

ORDINANCE NO. 736

An Ordinance relating to land use and amending the Title 17 Index (page 191), and amending Chapters 17.85 and 17.89 of Title 17 of the Scappoose Municipal Code.

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. That Scappoose Municipal Code Title 17 be amended as follows:

Amend Title 17 LAND USE AND DEVELOPMENT (page 191) by adding the following:

[...]

17.89 Sensitive Lands--Fish and Riparian Corridor Overlay

Amend and replace Chapter 17.85:

Chapter 17.85

SENSITIVE LANDS--WETLANDS

Sections:

- 17.85.010 Purpose.
- 17.85.020 Definitions.
- 17.85.030 Applicability of provisions.
- 17.85.040 Activities within a Sensitive Lands - Wetlands Overlay.
- 17.85.050 Wetlands area density adjustment.
- 17.85.060 Variance provisions.
- 17.85.070 Administration and approval.
- 17.85.080 Expiration of approval--Standards for extension of time.
- 17.85.090 Review standards.
- 17.85.100 Application submission requirements.

17.85.010 Purpose.

A. The purpose of this ordinance is to protect and restore significant wetland areas, thereby protecting and restoring the hydrologic, ecological and land conservation functions these areas provide. Specifically, this ordinance 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 ordinance 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 ordinance is to insure implementation of requirements of the Division of State Lands and other appropriate regulatory agencies.

17.85.020 Definitions.

A. "Alteration" means a use that adversely impacts the condition of a wetland and/or buffer area. Alterations include, but are not limited to, buildings or other structures, grading, filling, dredging, draining, channelizing, mining, paving (including sidewalks, roads and bike paths), surface water management facilities, or other land uses that adversely impact the existing vegetation, hydrology, wildlife or wildlife habitat of the wetland.

B. "Boardwalk" means a raised wooden walkway.

C. "Compensatory Mitigation" means any of three (3) actions used to replace wetland functions and values resulting from permitted impacts to wetlands including restoration of former wetlands, creation of new wetlands, enhancement of existing wetlands or other acceptable techniques recognized by the Division of State Lands and, if required, by the Corps of Engineers.

D. "Development" means a partition, subdivision, or property line adjustment that may or may not include an alteration.

E. "Enhancement" means an action that improves one or more specific functions or values of an existing wetland.

F. "Functions and Values" Functions refer to the environmental roles served by wetland and buffer areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, flood storage, nutrient attenuation, and sediment trapping. Values refer to the qualities ascribed to a wetland such as educational and recreational opportunities, open space, and visual aesthetic qualities.

G. "Jurisdictional Delineation" is a delineation, approved by the Division of State Lands and, if required, by the Corps of Engineers, that determines a wetland boundary and is accurate to plus or minus 2 feet using the methodology described in the 1987 Corps of Engineers Wetlands Delineation Manual or current accepted methodology.

H. "Mitigation site" is a wetland restored, created or enhanced to compensate for the permitted loss of wetland functions and values (see compensatory mitigation).

I. "Passive Recreational Facilities" are low-intensity improvements such as trails, blinds, interpretive kiosks, interpretive signs, low-intensity lights, benches, picnic tables, fences, boardwalks, viewing platforms, gardens, patios and decks.

J. "Public Facilities" are publicly owned above ground, or underground utilities, structures and facilities including, but not limited to, pedestrian/bicycle/road and other transportation facilities, bridge abutments, street lighting systems, traffic signals, utility cabinets, water systems, sanitary sewer systems, power lines, natural gas lines, telephone and communication facilities, cable TV lines, and storm water management facilities.

K. "Structure" means any building or construction activity or development except that for the purposes of this chapter, the word "structure" shall exclude fences,

children's play equipment; picnic tables; sand boxes; grills and similar recreational equipment.

L. "Local Wetland" means a significant wetland resource site as determined by the Scappoose Local Wetlands Inventory dated December 1998.

M. "Wetland Buffer" means an area around significant wetlands as illustrated within the Scappoose Local Wetlands Inventory.

N. "Wetland Boundary" means the boundary of a significant wetland as mapped on the Scappoose Local Wetlands Inventory maps or as established by a jurisdictional delineation approved by the Oregon Division of State Lands and, if required, by the U.S. Army Corps of Engineers. Generally, the boundary is the line, located by a qualified wetland specialist, between wetland and non-wetland area.

17.85.030 Applicability of provisions.

A. The Sensitive Lands--Wetlands Overlay shall apply to the following:

1. Wetlands as shown on the Scappoose Local Wetlands Inventory dated December 1998 and adopted within the City of Scappoose Comprehensive Plan, and/or within the most current version of the National Wetland Inventory and within a 25-foot wetland buffer except as follows:

a. Where any portion of a significant wetland is included within a riparian corridor per Section 17.89.030(1)(a), the standard distance (50 feet) to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.

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

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, 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 25 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.

17.85.050 Wetlands area density adjustment.

A. 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 25-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.

17.85.060 Variance provisions.

A. When the wetland area buffer prohibits the development of a lot or parcel legally created before the effective date of this ordinance, 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:

1. 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.

17.85.070 Administration and approval.

- A. The planner shall review all Sensitive Lands Development Permits - Wetlands Overlay to determine that all necessary permits shall be obtained from those federal, state, or local governmental agencies from which prior approval is also required.
- B. The approval authority shall apply the standards set forth in Section 17.85.090 (Approval Standards) when reviewing an application for a Sensitive Lands Development Permit - Wetlands Overlay.
- C. Applications for a Sensitive Lands Development Permit - Wetlands Overlay, shall be processed in accordance with Chapter 17.162, Procedures for Decision Making -- Quasi-Judicial.

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.

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 ordinance was adopted; and
 2. The proposed alteration is the minimum necessary to provide for the proposed use or access.
- 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 Corp of Engineers will be notified of any regulated development proposed in a wetland area;

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;

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;

4. The City of Scappoose 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;

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 of Scappoose Public Works Design Standards;

6. Developments adjacent to wetlands which have significant impervious surface areas will be required to have storm water detention and filtration facilities as part of their approved design. The design of such facilities shall conform to the requirements found within the City of Scappoose Public Works Design Standards; and

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.

17.85.100 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.

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 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;*
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;*
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,*
10. *The method for mitigating any adverse impacts upon wetland, riparian or*

wildlife habitat areas.

Amend and replace Chapter 17.89:

Chapter 17.89

SENSITIVE LANDS--FISH AND RIPARIAN CORRIDOR OVERLAY

Sections:

- 17.89.010 *Purpose.*
- 17.89.020 *Definitions.*
- 17.89.030 *Applicability of provisions.*
- 17.89.040 *Activities allowed within the Fish and Riparian Corridor.*
- 17.89.050 *Fish and Riparian Corridor density adjustment.*
- 17.89.060 *Variance provisions.*
- 17.89.070 *Administration and approval.*
- 17.89.080 *Expiration of approval--Standards for extension of time.*
- 17.89.090 *Review standards.*
- 17.89.100 *Application submission requirements.*

17.89.010 Purpose.

A. *The purpose of this ordinance 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 ordinance 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 ordinance 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.*

17.89.020 Definitions.

A. *“Fish Use” means inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.*

B. *“Impervious surface” means any material that reduces and prevents absorption of storm water into previously undeveloped land.*

C. *“Lawn” is grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the growth of grasses and forbs. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.*

- D. *“Mitigation” means restoration of riparian areas, enhanced buffer treatment or similar measures.*
- E. *“Net Loss” means a permanent loss of riparian functions provided by native riparian structure and vegetation that results from a development action despite mitigation measures having been taken.*
- F. *“Off-Site Mitigation” means mitigation undertaken in areas distant from or coterminous with a development site.*
- G. *“On-Site Mitigation” means mitigation undertaken within the lot or parcel affected by a development action.*
- H. *“Riparian area” is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.*
- I. *“Riparian corridor” is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian corridor boundary.*
- J. *“Stream” is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.*
- K. *“Structure” is a building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.*
- L. *“Top of Bank” means the stage or elevation at which water overflows the natural banks of streams or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the top of bank.*

17.89.030 Applicability of provisions.

- A. *The Sensitive Lands--Fish and Riparian Corridor Overlay shall apply to the following:*
1. *Riparian Corridors as shown on the Scappoose Riparian Inventory dated December 1998 and adopted within the City of Scappoose Comprehensive Plan. The riparian corridor boundary is 50 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 17.89.030(1)(a), above, 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 non-aquatic vegetation, whichever is most landward.*

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 50-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 non-structural methods will not adequately meet the stabilization or flood control needs.*

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;*
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.*

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 ordinance;*
3. *Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;*
4. *Maintenance, planting, and re-planting 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.*

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 50-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.

17.89.060 Variance provisions.

A. When the riparian corridor prohibits the development of a lot or parcel legally created before the effective date of this ordinance, 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:

1. 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;

17.89.070 Administration and approval.

A. The planner shall review all Sensitive Lands Development Permit - Fish and Riparian Corridor Overlay applications to determine that all necessary permits shall be obtained from those federal, state, or local governmental agencies from which prior approval is also required.

B. The approval authority shall apply the standards set forth in Section 17.89.090 (Approval Standards) when reviewing an application for a Sensitive Lands Development Permit - Fish and Riparian Corridor Overlay.

C. Applications for a Sensitive Lands Development Permit - Fish and Riparian Corridor Overlay, shall be processed in accordance with Chapter 17.162, Procedures for Decision Making -- Quasi-Judicial.

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.*

17.89.090 Review standards.

- A. *The following criteria shall be included in review of any application to which the Fish and Riparian Corridor Overlay is applicable:*
1. *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;*
 2. *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;*
 3. *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.*

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.*
- 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 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;*

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;*

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,*

10. *The method for mitigating any adverse impacts upon wetland, riparian or wildlife habitat areas.*

Amend Chapter 17.162:

Chapter 17.162

PROCEDURES FOR DECISION MAKING--QUASI-JUDICIAL

17.162.090 Approval authority responsibilities. A. The planner shall have the authority

to approve, deny or approve with conditions the following applications:

[...]

8. Sensitive land permits (for applications not subject to planning commission approval) pursuant to Chapter 17.84, Chapter 17.85, Chapter 17.86 *and Chapter 17.89.*

Section 2. In support of the proposed Development Code Text Amendments, the City Council hereby adopts the recommendations of the Scappoose Planning Commission and the Consideration of Applicable Statutes, Rules, Comprehensive Plan Provisions and Implementing Ordinances included in the staff report dated February 27, 2003.

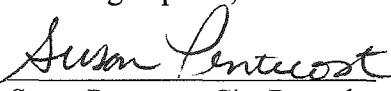
PASSED AND ADOPTED by the City Council this 7 day of April, 2003, and signed by me in authentication of its passage.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: March 17, 2003

Second Reading: April 7, 2003

Attest: 
Susan Pentecost, City Recorder