



## Notice of Land Use Decision

Date: July 7, 2015  
To: Applicant, Property Owner, Interested Persons  
From: Laurie Oliver, Associate City Planner  
Subject: Docket # SB1-15, ZC1-15, SLDP1-15, SLDP2-15

The City of Scappoose has approved Subdivision Tentative Plan SB1-15 (South Fork Subdivision), Planned Development Overlay ZC1-15, Sensitive Lands Development Permit-Floodplain (SLDP1-15), and Sensitive Lands Development Permit – Fish and Riparian Corridor (SLDP2-15) for property located at 51403 Old Portland Road, west of the Old Portland Road and Havlik Drive intersection (Columbia County Assessor Map No. 3213-BO-02300). On July 6, 2015 the City Council adopted the findings contained in the June 5, 2015 staff report and approved the application subject to the conditions of approval outlined below. Copies of the application and staff report are available for review upon request.

All notices required by Scappoose Municipal Code Chapter 17.162 and 17.164 have been met for this application, and the application was considered in regard to all applicable approval criteria found within Chapters 17.50 (R-4, Moderate Density Residential); Chapter 17.81 (Planned Development Overlay); Chapter 17.84 (Sensitive Lands- Floodplain); Chapter 17.89 (Sensitive Lands- Fish and Riparian Corridor); 17.100 (Landscaping, Screening and Fencing); 17.104 (Street Trees); 17.150 (Land Division--Subdivision); 17.154 (Street and Utility Improvement Standards); 17.162 (Procedures for Decision Making--Quasi-Judicial) and 17.164 (Procedures for Decision Making--Limited Land Use Decisions).

The approval of SB1-15, ZC1-15, SLDP1-15, SLDP2-15 by the Scappoose City Council is final. An affected person with legal standing may appeal this decision by filing a Notice of Intent to Appeal with the state Land Use Board of Appeals within 21 days of the date the decision became final as described by OAR 661-010-0010(3).

### General Information

**Request:** Approval of an application to subdivide a 14.94 acre parcel into 88 single family residential lots. The applicant also requests approval of a Planned Development Overlay to change the zoning from R-4 to R4-PD, a Sensitive Lands Development Permit for Floodplain, and a Sensitive Lands Development Permit for the Fish and Riparian Corridor.

**Location:** The site is located at 51403 Old Portland Road, west of the Old Portland Road and Havlik Drive intersection (Columbia County Assessor Map No. 3213-BO-02300).

**Applicant:** Stafford Land Company, Inc.

**Owner:** Alta Lynch

**Zoning:** Moderate Density Residential (R-4) to R-4PD

## Conditions of Approval

### PUBLIC UTILITIES/INFRASTRUCTURE

1. That all streets, utilities, and other public infrastructure improvements shall be in accordance with the City of Scappoose Public Works Design Standards, except where deviations from the standards are allowed and approved by the City Engineer due to the flexibility of the Planned Development overlay.
2. That prior to approval of final subdivision construction plans, detailed storm drainage, sanitary sewage collection, and water distribution plans, which incorporate the requirements of the City of Scappoose Municipal Code and the Public Works Design Standards and Standard Specifications shall be submitted to, and approved by, the City Engineer. Following construction and paving, the existing sanitary sewer manholes and lines shall be vacuum tested in accordance with the Public Works Design Standards. Water lines shall be tested in accordance with the AWWA and the City of Scappoose Public Works Design Standards. In addition, the following shall occur:
  - a. Obtain NPDES permit from the Department of Environmental Quality prior to any earthwork. A copy of the approved NPDES permit shall be submitted to the City Engineer prior to approval of the subdivision design for construction.
  - b. Provide stormwater quality treatment meeting the requirements of the City of Scappoose Public Works Design Standards.
  - c. Provide storm drainage meeting the City of Scappoose Storm Water Master Plan and Public Works Design Standards. The storm retention system shall be privately owned and maintained. Provide calculations demonstrating that the capacity of the proposed storm system is adequate.
  - d. Obtain approval by the City Engineer for all stormwater treatment systems.
  - e. Provide erosion control measures meeting the requirements of the City of Scappoose Public Works Design Standards, Section 2.0051.
  - f. Construct 8-inch minimum water mains to serve the subdivision. Install a blow-off after 8" valves at the ends of the water lines in accordance with the Public Works Design Standards.
  - g. Provide computations to the City Engineer and Fire Chief demonstrating adequate domestic and fire flow for the subdivision.
  - h. Provide sanitary sewers meeting the requirements of the City of Scappoose Public Works Design Standards.
  - i. Meet City of Scappoose Public Works Standards for all construction in the public right-of-way.
3. That easements and maintenance agreements as may be required by the City Engineer for the provision, extension, and maintenance of utilities shall be submitted to the City Engineer for review and approval prior to filing of the Final Plat. All public utilities that run across private property shall be within an exclusive public easement, as required by the Public Works Designs Standards, but in all cases shall be wide enough to allow construction and/or maintenance work to proceed within the easement limits. Combined 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 Final Plat. All required public utilities shall be installed or a performance bond provided prior to the final approval of the plat for recording.

4. That 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). Specifically, that utilities be extended to the southern property boundary at the terminus of Fifth & Sixth Streets, and at the southern property boundary between Lots 15 & 16 in Havlik Drive.
5. That the applicant shall loop the water system from Fifth Street through the development and back to the 12" line in Old Portland Road.
6. That Public Utility Easements shall be located along the frontage of the existing and proposed rights-of-way, and be recorded as such on the Final Plat. The width of these easements shall be approved by the City Planner and City Engineer.
7. That Tract "A", "B" and "E" shall be created by the Final Plat for the purposes of stormwater management. The Tracts shall be privately held. A Homeowners Association shall maintain the stormwater facilities, and the applicant shall sign a maintenance agreement with the City. The applicant may be required to install a fence along the perimeter of tracts "A" and "B", to be determined prior to construction.

#### STREET SYSTEM

1. That the paved width of on-site local streets shall be 32 feet in a 50-foot right-of-way. Improvements shall include curb, gutter, storm drainage, and 5-foot sidewalks. Havlik Drive shall have a 500-foot section near the eastern property boundary (as depicted on the site plan) with a paved width of 28-feet allowing for the completion of the road upon future development of the adjacent parcel.
2. South Fork Loop shall have a paved width of 28 feet in a 40-foot right-of-way and shall include curb, gutter, storm drainage, and 5-foot sidewalks. The northern most portion of South Fork Loop shall have a paved width of 28-feet within a 34.7-foot (approximately) right-of-way.
3. That the paved width of private street, Tract "D", shall be 28-feet in a 38-foot right-of-way and shall include curb, gutter, storm drainage, and 5-foot sidewalks.
4. That the applicant shall provide curb & gutter and 5-foot sidewalks along all on-site 32-foot wide paved streets, and curb & gutter and 5-foot sidewalks on one side of 28-foot wide paved streets. The sidewalk shall generally be located tight against the curb.

5. That the applicant shall provide access to rear lots 28 & 29, 36 & 37 and 76 & 77 via Tracts "F", "G", and "H", and that the Tracts shall be constructed according to the Alley Section of the Public Works Design Standards.
6. That private alleys (Tracts "F", "G", and "H") which serve Lots 28 & 29, 36 & 37, and 76 & 77 shall not exceed 150-feet unless an approved fire truck turnaround is provided.
7. That the applicant shall provide a 5-foot easement extending into Lots 70 & 88 along the southern corner of the lots adjacent to Sixth Street, for maintenance and to accommodate the future construction of the Sixth Street extension, which shall be shown on the Final Plat.
8. That all street improvements shall meet City of Scappoose Public Works Design Standards, Section 5.0000. The design life of all streets shall be 50 years (Section 5.0023).
9. That the applicant shall install stop signs and stop bars at intersections as directed by City staff during final engineering.
10. That barricades shall be installed at the edge of pavement at the terminus of Fifth & Sixth Streets.
11. That the applicant shall provide a northbound left turn lane from Old Portland Road into the development.
12. That an ADA compliant pedestrian crossing shall be provided at the northern leg of the Havlik and Old Portland Road intersection. **(Per Planning Commission's decision on June 25, 2015, the ADA compliant pedestrian crossing shall be of a type similar to that which is installed on Havlik Drive currently, and shall have a push button with flashing lights to be approved by the City Engineer prior to Final Plat approval)**
13. That the applicant will repair, reconstruct and restripe their frontage along Old Portland Road as needed to comply with current Public Works Design Standards.

#### FIRE AND LIFE SAFETY

14. That prior to Final Plat approval, the developer shall propose street names for the review and approval of the Scappoose Rural Fire District Chief.
15. That the applicant shall provide fire hydrants as required by the Scappoose Rural Fire Department and Public Works Design Standards:
  - Fire hydrants shall have two (2) 2½-inch discharge ports and one (1) 4½-inch steamer port with a 5" storz locking fitting end cap.
  - Fire hydrants will be located with an average spacing of 500-feet and structures not greater than 250-feet from the fire hydrant.

- The hydrant system shall be designed to flow 1000 gallons per minute for residential structures less than 3500 square feet and 1500 gallons per minute for residential structures greater than 3500 square feet.
  - The Fire Chief has recommended fire hydrants on the following lots, and will have final approval:
    - SW corner of Lot 5
    - SE corner of Lot 16 or SW corner of Lot 15
    - SW corner of Lot 27
    - SW corner of Lot 44
    - SW corner of Lot 75
    - SW corner of Lot 81 or NE corner of Lot 87
  - Addresses for flag lots will be posted at the driveway entrance off Havlik Drive and again on the structure.
16. That the applicant shall have the foundation forms surveyed prior to placement of concrete for house construction and shall provide documentation of the building locations to the Building Official. Final documentation of the location of the structure and all structural projections shall be provided to the Building Official in the form of an ALTA (American Land Title Association) survey, or as acceptable to the Building Official.
17. That “No Parking” signs shall be posted by the applicant along dead-end streets, and narrow streets as determined by the Fire Chief and City of Scappoose.

GEOTECHNICAL:

18. That the applicant shall provide a Geotechnical report to the City Engineer in accordance with the Public Works Design Standards.
19. That the applicant shall submit a review by the Geotechnical Engineer of record to verify conformance of the final plan with the Geotechnical report.
20. That a Geotechnical Engineer registered to practice in the state of Oregon shall oversee earthwork portions of the development.

STREET TREES, LANDSCAPING & FENCING

21. That street trees shall be provided along all street frontages in the subdivision and along the frontage on Old Portland Road and that an irrigation system be installed for use during the establishment period.
22. That the applicant shall submit a complete Landscaping and Irrigation Plan detailing the location of underground irrigation system, location and height of fences, buffers and screening, and the

location, type, size and species of proposed plant materials and shall be subject to the City Planners approval.

23. That due to the differing uses, a landscape buffer shall be provided along the frontage of Old Portland Road, including Lot 1. The required street trees may be used to satisfy a portion of the buffering requirement.
24. That prior to the issuance of final building permits (occupancy), the applicant shall be responsible for the installation of a street tree plan conforming to the requirements of Chapter 17.104 (Street Trees) of the Scappoose Development Code, or post security equal to 120 percent of the cost of installing the required street trees with the City. The amount and form of such security shall be as required by the City Planner. All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. In addition, street trees shall not be planted within 25 feet of street intersections or within 10 feet of hydrants. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1) as certified by a registered landscape architect licensed in the state of Oregon. Street trees located under or within ten feet of overhead utility lines shall be less than twenty-five feet tall at maturity. The City Planner reserves the right to reject any plant material that does not meet this standard.
25. That the applicant shall submit a landscaping plan detailing the proposed landscaping in the neighborhood park, Tract "C", and provide fencing along the southern and western boundaries of that tract.
26. That the applicant shall install fencing, as acceptable by the Planner, during home construction at the north and south site boundaries in the rear or side yards along external residential lots during home construction.

#### OPEN SPACE

27. That the applicant shall provide open space as is required within the Planned Development, and such tracts shall be privately owned and maintained by a Homeowners Association. In order to ensure that open space will be permanent, dedication of development rights to the City for other than open space use may be required. Documents dedicating development rights and provisions for maintenance of open space shall be reviewed as to form by the City Attorney.
28. Tract "C" shall be platted as a tract and shall serve neighborhood residents and the applicant shall provide a play structure, benches and landscaping.

29. Tract "E" shall be platted as a tract and shall remain open space. The applicant shall retain the natural features and natural vegetative cover to the maximum extent possible. Picnic tables, and a grassy playfield shall be provided. A conservation easement shall be recorded on the final plat across lots 83-86, which will prohibit activities that are not in compliance with the Fish and Riparian Corridor Overlay.
30. That an easement along Scappoose Creek, through Tract "E", shall be granted to the City on the final plat for future trail connection.

#### FISH & RIPARIAN CORRIDOR

31. That the applicant must demonstrate compliance with Chapter 17.89 - Fish and Riparian Corridor Overlay by indicating how the 50-foot setback was established per the "top of bank" definition, and if an adjustment to the setback is necessary, it shall be shown on the Final Plat. The placement of structures or impervious surfaces is prohibited within the Riparian Corridor Boundary.
32. Proposed drainage facilities shall be sited outside of the Riparian Corridor Boundary, unless no other options or locations are feasible, in which case the applicant shall adhere to the City Planners recommendation's to minimize the impacts to the surrounding habitats after consultation with Oregon Department of Fish and Wildlife staff.

#### PLANNED DEVELOPMENT OVERLAY

33. That the applicant shall provide a minimum of two parking spaces on each lot. Garages may be utilized to satisfy this requirement.
34. That the following dimensional standards shall apply to the project:

Requirement	Detached housing units
Minimum Lot Area	2,660 square feet
Lot Width	28 feet minimum
Setbacks:	
Front/dwelling	15 feet minimum
Front/garage	20 feet minimum
Side/street	10 feet minimum
Side/internal	3 feet minimum

Requirement	Detached housing units
Rear	20 feet minimum (accessory buildings 5 feet min.)
Height	35 feet
Lot Coverage	45% (buildings & impervious)
Additional Requirements	Based on all applicable sections of the Development Code

35. That chimneys and similar structural projections shall not intrude into the required 3-foot side setback. Cornices and eaves are permitted to extend into the 3-foot side setback provided that they meet the applicable building code regulations for fire-resistant construction.

#### MISCELLANEOUS

36. That all structures on site shall meet the requirements of the applicable building code as determined by the Building Official. Eaves and other structural projections may require fire-resistant construction as determined by the distance to the property line.
37. That the applicant shall submit a copy of the Codes, Covenants and Restrictions (CC&R's) for the subdivision for the review and approval by the City Planner.
38. That the developer and engineer shall schedule a pre-design conference with the City Engineer and City Planner.
39. That the applicant shall provide site-specific geotechnical evaluation for Lots 83-88 prior to issuance of building permits.
40. That subdivision plans shall be submitted to and approved by the City Engineer prior to the commencement of construction. An engineering design storm report shall be provided as required in City of Scappoose Public Works Design Standards, Section 1.2040. Final drawings shall meet the requirements of the City of Scappoose Public Works Design Standards, Sections 1.2020 and 1.2032.
41. That the applicant shall follow all requirements of the City of Scappoose Public Works Design Standards.



42. That the developer shall be responsible for the installation of all street lights, street name signs, stop signs, and any parking restriction signs or curb painting delineating parking restriction, per the requirements of the Scappoose Public Works Design Standards and Specifications.
43. That joint mailbox facilities shall be provided in all residential developments, with each joint mailbox serving at least two dwelling units, located adjacent to roadway curbs, and shall be approved by the U.S. Post Office and the City Planner prior to Final Plat approval.
44. That the developer shall obtain a fill and grading permit for lot fill and grading from the City Engineer, including the installation of any necessary erosion control measures, per the standards set forth in the Scappoose Public Works Design Standards and Specifications. Erosion control measures shall be reviewed and approved by the City Engineer and the Oregon Department of Environmental Quality as part of an Erosion Control Plan. The applicant shall submit an acceptable Erosion Control Plan meeting DEQ requirements and City of Scappoose Public Works Design Standards, Section 2.0051.
45. That the developer 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.
46. That all existing and proposed easements shall be illustrated on the Final Plat.
47. That the Final Plat shall conform to the requirements of ORS Chapter 92 (Subdivisions and Partitions).
48. That if the Final Plat is recorded prior to construction and acceptance of the subdivision, the developer shall provide a performance bond for 110% of the Public Works construction costs.
49. That approval of a Tentative Plat will expire twelve (12) months after the date of the formal notice of decision. If a Phasing Plan as delineated within an improvement agreement for the Final Plat has not been submitted prior to expiration of the Tentative Plat, the developer must resubmit a Tentative Plat for further consideration and comply with regulations and conditions applicable at that time. The applicant is required to install all underground utilities and street improvements for the entire subdivision prior to filing the Final Plat for the initial phase. All public works construction shall be completed within 18 months of the date of the formal notice of decision.
50. That if substantial construction or development has not taken place within four years from the date of approval of the Final Plat, 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.

51. That the applicant shall furnish a full-size copy of the Final Subdivision Plat to the City of Scappoose after the Plat has been recorded with Columbia County.

**Added condition of approval per City Council hearing held on July 6, 2015:**

52. That the applicant shall install at minimum, a half-court basketball court to be located in Tract "E", outside of the Floodplain and Fish and Riparian Corridor, to be owned and maintained by the Homeowner's Association.

**Procedural Information**

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

The application for this land use review was submitted on intake April 3, 2015 and was determined to be complete on May 4, 2015.

Land Use applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was reviewed against the Development Code in effect on April 3, 2015.

The City must issue a final decision on Land Use applications within 120 days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant.

**Conditions of Approval.** This approval may be subject to a number of specific conditions, listed above. These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

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

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Laurie Oliver, Associate City Planner  
Mailed 7/7/2015