Planning Commission finds otherwise, it can impose the following condition:

"Prior to the issuance of any residential building permit for Phase 1, the Applicant shall demonstrate to the satisfaction of the City Engineer how Phase 1 dwellings can meet the applicable provisions of LUDO 17.154.100 and the Scappoose Public Works Design Standards."

Lastly, Mr. Koback argues that the Applicant cannot grade the subject property to reduce the floodplain level. This is simply not true. LUDC 17.84.040.B.3, .6, and .7 clearly allow the Applicant to construct roads and utilities, as well as the proposed public pathway and private conservation improvements, which structures must be in place before the final plat for either Phase 1 or Phase 2 can be approved. This analysis is reflected in the Staff Report as well. The grading necessary to construct these permitted facilities will result in the net removal of material from the floodplain sufficient to meet the requirements of FEMA's CLOMR. Thus, the Applicant can perform all the proposed grading work in the existing floodplain to reduce the flood plain level and obtain the LOMR.²

c. The Application satisfies the block length and connectivity standards.

While Eggleston Lane will exceed 2,000 feet in length and will not comply with the maximum block length requirements, the LUDC specifically allows for exceptions to the maximum block length standards pursuant to LUDC 17.154.040.C.1. Specifically LUDC 17.154.040.C.1 states that an exception is permitted:

"upon approval by the planner and the city engineer, where one or all of the following conditions apply:

² It is also worth noting that LUDC 18.84.040 does not specifically prohibit grading in connection with any of the particular uses otherwise allowed therein and LUDC 17.18.140 identifies the regulations applicable to subdivisions, which requirements necessarily include grading. LUDC 17.84.140.C.4 also provides that "where base flood elevation data has not been provided or is not available from another authoritative source, the applicant shall provide such information." In this instance, the new flood elevations from FEMA have been provided in the CLOMR and require only a final post-development verification.

1. where topography and/or other natural conditions, such as wetlands or stream corridors, preclude a local street connection consistent with the stated block length standards. When such conditions exist, a pedestrian access way shall be required in lieu of a public street connection if the access way is necessary to provide safe, direct and convenient circulation and access to nearby destinations such as schools, parks, stores, etc."

Despite Mr. Koback's contention, the Applicant studied the feasibility of a connection to Day Street. While the stub of Day Street is located outside the floodplain and floodway, any connection to Day Street requires construction of a street within the existing floodplain. Notably, the City Engineer and the Planner have both determined that the existence of the floodplain precludes a local street connection to Day Street, which would reduce the block length for the project. The Applicant also studied a connection to Jobin Lane. However, the steep slopes between the site and Jobin Lane prevent a public street connection that would meet City design standards for grades.

Next Mr. Koback argues that it is "mandatory" for the Applicant to provide a pedestrian access way if the maximum block length is exceeded. However, this argument ignores the fact that such a connection is only required "if the access way is necessary to provide safe, direct and convenient circulation and access to nearby destinations such as schools, parks, stores, etc." While a pedestrian access way to Day Street could provide connection to Scappoose Middle School, this pedestrian access way would require a bridge across the floodway, which could be underwater during a flood event and may not be permissible under City standards. Thus, this pedestrian connection cannot be considered "safe" access to the middle school.

Regardless, safe pedestrian access from the proposed subdivision to Scappoose Middle School is provided north along Eggleston Lane and then east along SW J.P. West Road, and the nearest school bus stop is along J.P. West Road. **Exhibit 1**. Tim Porter, superintendent of the Scappoose School District, indicated that the School District has no objection to the Application as submitted. See Ex. 31 to the Staff Report. It is also worth noting that the City Engineer has not concluded that such an access way is necessary. For all of these reasons, the project complies with the requirements for an exception to the maximum block length standards and no pedestrian access way is required.

d. A cul-de-sac is neither proposed nor required.

Mr. Koback argues that the Applicant tries to avoid the city requirements and limitations on cul-de-sacs despite the fact that the Applicant is not proposing a cul-de-sac. The Applicant is proposing to construct Eggleston Lane to a point near the southern boundary and dedicate to the southern boundary of its property and future development to the south of the subject property may construct a connection to Eggleston Lane. The LUDC does not require the Applicant to show that an extension of Eggleston Lane is feasible; however, the Applicant demonstrates the feasibility of the extension on the Circulation Plan (sheet 12) of the plan sheet. Additionally, Figure 15 of the TSP calls for a Neighborhood Route to be extended between SW JP West Road and E. M. Watts

Road, conceptually aligned with Eggleston Lane. Thus, the TSP contemplates that a connection of Eggleston Lane to the south of the subject property is feasible.

e. The Applicant's stormwater proposal complies with the LUDC.

Pioneer Design Group submitted a Preliminary Storm Drainage Report dated November 25, 2019 and revised July 27, 2022 (the "Stormwater Report") that complies with the requirements of LUDC 17.154.100. The Stormwater Report concludes that the proposed stormwater detention ponds and facilities provide adequate provisions for stormwater and floodwater runoff.

Specifically, the design of the facilities accounts for water quality and detention for the 2, 5, 10, 25 and 100-year storm events, where the City's code only requires detention for the 2, 5, 10and 25-year events. The facilities edges are also designed to be higher than the 100-year flood elevation and restrict the creek's water from entering the facilities by using a Flap Valve to only allow the stormwater from the facilities to enter the drainage way. In the event there is a significant flood event the valve will close due to the floodwater applying pressure against the Flap Valve and the facilities will fill until the floodwater recedes at which time the Flap Valve will open and allow the facilities to discharge the stormwater at the required release rate. If the facility fills and the floodwater has not receded, the Applicant is proposing an emergency spillway designed to safely release the stormwater into the drainage way. As stated in the Stormwater Report, this is an effective and efficient means to manage the stormwater appropriately and protect the drainage system and exceeds the City's stormwater management requirements.

f. Projected Impacts of Climate Change and FEMA mapping is not the subject of the Application before the Planning Commission.

The Application involves balanced cut/fill for the proposed development, which is supported by a supplemental Hydraulic Analysis prepared by West Consultants, Inc. who filed the CLOMR-F with FEMA after it was reviewed and approved by the City of Scappoose. The subdivision project proposes minor cuts and fills within the 100-year floodplain resulting in a net cut of 9.40 cubic yards less material in the floodplain.

The Planning Commission should reject arguments about the projected impacts of Climate Change on FEMA mapping because the CLOMR is not the subject of the Application before the Planning Commission. The Application is for a planned development and subdivision and is only subject to the regulations in effect at the time the application was submitted. ORS 197.175. There are no standards in the LUDC pertaining to climate change impacts on the determination of base flood elevation. LUDC Ch. 17.84, "Sensitive Lands – Flooding" explains that the "Base Flood" elevations are determined based on the FEMA flood maps. *See* LUDC 17.84.030. The Applicant received a CLOMR that reduces the area of the special flood hazard. Whether this elevation takes into account the projected impacts of climate change on rainfall is not relevant to the Application because it does not relate to any approval criterion.

Mr. Koback also argues that FEMA's analysis does not consider the entire floodway of the creek. However, Mr. Koback identifies no applicable criteria that require such an analysis, and the

Planning Commission heard testimony from an independent hydrologist, who did not assert that such an analysis is necessary. The City relies on FEMA to establish the applicable floodplain maps and the City relies on FEMA's maps in making its decisions for land use permits. *See* LUDO 17.84.030.B. There is no mechanism in the LUDC whereby the City reviews or second-guesses FEMA's CLOMR or LOMR findings.

Lastly, Mr. Koback argues that with respect to any condition requiring the Applicant to obtain the LOMR, the Applicant must show that compliance with such a condition of approval is reasonably certain to succeed. Here, FEMA approved the CLOMR based the Applicant's hydraulic analysis, proposed site grading (including the two proposed stormwater detention ponds) and its proposed planting plan. The City is requiring the street and sidewalk paving be completed prior to the final LOMR. Thus, FEMA has already determined that is it feasible to construct these improvements and will issue the LOMR if they are constructed as provided for in the CLOMR. There is no allowance in the LUDO for the City to second guess FEMA's determination. Moreover, despite Mr. Koback's contention, there is a City process to review the already approved tentative plan for compliance with FEMA's ultimate decision because a final subdivision approval is required.

3. No "clear and objective" path for approval of the Application is available and thus the Application is only subject to "clear and objective" approval standards and procedures.

The Application proposes 48 detached single-family residential lots. A portion of the subject property is shown on the City's buildable lands maps of the City's 2017 Housing Needs Analysis (**Exhibit 2**).Oregon's Needing Housing Statute (ORS 197.307(4)) generally allows local governments to only apply "clear and objective" standards and procedures to applications for the development of housing. ORS 197.307(6) creates an exception to that general rule wherein an applicant can elect "an alternative approval process" including more subjective criteria so long as that alternative process provides what is commonly referred to as a density bonus. However, in this instance, the only process provided by the City for residential development on the subject property is through a subdivision, which includes subjective procedures and standards.

ORS 197.307(4) does not provide a mechanism for an applicant to waive his/her/their/its rights as established therein. Instead, ORS 197.307(6) allows a local government to provide an alternative process utilizing more subjective criteria which can then be elected by an applicant. But if only one process is provided to an applicant, that process must comply with ORS 197.307(4). *See, e.g., East Park, LLC v. City of Salem,* __Or LUBA__, __(LUBA No 2022-050, Aug 30, 2022) (slip op at 11) ("ORS 197.307(6) provides that a local government may provide a discretionary approval path for housing only *in addition* to an existing clear and objective path. * * * ORS 197.307(6) authorizes local governments to adopt an alternative process for approving housing under standards that are not clear and objective, so long as the applicant retains the option of proceeding under an approval process that complies with ORS 197.307(4)"). Simply stated, even though the Applicant is requesting a Planned Development and a density bonus, the Application is nonetheless only subject to "clear and objective" standards and procedures because no "clear and objective" pathway to approval of the project exists.

4. Statewide Planning Goals 5 and 7 are not approval criteria, and cannot be the basis for denial of the Application.

First, while the statewide planning goals were addressed in the Staff Report, they do not apply to the Application because the Application does not propose a comprehensive plan amendment. See LUDC 17.22.040.A. Second, Statewide Planning Goals 5 and 7 are not "clear and objective" and, as stated above, the Application is only subject to "clear and objective" approval standards and procedures. Second, because the City has an acknowledged comprehensive plan and land use regulations, Statewide Planning Goals 5 and 7 are not relevant approval criteria for the Application. *See* ORS 197.175(2)(d); *see also Talbott v. City of Happy Valley, 74 Or LUBA 143 (2016)*. Nonetheless, the Application complies with these Statewide Planning Goals.

a. Statewide Planning Goal 5

Statewide Planning Goal 5 requires the City to plan for and protect resources by creating inventories of Goal 5 resources, including wetlands. Notably, the Oregon Department of Fish and Wildlife ("ODFW") reviewed the Application and supports the project. Specifically, the Applicant proposes enhancement of existing wetlands and the project will result in a better overall condition of wetlands on the subject property.

The project includes a minimum 50-foot buffer around Scappoose Creek and 25-foot buffer around isolated wetlands. Moreover, the only proposed wetland impacts are temporary and provide for connection of the sewer serving the proposed development. The only permanent wetland buffer impacts result from construction of the public use trail along the creek. The only activities within the fish and wildlife corridor will be a compacted gravel public pathway along the creek, a sliver of construction of Eggleston Lane at JP West, grading, and stormwater outfall near intersection of Eggleston Lane and JP West Road. Importantly, many of the Scappoose Bay Watershed Council's plantings were storm damaged and these will be repaired by the Applicant as a result of development of the subject property.

b. Statewide Planning Goal 7

Statewide Planning Goal 7, among other things, requires local governments to adopt standards restricting or specifically regulating development in known areas of natural disasters and hazards without appropriate safeguards. However, Goal 7 is not an approval criterion for a quasijudicial permit and does not provide a basis for denial of permit; it simply requires the local government to adopt and apply certain standards, which, if met, could allow development in areas subject to natural hazards. *See Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004). In this instance, the subject property is located in a floodplain and slope hazard area and the Application complies with all of the floodplain and slope hazard requirements in the LUDC, as implemented by Floodplain and Slope Hazard chapters, which have been acknowledged to comply with Goal 7.

5. The Application is consistent with Policies 2.7 and 3.7 of the Comprehensive Plan.

Policy 2.7 generally requires that the Applicant dedicate adequate right-of-way to meet the requirements of the TSP, construction of the required interior street system, and construction of "specified street improvements" immediate adjacent to the properties. The proposed conditions of approval require the following improvements that satisfy this policy:

- Half-street improvements on the abutting section of JP West Road;
- Construction of Eggleston Lane, which is the sole internal street;
- Waiver of remonstrance against future extension of Eggleston Lane.

In addition, the Application proposes to extend the right-of-way of Eggleston Lane all the way to the south boundary of the site.

For the above reason, the Planning Commission can find that the Application is consistent with Policy 2.7.

Policy 3.7 generally requires the City to "Ensure that new development and redevelopment provide pedestrian connections within the site and to adjacent sidewalks, existing and planned developments, and transit streets and facilities." The City has adopted LUDC 17.154.030.F to implement this policy. The Application meets this standard, as noted above.

There are two additional reasons why the City should not require an additional pedestrian connection through the Eggleston Lane stub at this time. First, doing so would require a new bridge or culvert over the floodway, which may or may not be approvable. Second, City Staff have determined that pedestrian circulation via JP West Road is adequate; therefore, such an improvement is far out of proportion to the impacts of the project and would not be sustainable under the 5th Amendment of the U.S. Constitution, which supersedes any contrary City policy. *Dolan v. City of Tigard*, 512 US 374, 391-395 (1994).

For these reasons, the Planning Commission can find that the Application is consistent with Policy 3.7.

6. Other comments do not demonstrate that the Application fails to meet an approval criterion.

The Applicant reviewed written comments provided by the public. These generally repeat concerns about growth and development raised during the Planning Commission hearing, and with the exception of Mr. Koback's comments addressed above, none take the position that the Application does not meet the approval criteria. While the Applicant understands the public's concerns and appreciates that they are genuine, the record before the Planning Commission is clear that the Application satisfies the approval criteria and standards. Where these comments raise issues not necessarily addressed during the Hearing and in the Staff Report, we address them, below.

a. Pat Anderson.

Comments from Pat Anderson raise questions as to the credibility of the Applicant, the ability of a homeowner's associations to maintain public improvements, and questions FEMA's flood hazard rating methodology. None of these comments address an approval criterion or standard and as such, do not provide a basis for denial of the Application. In particular, there is no prohibition on maintenance of certain utility infrastructure by HOAs in the LUDC.

b. Rita Beaston

Rita Beaston's comments generally raise a concern that additional flood storage is necessary within the Scappoose Creek watershed. While that may or may not be so, there are no applicable criteria supporting Ms. Beaston's arguments. The Property is zoned for single-family residential homes, not flood storage, but the Application reserves nearly 57% of the Property as open space, which will ensure a permanent riparian area that can serve as flood storage. If the City wished to prohibit development on the Property or otherwise reserve it for flood storage, it could have adopted code provisions to that effect, but consideration of a quasi-judicial development permit is not the appropriate process in which to consider such restrictions, nor is it appropriate to deny an application due to a belief that the zoning should have been more restrictive or reserved the property for open space.

c. Leslie Harbison

In addition to repeating concerns about the flood plain, Leslie Harbison raises concerns about traffic. The traffic impacts of the Property were thoroughly explained by the Applicant's transportation engineer, Mr. Matt Bell, in the Applicant's Transportation Impact Study ("TIS"). This study found that "all the study intersection meet their respective mobility standards and targets today and in the future year 2023 before and after site development during the weekday AM and PM peak hours." There is no other traffic study in the record which contradicts this analysis; therefore, the Planning Commission should find that the Application does not create traffic impacts that require substantial mitigation measures, as explained in the TIS.

d. Jennifer Hancock

Jennifer Hancock repeats arguments related to traffic and flooding, but raises a few additional arguments concerning the "community vision of Scappoose government and its citizens," infrastructure, and temperature increase in the creek. First, there is no "community vision" that is a factor in this Application beyond the applicable criteria. While new development may not be popular among some current residents, if it meets the criteria, it should be approved. Second, with respect to infrastructure, please note that all public and private infrastructure, including water, drainage, roads, and sewerage, but be constructed and approved by the City before homes can be occupied. Finally, there is no evidence that the Application will increase the temperature of Scappoose Creek. Rather, the evidence in the record indicates that the Application will have a positive impact on salmon habitat because it proposes enhancement of the existing riparian area (including additional vegetation).

e. Janice Rodriguez

Janice Rodriguez argues that Eggleston Lane should not be extended south of the Property and raises concerns about the EM Watts/Eggleston Lane intersection. Please note that the Application provides legal access for, but does not propose to build, a connection to Eggleston Lane to the south. As such, the Application will have no impact on the EM Watts/Eggleston Lane intersection. Ms. Rodriguez's additional arguments about density do not address any approval criteria or standards; the proposed density is largely consistent with the density otherwise allowed in the R-1 zone.

f. Taylor Murray

Taylor Murray raises concerns about the Project's compliance with open space and scenic areas goals in the Comprehensive Plan. Please note that the Property is not designated for open space and there is no evidence that the Property is inventoried as an "outstanding scenic area" in the Comprehensive Plan; rather, it is designated for single-family residential development. Therefore, open space and scenic area goals are not applicable to the Application. However, the Application proposes to reserve the majority of the site area for open space; which is consistent with the City's open space goal (Goals 5), and proposes to fully protect and enhance the reach of Scappoose Creek running through the property, which is entirely consistent with Goal 4 of the Comprehensive Plan. In fact, all the evidence in the record indicates that the Application is more consistent with these goals than is the current case because it permanently protects the majority of the property as a riparian corridor for Scappoose Creek and provides a major public amenity in the form of a new public pathway and reserves space for a new Greg Buxton Park, both of which are preserved against future development in Tract D.

g. Kristine Waltz

Ms. Waltz raises arguments about Statewide Planning Goals 5, 6, and 7, above. Please note that, while the statewide planning goals were addressed in the Staff Report, they do not apply to the Application because the Application does not propose a comprehensive plan amendment. See LUDC 17.22.040.A. Ms. Waltz's remaining comments are addressed in the Staff Report.

7. Conclusion

Based on the above, the Application complies with all applicable approval criteria. As a result, the Applicant respectfully requests the Planning Commission approve the Application. To the extent the Planning Commission believes the Application does not satisfy any approval criteria, the Applicant will comply with all reasonable conditions of approval.

Best regards,

Garrett H. Stephenson

Enclosures

cc: Mr. Eric McCarthy (via email w/enclosures) Mr. Max Bondar (via email w/enclosures) Mr. Matthew Sprague (via email w/enclosures) Mr. Steve Puls (via email w/enclosures) Mr. Aziz Siddiqui (via email w/enclosures)

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M First Planning Solutions Bus Stop Locations For 15 AM GWE, OPE, SMS, SHS IN ALL GRADE LEVELS IN

Route: 15 AM GWE, OPE, SMS, SHS IN Bus: 0164 Driver: Anchor: SCAPPOOSE HS

Start Time:	06:53 am
End Time:	08:19 am
Total Time:	85:42
Distance:	26.45 mi.

Total Riders:74Max Load:74Route Days:MTWHFSchedule Day:MondayPackage #:

Driver Sign-On Time: N/A

Driver Sign-Off Time: N/A

Notes:

Notes:		Distores	Dialelle	
		Distance	Pick Up	Drop Off
6:53 am	GARAGE	FS BUS LOT		
7:07 am		SW 1ST ST No Intersection		
7:07 am		52353 SW 1ST ST	1	
7:08 am		SW JP WEST RD @ SW 2ND ST	5	
7:09 am		SW JP WEST RD @ SW 3RD ST	6	
7:10 am		SW JP WEST RD $\overset{\frown}{ ext{@}}$ SW 4TH ST	8	
7:12 am		SW 4TH ST @ SW DAY ST	6	
7:15 am	STOP	33393 SW SEQUOIA ST	1	
7:16 am	STOP	SW SEQUOIA ST @ SW 4TH ST	2	
7:17 am	STOP	SW 4TH ST @ SW ADAM CT	2	
7:18 am	STOP	SW 4TH ST @ SW ROGERS RD	4	
7:19 am	STOP	SW 4TH ST @ SW MOUNTAIN WAY	2	
7:20 am	(stop)	SW EM WATTS RD @ SW JOHANNA DR		
7:21 am		SW KEYS RD @ EGGLESTON LN	1	
7:21 am	(stop)	33012 SW KEYS RD		
7:21 am	STOP	33010 SW KEYS RD	1	
7:22 am	STOP	SW KEYS RD @ SW BONNIE LN	5	
7:23 am	(stop)	SW KEYS RD @ SW CRYSTAL SPRINGS CT		
7:23 am	(stop)	52239 SW KEYS RD		
7:24 am	STOP	SW KEYS RD @ SW KEYS LANDING RD	2	
7:24 am	STOP	SW KEYS RD @ SW KEYS CREST DR	1	
7:26 am	STOP	SW JP WEST RD @ SW ASHLEY CT	2	
7:27 am	STOP	SW JP WEST RD @ LUMA VISTA DR	2	
7:28 am	STOP	32256 JP WEST RD	1	
7:30 am	STOP	32141 JP WEST RD	1	
7:30 am	STOP	32010 JP WEST RD	2	
7:37 am	STOP	32838 SW JP WEST RD	1	
7:38 am		32975 SW JP WEST RD	3	
7:39 am		SW JP WEST RD @ EASTVIEW DR	1	
7:40 am		SW JP WEST RD @ SW JOBIN LN	14	
7:42 am		SW JP WEST RD @ CAPTAIN ROGER KUCERA WAY		
7:45 am		MS AM DROP-OFF		20
7:50 am		GRANT WATTS ES		22
7:54 am		OTTO PETERSON ES		18
8:00 am		SCAPPOOSE HS		14
8:19 am	GARAGE	FS BUS LOT		

City of Scappoose Housing Needs Analysis

November 2017

Prepared for:

City of Scappoose

Final REPORT



KOIN Center 222 SW Columbia Street Suite 1600 Portland, OR 97201 503.222.6060 This page intentionally blank

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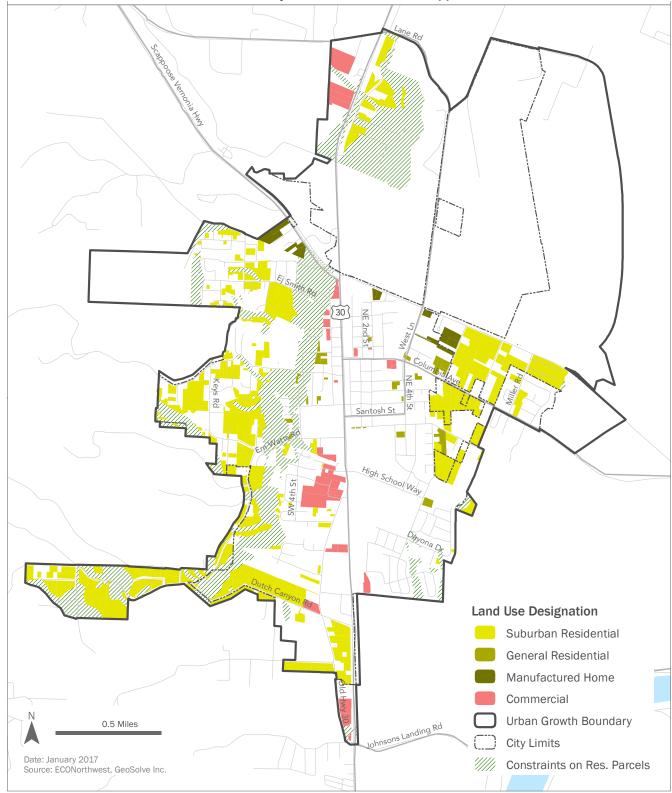


Exhibit 4. Unconstrained Vacant and Partially Vacant Residential, Scappoose UGB, 2016

5. Housing Need in Scappoose

Project New Housing Units Needed in the Next 20 Years

The results of the housing needs analysis are based on: (1) the official population forecast for growth in Scappoose over the 20-year planning period, (2) information about Scappoose's housing market relative to Columbia County, the Portland region, and nearby cities, and (3) the demographic composition of Scappoose's existing population and expected long-term changes in the demographics of Columbia County.

Forecast for housing growth

This section describes the key assumptions and presents an estimate of new housing units needed in Scappoose between 2018 and 2038, shown in Exhibit 52. The key assumptions are based on the best available data and may rely on safe harbor provisions, when available.¹⁹

- Population. A 20-year population forecast (in this instance, 2018 to 2038) is the foundation for estimating needed new dwelling units. Scappoose will grow from 7,686 persons in 2018 to 10,951 persons in 2038, an increase of 3,265 people.²⁰
- **Persons in Group Quarters.** Persons in group quarters do not consume standard housing units: thus, any forecast of new people in group quarters is typically derived from the population forecast for the purpose of estimating housing demand. Group quarters can have a big influence on housing in cities with colleges (dorms), prisons, or a large elderly population (nursing homes). In general, any new requirements for these housing types will be met by institutions (colleges, government agencies, health-care corporations) operating outside what is typically defined as the housing market. Nonetheless, group quarters require residential land. They are typically built at densities that are comparable to that of multiple-family dwellings.

The 2011-2015 American Community Survey shows that 1.0% of Scappoose's population was in group quarters. For the 2018 to 2038 period, we assume that 1.0% of new population, 31 people, will be in group quarters.

• Household Size. OAR 660-024 established a safe harbor assumption for average household size—which is the figure from the most-recent decennial Census at the time of the analysis. According to the 2011-2015 American Community Survey, the

¹⁹ A safe harbor is an assumption that a city can use in a housing needs analysis that the State has said will satisfy the requirements of Goal 14. OAR 660-024 defines a safe harbor as "… an optional course of action that a local government may use to satisfy a requirement of Goal 14. Use of a safe harbor prescribed in this division will satisfy the requirement for which it is prescribed. A safe harbor is not the only way, or necessarily the preferred way, to comply with a requirement and it is not intended to interpret the requirement for any purpose other than applying a safe harbor within this division."

²⁰ This forecast is based on Scappoose's official forecast from the Oregon Population Forecast Program for the 2018 to 2038 period, shown in Exhibit 18.

average household size in Scappoose was 2.73 people. **Thus, for the 2018 to 2038 period, we assume an average household size of 2.73 persons.**

 Vacancy Rate. The Census defines vacancy as: "Unoccupied housing units are considered vacant. Vacancy status is determined by the terms under which the unit may be occupied, e.g., for rent, for sale, or for seasonal use only." The 2010 Census identified vacant through an enumeration, separate from (but related to) the survey of households. The Census determines vacancy status and other characteristics of vacant units by enumerators obtaining information from property owners and managers, neighbors, rental agents, and others.

Vacancy rates are cyclical and represent the lag between demand and the market's response to demand for additional dwelling units. Vacancy rates for rental and multifamily units are typically higher than those for owner-occupied and single-family dwelling units.

OAR 660-024 established a safe harbor assumption for vacancy rate — which is the figure from the most-recent decennial Census. According to the 2011-2015 American Community Survey, Scappoose's vacancy rate was 3.7%. For the 2018 to 2038 period, we assume a vacancy rate of 3.7%.

Scappoose will have demand for 1,229 new dwelling units over the 20-year period, with an annual average of 61 dwelling units. Exhibit 52. Forecast of demand for new dwelling units, Scappoose UGB, 2018 to 2038

Source: Calculations	by ECONort	hwest
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Change in persons	3,265
minus Change in persons in group quarters	31
equals Persons in households	3,234
Average household size	2.73
New occupied DU	1,185
times Aggregate vacancy rate	3.7%
equals Vacant dwelling units	44
Total new dwelling units (2018-2038)	1,229
Annual average of new dwelling units	61

New housing units needed over the next 20 years

Exhibit 52 presents a forecast of new housing in Scappoose's UGB for the 2018-2038 period. This section determines the needed mix and density for new housing developed over this 20-year period in Scappoose.

Exhibit 53 shows that, in the future, the need for new housing developed in Scappoose will include more housing generally more affordable, with some housing located in walkable areas with access to services. This assumption is based on the following findings in the previous chapters:

- Demographic changes suggest moderate increases in demand for attached singlefamily housing and multifamily housing. The key demographic trends that will affect Scappoose's future housing needs are: (1) the aging of the Baby Boomers, (2) aging of the Millennials, and (3) continued growth in Hispanic and Latino populations. Growth of these groups has the following implications for housing need in Scappoose:
 - *Baby Boomers.* Growth in the number of seniors will have the biggest impacts on demand for new housing through demand for housing types specific to seniors, such as assisted living facilities or age-restricted developments. These households will make a variety of housing choices, including: remaining in their homes as long as they are able, downsizing to smaller single-family homes (detached and attached) or multifamily units, moving into age-restricted manufactured home parks (if space is available), or moving into group housing (such as assisted living facilities or nursing homes), as their health declines. Minor increases in the share of Baby Boomers who downsize to smaller housing will result in increased demand for single-family attached and multifamily housing. Some Baby Boomers may prefer housing in walkable neighborhoods, with access to services.
 - Millennials. Over the next 20-years, Millennial households are expected to grow from 22% of the population to 28% of the population. Growth of Millennials in Scappoose may be greater than in the County because of development of the Oregon Manufacturing Innovation Center. Growth in Millennials will result in increased demand for both ownership and rental opportunities, with an emphasis on housing that is comparatively affordable. Some Millennials may prefer to locate in traditional single-family detached housing, at the edges of Scappoose's UGB. Some Millennials will prefer to locate in walkable neighborhoods, possibly choosing small single-family detached houses, townhouses, or multifamily housing.
 - Hispanic and Latino populations. Growth in the number of Hispanic and Latino households will result in increased demand for housing of all types, both for ownership and rentals, with an emphasis on housing that is comparatively affordable. Hispanic and Latino households are more likely to be larger than average, with more children and possibly with multigenerational households. The housing types that are most likely to be affordable to the majority of Hispanic and Latino households are existing lower-cost single-family housing, single-family

housing with an accessory dwelling unit, and multifamily housing. In addition, growth in the number of farmworkers will increase need for affordable housing for farmworkers.

• About 27% of Scappoose's households have affordability problems. Fifty-seven percent of Scappoose's renters have affordability problems. In 2016, nearly 80% of housing sales were to households with income above 120% of MFI. These factors indicate that Scappoose needs more affordable housing types, especially for renters. A household earning median household income (about \$61,000) could afford a home valued up to about \$200,000, which is below the median sales price for single-family housing of about \$274,000 in Scappoose.

In addition, Scappoose has a small supply of multifamily housing, which accounts for less than one-fifth of the city's housing stock. The majority of Scappoose's multifamily buildings are relatively small, as a result of the city's development code, which restricts multifamily development to structures with eight or fewer units.

Continued increases in housing costs may increase demand for denser housing (e.g., multifamily housing or smaller single-family housing) or locating in less expensive areas in cities like Scappoose that are relatively near but outside of the Portland region. To the extent that denser housing types are more affordable than larger housing types, continued increases in housing costs will increase demand for denser housing.

These findings suggest that Scappoose's needed housing mix is for a broader range of housing types than are currently available in Scappoose's housing stock. The types of housing that Scappoose will need to provide opportunity for development of over the next 20-years are described above: smaller single-family detached housing (e.g., cottages or small single-family detached units), manufactured housing, "traditional" single-family detached housing, townhouses, duplexes and quad-plexes, small apartment buildings, and larger apartment buildings.

Exhibit 53 shows a forecast of needed housing in the Scappoose UGB during the 2018 to 2038 period. The projection is based on the following assumptions:

- Scappoose's official forecast for population growth shows that the City will add 3,265 people over the 20-year period. Exhibit 52 shows that the new population will result in need for 1,229 new dwelling units over the 20-year period.
- The assumptions about the mix of housing in Exhibit 53 are:
 - Sixty-five percent of new housing will be single-family detached, a category which includes manufactured housing. Exhibit 6 shows that 82% of Scappoose's housing was single-family detached in the 2011-2015 period.
 - Seven percent of new housing will be single-family attached. Exhibit 6 shows that 3% of Scappoose's housing was single-family attached in the 2011-2015 period, with little change since 2000.

- Ten percent of new housing will be multifamily with 2 to 4 units per structure. Exhibit 6 shows that 8% of Scappoose's housing was single-family attached in the 2011-2015 period.
- Eighteen percent of new housing will be multifamily with 5 or more units per structure. Exhibit 6 shows that 8% of Scappoose's housing was single-family attached in the 2011-2015 period.

Scappoose will have demand for 1,229 new dwelling units over the 20-year period, 65% of which will be singlefamily detached housing.

Needed new dwelling units (2018-2038)	1,22
Dwelling units by structure type	
Single-family detached	
Percent single-family detached DU	659
equals Total new single-family detached DU	79
Single-family attached	
Percent single-family attached DU	79
equals Total new single-family attached DU	8
Multifamily – 2 to 4 du/structure	
Percent multifamily 2 to 4 du/structure	109
equals Total new multifamily 2 to 4 DU	12
Multifamily – 5+ du/structure	
Percent multifamily 5+ du/structure	189
equals Total new multifamily 5+ DU	22
Total new dwelling units (2018-2038)	1,22

Exhibit 53. Forecast of demand for new dwelling units, Scappoose UGB, 2018 to 2038

The forecast of new units does not include dwellings that will be demolished and replaced. This analysis does not factor those units in; it assumes they will be replaced at the same site and will not create additional demand for residential land.

Exhibit 54 allocates needed housing to plan designations in Scappoose. The allocation is based, in part, on the types of housing allowed in the zoning designations in each plan designation by zone. Exhibit 54 shows:

- **Suburban Residential** will accommodate new single-family detached housing, a small amount of single-family attached, and some multifamily housing with 2 to 4 units per structure (like duplexes or 4-plexes).
- **Manufactured** will accommodate new single-family detached housing and a small amount of single-family attached.
- General Residential will accommodate all housing types.
- **Commercial** will accommodate multifamily housing with 5 or more units per structure. The assumption about commercial land is based on continuation of historical development of 10 multifamily units per year in Commercial areas.

Exhibit 54. Allocation of needed housing by housing type and plan designation, Scappoose UGB, 2018 to 2038

Source:	ECONorthwest

	Residential Plan Designations				
Comprehensive Plan	Suburban	Manufactured		Commercial	
Designation	Residential	Home	Residential		Total
Dwelling Units					
Single-family detached	719	68	12	-	799
Single-family attached	51	10	25	-	86
Multifamily - 2 to 4 du	103	-	20	-	123
Multifamily - 5+ du	-	-	26	195	221
Total	873	78	83	195	1,229
Percent of Units					
Single-family detached	59%	6%	1%	0%	65%
Single-family attached	4%	1%	2%	0%	7%
Multifamily - 2 to 4 du	8%	0%	2%	0%	10%
Multifamily - 5+ du	0%	0%	2%	16%	18%
Total	71%	6%	7%	16%	100%