

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application by the City of Scappoose for a Zone Change and Comprehensive Plan Map Amendment for Chapman Landing

ORDINANCE NO. 2021-4

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE

This Ordinance shall be known as Ordinance No. 2021-4.

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to ORS 203.035, ORS 203.045, and ORS 197.175.

SECTION 3. PURPOSE

The purpose of this Ordinance is to change the zoning of an approximately 13.24-acre portion of Chapman Landing from Rural Industrial Planned Development (RIPD) to Community Service – Recreation (CS-R) and to amend the Columbia County Comprehensive Plan Map designation from Rural Industrial to Community Service to allow for the development of a park. The property is located at the terminus of the Crown Zellerbach Trail, near Scappoose, and is identified as Tax Map ID Numbers 3117-00-00303 and 3117-00-00400.

SECTION 4. PROCEDURAL HISTORY

Planning staff deemed revised Application No. PA 18-01 and ZC 18-02 complete on April 12, 2021. Following public notice, this matter came before the Columbia County Planning Commission (“Planning Commission”) for a public hearing on June 7, 2021. The Planning Commission recommended approval of the application subject to conditions as recommended by staff. Following public notice, the Board of Commissioners (“Board”) held a public hearing on the matter on August 11, 2021. The Board then deliberated and voted to tentatively approve the application subject to conditions as recommended by the Planning Commission.

SECTION 5. FINDINGS AND CONCLUSIONS

Columbia County first acquired Chapman Landing from the Port of Columbia County (formerly the Port of St. Helens) in 2005 through a bargain and sale deed that contained a reversionary clause requiring the property to be used for public park and recreational purposes. The County conveyed Chapman Landing to the City of Scappoose in 2019 subject to conditions, including among others, that the property be used for public park and recreational purposes and that the City apply to rezone the property to allow for such uses within two years. A 2.04-acre

portion of Chapman Landing is zoned PA-80 (Primary Agriculture – 80 Acres), in which public parks are conditionally permitted uses. The remaining 13.24 acres, however, is designated as Rural Industrial on the Comprehensive Plan Map and is zoned Rural Industrial Planned Development (RIPD), which does not allow for public park use. The City has therefore applied to change the Comprehensive Plan Map designation to Community Service and to change Zoning Map designation to Community Service-Recreational for the 13.24-acre portion of the property to comply with the County’s deed condition.

The Board finds that the City’s application meets the criteria to change the Comprehensive Map designation from Rural Industrial to Community Service and to change the Zoning Map designation from Rural Industrial Planned Development (RIPD) to Community Service-Recreational (CS-R) for the approximately 13.24-acre portion of Chapman Landing identified as Tax Map ID Numbers 3117-00-00303 and 3117-00-00400. The Board adopts the findings and conclusions in the Staff Report, which is attached hereto as Exhibit A and incorporated herein by this reference, to the extent they are consistent with the Board’s decision.

SECTION 6. AMENDMENT AND AUTHORIZATION

1. The Board hereby approves Application No. PA 20-01 and ZC 20-01, subject to the following conditions:
 - a. All future development on the PA-80 and CS-R zoned subject property shall require compliance with the applicable provisions of the Columbia County Zoning Ordinance and Comprehensive Plan.
 - b. In accordance with the provisions in ORS 195.120 (5), all future uses of the CS-R zoned portion of the subject properties will be required to: (1) not significantly force changes in accepted farm or forest practices; or (2) significantly increase the cost of accepted farm or forest practices on surrounding PA-80 zoned lands.
2. The Board hereby amends the Comprehensive Plan Map to change the designation from Rural Industrial to Community Service for the approximately 13.24-acre portion of Chapman Landing identified as Tax Map ID Numbers 3117-00-00303 and 3117-00-00400.
3. The Board hereby amends the Zoning Map to change the designation from Rural Industrial Planned Development (RIPD) to Community Service - Recreational (CS-R) for the approximately 13.24-acre portion of Chapman Landing identified as Tax Map ID Numbers 3117-00-00303 and 3117-00-00400.

SECTION 7. SEVERABILITY

If for any reason a court of competent jurisdiction holds any portion of this Ordinance, including its attachments or any portion therein, to be invalid, and such holding is upheld on

appeal, that portion shall be deemed a separate, distinct and independent portion. The court's holding shall not affect the validity of the remaining portions.

SECTION 8. SCRIVENER'S ERRORS

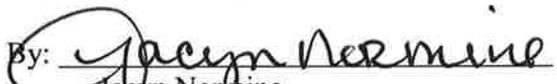
Scrivener's errors in any portion of this Ordinance may be corrected by order of the Board of County Commissioners.

DATED this 8th day of September, 2021.

Approved as to Form

By: 
Office of County Counsel

Recording Secretary

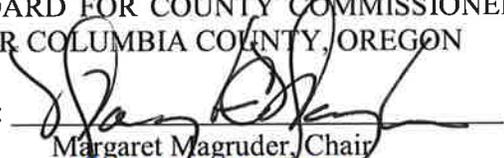
By: 
Jacyn Normine

First Reading: Aug. 25, 2021

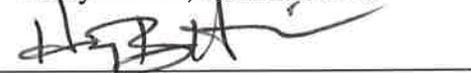
Second Reading: Sept. 8, 2021

Effective Date: December 7, 2021

BOARD FOR COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Margaret Magruder, Chair

By: 
Casey Garrett, Commissioner

By: 
Henry Heimuller, Commissioner

**COLUMBIA COUNTY
BOARD OF COMMISSIONERS**

STAFF REPORT

JULY 20, 2021

Comprehensive Plan Amendment and Zone Change

HEARING DATE: August 11, 2021

FILE NUMBER: PA 20-01 & ZC 20-01

**APPLICANT/
OWNER** City of Scappoose, 33568 E. Columbia Ave., Scappoose, OR

SITE LOCATION: The site is where the Crown Zellerbach Recreational Trail ends at the Multnomah Channel and runs parallel to Dike Road between Chapman Landing and E. Columbia Avenue

SUBJECT PROPERTY:	TAX MAP NO:	Acct. No.	Acreage	Zone	Comp Plan
	3117-00-00303	439079	4.96	RIPD	RI
	3117-00-00400	5318	8.28	RIPD	RI
	3117-00-00400		2.04	PA-80	AG

**CURRENT COMPREHENSIVE
PLAN DESIGNATION:** Rural Industrial (RI)
Agriculture (AG)

**PROPOSED COMPREHENSIVE
PLAN DESIGNATION:** Community Service (CS)
Agriculture (AG)

CURRENT ZONING: Rural Industrial Planned Development (RIPD)
Primary Agriculture (PA-80)

PROPOSED ZONING: Community Service-Recreational (CS-R)
Primary Agriculture (A-80)

SITE SIZE: Approximately 13.24 acres of the total 15.28 acre subject properties are proposed to be rezoned from RIPD to CS-R. The remaining 2.04-acres zoned for PA-80 will not be rezoned.

REQUEST: To rezone the approximate 13.24 acre terminus of an existing linear recreational trail by amending both the County's (1) Comprehensive Plan Map from Rural Industrial to Community Service and the County's (2) Zoning Map from Rural Industrial Planned Development (RIPD) to Community Service-Recreational (CS-R).

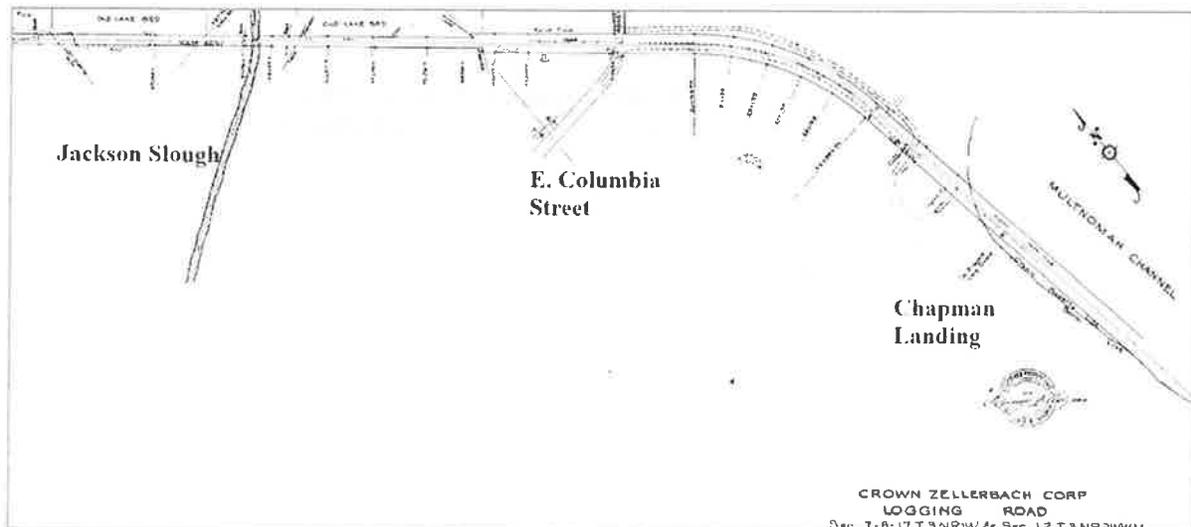
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SUMMARY AND BACKGROUND

The applicant, the City of Scappoose, proposes a County Comprehensive Plan Map Amendment (PA-20-01) and a Zone Change (ZC 20-01) for the 13.24 acre RIPD zoned portion of the 15.28 acres associated with the two separate properties currently being used as the Crown Zellerbach (CZ) Recreational Trail. In 2013, the County acquired these subject properties via Board Order 41-2013. On March 27, 2019, the subject properties were transferred to the City of Scappoose via Board Order 21-2019 with a deed restriction stating the City needed to apply to rezone the property to allow for a public park and recreational use within two years of the transfer date; the submittal of PA 20-01 and ZC 20-01 fulfills this requirement. The first 3 pages of 97-Page Board Order 41-2013 and the entire 12-Page Board Order 21-2019 are attached.

The 13.24 acre RIPD zoned portion of the subject properties is associated with Chapman Landing, a historic site where logs were transferred from rail and trucks to the Multnomah Channel for transport up and down the Columbia River which has not been functioning for at least 20 years. The City of Scappoose is not rezoning the 2.04 acre PA-80 zoned portion of Tax Map ID 3117-00-00400 because provisions in Section 306.16 of the County Zoning Ordinance authorizes public parks as conditionally permitted uses in the PA-80 Zone which is consistent with these similar provisions in the Oregon Administrative Rules (OAR) 660-034-0035 allowing recreational trails on agricultural land. As shown below this PA-80 zoned acreage is also aligned with the 1960 surveyed location of the Crown Zellerbach Logging Road from the City of Scappoose and ending at Chapman Landing along the Multnomah Channel.

Crown Zellerbach Corp. Survey of Logging Road that coincides with the existing Crown Zellerbach Recreational Trail and Chapman Landing



Because the Multnomah Channel is a 21.5-mile tributary of the Willamette River, the proposed rezoning and installation of river access facilities at Chapman Landing will allow this historic site to potentially be listed as a destination along the nationally recognized Willamette River Water Trail that extends over 250 miles south to Cottage Grove in the southern Willamette Valley. These proposed map amendments will lawfully rezone the CZ Recreational Trail's 13.24-acre terminus and allow all future Community Service-Recreational uses and development of Chapman Landing to be consistent with the applicable provisions of the County Zoning Ordinance.

The two affected properties included in these map amendments are described below and shown on Page 5:

<u>Tax Lot #</u>	<u>Current Zoning</u>	<u>Acreage</u>
3117-00-00303	Rural Industrial Planned Development (RIPD)	4.96 acres
3117-00-00400	Rural Industrial Planned Development (RIPD)	8.28 acres
	*Primary Agriculture (PA-80)	2.04 acres
Total RIPD Rezone		13.24 acres

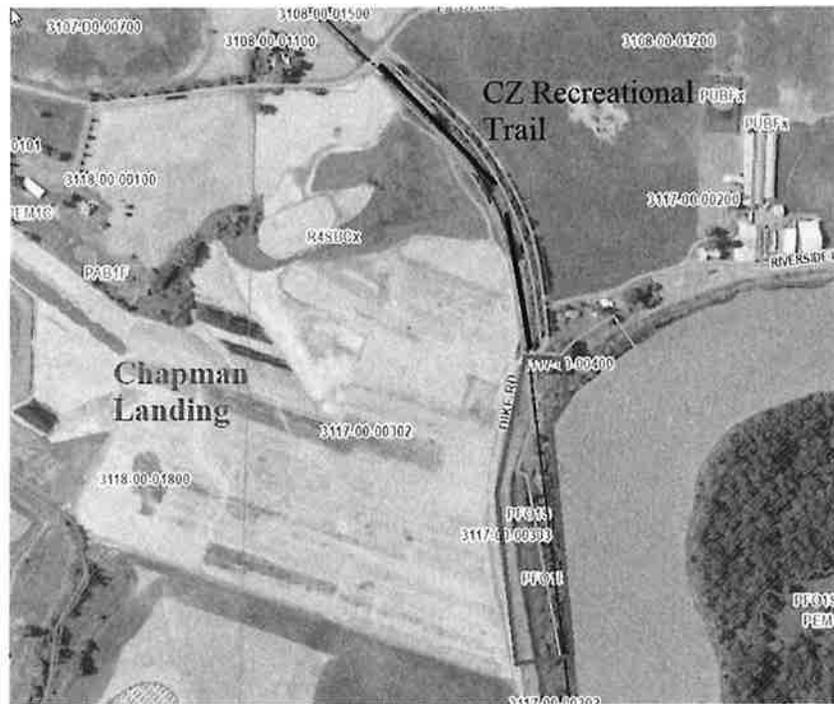
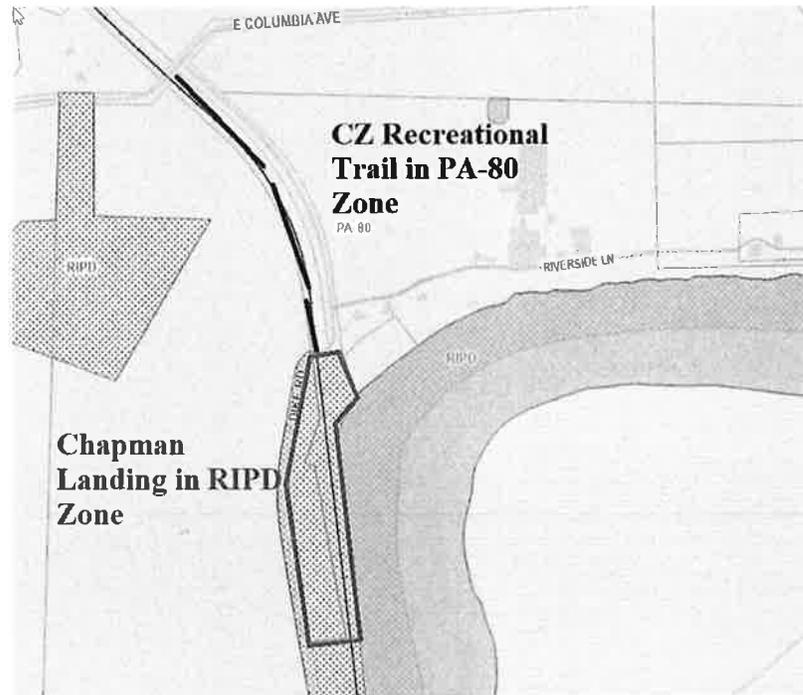
*No rezoning is proposed for the 2.04 acres in the PA-80 Zone

As demonstrated in the FEMA FIRM and National Wetlands Inventory Map of Sauvie Island Maps on Pages 6 and 7 and seen in the pictures on Pages 9 through 12, all portions of the subject site located east of the dike are designated as Floodway and the southern vegetated areas contain identified wetlands. No development within these environmentally sensitive areas will be permitted with the approval of PA 20-01 and ZC 20-01 alone. All future site development in the CS-R or PA-80 zone will require compliance with the provisions of Sections 1550, 1100, and 1180 of the Zoning Ordinance related to Site Design Review, Flood Hazard and Wetlands Overlay Zones.

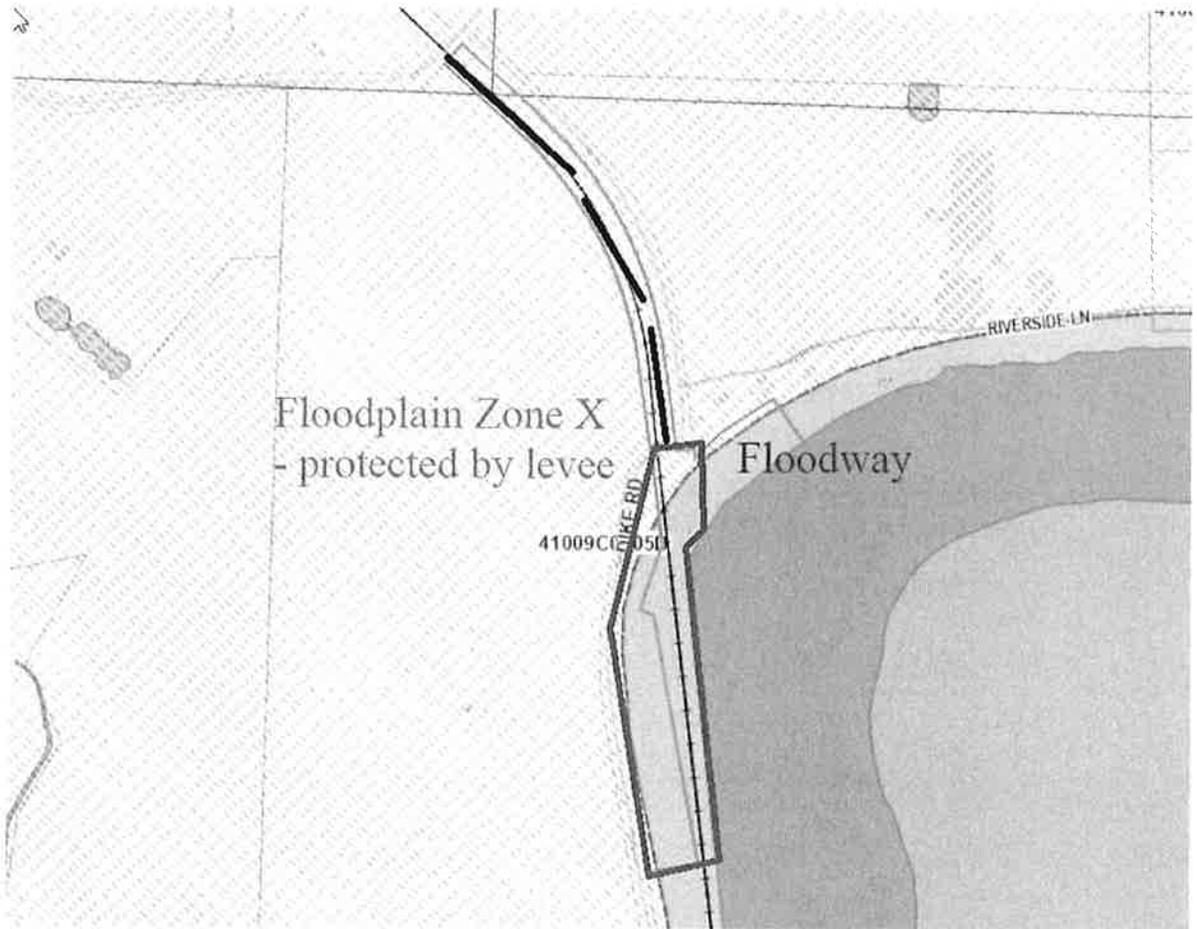
The first public hearing on the proposed map amendments was held on June 7, 2021 before the Columbia County Planning Commission. The Planning Commission heard the County Planning Staff's presentation of a summary of the May 26, 2021 Staff Report for PA 20-01 and ZC 20-01 and the City of Scappoose's supporting presentation. The Planning Commission made a motion to recommend **APPROVAL** to the Board of Commissioners for the map amendments requested for PA 20-01 and ZC 20-01 with no revisions.

The remainder of this report will analyze, evaluate and make findings on the extent to which the proposed Comprehensive Plan and Zoning Map Amendments comply with the applicable provisions of the Columbia County Zoning Ordinance and Comprehensive Plan, as well as the Oregon Statewide Planning Goals.

Zoning and Aerial Maps of the two subject properties and the CZ Trail between E. Columbia Avenue and Multnomah Channel



**Areas designated as Floodplain Zone X and Floodway
according to FEMA FIRM 41009CO505 D**



Identified Wetlands Areas per the National Wetland Inventory of Sauvie Island



Existing CZ Trail at intersection of Dike Road and E. Columbia Avenue



View east toward Chapman Landing



View west towards City of Scappoose



CZ Trail crossing over Dike Road near Chapman Landing in RIPD Zone



Chapman Landing's frontage on Dike Road – without any improved access



**Existing dike/levee between Dike Road and Multnomah Channel
View northeast of Chapman Landing**



View southwest of Chapman Landing from the dike/levee



RIPD zoned Floodway designated areas of Chapman Landing east of the Dike



RIPD zoned portion of Chapman Landing's southern areas containing wetlands



View of Chapman Landing's wetland areas from southern property line



REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:

Beginning with the related Transportation Improvements on Rural Lands in the Oregon Administrative Rules (OAR)

Oregon Administrative Rules (OAR) 660-012-0065

Transportation Improvements on Rural Lands

(1) This rule identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goals 3, 4, 11, and 14 without a goal exception.

(2) For the purposes of this rule, the following definitions apply:

(d) "Accessory Transportation Improvements" means transportation improvements that are incidental to a land use to provide safe and efficient access to the use;

3) The following transportation improvements are consistent with Goals 3, 4, 11, and 14 subject to the requirements of this rule:

(h) Bikeways, footpaths and recreation trails not otherwise allowed as a modification or part of an existing road;

Finding 1: The proposed map amendments are consistent with the provisions for Transportation Improvements on Rural Lands in OAR 660-012-0065(1) because they will authorize the establishment of new rural public recreational uses and facilities at Chapman Landing in the CS-R Zone. Likewise, the future public recreational facilities associated with the CZ Recreational Trail and Willamette River Water Trail are also consistent with the different types of Accessory Transportation Improvements identified in OAR 660-012-0065(3).

As covered during the Summary Chapman Landing's historical uses of transporting timber and aggregate material to the Multnomah Channel have not occurred over the past twenty years. The proposed map amendments in this strategically located rural area of the county will allow the City to establish new rural public recreational uses and facilities that do not need urban levels of services/utilities. For these reasons, Staff finds PA-20-01 and ZC 20-01 will comply with these provisions of related to Transportation Improvements on Rural Lands in OAR 660-012-0065.

Continuing with the Oregon Revised Statutes – Chapter 195 Local Government Planning Coordination related to Parks:

PARKS

195.120 Rules and planning goal amendments for parks required; allowable uses; application of certain land use laws.

(1) The Legislative Assembly finds that Oregon's parks are special places and the protection of parks for the use and enjoyment of present and future generations is a matter of statewide concern.

(2) The Land Conservation and Development Commission, in cooperation with the State Parks and Recreation Commission and representatives of local government, shall adopt rules and land use planning goal amendments as necessary to provide for:

- (a) Allowable uses in state and local parks that have adopted master plans;
- (b) Local government planning necessary to implement state park master plans;
- and
- (c) Coordination and dispute resolution among state and local agencies regarding planning and activities in state parks.

(3) *Rules and goal amendments adopted under subsection (2) of this section shall provide for the following uses in state parks:*

- (a) Campgrounds, day use areas and supporting infrastructure, amenities and accessory visitor service facilities designed to meet the needs of park visitors;
- (b) Recreational trails and boating facilities;
- (c) Facilities supporting resource-interpretive and educational activities for park visitors;
- (d) Park maintenance workshops, staff support facilities and administrative offices;
- (e) *Uses that directly support resource-based outdoor recreation;* and
- (f) Other park uses adopted by the Land Conservation and Development Commission.

[...]

(5) A local government shall comply with the provisions of ORS 215.296 for all uses and activities proposed in or adjacent to an exclusive farm use zone described in the state or local master plan as adopted by the local government and made a part of its comprehensive plan and land use regulation. [1997 c.604 §3]

Discussion: The provisions in ORS 195.210(1- 3) state that the protection of parks is a matter of statewide concern and that the State DLCDC supports local governments' coordination in adopting rules and land use planning amendments protecting activities in parks. Rules and regulations related to land use planning amendments further, are required to provide for recreational trails, boating facilities and other uses that directly support resource-based outdoor recreation.

The proposals requested for PA 20-01 and ZC 20-01 will allow the City of Scappoose to create a public recreational facility on the Multnomah Channel at Chapman Landing with access to the existing Crown Zellerbach Recreational Trail that traverses from the City of Vernonia through the City of Scappoose and ends at Chapman Landing. As demonstrated in the 1960 Survey Map on Page 3 and the Zoning Map on Page 5, Chapman Landing is zoned for RIPD uses while the existing CZ Recreational Trail is located within the surveyed Crown Zellerbach Logging Road in the PA-80 Zone.

Section 682 of the County Zoning Ordinance specifies the only uses permitted in the RIPD Zone are farm uses (except marijuana growing and producing operations) and the management, production, and harvesting of forest products including wood processing and related operations. Similarly, Section 306.16 of the Zoning Ordinance states that public parks in the PA-80 Zone must be permitted as Conditional Uses and are not permitted outright.

This rezoning will, in turn allow for the future investment in public recreational facilities/activities at the terminus of this county trail at the Multnomah Channel where it meets the existing Willamette River Water Trail. The subject properties are in a unique location that enables the potential confluence of the CZ and Willamette River recreational trails.

Finding 2: Pertaining to the provisions in ORS 195.120(5), Staff finds the provisions in ORS 215.296 will allow future park development on either the PA-80 or RIPD zoned portions of the subject properties provided all necessary land use and building permits are processed and approved by Columbia County. No development is authorized with the approval of these map amendments, At time of future permit review, the City of Scappoose will be required to demonstrate that the new public recreational uses will not (1) force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use or (2) significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Because the County will require all future uses of the rezoned CS-R properties to be reviewed and approved for compliance with the applicable provisions of the County's Zoning Ordinance, Staff finds the proposed map amendments are consistent with the rules and planning goal amendments for establishing public parks identified in the ORS 195.120.

Continuing with Columbia County Zoning Ordinance (CCZO)
Section 1020 Community Service –Recreational

Section 1020 COMMUNITY SERVICE - RECREATION CS-R

1021 Purpose: This section provides for the review and approval of the location and development of special uses which by reason of public necessity and unusual character or effect on the neighborhood may not be suitable for listing with other sections of this Ordinance. The CS-R District is for the establishment of various types of public recreation facilities. This District is intended to function as a regular District within the Community Service designation.

1022 Permitted Uses:

- .1 Public recreation facilities including parks, boat ramps, highway waysides, rest areas, campgrounds, and other similar uses.

Finding 3: The City of Scappoose's responses to Number 4 and 5 (Page 1 of 4/6/21 Revised Zone Change Fact Sheet) states that the proposed map amendments will allow improvements to Chapman Landing that will support establishing a new public park/recreational facilities on the Multnomah Channel with access to both the Crown Zellerbach Trail and the Willamette River Water Trail. Chapman Landing's historical use as a log landing site has been abandoned for decades. The site has functioned as an unofficial recreational facility of the CZ Trail and when improved, will be able to be improved with facilities that will provide access to the Multnomah Channel. Rezoning the RIPD zoned portion of the subject properties would allow the city to

fully develop Chapman Landing as a public recreational facility and will protect this public park's community recreation uses for future generations.

Because these map amendments will allow public recreational facilities at Chapman Landing that will connect the existing land-based CZ Recreational Trail to the marine related recreational activities associated with the Willamette River Water Trail, Staff finds that the approval of PA 20-01 and ZC 20-01 will allow the establishment of additional public recreational facilities for these two existing recreational trails. With these site specific locations characteristics, Staff finds that PA 20-01 and ZC 20-01 are consistent with the Purpose of the CS-R Zone and will allow all future public recreational improvements at Chapman Landing to be reviewed and approved for compliance with the applicable provisions of the Zoning Ordinance.

Continuing with the CCZO Section 1024, 1025 and 1027

1024 Restrictions and Conditions: These public facilities have a direct impact upon the adjoining properties. The Commission will study each request to establish a new CS-R use and shall attach adequate conditions to the approval to insure the adverse impact of the recreational use upon the adjoining land uses have been mitigated.[...]

1025 Approval of Community Service-Recreation use outside the Urban Growth Boundaries. Before a CS-R use is approved, outside the Urban Growth Boundaries, the Commission shall find that the CS-R use:

- .1 Is consistent with the character of the area.
- .2 Will not adversely affect natural resources of the area.
- .3 Will not conflict with or infringe upon the farm or forest uses in the area.
- .4 Will not require any public services other than those already existing or programmed for the area.
- .5 Will not create any traffic hazards.

1026 Standards

- .1 There is no designated minimum lot or parcel size. The Commission shall review each proposal on a case by case basis and determine if the site is adequate for the proposed use. They shall review the site plan of the proposal and determine if the site meets all the provisions of this Ordinance, including the off-street parking requirements listed in Section 1400.
- .2 There are no designated minimum setbacks in this district. The applicant shall submit a letter from the Fire Marshall concerning the necessary setbacks for safety. After reviewing this letter and the adjacent land uses, the Commission shall establish setback requirements for each individual site.

1027 Signs: Signs shall meet the requirements of Section 1300 of this Ordinance.

Existing parking & portable toilet at East Columbia Avenue



Existing Parking at Dike Road – no vehicle access to Chapman Landing



Existing Sign at E. Columbia Avenue



Finding 4: The County Building Official's attached comments on 4/26/21 recommend vault toilets and parking areas should be requirements of the zone change since people are already parking in residential neighborhoods to use the trail. No site specific development is authorized or permitted with the map amendments requested for PA 20-01 and ZC 20-01. This application is the first step in preparing the site for park and recreational use. Once the zone change and Comprehensive Plan Amendment are approved, the City can proceed with a development proposal that will comply with the sanitation requirements of OAR 340-071-0330 and 340-071-0075.

The pictures above and Page 17 detail the existing parking areas and portable toilet on the PA-80 zoned portions of the subject properties near E. Columbia Avenue at on the other side of Dike Road at Chapman Landing. Approving these map amendments should not result in an immediate increase in trail users since these outdoor recreational uses are already occurring in the PA-80 and RIPD Zoning Districts. Further, rezoning the RIPD zoned 13.24 acres to CS-R will allow for development of facilities to support the park and recreational use of the site and help Chapman Landing to be eligible for additional grant opportunities and funding mechanisms to allow for future recreational development and safety improvements associated with the connection of the CZ trail to the Multnomah Channel and Willamette River Water Trail. The County Sanitarian's attached comments also state that although she has no concerns with the rezone proposal, septic considerations may be applicable at the time of site design review. For these reasons, Staff finds the County will be able to review and approve the future installation of any site specific improvements at the future Site Design Review and/or Conditional Use Permitting Processes in accordance with the applicable provisions of the Zoning Ordinance.

In addition, and according to the requirements in ORS 15.120 (5) (Finding 2), all future PA-80 and CS-R uses of the subject properties will be required to not (1) force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use or (2) significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. With these restrictions to all future site development, Staff finds that PA 20-01 and ZC 20-01 will comply with these provisions of the Zoning Ordinance.

Continuing with the CCZO Section 1140

Section 1140 GREENWAY OVERLAY

GW

1141 Purpose: This district is to be used to implement the Willamette River Greenway Land Use Designation in the Comprehensive Plan. This district will be an overlay zone which will place additional restrictions or conditions upon the primary or underlying districts.

This district is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River; to implement the County's responsibilities pursuant to ORS 390.310 to 390.368; and to establish criteria, standards, and procedures for the intensification of uses, change of uses, or the development of lands within the Greenway.

1143 Permitted Uses:

[...]

.7 Activities to protect conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands.

1146 Approval Standards: In addition to the conditions of approval noted in Section 1145, the following specific standards shall be addressed:

- .1 The maximum possible landscaped area, scenic and aesthetic enhancement, open space, or vegetation shall be provided between any use and the river.
- .2 Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree.
- .3 Developments shall be directed away from the river to the greatest possible degree, provided however, that lands in other than rural and natural resource districts may continue in urban areas.
- .4 Agricultural lands shall be preserved and maintained for farm use.
- .5 The harvesting of timber beyond the vegetative fringes shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- .6 Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm use.
- .7 Significant fish and wildlife habitats shall be protected.
- .8 Significant natural and scenic areas and viewpoints and vistas shall be preserved.
- .9 Maintenance of public safety and protection of public and private property,

especially from vandalism and trespass, shall be provided to the maximum extent practicable.

- .10 The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable to assure scenic quality protection from erosion and screening of uses from the river.
- .11 Extraction of known aggregate deposits may be permitted provided all necessary permits are obtained and the operation will be conducted in a manner designed to minimize adverse effects upon water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.
- .12 Areas of annual flooding, flood plains, water areas, and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow, and natural functions.
- .13 Areas of ecological, scientific, historical, or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.
- .14 Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.
- .15 The quality of the air, water, and land resources, in and adjacent to the Greenway, shall be preserved in the development, change of use, or intensification of use of the land designated GW.
- .16 No intensification, change of use, or development shall occur within 100 feet of the ordinary low water level, unless the proposed use is water related or water dependent.

1147 The Oregon Department of Transportation (ODOT) shall be notified of all proposals, and resultant actions, for development, intensification, or changes of use within the Greenway. The approving body shall consider the recommendation of the ODOT when considering any application. [Note: Instead of ODOT, Oregon Parks and Recreation should be notified.

Finding 5: The Greenway Overlay District is intended to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. Rezoning the RIPD zoned portion of the subject properties would allow the city to fully develop Chapman Landing as a public recreational facility, will protect this public park's community recreation uses for future generations and will connect the existing land-based CZ Recreational Trail to the marine related recreational activities associated with the Willamette River Water Trail at Multnomah Channel. Staff finds that the map amendments proposed for PA 20-01 and ZC 20-01 are consistent with the identified Purpose and Permitted Uses of the Willamette Greenway Overlay Zone identified in Sections 1141 and 1143 of the Zoning Ordinance.

Rezoning the RIPD zoned portion of the subject properties would allow the city to fully develop Chapman Landing as a marine and land based public recreational facility in ways that will protect, conserve, enhance, and maintain the natural, scenic, historical, economic and

recreational qualities of Chapman Landing on the Multnomah Channel and its connection to the Willamette River.

Ken Shonkwiler, Senior Region Planner for ODOT submitted attached comments on April 20, 2021 stating that he has reviewed the documents, has no objections to its approval, and will not be commenting as this rezone does not affect the Oregon Transportation Rule since the rezone from RIPD to CS-R proposal will result in less intensive land uses that matches the existing activities. Transferring timber and aggregate to barges at Chapman Landing moreover generated 'more intensive land uses in this rural area of the county compared to the future public recreational improvements that will be allowed with the proposed map amendments. Staff finds the notification criterion in Section 1147 has been met.

Continuing with CCZO Section 1450 Transportation Impact Analysis and related Transportation Improvements on Rural Lands identified in the Oregon Administrative Rules

Section 1450 TRANSPORTATION IMPACT ANALYSIS

1450 Transportation Impact Analysis: A Transportation Impact Analysis (TIA) must be submitted with a land use application if the proposal is expected to involve one or more of the conditions in 1450.1 (below) in order to minimize impacts on and protect transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

- .1 Applicability – A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of the following:
 - A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.
 - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.

Finding 6: This request will amend the Comprehensive Plan and Zoning Maps of Columbia County for the RIPD zoned 13.24 acres portion of the subject properties that is currently being used for public recreational uses of the CZ Recreational Trail. The PA-80 zoned portion of this existing recreational trail is located within the boundaries of the Crown Zellerbach Logging Road that was surveyed in 1960 but has since been used for this outdoor public recreational use. The County acquired the CZ Trail and Chapman Landing and designated it as a recreational facility in 2013, via Board Order 41-2013. The western portion of this developed trail is located within the City of Scappoose and is already zoned for Public Lands – Recreation uses. The City is requesting the County to rezone the RIPD 13.24 acres associated with Chapman Landing to CS-R because it is along the Multnomah Channel and will enable its development as public recreational facility that will connect CZ Trail to the Willamette River Water Trail. Ken

Shonkwiler from ODOT stated in Finding 5 that ODOT will not require a TIA for the requested rezone since the new CS-R Zone will result in less intensive land uses than the more intensive land uses which occurred when Chapman Landing was used for transporting timber and aggregate to barges on a daily basis. Staff finds that anticipated future recreational activities and uses under the proposed zone will not generate more vehicle trip ends than the current zoning would typically generate if Chapman Landing was currently fully supporting RIPD operations. Staff finds that the provision in Section 1450.1(A & B) do not apply to the rezoning proposed for PA 20-01 and ZC 20-01.

- C. Potential impacts to intersection operations.
- D. Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.
- E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.
- F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
- G. A change in internal traffic patterns may cause safety concerns.
- H. A TIA is required by ODOT pursuant with OAR 734-051.
- I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.

Finding 7: The County did not receive any evidence from affected government agencies or nearby property owners indicating the approval of the proposed map amendments as presented for PA 20-01 and ZC 20-01 alone will significantly increase trip generation to the existing CZ Trail, nor will they have significant impacts to Dike Road's and E. Columbia Avenue's intersections, adjacent residential areas, pedestrian and bicycle routes or any other multi-modal roadway improvements referenced in Section 1450.1 (B, C, D and E). The rezoning of Chapman Landing to CS-R will not simultaneously authorize any additional site development prior to future land use permit processes.

As stated in Finding 5, Ken Shonkwiler from ODOT was notified of these proposed map amendments and has no objections to their approval. The County Public Works Department attached comments verified that they do not need a Traffic Impact Analysis for the proposed

map amendments. At the time of future site development, Staff finds that any proposed changes to Stormwater runoff, traffic patterns, accesses, parking areas, Stormwater runoff, new accesses and their impacts to surrounding land uses will be reviewed and approved by the County Public Works Department prior to the commencement of any new activities per the requirements of Section 1450.1 (F, G, H and I).

Continuing with CCZO Section 1502

1502 ZONE CHANGES (Map Amendments): There are two types of zone changes which will be considered by the Commission: Major Map Amendments and Minor Map Amendments.

- .1 Major map Amendments are defined as Zone Changes which require the Comprehensive Plan Map to be amended in order to allow the proposed Zone Change to conform with the Comprehensive Plan. The approval of this type of Zone Change is a 2 step process:
 - A. The Commission shall hold a hearing on the proposed Zone Change, either concurrently or following a hearing on the proposed amendment to the Comprehensive Plan which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Commission may recommend approval of a Major Map Amendment to the Board of Commissioners provided they find adequate evidence has been presented at the hearing substantiating the following:
 1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
 2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
 3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
 - B. Final approval of a Major Map Amendment may be given by the Board of Commissioners. The Commissioners shall hold a hearing on the proposed Zone Change either concurrently or following a hearing on the proposed Comprehensive Plan Amendment which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Board may approve a Major Map Amendment provided they find adequate evidence has been presented substantiating the following:
 1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
 2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and

3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.

Finding 8: The subject application is being processed as a Major Map Amendment, also known as a Post Acknowledgment Plan Amendment (PAPA). This type of process is required because a Comprehensive Plan Map Amendment is necessary to allow the Zone Change from Rural Industrial Planned Development (RIPD) to Community Service-Recreational (CS-R) to conform with the Comprehensive Plan Map that will re-designate Chapman Landing from Rural Industrial to Community Service. The Planning Commission will hear the matter and make a recommendation to the Board of Commissioners. The Board of Commissioners will review all testimony and make a decision to approve, approve with conditions, or deny the application.

Consistency with the policies of the Comprehensive Plan and the Oregon Statewide Planning Goals are reviewed throughout this report. The goals and policies of the Comprehensive Plan are addressed in Findings 13 – 22 and the Statewide Planning Goals are addressed in Findings 23 - 30. Likewise, the availability and adequacy of public facilities and services necessary to support the proposed use are discussed through the analyses of the proposal's consistency with the Comprehensive Plan and Planning Goals, and specifically, Finding 31 of this report.

Continuing with CCZO Section 1603

Section 1603 Quasi-judicial Hearing As provided elsewhere in this ordinance, the Hearings Officer, Planning Commission, or Board of Commissioners may approve certain actions which are in conformance with the provisions of this ordinance. Zone Changes, Conditional Use Permits, Major Variances, and Temporary Use Permits shall be reviewed by the appropriate body and may be approved using the following procedures:

- .1 The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Planning Department. The application shall be reviewed for completeness and the applicant notified in writing of any deficiencies. The application shall be deemed complete upon receipt of all pertinent information. If an application for a permit or zone change is incomplete, the Planning Department shall notify the applicant of exactly what information is missing within 5 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of this section upon receipt by the Planning Department of the missing information.
- .2 Once an application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission or Hearings Officer. The Director will publish a notice of the request in a paper of general circulation not less than 10 calendar days prior to the scheduled public hearing. Notices will also be mailed to adjacent individual property owners in accordance with ORS 197.763.

[**Note:** ORS 197.763 requires 20 days' notice (or 10 days before the first hearing if there will be 2 or more hearings), and that notice be provided to property owners within 100' (inside UGBs), 250' (outside UGBs), or 500' (in farm or forest zones).]

- .3 At the public hearing, the staff, applicant, and interested parties may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved, or what modifications are necessary for approval.
- .4 Approval of any action by the Planning Commission at the public hearing shall be by procedure outlined in Ordinance 91-2.

Finding 9: The City of Scappoose submitted a revised complete application for a Major Map Amendment on April 6, 2021. The application was deemed complete on April 12, 2021 and scheduled to be heard at the Planning Commission's June 7, 2021 public hearing. The minimum 35-day notice was electronically submitted (DLCD File # 001-21) to the Department of Land Conservation and Development (DLCD) on April 16, 2021, 52 days prior to this public hearing. Notice of this application was mailed to surrounding property owners within 500 feet of the subject site on April 15, 2021. Finally, notice of the application and public hearing was published in the *Chronicle* and the *Columbia County Spotlight* on May 26 and May 28, 2021, at least 10 calendar days prior to the June 7, 2021 public hearing date. Public notification procedures as outlined by Section 1603 for Quasi-judicial hearings were followed for this proposal and public hearing procedures will be followed in accordance with this Section and Ordinance 91-2.

Continuing with CCZO Section 1605

Section 1605 Zone Change - Major Map Amendment:

The hearing for a major map amendment shall follow the procedure established in Sections 1502, 1502.1, 1502.1A and 1502.1B. This hearing cannot result in the approval of a major map amendment. The Commission may make a recommendation to the Board of Commissioners that such a zone change be granted. Approval by the majority of the Commission is necessary in order to make recommendation to the Board of Commissioners. The Board of Commissioners hearing on the proposed zone change - major map amendment will be on the record unless a majority of the Board votes to allow the admission of new evidence.

Finding 10: The hearing for this application is a Major Map Amendment and will follow the procedures established in Sections 1502, 1502.1 (A and B) as described in previous Findings. The Planning Commission held a public hearing on June 7, 2021 and made a recommendation of APPROVAL to the Board of Commissioners. The Board of Commissioners will hold a hearing on August 11, 2021 and make a formal decision to allow, allow with conditions, or prohibit the proposed Comprehensive Plan Map Amendment and Zone Change.

Continuing with CCZO Section 1607

Section 1607 Consistency with the Comprehensive Plan:

All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

Finding 11: As discussed in previous Findings, the request to change the Zoning Ordinance Map from RIPD to CS-R also requires a Comprehensive Plan Map Amendment from Rural Industrial to Community Service. This application is being processed as a Major Map Amendment, involving amendments to both the Comprehensive Plan Map and Zoning Map. The zone changes' consistency with the Comprehensive Plan is discussed in the findings that follow. The Planning Commission held a public hearing on June 7, 2021 on the proposed amendments and made a recommendation of **APPROVAL** to the Board of Commissioners. The Board of Commissioners will notice and schedule a public hearing pursuant to these requirements of quasi-judicial hearings. Notice of the Planning Commission hearing followed the procedures set forth in Sections 1603 and 1608 of the County's Zoning Ordinance. Notice of the Board of Commissioners August 11, 2021 hearing will also follow the procedures of Section 1608. For these reasons, Staff finds that this criterion is met.

Continuing with CCZO Section 1608

1608 Contents of Notice: Notice of a quasi-judicial hearing shall contain the following information:

- .1 The date, time, and place of the hearing;
- .2 A description of the subject property, reasonably calculated to give notice as to the actual location, including but not limited to the tax account number assigned to the lot or parcel by the Columbia County Tax Assessor;
- .3 Nature of the proposed action;
- .4 Interested parties may appear and be heard;
- .5 Hearing to be held according to the procedures established in the Zoning Ordinance.

Finding 12: Notice of the Planning Commission's public hearing was published in the *Chronicle* and the *Spotlight* on May 26, 2021 and May 28, 19, 2021 respectively, and contained all information required by Section 1608 of the Columbia County Zoning Ordinance. Prior to the August 11, 2021 second public hearing by the Board of Commissioners, a similar notice, containing all applicable information as outlined in Section 1608, will be published in the *Chronicle* on July 21.

This next section addresses the provisions in Section 1502.1(A) (1) of the Zoning Ordinance (Finding 8) that require Major Map Amendments to be Consistent with the Policies of the Comprehensive Plan.

THE FOLLOWING PARTS OF THE COUNTY'S COMPREHENSIVE PLAN APPLY TO THIS PROPOSAL

Part II (CITIZEN INVOLVEMENT): requires opportunity for citizens to be involved in all phases of the planning process. Generally, Part II is satisfied when a local government follows the public involvement procedures set out in State statutes and in its acknowledged Comprehensive Plan and land use regulations, which has been completed for this application. Additionally, the Scappoose-Spitzenberg Citizen Planning Advisory Committee was notified of the proposed Comprehensive Plan Map Amendment and Zone Change. On December 16, 2020 the County also notified all property owners within 500 feet of the 18-acre subject properties of the submitted map amendments. As of the date of this report, the county has not received any comments from the CPAC or notified property owners.

Part III (PLANNING COORDINATION): requires coordination with affected governments and agencies. In accordance with Section 1603 of Columbia County's Zoning Ordinance, ORS 215.060 and ORS 197.610, the County provided notice of the hearing with the opportunity for comments to DLCD, the Scappoose-Spitzenberg CPAC members, affected property owners, and other relevant governmental entities. Any and all comments, received as of the date of this report, are incorporated into the discussion and related Findings of this Staff Report and listed in **Comments Received** on Page 47.

The City of Scappoose also states in their response to No. 1 (Page 4 of 4/6/21 Revised Zone Change Fact Sheet) that "*the current application to rezone the lands associated with Chapman Landing and the linear trail are in conformance with the planning coordination comprehensive plan objectives since the City is working in coordination with the /county to achieve of a public park as required by the deed restriction on Tax Lot 3117-00-00400.*" These map amendments demonstrate the City and County are working to develop this public recreational park as planned for in the Parks Master Plan for the City of Scappoose and Columbia County.

The City continues in their responses to Nos 5 and 7 (Pages 1-2 of 4/6/21 Revised Zone change Fact Sheet) and describes the history and deed restrictions of Chapman Landing. In 1997 the Port of Columbia County owned portions of Tax Lot 3117-00-00400 intending to develop a waterfront recreational facility. The property was later conveyed to Columbia County with a deed restriction requiring it be developed as a public recreational facility. Then in 2019, Columbia County conveyed Chapman Landing to the City of Scappoose with deed restrictions that required (1) the property to be used as a public park/public recreational uses and (2) the City to rezone the property from RIPD to CS-R within two years. The other portion of Chapman Landing, the ~5-acres associated with Tax Lot 3117-00-00303 was donated to the City by the Mary Ellen Bernet Revocable Trust and Frederick R. Bernet Revocable Trust in 2018.

This Comprehensive Plan Map Amendment is subject to the Quasi-judicial public hearing process and is heard by the Planning Commission (for a recommendation) and by the Board of

County Commissioners (for a decision). These hearings are advertised, open to the public and provide additional opportunity for public comment. The Planning Commission hearing was scheduled for June 7, 2021 which will be followed by a hearing of the Board of County Commissioners that has been scheduled for August 11, 2021.

Finding 13: With multiple opportunities for citizen involvement, including the Referral and Acknowledgement sent to all property owners within 500 feet of the subject properties, the deed restrictions of the Chapman Landing portion of the site, and the public notice process, Staff finds that the proposed map amendments are consistent with Parts II and III of the County Comprehensive Plan.

Continuing with applicable provisions of the Columbia County Comprehensive Plan

Part XIII. TRANSPORTATION

GOAL: The creation of an efficient, safe, and multi-modal transportation system to serve the needs of Columbia County residents.

OBJECTIVES:

1. "To maximize efficient use of transportation infrastructure for all users and modes."

POLICIES:

10. The County will develop and implement plans to address safe and convenient pedestrian and bicycle circulation, including providing access to key activity centers, such as transit facilities, commercial centers, and community facilities, and improving connections and the ability to transfer between transportation modes.
13. The County will promote walking, bicycling, and sharing the road through public information and organized events.
14. The County will improve bicycle access along all major corridors to provide intercity bicycle connectivity, including high quality bicycle access along Highway 30 and support the development of the CZ Trail and connection to the Banks-Vernonia Trail.
20. The County will coordinate transportation and land use planning and decision-making with other transportation agencies and public service providers, such as ODOT, cities within the County, and the Port, when their facilities or services may be impacted by a County decision or there may be opportunities to increase the efficiency and benefits of a potential improvement.

Finding 14: The proposed map amendments will rezone only the 13.24-acres RIPD zoned portion of the subject properties associated with Chapman Landing which, although not formally

designated as a public park, is currently being used for outdoor recreational uses associated with the adjacent CZ Recreational Trail. These map amendments will also help support the CZ Trail's development by allowing a park at its terminus that will provide citizens access to the water. The rezoning of Chapman Landing to CS-R will ensure recreational uses at the site conform to the Zoning Ordinance and referenced in Policy 14 of the Transportation Goal. These map amendments will maximize the efficient use of this outdoor recreational facility for pedestrians and bikers, but they will also allow the City to improve these facilities and services in ways that provide safer and more convenient opportunities for pedestrian and bicycle circulation, outdoor activities as well as improving access to the Multnomah Channel and encourage multi-modal transportation. These map amendments will also allow the County, the City of Scappoose, and ODOT to coordinate and provide more efficient multi-modal transportation facilities that support enhanced outdoor recreational opportunities along the CZ Recreational Trail and the Willamette River Water Trail.

With these site specific characteristics, Staff finds that the safety and efficiency of the transportation network in this unincorporated area will maximize the multi-modal transportation opportunities for users of the CZ Recreational and Willamette River Water Trails. Staff finds that PA 20-01 and ZC 20-01 are consistent with the Transportation Goal and Policies of Part XIII of the Comprehensive Plan.

Continuing with Columbia County Comprehensive Plan

Part X. ECONOMY

GOALS:

1. To strengthen and diversify the economy of Columbia County and insure stable economic growth.
2. To utilize Columbia County's natural resources and advantages for expanding and diversifying the economic base.

POLICY:

9. Encourage the trade and service sectors and the recreation industry to insure greater revenue spending locally.

Finding 15: The proposed map amendments will enable the City to improve Chapman Landing by expanding and diversifying its existing outdoor recreational uses associated with the CZ Recreational Trail and connecting it to the Willamette River Water Trail via the Multnomah Channel. Although the economic value of industrially zoned land should not be discounted, Chapman Landing's industrial uses have not been present for the past two decades. Providing the City and County with recreational facilities and activities at Chapman Landing will not only connect these two recreational trails, but will also encourage additional economic activities in the related service and recreation industries benefitting county residents and employers. For these reasons Staff finds that PA 20-01 and ZC 20-01 are consistent with the Economic Goals and

Policies of Part X of the Comprehensive Plan.

Continuing with the Columbia County Comprehensive Plan

PART XII INDUSTRIAL SITING - TYPE I EXCEPTIONS.

The following industrial sites qualify for a Type I exception. Columbia County recognizes the ability of these industrial uses to expand as long as the industrial use of the site and/or the zoning boundary does not change. If a change in the zoning boundary and/or the industrial use is needed, the appropriate procedure (e.g. an exception or a justification of use) will be applied.

1. **Crown Zellerbach log dump site**

This industrial site is currently used for log rafting and barging of aggregate material. The site is served by Crown Zellerbach's private logging road which extends to timber lands owned by Crown Zellerbach. Part of the site is leased by Scappoose Sand and Gravel for hauling gravel to barges. The site is adjacent to the proposed Bernet Industrial site.

This narrow 28 acre site parallels the Willamette Slough for approximately 4,000 feet. The site is non-resource land. It consists of land elevated above surrounding lands forming the dike, the staging area, and the service road.

The site is located two (2) miles east of the City of Scappoose, 22 miles north of Portland. (Section 17, T3N, R1W. W.M.)

Because of the existing industrial use and because the site is non-resource land, Columbia County will designate this site as Rural Industrial.

Finding 16: In 1984, the County zoned Chapman Landing for RIPD uses because it was a Physically Developed Exception (to resource uses) due to it being historically used for industrial log rafting and the barging of aggregate material. Although Chapman Landing was physically developed and committed to rural industrial uses in 1984, these industrial uses have not been occurring for the past two decades. For these reasons, Staff finds that the proposed map amendments will enable Chapman Landing's RIPD uses to be lawfully replaced with public recreational facilities and activities associated with the existing CZ Recreational and Willamette River Water Trails in the CS-R Zone.

Continuing with Columbia County Comprehensive Plan

Part XIV. PUBLIC FACILITIES & SERVICES

BACKGROUND

Urban and rural developments are to be guided by public facilities appropriate for the needs of the areas to be served. Plans for public facilities and in urban areas should be provided at levels that are necessary and suitable. Facilities and for rural areas should be provided at levels for rural use only and should not support urban uses

GOAL:

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

POLICIES: It shall be County policy to:

18. Designate parcels supporting public and private facilities and as Community Service in the Comprehensive Plan and implement this plan designation through the use of three (3) zoning designations:
 - A. Community Service Utility - CSU
 - B. Community Service Institutional - CSI
 - C. Community Service Recreation - CSR

21. Designate as Community Service Recreational (CSR) those lands that:
 - A. Support various types of public and private recreational facilities existing as of the date of this ordinance; or,
 - B. Are needed to support public and private recreational facilities which can be shown to satisfy the minimum conversion standards set out in the implementing ordinances.

Finding 17: The proposed map amendments to rezone the RIPD zoned portion of the existing CZ Recreational Trail to CS-R is consistent with the Goal of Part XIV as well as with Policies 18 and 21 listed above. The 13.24-acres proposed for rezoning connects the CZ Recreational Trail to the Willamette River Water Trail and the proposed rezoning will ensure these CS-R zoned properties can be timely, orderly and efficiently developed to support a regional land and water trail system. The rezone will further ensure that all improvements are reviewed by the County through future Site Design Review processes. The City will not extend water and sewer to the rezoned properties since outdoor recreational uses do not require these public utilities and they are not within its Urban Growth Boundary. Nevertheless, the City is planning to install vault toilets concurrent with future site development at Chapman Landing and along the CZ Trail which will be reviewed by the County through a future Site Design and/or Conditional Use Permit Review processes as applicable.

The City also states in their response (Page 6 of 4/6/21 Revised Zone Change Fact Sheet) that the RIPD zoned portions of tax lots 3117-00-00303 and 3117-00-00400 (Chapman Landing) are mentioned in the Columbia County Parks Master Plan as "undeveloped parks" and that tax lot 3117-00-00303 has a deed restriction requiring it be developed as a park.

For these reasons and with conditions of future site development review, Staff finds the

proposals requested for PA 20-01 and ZC 20-01 are consistent with the Public Facilities and Services' Goal and Policies of Part XIV of the County's Comprehensive Plan.

Continuing with the Columbia County Comprehensive Plan

Part XVI (Goal 5: Open Space, Scenic and Historic Areas, and Natural Areas) The Purpose of Part XVI is to conserve open space and protect the identified natural and scenic resources including Recreational Trails in Columbia County as defined by Statewide Planning Goal Five.

ARTICLE V. OPEN SPACE

- A. **DEFINITION:** Open Space is defined by the Goal as consisting of lands used for agricultural or forest uses, and any land area that would, if preserved and continued in its present use:
1. Conserve and enhance natural and scenic resources;
 2. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space;
 3. Promote orderly urban development.

An open space system may be developed as a base for land use to preserve natural features and resource land, eliminate waste and pollution, and make more useful and valuable those spaces involving development and building.

F. **OPEN SPACE GOALS AND POLICIES:**

GOAL: To conserve open space in Columbia County.

POLICIES:

It is the policy of the County to:

1. Recognize the economic and aesthetic value of open space as it relates to planning for agriculture, forestry, wetlands, and other open space resources.
3. Recognize the need for public access to the Columbia River and other scenic and recreational features. The County will work with commercial, industrial, and residential developers to promote public use and provide public access to these features whenever possible.

Finding 18: The proposed map amendments will help ensure the continuing use of the outdoor CZ Recreational Trail and the development of Chapman Landing along the Willamette River Water Trail that are natural and scenic resources for the County, the City of Scappoose, and the

State of Oregon. Rezoning the RIPD zoned portion of the subject properties to CS-R will also be consistent with Open Space Policies 1 and 3 because it recognizes the economic and aesthetic value of these recreational open spaces. The proposed map amendments will also enhance the public's ability to safely use improved recreational opportunities along the CZ Trail that is located in close proximity to nearby agriculture lands and the Multnomah Channel. Developing a public park at Chapman Landing will also allow the public to safely access the Multnomah Channel for recreational purposes.

The County concurs with the City's response (Page 6 of Revised 4/6/21 Zone Change Fact Sheet) that the development of Chapman Landing on the Multnomah Channel as a park protects this natural resource from non-resource related development and provides open space along the scenic waterway associated with the Willamette River Water Trail. This park's future development will also provide opportunities for increased tourism for the region that will improve the County's and City's economic assets and aesthetic benefits.

Continuing with the Columbia County Comprehensive Plan

ARTICLE XIII FISH AND WILDLIFE HABITAT

H. FISH AND WILDLIFE HABITAT GOALS AND POLICIES

GOAL: To protect and maintain important habitat areas for fish and wildlife in Columbia County.

POLICIES: It is the policy of the County to:

1. Encourage the provision and acquisition of public access both to and along rivers, streams, and lakes for the release of fish and recreational enjoyment of County residents.

ARTICLE IX. NATURAL AREAS

F. NATURAL AREAS GOALS AND POLICIES

GOAL: To protect the remaining ecologically significant natural features in Columbia County.

POLICIES: It shall be the policy of the County to:

1. Protect ecologically significant natural features and areas by restricting land use activities which may degrade their unique characteristics and direct incompatible land uses away from such areas.

ARTICLE X. WATER RESOURCES

E. WATER RESOURCES GOALS AND POLICIES

GOAL: To protect and maintain the quality of water resources in Columbia County.

POLICIES: It shall be the policy of Columbia County to:

1. Cooperate and coordinate with State and Federal agencies in assuring the maximum beneficial use of all water areas in the County.

11. Require that all development be planned, designed, constructed, and maintained so as to avoid the probability of accelerated erosion; pollution, contamination, or siltation of lakes, rivers, and streams; damage to vegetation; or injury to fish and wildlife habitats.

ARTICLE XI. HISTORIC AND CULTURAL AREAS

C. HISTORIC AND CULTURAL AREAS GOAL AND POLICIES

GOAL: To encourage the preservation and maintenance of cultural and historical sites, and to identify and preserve new sites.

POLICIES: It is the policy of the County to:

4. Support efforts to preserve, protect, and enhance the historic and cultural resources of the County.

ARTICLE XII. OREGON RECREATIONAL TRAILS *[Amended by Ordinance No. 2003 - 5, eff. December 15, 2003].*

Potential and approved recreational trails are identified and addressed in the Recreation section of Comprehensive Plan. To assure coordination with ODOT with regard to the two Oregon Recreation Trails present in the County, the following policies shall be adopted:

POLICIES: It is the policy of the County to:

2. Support efforts to extend the Banks-Vernonia Linear Trail, primarily along the Crown Zellerbach Logging Road right-of-way, from Vernonia to Scappoose and the Multnomah Channel.

Finding 19: The map amendments proposed for PA 20-01 and ZC 20-01 are consistent with the various components of the County's Open Space including natural areas, fish and wildlife habitat, water resources, historic and cultural areas, and extending the CZ Recreational Trail to the Multnomah Channel. The proposed rezoning will help to provide users with improved, appropriate and safe recreational access at Chapman Landing to the Multnomah Channel, Willamette River Water Trail and the CZ Recreational Trail. These additional recreational opportunities will also be designed in ways that will not result in accelerated erosion, pollution, contamination, or siltation of waterways, damage to vegetation and identified wetlands, or injury to fish and wildlife habitats while simultaneously preserving the County's historic,

cultural, and scenic resources. For these reasons, Staff finds that the proposed map amendments are consistent with the applicable Goals and Policies of Part XVI (Goal 5: Open Space, Scenic and Historic Areas, and Natural Areas) of the County's Comprehensive Plan.

Continuing with Columbia County Comprehensive Plan

PART XVII. RECREATIONAL NEEDS

BACKGROUND

Columbia County is a region of outstanding recreational resources and potential. It has a total land area of 676 square miles, of which about 30 square miles are water covered. The mountainous Coast Range in the southern and western regions diminishes eastward into a series of rolling hills interspersed with shallow valleys. The lower stretches of the Columbia River serve as the northern and eastern borders of the County. The plain adjacent to the Columbia River varies in width up to five miles and contains a number of large, generally low-lying islands and diked lands.

Columbia County is responsible for supplying its citizens with recreation facilities in an appropriate quantity, quality, and location consistent with the availability of the resources to meet their recreational needs now and in the future.

OREGON RECREATION TRAILS

In 1971, Oregon passed the State's Recreation Trails System Act. The purpose of the act was to establish a system of trails for hiking, horseback riding, and bicycling. Additional emphasis is placed upon developing trails in and connecting highly scenic areas. Trails are to be located with the following priorities: 1) on State land; 2) on other public land (with permission); and 3) on private land (subject to permission and restrictions).

Industrial sites should be developed in a manner that is compatible with adjacent recreational opportunities. Industrial development does not mean recreational sites must be eliminated or destroyed. This fact is especially important in relation to the Columbia River, a resource that is coveted by both industry and recreation enthusiasts. Recreation agencies working with the Port of St. Helens and individual enterprises can minimize the loss of recreation opportunities if they can understand each other's needs.

It is essential to recognize the recreational needs of Columbia County in order to establish the ways and means to resolve these needs. By utilizing the various techniques previously mentioned (i.e. coordination between agencies, etc.) to create a state and/or major regional park and improve other recreation sites and facilities, Columbia County will be more able to serve the needs of its residents as well as its visitors.

RECREATION GOALS AND POLICIES

GOAL: To satisfy the recreational needs of the citizens of Columbia County and its visitors.

POLICIES: It shall be a policy of the County to:

5. Explore the possibility of developing regional parks in conjunction with the cities and local civic groups.
6. Designate County parks as Community Service in the Comprehensive Plan and implement this designation through the use of the Community Service-Recreational zoning designation.

Finding 20: Staff concurs with the City of Scappoose response (Pages 7 - 8 of 4/6/21 Revised Zone Change Fact Sheet) stating that the proposed map amendments will allow the development and protection of the CZ Recreational Trail as a regional trail by allowing appropriate and safe access to the Multnomah Channel, the Willamette River Water Trail, and the Columbia River. Specifically, the City states that rezoning the properties to CS-R would potentially enable the City and County to jointly apply for grant funding to develop a regional park connecting the Multnomah Channel/Willamette River Water Trail and Chapman Landing to Vernonia and beyond consistent with the Comprehensive Plan's Recreation Goals and its 5th and 6th Policies. For these reasons, Staff finds that PA 20-01 and ZC 20-01 are consistent with Part XIII of the Comprehensive Plan and will preserve and enhance the County's Recreational Needs.

Continuing with the Columbia County Comprehensive Plan

PART XIX. NATURAL DISASTERS AND HAZARDS

FLOOD PLAIN

Flood plains or flood prone areas are regions that are dry in some seasons of the year but inundated when heavy rain, streams, estuaries or other bodies of water overflow their shores.

Problems arise when attempts are made to convert flood hazard areas to urban uses. Not only are buildings and other improvements in such areas subject to damage, but their presence often impedes the normal flow of water through these plains and may result in an increase in the height of the flood water and the size of the area which is flooded

FLOOD PLAIN: GOALS AND POLICIES

GOAL: Eliminate or reduce the economic and social costs created by flood-caused damages.

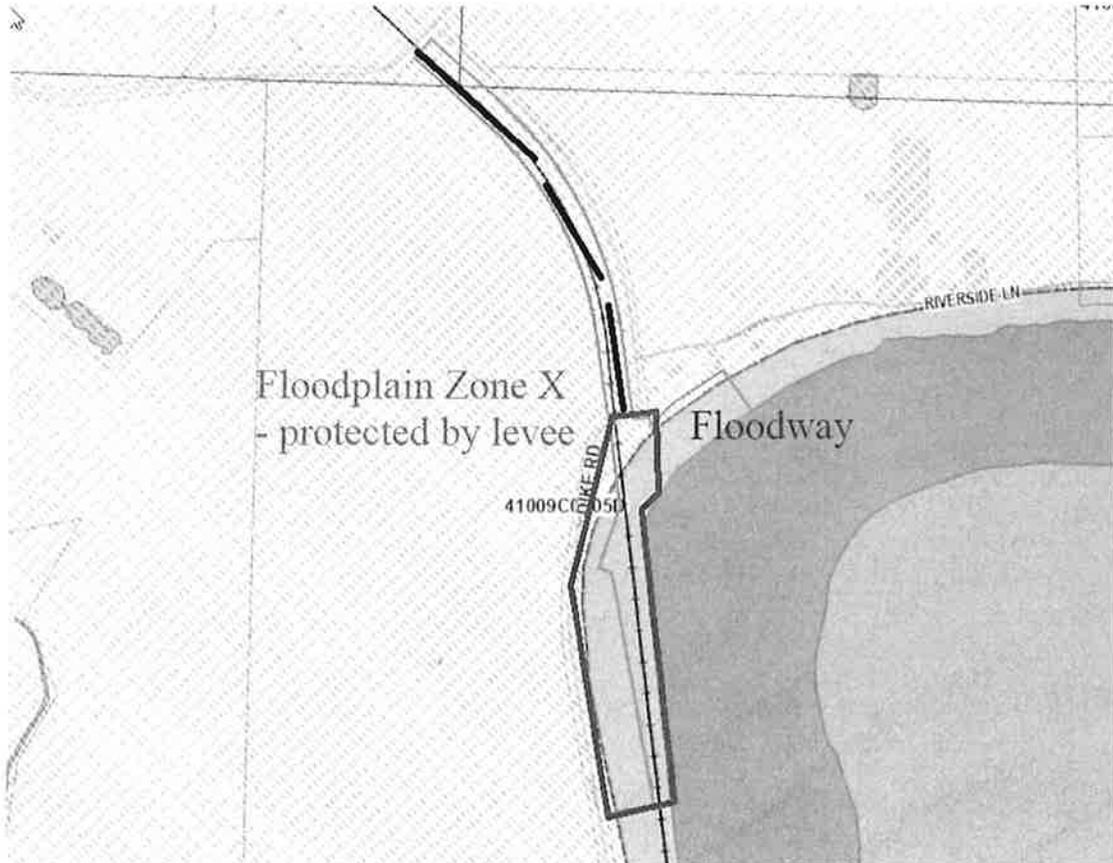
POLICIES:

2. Any new development within the flood plain shall be designed to avoid damage from flooding and to minimize the damage potential to other

developments or properties.

3. Open space uses such as recreation or agriculture shall be encouraged within identified flood plain areas.

**Areas of CZ Trail that are identified as Floodplain and Floodway
Per FEMA FIRM 41009CO505 D**



Northern portion of Chapman Landing within Floodway



Southern Floodway portion of Chapman Landing - view from the Dike



Finding 21: The Aerial Map and site pictures on Pages 37 and 38 illustrate which portions of Chapman Landing are located with the Multnomah Channel's Floodway and 100 year Floodplain: Areas east of the Scappoose Dike are in the Floodway and areas west are designated as Floodplain Zone X – protected by levee. Site development in areas designated Zone X do not require Floodplain Development Permits since they are protected by levees/dikes while development in designated Floodways requires the County to review and approve Floodplain Development Permits for compliance with the applicable provisions of the County's Flood Hazard Overlay Zone in Section 1100 of the Zoning Ordinance.

The provisions of the Flood Hazard Overlay Zone in Section 1100 of the County's Zoning Ordinance implement the Goal and Policy 2 of the Comprehensive Plan: eliminating or reducing the economic and social costs resulting from floods by requiring all new development in these areas be designed to avoid damage from flooding and to minimize damage potential to nearby site development or properties. Section 1102.11 of the Zoning Ordinance defines Floodway as "the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot." Likewise, the proposed map amendments are consistent with the County Zoning Ordinance's implementation of the Floodplain Goal and related Policy 3 that encourages flood areas to be used for outdoor recreational uses. Parks are suitable to be located in flood areas because they can be closed during high water events and can provide flood storage capacity.

Since Floodways are extremely hazardous areas due to the velocity of flood waters carrying debris, potential projectiles and erosion, provisions in Section 1110.1(A) prohibits encroachments (in Floodways) including fill, new construction and substantial improvements unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. The provisions in Section 1110.1(B) also require the County Floodplain Manager and Building Official to review and approve all engineered improvements for compliance with the General Standards for Anchoring, Construction Materials and Methods, and Utilities as well as the Specific Standards for Non-Residential Construction in Sections 1108 through 1111 of the Zoning Ordinance. Floodplain Development Permit(s) will be required for any improvements proposed within a Special Flood Hazard Area. This review will be conducted concurrently with the future Site Design Review and prior to any installation of improvements to Chapman Landing.

Because all future development within the designated Floodway and Floodplain areas of the subject properties must be authorized by the County Floodplain Manager and Building Official, Staff finds that the proposed map amendments are consistent with the County's Comprehensive Plan's Goal and Policies for Natural Disaster and Hazards in Part XIX that encourage recreational uses within identified flood plain areas.

Continuing with the Columbia County Comprehensive Plan

Part XX. WILLAMETTE RIVER GREENWAY

GOAL:

To develop and maintain a natural, scenic, historical and recreational greenway along both banks of the Multnomah Channel as part of the statewide Willamette River Greenway system

POLICIES:

1. Agricultural lands within the greenway shall be protected consistent with the Statewide Planning Goals & Guidelines.
2. Identified significant fish and wildlife habitats shall be protected consistent with the Statewide Planning Goals & Guidelines.
3. Identified areas of ecological, scientific, historical, or archeological significance shall be protected, preserved, restored, and enhanced to the maximum extent practicable.
4. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable.
5. Developments shall be directed away from the river to the greatest possible degree and consistent with the Statewide Planning Goals & Guidelines.
6. Any proposed development, intensification, or change in use must be consistent with the Statewide Planning Goals & Guidelines.
7. Public safety and protection of public and private property shall be provided to the maximum extent practicable and shall be considered when reviewing any proposal for development, intensification, or change in use.
8. Public access points shall be encouraged when reviewing any proposal for development, intensification, or change in use.
9. Identified scenic qualities and viewpoints shall be preserved.
10. Local, regional, and state recreational needs shall be provided for when it can be shown that adequate measures have been provided for which will protect adjacent property to the greatest extent practicable.
11. A setback will be established to assure structures are separated from the river in order to carry out the intent of the Willamette [River] Greenway Goal.
12. The County shall cooperate with the Willamette River Greenway Commission in the joint management of county owned lands within the rural portion of the greenway.
13. The County shall continue to improve its inventory of resources located within the Greenway Boundary.

Finding 22: Staff finds that the proposed map amendments will be consistent with and help to implement the Goals and Policies of the Willamette River Greenway in Part XX of the Comprehensive Plan which are intended to provide outdoor recreational activities in scenic and open space areas in close proximity to environmentally sensitive and agriculturally productive land in the County's rural areas. Specifically, these map amendments are consistent with Policy 6 that requires consistency with Statewide Planning Goals that will be covered in Findings 23 – 30. Similarly, the map amendments are consistent with Policies 7, 8 and 9 because they will allow safely designed public access points to the CZ and Willamette River Trail and help to preserve both recreational trail's scenic qualities and viewpoints. The City's response on Page 9 (4/6/21 Revised Zone Change Fact Sheet) states that the future development of Chapman Landing along the Multnomah Channel for recreational use falls directly in line with policies of the Willamette River Greenway/Water Trail and will be open to the public. The ecological and historical resources of Chapman Landing along the CZ Trail will be preserved as it is developed for improved recreational activities associated with the nationally recognized Willamette River Water Trail.

Continuing with the provisions in Section 1502.1(A) (2) Consistency with the Statewide Planning Goals

This next section addresses the provisions in Section 1502.1(A) (2) of the Zoning Ordinance (Finding 8) that require Major Map Amendments to be Consistent with the Statewide Planning Goals

THE FOLLOWING OREGON STATEWIDE PLANNING GOALS APPLY TO THIS PROPOSAL (THOSE NOT LISTED ARE NOT APPLICABLE):

Finding 23: Goal 1 (Citizen Involvement) and Goal 2 (Land Use Planning)

The purpose of Goal 1 is provide opportunities for citizens to be involved in all phases of the planning process by making technical information readily available and easy for the public to understand and providing feedback mechanisms for policy-makers to respond to public input.

The purpose of Goal 2 is, “To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.” Further, as summarized by the Department of Land Conservation and Development, Goal 2 requires coordination with affected governmental entities, consistency with acknowledged plans, and periodic review and revisions (as needed) to those plans.

As covered during the Summary, attached Board Order 21-2019 confirmed the Board of Commissioners held a public hearing on the transfer of the 8-acre subject property (3117-00-00400) from the County to the City of Scappoose on April 17th, 2019, published notice of these hearings in the Spotlight, and received testimony on the subject property's transfer to the City for the purpose of developing Chapman Landing as a public park.

As discussed in Finding 11, the County has complied with both Goals' public participation and coordination requirements. The County notified the Department of Land Conservation and

Development of the request on April 16, 2021 (DLCD File No. 001-21). This proposal was sent out to all property owners within 500 feet of the subject properties as well as to a number of governmental entities, including the Scappoose Bay Water Shed Council, Scappoose Drainage District, Scappoose Fire District, ODOT Highways, Oregon Department of Fish and Wildlife (ODFW), U.S. Fish & Wildlife, Oregon Department of State Lands (DSL), Oregon Department of Agriculture, Oregon Department of Land Conservation & Development (DLCD), the County Sanitarian, County Building Official, and County Public Works Department. All comments received from affected private citizens and governmental entities support the application as long as impacts to neighboring properties are mitigated through the design of the site and its proposed development.

Findings throughout this report demonstrate the proposal's consistency with the County's Comprehensive Plan and Zoning Ordinance and with Oregon's Statewide Planning Goals. Exceptions to Planning Goals were not necessary for this proposal as the proposal involves the conversion of Rural Industrial to Community Service-Recreational per ORS 195.120. With these notifications to federal, state and local agencies, Staff finds that the proposed map amendments have satisfied Statewide Planning Goals 1 and 2.

Continuing with the Oregon Statewide Planning Goals (Goal 5)

Finding 24: Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces): This goal is intended "to protect natural resources and conserve scenic and historic areas and open spaces." Goal 5 further requires that local governments inventory scenic, historic and open space resources and adopt programs that will conserve these resources for present and future generations. Said resources include, but are not limited to, riparian corridors, including water, riparian areas and fish habitat, wetlands, wildlife habitat, approved Oregon Recreation Trails, the Willamette River Water Trail, natural areas, wilderness areas and cultural areas. Part XVI of the Comprehensive Plan addresses Goal 5. The proposed map amendments will help to provide users with improved, appropriate and safe recreational access at Chapman Landing to the Multnomah Channel, Willamette River Water Trail and the CZ Recreational Trail. These additional recreational opportunities will also be designed in ways that will not result in accelerated erosion, pollution, contamination, or siltation of waterways, damage to vegetation and identified wetlands, or injury to fish and wildlife habitats while simultaneously preserving the County's historic, cultural, and scenic resources.

Continuing with the Oregon Statewide Planning Goals (Goal 7)

Finding 25: Goal 7 (Areas Subject to Natural Disasters and Hazards): The purpose of Goal 7 is, "To protect people and property from natural hazards." As summarized by DLCD, "Goal 7 deals with development in places subject to natural hazards such as floods or landslides in order to protect people and property from these events. It requires that jurisdictions apply 'appropriate safeguards' (flood plain zoning, for example) when planning for development there." Public parks are appropriate uses in areas designated as Floodplains because they can comply with the applicable Flood Hazard regulations and are not used during high water events. All future development within the designated Floodplain and Floodway areas will be required to be consistent with the applicable provisions of the Zoning Ordinance and approved by the County

Floodplain Manager and Building Official. For these reasons, Staff finds that Goal 7 has been satisfied.

Continuing with the Oregon Statewide Planning Goals (Goal 8)

Finding 26: Goal 8 (Recreational Needs) The DLCD website states *Goal 8 requires local governments to plan for the recreation needs of their residents and visitors. The goal places priority on non-motorized forms of recreation, and recreation areas that serve high-density populations with limited transportation options and limited financial resources. It also places priority on recreation areas that are free or available at a low cost to the public.*

Staff concurs with the City of Scappoose statements that the proposed map amendments will allow Chapman Landing's incorporation into the CZ Recreational Trail and Willamette River Water Trail and will benefit local residents as well as tourists seeking outdoor recreational opportunities on the land and in the water. With the subject properties unique historic and locational characteristics of the Crown Zellerbach Logging Road's connection to Chapman Landing and the connection via the Multnomah Channel to the nationally recognized Willamette River Water Trail, Staff finds that the proposed map amendments support this Statewide Planning Goal.

Continuing with the Oregon Statewide Planning Goals (Goal 9)

Finding 27: Goal 9 (Economic Development) The DLCD website states: *The purpose of Goal 9 is to help ensure cities and counties have enough land available to realize economic growth and development opportunities. Commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare and prosperity of Oregon's citizens.*

The development of Chapman Landing as a recreational park for the CZ Recreational Trail and the Willamette River Water Trail will provide the County and City with a wider range of resource-related outdoor recreational economic opportunities for local residents as well as tourists. With the potential for increasing the level of outdoor recreational activities in Columbia County associate with the CZ Recreational Trail and the Willamette River Water Trail, Staff finds the proposed map amendments support and are consistent with this Statewide Planning Goal.

It should also be noted that while Forestry is still a large part of the Columbia County economy, logs are no longer transported from Chapman Landing via log rafts along the Columbia River. Therefore, the previous industrial use of this property as a log dump is no longer necessary and is quite unlikely to return. The site has not been used for its original purpose in many years, thus, converting the site to recreational purposes will better serve the needs of the community.

Continuing with the Oregon Statewide Planning Goals (Goal 11)

Finding 28: Goal 11 (Public Facilities and Services). The objective of this goal is for government agencies to timely plan for the provision of adequate and efficient public facilities and services to serve as a framework for urban and rural development. The applicant states in

Page 5 (4/6/21 Revised Zone Change Criteria) that because the subject unincorporated properties are not within the City of Scappoose's Urban Growth Boundary the City will not extend utilities to the rezoned properties. However, the City proposed to install vault toilet(s) that would be reviewed and approved by the County and County Sanitarian at future Site Design Review.

The County Sanitarian's comments also confirm that the proposed method of onsite sewage disposal will be reviewed at future Site Design Review. Likewise, the County Department of Public Works' comments state they support the proposed map amendments but will require a traffic impact analysis as well as a stormwater runoff analysis when improvements to Chapman Landing's parking area are proposed at Site Design Review. As of the date of this report, the County has not received any comments from the Scappoose Rural Fire District. The County Sheriff and the Scappoose Police Department have an intergovernmental agreement giving the City Police authority to provide the same enforcement services they provide within the City. For these reasons, Staff finds that the proposed map amendments are consistent with Statewide Planning Goal 11.

Continuing with the Oregon Statewide Planning Goals (Goal 12)

Finding 29: Goal 12 (Transportation) Goal 12 requires local governments to “provide and encourage a safe, convenient and economic transportation system.” Goal 12 is implemented through LCDC’s Transportation Planning Rule (TPR), OAR 660 Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. Recreational trails are an acknowledged transportation mode in the TPR. The proposed map amendments support the further investment in the land-based CZ Recreational Trail and the water-based Willamette River Trail by enabling the creation of a public recreation area at their confluence.

Findings 1, 6, 7 and 14 of this report have already evaluated the proposed map amendments' Transportation Impact Analysis and Transportation Improvements in Rural Lands. The Oregon Department of Transportation was notified of the request and commented they have no concerns related to the rezoning requested for PA 20-01 and ZC 20-01. For these reasons, Staff finds that the proposed map amendments will be consistent with Statewide Planning Goal 12.

Continuing with the Oregon Statewide Planning Goals (Goal 15)

Finding 30: Goal 15 (Willamette River Greenway) Goal 15 focuses on the Willamette River, and applies to cities and counties along the river. The Willamette River Greenway is a corridor of water and land in which development is planned and built with recognition of the unique qualities of the Willamette River. As covered in Finding 23, Columbia County included the Willamette Greenway Plan as Part XX of their Comprehensive Plan which includes Goals and Policies that guide criteria for new development related to this regional outdoor recreational activity. Because Goal 15 is largely implemented through local comprehensive plans and codes, Staff finds that the proposed map amendments will enable both the City of Scappoose and

Columbia County to implement the Willamette River Greenway and Water Trail at Chapman Landing and allow its connection to the CZ Recreational Trail to Vernonia/Banks consistent with this Statewide Planning Goal. Improving Chapman Landing as a future Destination along this nationally recognized Water Trail located along the Multnomah Channel will allow it to become a Destination of this Water Trail along with the Scappoose Bay Marina. For these reasons, Staff finds that PA 20-01 and ZC 20-01 are consistent with Statewide Planning Goal 15.

This next section addresses the provisions in Section 1502.1(A) (3) of the Zoning Ordinance (Finding 8) that require Major Map Amendments to have adequate facilities, services and transportation networks to support the proposed uses.

3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.

Finding 31: Throughout this Staff Report, the County has consistently researched, evaluated and made Findings that no site development is requested or authorized with the approval of PA 20-01 and ZC 20-01 alone because no new recreational activities will be authorized with the County's approval of these map amendments. All future uses of the rezoned CS-R portions of the subject properties as well as PA-80 portions will be required to be reviewed and approved according to the applicable provisions of the County's Zoning Ordinance and Comprehensive Plan through future land use permitting processes. For these reasons, Staff finds that the proposed map amendments will not compromise public facilities, services, and/or transportation networks. Staff finds that the criterion is met.

Applicable provisions of the Oregon Revised Statutes (ORS)

ORS 197.610 - Post Acknowledgment Procedures

POST-ACKNOWLEDGMENT PROCEDURES

197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

(3) Submission of the proposed change must include all of the following materials:

- (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;
- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;
- (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;
- (d) The date set for the first evidentiary hearing;
- (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and
- (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.

(4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:

- (a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and
- (b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

Finding 32: As covered in Finding 9, Columbia County Land Development Services electronically submitted the proposed map amendments to the Department of Land Conservation and Development (DLCD) on April 16, 2021 by filing DLCD File Number 001-21. This notification included all documentation listed in ORS 197.610(3) and satisfied the minimum 35-day notice prior to the June 7, 2021 initial public hearing in ORS 197.610(1). Notice of this application was mailed to surrounding property owners within 500 feet of the subject site on April 15, 2021. Notice of the application and the Planning Commission's public hearing was published in the *Chronicle* and the *Columbia County Spotlight* on May 26, 2021 and May 28, 2021. These notices were published at least 10 calendar days prior to the June 7, 2021 initial public hearing date. Likewise, the required July 21 notice in the *Chronicle* of the Board of Commissioner's public hearing on August 11, 2021 also complies with these PAPA requirements in the ORS 197.610. Staff finds that the public notification procedures as outlined by Section

1603 for Quasi-judicial hearings were followed for this proposal which also comply with the provisions in ORS 197.610.

COMMENTS RECEIVED

Scappoose Fire District: No comments have been received as of the date of this Report.

Columbia County Soil & Water Conservation District: No comments have been received as of the date of this report.

Scappoose Bay Watershed Council: Has reviewed the proposal and has no objections to its approval as presented.

Scappoose Drainage District: No comments have been received as of the date of this Report.

Oregon Department of Fish & Wildlife: No comments have been received as of the date of this Report.

Oregon Department of State Lands: No comments have been received as of the date of this report.

Oregon Department of Agriculture: No comments have been received as of the date of this Report.

Oregon Department of Transportation (Highways): Ken Shonkwiler, Senior Region Planner for ODOT commented that he has reviewed the documents, has no objections, and will not be commenting as this rezone does not affect the Oregon Transportation Rule since the rezone from RIPD to CS-R proposal will result in less intensive land uses that matches the existing activities

Department of Land Conservation and Development: No comments have been received as of the date of this Report.

1,000 Friends of Oregon: No comments have been received as of the date of this Report.

Columbia County Public Works Department: No issues or concerns with zone change. Public Works will look at access, parking and Stormwater conveyance at time for future Site Design Permit Review.

County Sanitarian: Stated there are no concerns with the re-zone proposal. Proposed vault toilets for public recreational uses do require Sanitarian approval per OAR 340-071-0330 and following the requirements in OAR 340-073-0075 at time future Site Design Permit Review.

County Building Official: Stated that vault toilets and parking for public use should be a requirements of the zone change as a public use trail. Currently people park in residential neighborhoods to use the trail.

Scappoose-Spitzenberg CPAC: No comments have been received as of the date of this Report.

No further comments from agencies or citizens have been received regarding the proposed map amendments as of the date of this Staff Report.

CONCLUSION AND DISCUSSION:

The Planning Commission held a public hearing on June 7, 2021. After hearing the staff presentation and City of Scappoose's testimony and deliberating on this matter, the Planning Commission unanimously approved a motion to recommend approval of the proposed map amendments requested for PA 20-01 and ZC 20-01 to the Board of Commissioners with no revisions.

Notice of the Board of County Commissioners public hearing was published in the local newspaper of record in accordance with the quasi-judicial notice procedures. Notice of the Board of Commissioners public hearing was also available on the County website Board of Commissioners calendar. All notices given have been shown to meet the timelines required by the State and local law. Therefore it is found that citizens that wish to participate in this quasi-judicial process have been provided proper legal notice and have opportunity to be involved.

RECOMMENDATION:

Based upon the Findings incorporated herein this Staff Report, Staff forwards to the Board of Commissioners the recommendation of the Columbia County Planning Commission to **APPROVE** this Major Map Amendment (PA 20-01 & ZC 20-01) to change the Comprehensive Plan Map designation from Rural Industrial to Community Service and the Zoning Map designations from Rural Industrial Planned Development (RIPD) to Community Service-Recreational (CS-R) for the ± 13.24 acres associated with Chapman Landing, subject to the following conditions:

1. All future development on the PA-80 and CS-R zoned subject properties shall require compliance with the applicable provisions of the Columbia County Zoning Ordinance and Comprehensive Plan.
2. In accordance with the provisions in ORS 195.120(5), all future uses of the CS-R zoned portion of the subject properties will be required to (1) not significantly force changes in accepted farm or forest practices or (2) significantly increase the cost of accepted farm or forest practices on surrounding PA-80 zoned lands.

ATTACHMENTS:

Attachment 1 - REVISION dated April 6, 2021 - Plan Amendment and Zone Change Permit submitted for PA 20-01 and ZC 20-01

Attachment 2 - Chapman Landing Rezone Vicinity and Existing Zoning Maps

Attachment 3 - REVISION dated April 6, 2021 - *Zone Change Fact Sheet* (15-pages)

Attachment 4 – Confirmation of DLCDC File # 001-21 dated April 16, 2021

Attachment 5 - Board Order 41-2013 (Pages 1 -3 of 97-Page document)

Attachment 6 - Board Order 21-2019 (14 Page)

Attachment 7 - Comments from County Public Works Department, County Building Official, County Sanitarian, Oregon Department of Transportation and Scappoose Bay Watershed Council



REVISION

Attachment 1

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

General Application

File No. PA 2001
2C 2001

GENERAL LAND USE PERMIT APPLICATION

Application Purpose: Plan Map Amendment & Zone Change

APPLICANT: Name: City of Scappoose

Mailing address: 33568 E. Columbia Ave., Scappoose, OR

Phone No.: Office 503 543 7184 Home 97056

Are you the property owner? owner's agent?

PROPERTY OWNER: same as above, OR:

Name: _____

Mailing Address: _____

PROPERTY ADDRESS (if assigned): N/A

TAX MAP NO.: 3117-00-00303 Acres: 4.96 Zoning: RIPD

(To be rezoned) 3117-00-00400 Acres: ~8.28 Zoning: RIPD

(Not part of rezone) 3117-00-00400 Acres: ~2.04 Zoning: PA-80

PRESENT USES: (farm, forest, bush, residential, etc.)

Use:	Approx. Acres
<u>TL 303 - undeveloped park</u>	<u>4.96</u>
<u>TL 400 - undeveloped park</u>	<u>10.32</u>
<u>liapax trail</u>	
Total acres (must agree with above):	<u>15.28</u>
Total acres to be rezoned:	<u>13.24</u>

General Application

File No. PA 20-01
20 20-01

PROPOSED USES:

Future proposed use (but not part of this application),
Public park

WATER SUPPLY: NA Private well. Is the well installed? ___ Yes ___ No

NA Community system. Name _____

METHOD OF SEWAGE DISPOSAL: NA Community Sewer. Name _____
____ Not applicable.
____ Septic System.

If Septic, does the subject property already have a system? ___ Yes ___ No

If no, is the property approved for a Septic System? ___ Yes ___ No

CONTIGUOUS PROPERTY: List all other properties you own which have boundary lines touching this property:

<u>Tax Map No.</u>	<u>Acres</u>	<u>Co-owners (if any)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Date: 4/5/2021 Signature: [Signature]

NOTE: Please attach an accurate and detailed plot plan, including property lines, existing and proposed structures, location of septic tank and drainfield, farm - forest areas, large natural features (cliffs, streams, etc.). No development proposed at this time.

Planning Department Use Only

Date Rec'd. 4/6/21 Hearing Date: _____

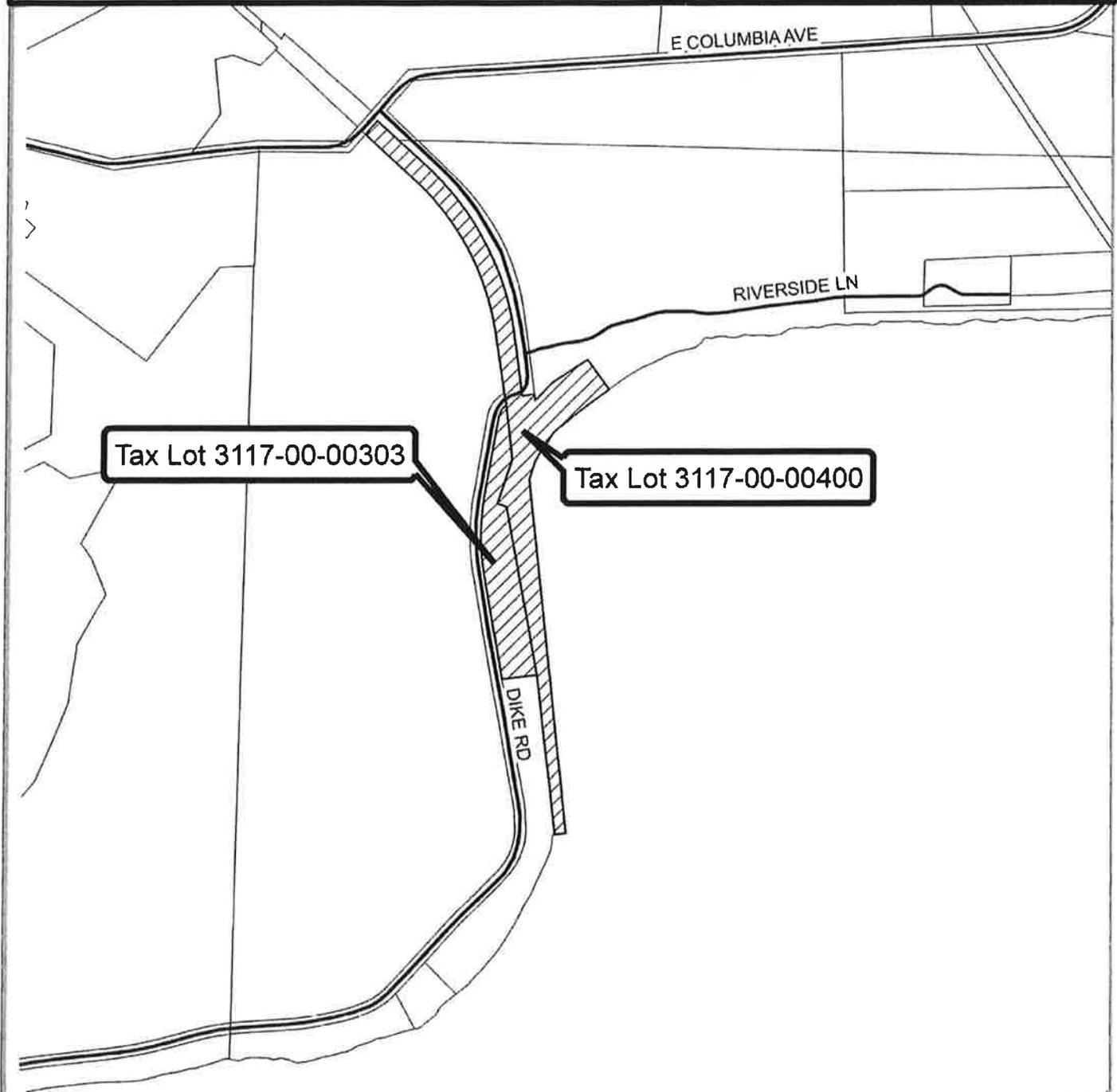
Receipt No. 391622 Or: Administrative _____

Zoning: R100, PA-80 Staff Member: [Signature]

Chapman Landing Rezone Vicinity Map

Attachment 2

Columbia County Assessor's Map Number 3117-00-00303
and 3117-00-00400



Legend

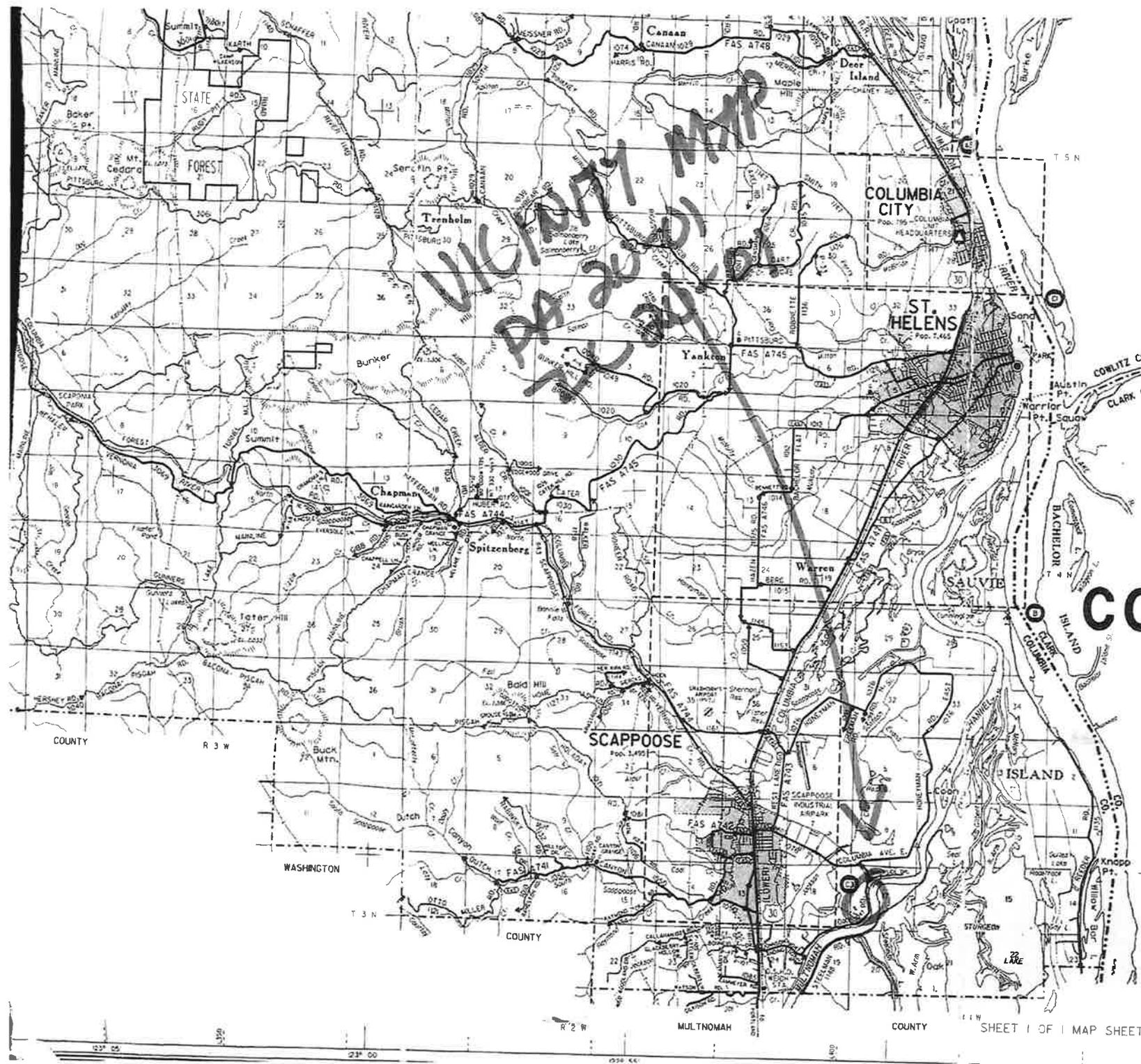
- Streets
- Taxlots Boundary



0 387.5 775 1,550 Feet

Population of Columbia Co

KEY TO CO

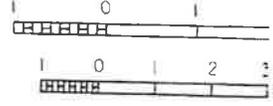


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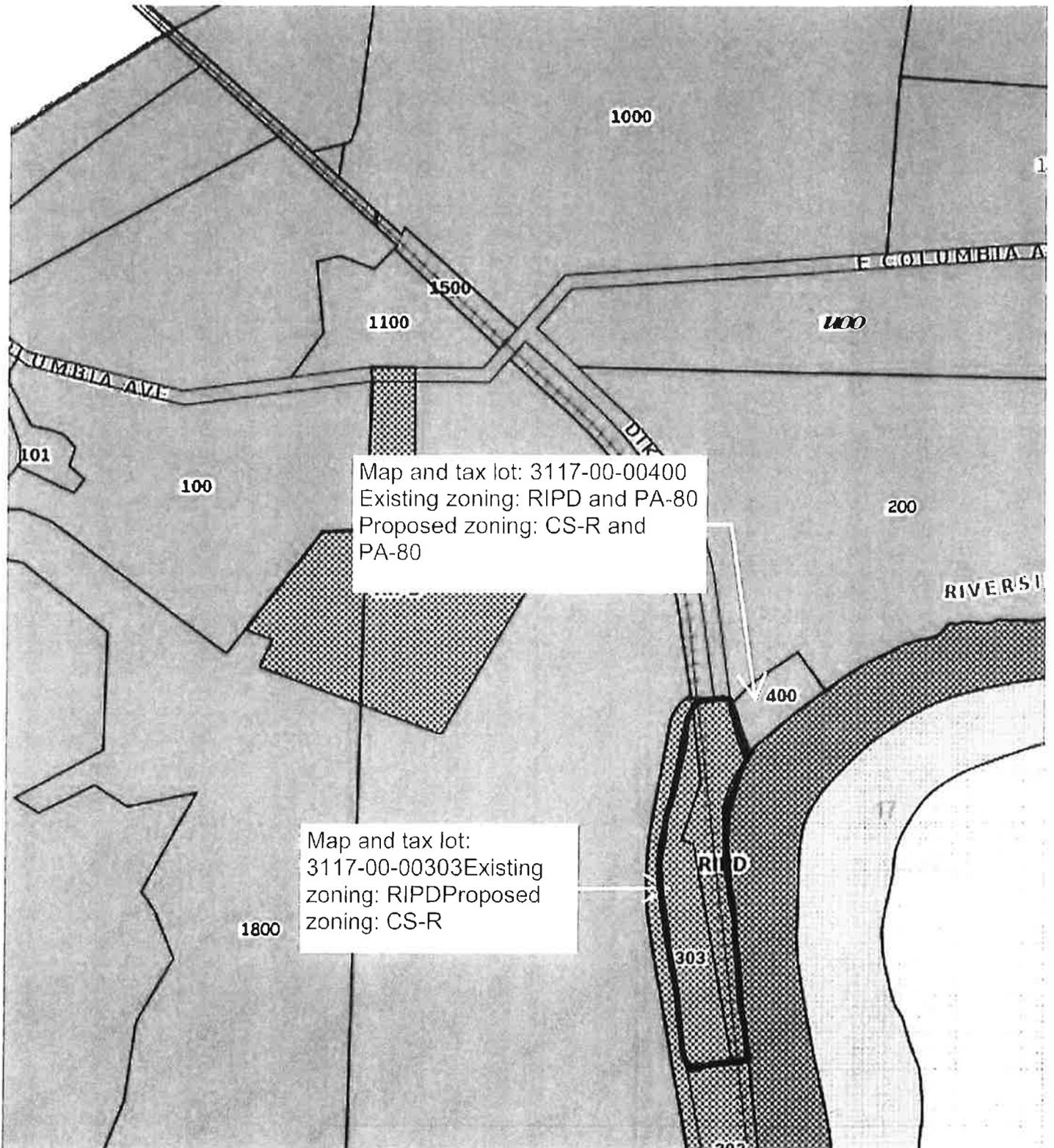
PREPARED BY
OREGON DEPARTMENT OF
TRANSPORTATION
IN COOPERATION
U.S. DEPARTMENT OF
TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

1987

SCALE



State Plane Coordinate or
Oregon North Zone in 1



REVISION



ZONE CHANGE FACT SHEET

1. What is the present zoning?

TL 303 (Chapman Landing): Resource Industrial Planned Development (RIPD).

TL 400 (Chapman Landing and a portion of Crown Zellerbach linear trail): Resource Industrial Planned Development (RIPD) and Primary Agriculture (PA-80).

Attachment 3

2. What zone is proposed?

TL 303: Community Service – Recreation (CS-R).

TL 400: Community Service – Recreation (CS-R) and Primary Agriculture (PA-80).

3. Zoning Map Amendment?

Yes. The applicant also requests a Comprehensive Plan Map amendment from Rural Industrial to Community Service for TL 303 and for the portion of TL 400 that will be rezoned to CS-R.

4. State the specific purpose of the zone change request:

Chapman Landing offers a unique and promising opportunity for the City of Scappoose to create a public recreational facility on the Multnomah Channel with access to the Crown Zellerbach Trail. The site is not currently being utilized in any manner which would present significant impediments to this type of development. However, due to Chapman Landing’s current zoning (RIPD) and Comprehensive Plan designation (Rural Industrial), recreational development is not permitted. In order to make installment of a public park possible, the zoning of this site will need to be changed from RIPD (Resource Industrial Planned Development) to CS-R (Community Service – Recreation). While a portion TL 400 would remain zoned PA-80, recreational uses are listed as a conditional use in the PA-80 zoning district. At the time of a future park development proposal, the City will apply for a conditional use permit to allow use of the PA-80 portion of TL 400 for public park purposes.

5. Why is the subject property better suited for the proposed use than the use presently permitted?

The site’s current Resource Industrial Planned Development zoning designation is reflective of the site’s previous use as a log landing; logs would be brought to the site via railroad, and later by truck, offloaded into the channel, bound together to make log rafts, and sent downriver. This use has been abandoned for decades and the site now functions as an unofficial recreational facility that serves as the terminus for the Crown Zellerbach Trail and provides access to the Multnomah Channel. In order for the City to fully develop the site as a recreational facility, the zoning must be changed to Community Service – Recreation.

Additionally, upon transferring the property to City ownership, Columbia County added a deed restriction stating that the City must apply to rezone the property to CS-R within two years of the transfer date or else property ownership would revert back to the County. The City is in compliance with this stipulation since the initial rezone application was applied for within that two-year window.

6. What public need or convenience will be met by this zone change that is not already being met by available property in the general area:

This site is unique in that it offers an opportunity to create a public recreational facility with views of, and access to, the Multnomah Channel and to serve as the terminus to the Crown Zellerbach Trail. There is no other similarly situated property that is publicly owned nearby. Therefore, development of this site will fulfill a public need for a high quality recreational opportunity, and the development can only take place if the site is appropriately zoned.

7. Describe how the proposal is in general conformance with the comprehensive plan and the planning objectives for the specific area:

The proposed zoning amendments to CS-R for Chapman Landing is in conformance with the applicable sections of the County's Comprehensive Plan and planning objectives, including; Part II - Citizen Involvement, Part III - Planning Coordination, Part XIII – Transportation, Part XIV – Public Facilities and Services, Part XVI – Goal 5: Recreational Needs, Open Space, Historic Areas and Natural Areas, Part XVII – Recreational Needs, and Part XX - Willamette River Greenway, please reference the findings under Zone Change Criteria below for details.

The site's ownership history and deed restrictions are also important to note when assessing the proposal's conformance with the County's planning objectives. A portion of Chapman Landing (TL 400), was originally purchased from the Willamette Columbia Timber Co. in 1997 by the Port of Columbia County (formerly the Port of St. Helens). The Port's intended use for the property was the eventual development of a waterfront recreational facility¹. The property was later conveyed to Columbia County with a deed restriction requiring that it be developed as a public recreational facility. Several years later in April of 2019, Columbia County then conveyed Chapman Landing to the City of Scappoose. The *Agreement for Transfer of Chapman Landing* that was executed by the County and City included four deed restrictions, two of which apply directly to the rezoning of Chapman Landing and are as follows:

1. If the property is used in a manner that is inconsistent with public park or public recreational use, the County or its successors and assigns may re-enter, and upon re-entry, the rights of the City and its successors and assigns shall terminate;² and
2. The City shall be responsible for changing the zoning of the property from industrial to a zone that is consistent with public park and recreational uses. If the City fails to submit an application for the zone change within two years of the date the property is transferred to the City, the County or its successors and assigns shall terminate.³

¹ Columbia County, Memorandum of Understanding, (1997), p. 2

² City of Scappoose, Agreement for Transfer of Chapman Landing, (2019) p. 2

³ City of Scappoose, Agreement for Transfer of Chapman Landing, (2019) p. 2

The other portion of Chapman Landing (TL 303), was donated to the City by the Mary Ellen Bernet Revocable Trust and Frederick R. Bernet Revocable Trust in 2018.

8. Describe any changes that have occurred in the land use, street arrangements, or other physical conditions which have altered the subject property since the present zoning was adopted:

As noted above, the property's current zoning is reflective of the site's historical use as a log landing. That use has long since been abandoned and the site now operates as an unofficial recreational facility. Remnants of the previous use still remain on the site and no street arrangements or other significant physical conditions have been altered.

9. Does the subject property presently have adequate public facilities, services and transportation to support the proposed use? No. If not, describe the development plan being proposed to provide these services:

As the subject site is located outside of Scappoose City limits and the Urban Growth Boundary, the City will not be extending public utilities to the site. However, in order to serve the public who utilize the site for recreational purposes, a vault toilet will be proposed as part of a future development proposal. Additionally, the City plans to improve and, if possible, add parking facilities to the site. An application for Site Development Review/Conditional Use will be submitted prior to any development on site which will allow County Planning staff to provide input on the infrastructure needed to support the development of recreational facilities.

ZONE CHANGE CRITERIA

The following sections are from the Columbia County Zoning Ordinance:

1502 Zone Changes (Map Amendments): There are two types of Zone Changes which will be considered by the Commission: Major Map Amendments and Minor Map Amendments.

1. *Major Map Amendments are defined as a Zone Change which requires the Comprehensive Plan Map to be amended in order to allow the proposed Zone Change to conform with the Comprehensive Plan. The approval of this type of Zone Change is a two-step process:*

A. *The Commission shall hold a hearing on the proposed Zone Change, either concurrently or following a hearing, on the proposed amendment to the Comprehensive Plan which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Commission may recommend approval of a Major Map Amendment to the Board of Commissioners provided they find adequate evidence has been presented at the hearing sustaining the following:*

1. ***The proposed zone change is consistent with the policies of the Comprehensive Plan;***

Below is a list of the policies from the Comprehensive Plan that are applicable to this request, including findings of how the zone change is consistent with those policies:

Part II - Citizen Involvement

Finding: See findings related to this section of the Comp Plan in findings of fact #2, Statewide Planning Goal #1, Citizen Involvement below.

Part III – Planning Coordination, City and County

Finding: Columbia County is home to seven incorporated cities, each of which are responsible for the preparation of their own Comprehensive Plans. The County, under ORS Chapter 197, is given the responsibility of coordinating the plans of cities and special districts within the boundaries of the county. In this way, the County can more effectively plan for the long-term desired patterns of development. The current application to rezone the lands associated with Chapman Landing are in conformance with the planning coordination comprehensive plan objectives since the City is working in coordination with the County to achieve the goal of development of a public park, as required by the deed restriction on TL 400, and as planned for in the Parks Master Plan for the City of Scappoose and Columbia County.

Part XII - Transportation Policies:

#2 The dedication of adequate rights-of-way to meet the standards set in the Transportation Plan shall be required of any person seeking a Zone Change, Conditional Use Permit, Subdivision, or Partition. The developer of a subdivision in an urban growth area will be required to make the appropriate improvements to any related street to meet the roadway, access spacing, and mobility standards set in a Transportation Plan.

Finding: The Columbia County's TSP (Transportation System Plan) states that for a major or minor collector outside of a UGB, the optimal right of way width is 60-feet. The subject site is outside of the Scappoose UGB and the existing right of way adjacent to tax lot 303, which has frontage on Dike Road, is 60-feet; therefore, the zone change is consistent with this policy and no additional right of way will be required.

#3 All expanding or new development shall contribute a fair and proportionate share toward appropriate off-site improvements to county roads whenever a development results in a major increase in traffic on an existing county road.

Finding: No development is proposed at this time; however, a park use is not anticipated to contribute a major increase in traffic since typically park uses have much lower daily trip counts than industrial developments, which was the previous use and zoning on tax lot 303. The proposed zone change is in agreement with Transportation Policy #3.

#10 The County will develop and implement plans to address safe and convenient pedestrian and bicycle circulation, including providing access to key activity centers, such as transit facilities, commercial centers, and community facilities, and improving connections and the ability to transfer between transportation modes.

Finding: The County adopted an update to its Transportation System Plan in 2017 in order to address Policy #10 above. Rezoning the lands associated with Chapman Landing will assist the County in implementing its plans to provide a safe and convenient pedestrian and bicycle route

to key activity centers since the Crown Zellerbach linear trail is used by the public on a daily basis for walking and bicycling and leads to the lands proposed for rezone. Chapman Landing, being on the Multnomah Channel, is a significant and unique recreational destination point in the Scappoose area.

#13 The County will promote walking, bicycling, and sharing the road through public information and organized events.

Finding: Rezoning the lands associated with Chapman Landing will allow for further promotion by the County of future organized events and ensures that the land will remain in recreational use in the future, thereby protecting any branding centered around “recreational opportunities” that the City or County may utilize in the future.

#14 The County will improve bicycle access along all major corridors to provide intercity bicycle connectivity, including high quality bicycle access along Hwy 30 and support the development of the CZ Trail and connection to the Banks-Vernonia Trail.

Finding: As stated, Policy #14 ensures that the County will support the development of the Crown Zellerbach Trail and connection to the Banks-Vernonia Trail. While the parcels under City ownership that contain the linear trail (TL 1500 and TL 200) are not part of the rezone application and will remain zoned PA-80, they are already being used recreationally so this can be considered an existing legal non-conforming use. Further, if the City wished to expand any development on these parcels for recreational uses, it could do so through a conditional use approval or the expansion of a non-conforming use through a variance. The City will partner with the County in promoting and furthering the enhancement of the linear trail for the enjoyment of citizens in and out of the region.

Part XIV - Public Facilities and Services Policies:

#1 Require that adequate types and levels of public facilities be provided in advance of or concurrent with development.

Finding: No development is proposed at this time; however, the applicant is aware that adequate facilities must be provided at the time of development to serve the proposal. Since the subject site is located outside of the UGB, City of Scappoose public water or sewer facilities are not expected to be extended to the site. At the time of a development proposal, the City will comply with the County’s requirement for adequate public facilities and has plans to install a vault toilet to serve park users. The proposed zone change is in agreement with policy #1 of Public Facilities.

#18 Designate parcels supporting public and private facilities and as Community Service in the Comprehensive Plan and implement this plan designation through the use of three (3) zoning designations:

- A. Community Service Utility – CSU*
- B. Community Service Institutional – CSI*
- C. Community Service Recreation – CSR*

#21 Designate as Community Service Recreational (CSR) those lands that:

- A. Support various types of public and private recreational facilities existing as of the date of this ordinance; or,*
- B. Are needed to support public and private recreational facilities which can be shown to satisfy the minimum conversion standards set out in the implementing ordinances.*

Finding: As noted previously in this application, TL 303 and the portion of TL 400 that is currently zoned RIPD, are already being used in a recreational capacity. These parcels are also mentioned in the Columbia County Parks Master Plan as “undeveloped parks” and TL 400 has a deed restriction that requires that it be developed as a park, therefore, the request to amend the zoning to CS-R is in agreement with policy #18 and #21 related to Public Facilities and Services.

Part XVI, Goal 5 - Open Space, Scenic and Historic Areas, and Natural Areas Policies:

Open Space Policies:

#1 Recognize the economic and aesthetic value of open space as it relates to planning for agriculture, forestry, wetlands, and other open space resources.

Finding: Development of the Chapman Landing site as a park protects a natural resource from development, provides open space, and its development would take place along a scenic waterway, the Multnomah Channel. This proposal will allow for a future park to be developed at the subject site which provides opportunities for additional tourism to the region which will have a positive impact on the economic and aesthetic benefits to the area. The proposed zone change is in agreement with Open Space Policy #1.

#3 Recognize the need for public access to the Columbia River and other scenic and recreational features. The County will work with commercial, industrial, and residential developers to promote public use and provide public access to these features whenever possible.

Finding: The County, through its deed restriction on TL 400, recognized the need for public access to the Multnomah Channel by requiring that the property be developed into a public park. The City will promote public use of the parcel once it is developed as a public park. The proposed zone change is in agreement with Open Space Policy #3.

Fish and Wildlife Habitat Policies:

#1 Encourage the provision and acquisition of public access both to and along rivers, streams, and lakes for the release of fish and recreational enjoyment of County residents.

Finding: As previously discussed, in the future (under a separate Site Development Review/Conditional Use application) the applicant intends to develop the subject site into a

public park with access to the Multnomah Channel for the recreational enjoyment of nearby residents and visitors. The proposed zone change is in agreement with Fish and Wildlife Habitat Policy #1.

Natural Areas Policies:

#1 Protect ecologically significant natural features and areas by restricting land use activities which may degrade their unique characteristics and direct incompatible land uses away from such areas.

Finding: The requested zone change to CS-R will ensure that the ecologically significant natural features of Chapman Landing are maintained since this zoning designation does not allow for intensive land use activities that may disrupt natural features, but does permit recreational and park uses which is compatible with Natural Area policy #1.

Water Resources Policies:

#11 Require that all development be planned, designed, constructed, and maintained so as to avoid the probability of accelerated erosion; pollution, contamination, or siltation of lakes, rivers, and streams; damage to vegetation; or injury to fish and wildlife habitats.

Finding: This application does not propose any development at this time; however, future park development on the subject site will be designed in accordance with the provisions of this policy.

Historic and Cultural Areas Policies:

#4 Support efforts to preserve, protect, and enhance the historic and cultural resources of the County.

Finding: Chapman Landing has rich historical significance to the County as a site of early logging operations, remnants of which can still be seen on site today. Future development of the site as a park would serve to protect and preserve the historic and cultural resources of the County. The proposed zone change is in agreement with Historic and Cultural Areas Policy #4.

Oregon Recreational Trails Policies (Article XII):

#2 Support efforts to extend the Banks-Vernonia Linear Trail, primarily along the Crown Zellerbach Logging Road right-of-way, from Vernonia to Scappoose and the Multnomah Channel.

Finding: The City of Scappoose is requesting this zone change to CS-R in order to develop Chapman Landing as a park, which would be the terminus of the trail, ending at Multnomah Channel, which is in conformance with the Oregon Recreational Trails policy #2. Furthermore, without the rezone application being approved, this policy could not be achieved.

Part XVII – Recreational Needs Policies:

#5 Explore the possibility of developing regional parks in conjunction with the cities and local civic groups.

#6 Designate County parks as Community Service in the Comprehensive Plan and implement this designation through the use of the Community Service-Recreational zoning designation.

Finding: The request to amend the Comprehensive Plan map to Community Service and the zoning map to CS-R to allow for the development of a park in conformance with Recreational Needs policy # 6. Furthermore, by rezoning the parcels to CS-R, the County and City could jointly apply for grant funds to develop a regional park connecting the Multnomah Channel and Chapman Landing to Vernonia, and beyond, in conformance with policy # 5 above.

Part XIX – Natural Disasters and Hazards

Floodplain Policies:

#3 Open space uses such as recreation or agriculture shall be encouraged within identified flood plain areas.

Finding: The portion of the subject site that is on the top and east side of the levee (most of TL 303 and TL 400) is within the floodplain. The proposed rezoning of the parcels to allow for open space and recreational uses is in conformance with Floodplain policy #3.

Part XX - Willamette River Greenway Policies:

#1 Agricultural lands within the greenway shall be protected consistent with the Statewide Planning Goals & Guidelines.

#2 Identified significant fish and wildlife habitats shall be protected consistent with the Statewide Planning Goals & Guidelines.

#3 Identified areas of ecological, scientific, historical, or archeological significance shall be protected, preserved, restored, and enhanced to the maximum extent practicable.

#4 The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable.

#5 Developments shall be directed away from the river to the greatest possible degree and consistent with the Statewide Planning Goals & Guidelines.

#6 Any proposed development, intensification, or change in use must be consistent with the Statewide Planning Goals & Guidelines.

#7 Public safety and protection of public and private property shall be provided to the maximum extent practicable and shall be considered when reviewing any proposal for development, intensification, or change in use.

#8 Public access points shall be encouraged when reviewing any proposal for development, intensification, or change in use.

#9 Identified scenic qualities and viewpoints shall be preserved.

#10 Local, regional, and state recreational needs shall be provided for when it can be shown that adequate measures have been provided for which will protect adjacent property to the greatest extent practicable.

Finding: The current application is for a zoning amendment and no development is proposed at this time. The future development of Chapman Landing for recreational use falls directly in line with the policies of the Willamette River Greenway. The park will be located on the Multnomah Channel, will be entirely open to the public, and would not obstruct views up and down the channel. The ecological and historical resources on the site will be preserved to the maximum extent possible and would be reviewed as part of a future Site Development Review/Conditional Use application. Findings related to the Statewide Planning Goals and Policies have been provided later in this application.

2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and

Goal 1 Citizen Involvement

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

Finding: The County's 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 input into the application review conducted by the County at public hearings or by submitting written comments. The County Planning Commission will review the proposed Comprehensive Plan Map Amendment and Zone Change application to make a recommendation to the County Commission. The County Commissioners will hold a public hearing. The County will post and mail applicable notices. This process complies with the goal.

Goal 2 Land Use Planning

Objective: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use.

Finding: The procedural requirements for Comprehensive Plan Map Amendments and Zone Changes are contained in the County's Code, which involve assessment of the application's merits, notice to affected parties and public hearings. The proposal is to a complete a

Comprehensive Plan Map Amendment and Zone Change on unincorporated County land in compliance with Goal 2. Notice of the application will be sent to DLCD as required and the County's decision will be based on findings of fact.

Goal 3 Agricultural Lands

Objective: To preserve and maintain agricultural lands.

Finding: The City is not requesting to rezone any agriculturally zoned lands. Portions of TL 400 are zoned PA-80, including a small section of the existing Crown Zellerbach Trail. Additionally, there is a small portion of TL 400 that will remain zoned PA-80 which is adjacent to the Multnomah Channel and is currently vacant. No additional development is expected to occur on the portion of TL 400 that contains the trail and the other portion of TL 400, adjacent to the Multnomah Channel, may be incorporated into future park plans; however, the City would apply for conditional use approval at the time of development.

The Chapman Landing site, including TL 303 and the portion of TL 400 currently zone RIPD, is identified in the Columbia County Comprehensive Plan as an exception site and qualifies as such since it was previously physically developed for uses other than agriculture/farm use and is identified in the Comprehensive Plan as the, "Crown Zellerbach log dump site"⁴. Since the City is requesting to change the zoning from RIPD to CS-R and since the site has previously been identified as an exception site, another exception need not be requested; however, findings related to OAR 660-004-0018(2)(b) must be provided.

660-004-0018 – Planning and Zoning for Exception Areas

(2) For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those that satisfy (a) or (b) or (c) and, if applicable, (d):

(b) That meet the following requirements:

(A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals, and are consistent with all other applicable goal requirements;

Finding: As defined by the goals, rural lands are those lands that are outside of urban growth boundaries and unincorporated community boundaries. The application to rezone TL 303 and 400 from RIPD to CS-R will only allow for the parcels to be developed with recreational uses, or uses which support recreational uses, such as a non-residential accessory building. Additionally, the land would be maintained as rural since no residential uses (other than a single-family dwelling or mobile home for a caretaker in conjunction with a permitted recreational use) would be allowed on the site, so increases in density would not occur as a result of the rezone.

⁴ Columbia County Comprehensive Plan, Part XII, Industrial Siting, Type I Exceptions

TL 303 and TL 400 are outside of the UGB and public facilities such as public water and sewer would not be available to serve the site since the nearest public water and sewer lines are nearly a mile away, which will further ensure that the land is maintained as rural land. At the time of a development proposal, the City would propose an on-site vault toilet to serve visitors of the future park. Current public services, such as police and fire services, already serve the site and would continue to serve the site after rezoning the land and these services would not affect the rural character of the land. All other applicable Goal 3 requirements are met.

(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as described in OAR 660-004-0028; and

Finding: As previously stated, the rezone to CS-R would only permit recreational uses or uses which support recreational uses; therefore, density would not increase as a result of the zone change. Furthermore, no public facilities are available to serve the site (such as public water or sewer) since the site is located nearly a mile from the urban growth boundary and the same distance from the nearest public water and sewer lines. Lastly, no additional services would be available to the site that aren't already serving the site (such as fire and police protection); therefore, the County can find that zone change to CS-R will not commit adjacent or nearby resource land to uses not allowed by Goal 3.

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;

Finding: Adjacent and nearby resource land is zoned PA-80 and is in agricultural use. As previously stated, the proposed rezone to CS-R is not expected to change the rural uses, density or public facilities and services in a way that would be incompatible with nearby resource uses since the rezone will not allow for increased density, will not bring additional facilities or services to the area which would change the rural nature of the site, and would only allow for recreational uses to be developed on the subject site. Furthermore, PA-80 zoning already permits recreational uses on a conditional use basis so rezoning the subject site to recreational uses would be compatible with the adjacent and nearby resource uses.

Goal 4 Forest Lands

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 leasing 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 there are no identified forest resources located within the parcels to be rezoned.

Goal 5 Open Spaces, Scenic and Historic Areas and Natural Resources

Objective: To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Rezoning Chapman Landing to CS-R to allow park uses meets this goal of the state as it protects a natural resource from intensive development, provides open space, the remnants of its previous use can be preserved for historical value, and its development would take place along a scenic waterway, the Multnomah Channel. This proposal is consistent with this goal.

Goal 6 Air, Water and Land Resources Quality

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

Finding: The Comprehensive Plan Map Amendment and Zone Change proposal would allow the development of a recreational facility at the Chapman Landing site. This use would not negatively impact the area's air, water and land resource quality and would protect the site from intensified, industrial related uses that may have a negative impact. Therefore, this proposal does not conflict with this goal.

Goal 7 Areas Subject to Natural Disasters and Hazards

Objective: To protect people and property from natural hazards.

Finding: The subject site has a levee running through a significant portion of the property. The levee protects the City of Scappoose and unincorporated Columbia County during flood events. The proposal to complete a Comprehensive Plan Map Amendment and Zone change to allow development of a recreational facility would not negatively impact the levee since any design proposal would have to be consistent with all applicable local, state and federal policies. Therefore, this proposal does not conflict with this goal.

Goal 8 Recreational Needs

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: Chapman Landing is an optimal parcel of land for establishment of a park; it is not being utilized for any other purpose, and is located adjacent to the Multnomah Channel and at the terminus of the Crown Zellerbach trail, which adds to its recreational value. Development of this site will be beneficial both for local residents of the County and for tourists seeking an outdoor recreational opportunity close to Portland. This proposal supports this goal.

Goal 9 Economic Development

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 development of Chapman Landing as a park would provide an attractive recreational opportunity to tourists given its location at the terminus of the Crown Zellerbach Trail and its access to the Multnomah Channel. Additionally, a park at Chapman Landing would support development of industrially zoned property located in the NE area of Scappoose, as it

would provide an attractive amenity for employees of the area to enjoy. The proposed rezone is compatible with this goal.

Goal 10 Housing

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

Finding: This goal is not applicable since the parcels involved in this application are not proposed to be rezoned for housing.

Goal 11 Public Facilities and Services

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 outside of the City of Scappoose's City limits and Urban Growth Boundary. Therefore, City utilities will not be extended to the site but, as an alternative, the City will propose to install a vault toilet to provide a restroom facility for users of the future park (which would be reviewed by County Planning staff as part of a Site Development Review/Conditional Use application). The subject property is within the Scappoose Rural Fire District, the Columbia County Sheriff's District and, by intergovernmental agreement, the Scappoose Police Department has the authority to provide the same enforcement services that they provide within the City.

Goal 12 Transportation

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

Statewide Planning Goal 12 is implemented by the state Transportation Planning Rule (TPR). The County adopted an updated Transportation System Plan (TSP) in 2017. As required by Columbia County's zone change approval criteria, proposals to amend the zoning map must be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 – Transportation Planning Rule (TPR).

TRANSPORTATION PLANNING RULE

OAR 660 Division 12 – Transportation Planning:

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);

*(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.

Finding: The County adopted an updated Transportation System Plan (TSP) in 2017. The Columbia County TSP assumed that these sites would be developed under their current County comp plan map designation of Rural Industrial. Daily site trips associated with park uses (according to the ITE – Institute of Transportation Engineer’s manual) are typically lower than industrial and agricultural uses so the trips associated with these parcels over the 20-year planning horizon have already been accounted for. The rezoning of the parcels will not change the functional classification of an existing or planned transportation facility nor would it change any standards implementing a functional classification system; therefore, the County can find that the zone change to CS-R will not significantly affect the surrounding transportation network.

Additionally, OAR 600-012-0065 – Transportation Improvements on Rural Lands, identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goal 3 (Agricultural Lands) without a goal exception. OAR 600-012-0065(3) (h) and (i) state that bikeways, footpaths and recreation trails (not otherwise allowed as a modification or part of an existing road), as well as park and ride lots are allowed on agricultural lands without a goal exception. While the City is not proposing any development at this time, the County can find that no conflict exists as presently zoned.

The 2017 Columbia County TSP states that for a major or minor collector outside of a UGB, the optimal right of way width is 60-feet. The existing right of way adjacent to TL 303, which has frontage on Dike Road, is 60-feet, which meets the requirements for right of way width according to the adopted standards in the TSP. The Comprehensive Plan Map Amendment and Zone Change proposal is in conformance with Statewide Planning Goal 12.

Goal 15 Willamette River Greenway

Objective: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Findings related to Statewide Planning Goal 15 can be found above within the findings for the Columbia County Comprehensive Plans policies for the Willamette River Greenway, which implement Statewide Planning Goal 15.

Statewide Goals 13, 14, and 16 – 19 are not applicable to this application.

3. The property and affected area is presently provided with adequate facilities, services, and the transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

Finding: Public utilities will not be extended due to the site's location in unincorporated Columbia County; however, the City does plan to propose a vault toilet for users of the park at the time of development. Additionally, the City plans to improve upon the available parking and will address improvements to applicable frontage located on public roads, as required by future development. The subject property is within the Scappoose Rural Fire District, the Columbia County Sheriff's District and, by intergovernmental agreement, the Scappoose Police Department has the authority to provide the same enforcement services that they provide within the City.



Oregon Department of Land Conservation and Development

Attachment 4

PAPA Online Submittal

[Home](#)
[\(/PAPA_Online/\)](#)

Reports
https://db.lcd.state.or.us/papa_online_reports

Report A Problem
(mailto:plan.amendments@state.or.us?
subject=PAPA_PR
_Report a Problem)

Columbia County (/PAPA_Online/Jurisdictions/Jurisdiction/Get/44) -> Amendment 001-21 (Read Only)

Home

Home

DLCD File #: 001-21

Home

Status: Proposed Change Submitted by Jurisdiction

Revision Type: Jurisdiction Submission

Revise

Local File #:

ZC 20-01 & PA 20-01

Date of 1st Hearing:

06/07/2021

?

52

Days difference

Date of Final Hearing

?

Days difference

Type:

Comprehensive Plan Map Change

Zoning Map Change

Comprehensive Plan Map & Zoning Map Change

Comprehensive Plan Text Change

Land Use Regulation Change

UGB using Simplified Method (div 38)

UGB amendment by city with population less than 2,500 within UGB (div24)

UGB amendment of 50 acres or less by a city with population 2,500 or more within UGB (div 24)

UGB amendment adding more than 50 acres by city with population 2,500 or more within UGB (div 24)

UGB amendment that adds more than 100 acres by Metro (div 24)

Urban Reserve designation by Metro or a city with population 2,500 or more within UGB

Urban Reserve amendment to add over 50 acres by a city with population 2,500 or more within UGB

Urban Reserve designation or amendment by a city with population less than 2,500 within UGB

Urban Reserve amendment by Metro

Urban Reserve Other

Other

Periodic Review Task

Summary

The City of Scappoose has submitted applications for a Zone Change and a Comprehensive Plan Map Amendment to rezone the Rural Industrial Planned Development (RIPD) zoned portions of two properties to Community Service- Recreational (CS-R). The respective Comprehensive Plan Map will be amended to designate this portion of both properties from Rural Industrial to Community Service. The properties are identified by Tax Map Numbers 3117-00-00303 and 3117-00-00400. The ~5-acres associated with Tax Map 303 is entirely zoned for RIPD uses. Of the ~10.32 acres associated with Tax Map 400, only ~8-acres is zoned RIPD and will be amended to CS-R; the remaining ~2.32 acres zoned for Primary Agriculture (PA-80) uses will not be rezoned. These Map Amendments will allow the City of Scappoose to develop a public recreational/park facility on the Multnomah Channel with access to the existing Crown-Zellerbach Recreational Trail.

An exception to a statewide planning goal is proposed:

Total Acres:

0.00

Locations (If there's a large number of tax lots associated with this amendment, please contact DLCD for assistance. plan.amendments@state.or.us (<mailto:plan.amendments@state.or.us?subject=PAPA%20on-line%20location%20only%20assistance>))

Type
Tax Lot
From
To
Acres

Comprehensive Plan Map & Zoning Map Change
00303

Plan Map: Rural Industrial
Zone: Rural Industrial
Plan Map: Rural Park/Recreation
Zone: Public & Institutional
4.96

Comprehensive Plan Map & Zoning Map Change
00400

Plan Map: Rural Industrial
Zone: Rural Industrial
Plan Map: Rural Park/Recreation
Zone: Public & Institutional
10.32

Additions and changes to tax lots won't be permanently saved until you click the "Save" button at the bottom of this page.

Contacts

Contacts

Deborah Jacob Planner III (Local)

Documents

Upload supporting documentation. Administrative rule requires that you include all of the following materials that may apply:

- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal

Uploaded

Name

User

4/16/2021

Proposal_ZC & PA 20-01 CITY OF SC_20210416084519_2021-04-16_09-52-56.pdf (/PAPA_Online/Document/Get?documentID=251322)

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Designating the Crown-Zellerbach)	
Logging Road and the Area Known as Chapman)	
Landing as a County Recreational Facility and)	ORDER NO. 41 – 2013
Naming it the Crown-Zellerbach Trail)	
_____)	

WHEREAS, pursuant to ORS 275.320, the Board of County Commissioners may, by order, designate any real property acquired by the County as a County forest, public park or recreational area; and

WHEREAS, the Columbia County Forest, Parks and Recreation Ordinance (Ordinance No. 94-9) provides for the designation of County forests, forest-parks, parks, beaches, boat dock facilities and recreational facilities; and

WHEREAS, the Columbia County Transportation System Plan (Ordinance No. 98-03, adopted June 24, 1998) is incorporated into the Columbia County Comprehensive Plan (Ordinance No. 84-4, as amended) and identifies the road paralleling the Scappoose-Vernonia Highway, *i.e.*, the Crown-Zellerbach Logging Road, as a potential bicycle route to complete the link between Highway 30 and the Banks-Vernonia Linear Park; and

WHEREAS, the Crown-Zellerbach Trail Development Concept Plan, approved by the County on April 25, 2007, further describes a vision for the Crown-Zellerbach Logging Road as a multipurpose recreational trail; and

WHEREAS, the County has acquired the following properties commonly known as the Crown-Zellerbach Logging Road and Chapman Landing for the purposes of developing a multipurpose recreational trail:

John Hancock Life Insurance Company, Grantor:

- Special Warranty Deed and Temporary Easement Reservations, recorded in the County Deed Records on December 15, 2004, as Instrument No. 2004-15483
- Easement Agreement (with County as Grantor), recorded in the County Deed Records on December 15, 2004, as Instrument No. 2004-015484
- Special Warranty Deed, recorded in the County Deed Records on April 9, 2008, as Instrument No. 2008-3487

- Special Warranty Deed, recorded in the County Deed Records on May 27, 2009, as Instrument No. 2009-5160

Forestree 96 Limited Partnership, Grantor:

- Special Warranty Deed and Permanent Easement Reservations, recorded in the County Deed Records on December 15, 2004, as Instrument No. 2004-15482
- Special Warranty Deed, recorded in the County Deed Records on April 9, 2008, as Instrument No. 2008-3488

Port of St. Helens, Grantor:

- Statutory Bargain and Sale Deed, recorded in the County Deed Records on April 25, 2006, as Instrument No. 2006-5424

Weyerhaeuser Company, Grantor:

- Special Warranty Deed, including a Permanent Easement Reservation, recorded in the County Deed Records on October 4, 2011, as Instrument No. 2011-7306

The above instruments are attached hereto as Exhibits A-1 through A-8 and incorporated herein by this reference; and

WHEREAS, John Hancock Life Insurance Company, Forestree 96 Limited Partnership and Weyerhaeuser Company each retain easements over portions of the Crown-Zellerbach Logging Road for ingress and egress for certain timber management operations, as described in the instruments referenced above; and

WHEREAS, maps of the Crown-Zellerbach Logging Road and Chapman Landing are attached hereto as Exhibits B-1 and B-2, respectively, and incorporated herein by this reference; and

WHEREAS, designating the Crown-Zellerbach Logging Road and Chapman Landing as a Recreational Facility best serves the public by setting apart such lands for recreational use; and

WHEREAS, such designation is consistent with Memorandum of Understanding between the Port of St. Helens, the City of Scappoose, and the County, dated December 18, 1996, and recorded on January 22, 1997; and

WHEREAS, such designation is also consistent with the Statutory Bargain and Sale Deed from the Port of St. Helens, referenced above, which contains a condition that the property be used for public parks or public recreational purposes; and

WHEREAS, such designation for that portion of the Crown-Zellerbach Logging Road lying within the city limits of Scappoose, Oregon, is consistent with the recently adopted Urban Growth Boundary expansion for Scappoose; and

WHEREAS, as required by ORS 275.320, the City of Scappoose has consented to the designation of that portion of the Crown-Zellerbach Logging Road owned by the County but within city boundaries as a County Recreational Facility; and

WHEREAS, a copy of the City of Scappoose's Resolution No. 13-10 consenting to the designation is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- 1) The properties described on the attached Exhibits A-1 through A-8, and as shown on Exhibits B-1 and B-2, shall henceforth be known as the "Crown-Zellerbach Trail."
- 2) The Crown-Zellerbach Trail is hereby designated and declared to be a Recreational Facility of Columbia County, Oregon, subject to the "Columbia County Forest, Parks and Recreation Ordinance."
- 3) The Crown-Zellerbach Trail shall remain a transportation facility consistent with the Columbia County Transportation System Plan, as amended, and the attached easement agreements with John Hancock Life Insurance Company, Forestree 96 Limited Partnership and Weyerhaeuser Company.
- 4) A certified copy of this Order shall be recorded in the Columbia County Deed Records without cost.

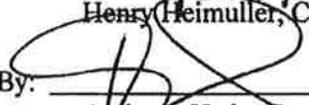
DATED this 28th day of August, 2013.

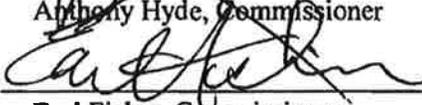
Approved as to form:

By: 
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Henry Heimuller, Commissioner

By: 
Anthony Hyde, Commissioner

By: 
Earl Fisher, Commissioner

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of Conveying Certain Real Property
known as Chapman Landing, near Scappoose, Oregon,
to the City of Scappoose, and removing its designation
as a County Recreational Facility

ORDER NO. 21-2019

[Tax Map ID No. 3117-000-00400; Tax Account No.
5318]

WHEREAS, Columbia County (hereinafter, the "County") is the owner of certain real property in Columbia County, which is more particularly described in Exhibit A to Exhibit 1, attached, and is commonly known as Chapman Landing (hereinafter, the "Property" or "Chapman Landing"); and

WHEREAS, the County acquired the Property from the Port of St. Helens in 2005 through a bargain and sale deed that contains a reversionary clause requiring the property to be used for public park or public recreational purposes; and

WHEREAS, in accordance with that deed, the County adopted Order No. 41-2013, which designated Chapman Landing as a County Recreational Facility under Ordinance No. 94-9, *as amended*, and identified it as part of the Crown-Zellerbach Trail; and

WHEREAS, the City of Scappoose (hereinafter, the "City") has acquired property adjacent to Chapman Landing and wishes to acquire Chapman Landing to develop it as a public park; and

WHEREAS, the City intends to prioritize the development of Chapman Landing as a park, consistent with the general development concept of the Crown-Zellerbach Trail; and

WHEREAS, the County is willing to transfer its interest in the Property to the City, subject to the terms and conditions of the Agreement for Transfer of Chapman Landing (hereinafter, "Agreement"), attached hereto as Exhibit 1, which was fully executed on March 27, 2019; and

WHEREAS, ORS 275.330 authorizes the County to transfer Chapman Landing to the City without approval at an election, if after holding a hearing on the conveyance, the County finds that the conveyance is in the best interest of the public;

WHEREAS, in accordance with ORS 275.330, the Board scheduled a public hearing on the transfer for April 10, 2019, and published notice of the hearing in the *Spotlight* on March 29 and April 5, 2019; and

WHEREAS, due to the cancellation of the Board's April 10th meeting, the hearing was rescheduled to April 17th, with written notice provided at the time and place set for the April 10th meeting;

WHEREAS, on April 17, 2019, the Board held a public hearing and received testimony on the transfer of Chapman Landing to the City; and

WHEREAS, the Board then closed the hearing, deliberated towards a decision, and voted to approve the transfer of Chapman Landing to the City, finding that it is in the public interest because the City intends to expeditiously develop Chapman Landing as a public park or recreational area consistent

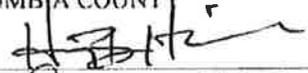
with the terms of the 2005 bargain and sale deed and the general development concept of the Crown-Zellerbach Trail;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The above recitals are adopted as findings in support of the Board's decision; and
2. The Board of County Commissioners authorizes the conveyance of the Property to the City of Scappoose subject to the terms and conditions of the Agreement for Transfer of Chapman Landing, attached hereto as Exhibit I and incorporated herein by this reference; and
3. The Board of County Commissioners will convey the Property by Quitclaim Deed in a form substantially the same as Exhibit B to the Agreement; and
4. The fully executed Quitclaim Deed shall be recorded in the County Clerk deed records by Columbia County without costs.
5. Upon transfer of the Property to the City, the Property's designation as a County Recreational Facility under Ordinance No. 94-9 shall cease.

DATED this 17 day of April, 2019.

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY

By:  _____

Henry Heimuller, Chair

By:  _____

Margaret Magruder, Commissioner

By:  _____

Alex Tardif, Commissioner

Approved as to form

By:  _____

Office of County Counsel

AGREEMENT FOR TRANSFER OF CHAPMAN LANDING

This Agreement (hereinafter, the "Agreement") is by and between COLUMBIA COUNTY, a political subdivision of the State of Oregon, and the CITY OF SCAPPOOSE, an Oregon municipal corporation, for the transfer of Chapman Landing.

RECITALS

WHEREAS, Columbia County (hereinafter, the "County") is the owner of certain real property in Columbia County, which is more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, and is commonly known as Chapman Landing (hereinafter, the "Property" or "Chapman Landing"); and

WHEREAS, the County acquired the Property from the Port of St. Helens in 2005 through a bargain and sale deed that contains a reversionary clause requiring the property to be used for public park or public recreational purposes; and

WHEREAS, in accordance with that deed, the County has designated Chapman Landing as a County Park; and

WHEREAS, the City of Scappoose (hereinafter, the "City") wishes to acquire Chapman Landing in order to further develop it as a public park; and

WHEREAS, the City is also willing to accept jurisdiction over portions of the following County roads: JP West Road, EM Watts Road, and Columbia Avenue; and

WHEREAS, the County is willing to transfer its interest in the Property to the City, subject to the terms and conditions herein.

AGREEMENT

In consideration of the terms and conditions hereinafter stated, County agrees to transfer the Property to City and City agrees to accept the Property on the following terms:

1. **Consideration.** In consideration of the County's transfer of Chapman Landing and payment in the sum of \$60,000 to the City for the pavement overlay of JP West Road, the City agrees to accept jurisdiction over the following roads "AS-IS":
 - A. JP West Road, from Highway 30 to 50 feet past the entrance to Veterans Park (end of sidewalk on the northwest corner), including the bridge (NBI# 22037). As a condition of the City's acceptance;
 - B. EM Watts Road, from Highway 30 to 400 feet west of Keys Road (end of the sidewalk on

the southern side of the roadway), including the bridge (NBI# 13344A); and

C. All of Columbia Avenue that is within the Scappoose Urban Growth Boundary.

2. Deed Restrictions. City agrees to accept the following restrictions, which shall be incorporated into the deed:

- A. If the property is used in a manner that is inconsistent with public park or public recreational use, the County or its successors and assigns may re-enter, and upon re-entry, the rights of the City and its successors and assigns shall terminate.
- B. The City shall be responsible for changing the zoning of the Property from industrial to a zone that is consistent with public park and recreational use. If the City fails to submit an application for the zone change within two years of the date the Property is transferred to the City, the County or its successors and assigns may re-enter, and upon re-entry, the rights of the City and its successors and assigns shall terminate.
- C. In the event that a public road, such as a Scappoose bypass is proposed to be located adjacent to the Property, the City and its successors and assigns waive any right to remonstrate against the location of the road, as long as the road does not encroach on the Property.
- D. The City shall allow and accommodate equestrian use on the Property to the extent such use complies with the rules and regulations of the United States Army Corps of Engineers.

3. Condition of Property and Title.

- A. The City shall acquire the Property "AS IS" with all faults, without covenants or warranties.
- B. The County shall convey the Property without warranty through a Quitclaim Deed substantially in the same form as Exhibit B;
- C. The transfer of the Property is subject to any municipal liens, easements and encumbrances of record.
- D. The Quitclaim Deed will reserve to the County:
 - i. The mineral and associated rights specifically provided for in Exhibit B; and
 - ii. If applicable, all rights to any County, public, forest or Civilian Conservation Corps roads; and
- E. The City shall rely on the results of inspections and investigations completed by the City,

and not upon any representation made by the County.

4. Conditions of Closing/Additional Terms and Conditions.

- A. Conditions of Closing. The County's obligation to transfer the Property is conditioned upon the following occurring no later than the Closing Date, unless otherwise specified or waived by the County:
- i. Prior to transferring the Property to the City, the County shall rescind the Property's designation as a County Park in accordance with ORS 275.330.
 - ii. The County Board of Commissioners will adopt an Order authorizing the transfer of the Property to the City in accordance with terms and conditions substantially the same as those provided for in this Agreement.
 - iii. The City will accept the Quitclaim Deed substantially in form of Exhibit B, hereto.
 - iv. In accordance with ORS 373.270, the County will surrender jurisdiction and the City shall acquire jurisdiction over the following roads "AS-IS":
 1. JP West Road, from Highway 30 to 50 feet past the entrance to Veterans Park (end of sidewalk on the northwest corner), including the bridge (NBI# 22037);
 2. EM Watts Road, from Highway 30 to 400 feet west of Keys Road (end of the sidewalk on the southern side of the roadway), including the bridge (NBI# 13344A); and
 3. All of Columbia Avenue that is within the Scappoose Urban Growth Boundary.
 - v. The County will remit to the City a sum in the amount of sixty-thousand dollars (\$60,000) for the pavement overlay of JP West Road.
- B. Failure of Conditions at Closing. In the event that any of the conditions set forth in Section 4 above are not timely satisfied or waived by the Closing Date, the rights and obligations of Parties shall terminate. In the event of said termination, City's agreement provided for in Section 4.B.vii, below, shall survive termination.
- C. Additional Terms and Conditions. The Parties agree to the following additional terms and conditions, which shall survive closing:
- i. Prior to commencing park development, the City shall obtain the approval of the County Board of Commissioners for park development plans. The County shall review the plans for consistency with the Crown-Zellerbach Trail concept and

development.

- ii. The City shall establish a kiosk for the Crown-Zellerbach Trail at the intersection of West Lane and the Crown-Zellerbach Trail.
- iii. The City shall include the County as an equal partner in park branding, signage, brochures, and other promotional materials, and shall where appropriate, note the connection with the Crown-Zellerbach Trail and other Columbia County parks and recreational facilities.
- iv. The City shall maintain the park site.
- v. In the event of future boat moorage development at the park, the City shall provide slip space, including related storage space, for the County at no charge.
- vi. CITY AGREES TO RELEASE, DEFEND, INDEMNIFY AND HOLD HARMLESS COUNTY, ITS OFFICERS, AGENTS AND EMPLOYEES, SUCCESSORS AND ASSIGNS FROM ALL CLAIMS, SUITS, ACTIONS, LIABILITY, DAMAGE, LOSS, COST OR EXPENSE, INCLUDING ATTORNEY FEES, ARISING OUT OF OR RELATING TO THIS AGREEMENT AND THE PROPERTY, INCLUDING ENVIRONMENTAL LIABILITY ARISING FROM THE PROPERTY. THIS CONDITION SHALL SURVIVE CLOSING AND SHALL NOT MERGE WITH THE DEED

5. General Provisions.

- A. Notices. Unless otherwise specified, any notice required or permitted in, or related to this Agreement, must be in writing and signed by the party to be bound, and shall be delivered to the following:

FOR COUNTY:
Board of County Commissioners
c/o Board Office Administrator
230 Strand, Room 330
St. Helens, OR 97051
Phone No: 503-397-3839

FOR CITY:
Michael Sykes, City Manager
City of Scappoose
33568 E. Columbia Avenue
Scappoose, OR 97056
Phone No: 503-543-7146 ext. 226

- B. Assignment. This Agreement is not assignable by the parties.
- C. Closing. The Parties intend to close the transfer on or before April 15, 2019, with the actual time and date of closing (the "Closing") to be set by County at its sole discretion. The sale shall be "Closed" when the Quitclaim Deed is recorded by the County.
- D. Possession. Buyer shall be entitled to exclusive possession of the Property at the time the sale is Closed in accordance with Section 5.C, above.

- E. Attorneys' Fees. In the event a suit, action, arbitration or other proceeding of any nature whatsoever to enforce or interpret this Agreement, the parties shall be responsible for their respective costs and expenses, including attorneys' fees. This paragraph shall survive Closing and shall not merge with the deed.
- F. Exhibits. The following Exhibits are attached to this Agreement and incorporated within this Agreement: Exhibit A, Statutory Bargain and Sale Deed; and Exhibit B, Quitclaim Deed.
- G. Governing Law. This Agreement is made and executed under and in all respects shall be governed and construed by the laws of the State of Oregon.
- H. Venue. Venue related to this Agreement shall be in the Circuit Court of the State of Oregon for Columbia County, in St. Helens, Oregon.
- I. No Third Party Rights. This Agreement is solely for the benefit of the parties to this Agreement. Rights and obligations established under this Agreement are not intended to benefit any person or entity not a signatory hereto.
- J. Time of the Essence. Time is of the essence of this Agreement.
- K. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which together shall constitute one and the same Agreement. This Agreement shall be binding upon and shall inure to the benefit of the parties and their respective successor and assigns. The parties represent, covenant and warrant that the person signing this Agreement on their behalf has full right and authority to bind the party for whom such person signs to the terms and provisions of this Agreement. Furthermore, the parties represent and warrant that they have taken all steps necessary to bind themselves to this Agreement.
- L. INTEGRATION, MODIFICATIONS, OR AMENDMENTS. THIS AGREEMENT, INCLUDING ITS EXHIBITS, CONTAINS THE ENTIRE AGREEMENT OF THE PARTIES WITH RESPECT TO THE PROPERTY AND SUPERSEDES ALL PRIOR WRITTEN AND ORAL NEGOTIATIONS AND AGREEMENTS WITH RESPECT TO THE PROPERTY. THE PARTIES TO THE AGREEMENT MUST APPROVE ANY MODIFICATIONS, CHANGES, ADDITIONS, OR DELETIONS TO THE AGREEMENT IN WRITING.
- M. No Merger. The terms and conditions set forth in this Agreement, including, but not limited to those set forth in Sections 2-4, shall survive Closing and shall not merge with the deed.
- N. Closing Date. The Closing Date shall be April 15, 2019.
- O. STATUTORY DISCLAIMERS.

"THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

"IF THE PROPERTY IS SUBJECT TO ORS 358.505 THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505."

IN WITNESS WHEREOF the parties have caused this agreement to be executed and do each hereby warrant and represent that their respective officers, whose signatures appear below,

///

have been and are on the date of this agreement authorized by all necessary and appropriate legal action to execute this agreement.

CITY OF SCAPPOOSE

By: Michael Sykes
Michael Sykes, City Manager

Date: 3-18-19

Attested

Susan M. Reeves
City Recorder

Approved as to form

By: Peter O. White
City Attorney

BOARD OF COUNTY COMMISSIONERS FOR
COLUMBIA COUNTY

By: Henry Heimuller
Henry Heimuller, Chair

By: Margaret Magruder
Margaret Magruder, Commissioner

By: Alex Tardif
Alex Tardif, Commissioner

Date: 3-27-19

Approved as to form

By: [Signature]
Office of County Counsel

EXHIBIT A

Legal Description for Map ID No 3117-000-00400 and Tax Account No. 5318

PARCEL 1: Portions of Section 17, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon described as:

That portion of Section 17 as described in Parcels 1 through 8 of deed from PORTLAND AND SOUTHWESTERN RAILROAD COMPANY to CROWN ZELLERBACH CORPORATION dated December 30, 1947 recorded in Book 97, Page 473, Deed Records of Columbia County, Oregon; ALSO, that portion of Section 17 as described by metes and bounds in Parcels A and B of deed dated January 16, 1947 recorded in Book 91, Page 515, Deed Records of Columbia County, Oregon; ALSO that portion of Section 17 as described by metes and bounds in deed dated February 6, 1964 recorded in Book 154, Page 251, Deed Records of Columbia County, Oregon.

Excepting therefrom any portion lying below the high water line of the Willamette Slough and Multnomah Channel.

Also excepting a tract of land in Section 17, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

All that portion of the Port of St. Helens tract as described in Parcel 1, Instrument No. 97-00606, Clerk's Records, Columbia County, Oregon being Northerly, Easterly and Downstream of the following described line: beginning at a 3/8" iron rod as shown on County Survey No. L-317 as per plat on file and of record in the Surveyor's Office, Columbia County, Oregon said iron rod being called South 1721.95 feet and East 1448.92 feet and North 08°48'00" West 97.91 feet from the Northwest corner of said Section 17; thence North 81°12'00" East a distance of 99.78 feet; thence

North 08°48'00" West a distance of 147.52 feet to a 5/8" iron rod as shown on said County Survey No. L-317; thence North 81°05'02" East a distance of 60.07 to a 5/8" iron rod as shown on said County Survey No. L-317 at the Southeast corner of the County Road and the true point of beginning of the following described line; thence South 08°57'59" East a distance of 33.05 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North 41°14'31" East a distance of 132.09 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North 52°43'43" East a distance of 223.70 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South 36°41'34" East a distance of 120.84 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence continuing South 36°41'34" East to the center of the Willamette Slough/Multnomah Channel and the end of the line described herein.

Together with a tract of land in Section 17, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

All that portion of the Anthony P. Loos, Trustee (or any successor Trustee) of the C. H. Loos Revocable Trust - Credit Shelter By-Pass Fund, under Agreement dated November 7, 1991 tract as described in, Instrument No. 93-11296, Clerk's Records, Columbia County, Oregon lying Southerly, Westerly and Upstream of the following described line: beginning at a 3/8" iron rod as shown on County Survey No. L-317 as per plat on file and of record in the Surveyor's Office, Columbia County, Oregon said iron rod being called South 1721.95 feet and East 1448.92 feet and North 08°48'00" West 97.91 feet from the Northwest corner of said Section 17; thence North 81°12'00" East a distance of 99.78 feet; thence North 08°48'00" West a distance of 147.52 feet to a 5/8" iron rod as shown on said County Survey No. L-317; thence North 81°05'02" East a distance of 60.07 to a 5/8" iron rod as shown on said County Survey No. L-317 at the Southeast corner of the County Road and the true point of beginning of the following described line; thence South 08°57'59" East a distance of 33.05 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North 41°14'31" East a distance of 132.09 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North 52°43'43" East a distance of 223.70 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South 36°41'34" East a distance of 120.84 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence continuing South 36°41'34" East to the center of the Willamette Slough/Multnomah Channel and the end of the line described herein.

PARCEL 2: Those portion of Sections 7 and 8, Township 3 North, Range 1 West, Willamette Meridian, Columbia County, Oregon as described in Parcels 1 through 8 of deed from PORTLAND AND SOUTHWESTERN RAILROAD COMPANY to CROWN ZELLERBACH CORPORATION dated December 30, 1947 recorded in Book 97, Page 473, Deed Records of Columbia County, Oregon.

EXCEPTING THEREFROM: That portion of the above described tract which falls within the boundaries of the City of Scappoose tract as described in Parcel 1 of Instrument No. 02-08446, Clerk's Records, Columbia County, Oregon

Tax Account No: 3117-000-00400 and 3100-000-00200.

EXHIBIT B

AFTER RECORDING, RETURN TO GRANTEE:

City of Scappoose
c/o City Manager
33568 E. Columbia Avenue
Scappoose, OR 97056

Until a change is requested, all tax statements shall be sent to Grantee at the above address.

QUITCLAIM DEED

The **COUNTY OF COLUMBIA**, a political subdivision of the State of Oregon, hereinafter called Grantor, for the consideration hereinafter stated, does hereby release and quitclaim unto the City of Scappoose hereinafter called Grantee, all right, title and interest in and to that certain parcel of real property identified in Columbia County records as Map ID No. **3117-000-00400** and Tax Account No. **5318** and more particularly described on Exhibit A, attached hereto and incorporated herein by this reference.

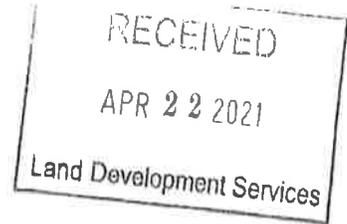
The true and actual consideration for this conveyance is other consideration received.

This conveyance is subject to the following exceptions, reservations and conditions:

- 1) This property is conveyed AS-IS without covenants or warranties, subject to any municipal liens, easements and encumbrances of record.
- 2) All rights to any County, public, forest or Civilian Conservation Corps roads are hereby reserved for the benefit of Columbia County, Oregon.
- 3) All rights to any minerals, mineral rights, ore, metals, metallic clay, aggregate, oil, gas or hydrocarbon substances in, on or under said property, if any, including underground storage rights, surface mining, and also including the use of such water from springs, creeks, lakes or wells to be drilled or dug upon the premises as may be necessary or convenient for such exploration or mining operations, as well as the conducting of operations related to underground storage and production of gaseous substances on the property, are specifically excepted, reserved and retained for the benefit of Columbia County, Oregon, together with the right of ingress and egress thereto for the purpose of exercising the rights hereby excepted, reserved and retained.
- 4) If the property is used in a manner that is inconsistent with public park or public recreational use, the County or its successors and assigns may re-enter, and upon re-entry, the rights of the City and its successors and assigns shall terminate.
- 5) The City shall be responsible for changing the zoning of the Property from industrial to a zone

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
ST. HELENS, OREGON 97051
Phone: (503) 397-1501 Fax: (503) 366-3902

Attachment 7



April 15, 2021

REFERRAL AND ACKNOWLEDGMENT

To: Transportation Planner

NOTICE IS HEREBY GIVEN that the the City of Scappoose, has submitted applications for a Zone Change and Comprehensive Plan Map Amendment. The site is approximately 13.24 acres and currently zoned Rural Industrial Planned Development (RIPD) and Primary Agriculture (PA-80. This proposal will rezone the RIPD zone to Community Service-Recreation (CS-R) with no change to the Primary Agricultural (PA-80) zone. The property is identified by Tax Map Nos. 3117-00-00303 & 3117-00-00400.

SAID PUBLIC HEARING will be held before the on Monday, June 7, 2021, 6:30P.M.

During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

Mon, June 7, 2021 6:00 PM - 9:00 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/759744693>

You can also dial in using your phone.

United States (Toll Free): 1 877 568 4106

United States: +1 (571) 317-3129

Access Code: 759-744-693

THIS APPLICATION IS FOR: Administrative Review; Planning Commission, Hearing Date: **June 7, 2021**

PLEASE RETURN BY: 04/26/2021

Planner: **Deborah Jacob**

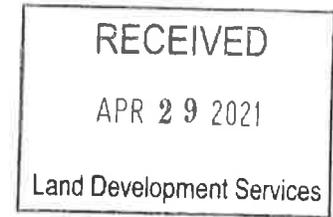
The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.
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, for the reasons below:

COMMENTS: No issues or concerns with zone change. We will look at access, parking and storm water conveyance once they submit a site plan

Signed: Scott Toenjes Printed Name: Scott Toenjes
Title: Engineering Technician I Date: 4/22/2021



April 15, 2021

REFERRAL AND ACKNOWLEDGMENT

To: Building Official

NOTICE IS HEREBY GIVEN that the the City of Scappoose, has submitted applications for a Zone Change and Comprehensive Plan Map Amendment. The site is approximately 13.24 acres and currently zoned Rural Industrial Planned Development (RIPD) and Primary Agriculture (PA-80. This proposal will rezone the RIPD zone to Community Service-Recreation (CS-R) with no change to the Primary Agricultural (PA-80) zone. The property is identified by Tax Map Nos. 3117-00-00303 & 3117-00-00400.

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THIS APPLICATION IS FOR: Administrative Review; Planning Commission, Hearing Date: **June 7, 2021**

PLEASE RETURN BY: 04/26/2021

Planner: **Deborah Jacob**

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.
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, for the reasons below:

COMMENTS: I recommend either a Public Vault toilet
or serviced portable toilet ^(in lieu of until development) be added prior to future
development since it appears people are already
parking using trail.

Signed: SDahl Printed Name: Suzie Dahl

Title: Building Official Date: 4/26/21

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
ST. HELENS, OREGON 97051
Phone: (503) 397-1501 Fax: (503) 366-3902

April 15, 2021

REFERRAL AND ACKNOWLEDGMENT

To: Sanitarian

NOTICE IS HEREBY GIVEN that the the City of Scappoose, has submitted applications for a **Zone Change and Comprehensive Plan Map Amendment**. The site is approximately 13.24 acres and currently zoned Rural Industrial Planned Development (RIPD) and Primary Agriculture (PA-80). This proposal will rezone the RIPD zone to Community Service-Recreation (CS-R) with no change to the Primary Agricultural (PA-80) zone. The property is identified by Tax Map Nos. 3117-00-00303 & 3117-00-00400.

SAID PUBLIC HEARING will be held before the on Monday, June 7, 2021, 6:30P.M.

During the COVID-19 global pandemic, the Columbia County Planning Commission will be hosting their public hearing via online webinar. Please use the links below if you wish to participate in the public meeting.

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Access Code: 759-744-693

THIS APPLICATION IS FOR: Administrative Review; Planning Commission, Hearing Date: **June 7, 2021**

PLEASE RETURN BY: 04/26/2021

Planner: Deborah Jacob

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.
3. We are considering the proposal further, and will have comments to you by _____.

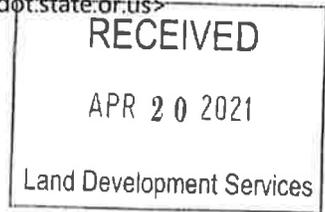
4. _____ Our board must meet to consider this; we will return their comments to you by _____
5. _____ Please contact our office so we may discuss this.
6. _____ We recommend denial of the application, for the reasons below:

COMMENTS: Proposed vault toilets for public recreational use do require Sanitarian approval per DAR 340-071-0330 and following requirements in

Signed: EO' Connel Printed Name: Erin O'Connell
Title: RHS Date: 5/6/21
DAR340-073-0075.

Deborah Jacob

From: SHONKWILER Kenneth D <Kenneth.D.SHONKWILER@odot.state.or.us>
Sent: Tuesday, April 20, 2021 1:19 PM
To: Deborah Jacob
Cc: STRAUSS Karen A
Subject: Rezone information
Attachments: Scanned from a Xerox Multifunction Printer.pdf



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Hello Deborah,

Thank you for sending this notice to the District 1 Office. I reviewed the documents and will not be commenting as this rezone does not affect the Transportation Planning Rule – the rezone is changing the land use to a less-intensive use that matches the existing activities. We have no objection to its approval.

Please involve us when the County furthers planning efforts on the Crown Zellerbach trail, especially for planning efforts that involve ODOT highways.

Also – can the county please email development review notices? Sometimes we are not alerted in a timely manner when these are mailed to various ODOT offices. Please send emails to ODOTR2PLANMGR@odot.state.or.us

Thanks

Ken Shonkwiler, Senior Region Planner
(503) 325 – 5281
Cell – 503-313-6812
Oregon Department of Transportation | Northwest Area | 350 W Marine Dr. , Astoria, OR 97103
Kenneth.d.Shonkwiler@odot.state.or.us

RECEIVED
APR 21 2021
Land Development Services

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
ST. HELENS, OREGON 97051
Phone: (503) 397-1501 Fax: (503) 366-3907

April 15, 2021

REFERRAL AND ACKNOWLEDGMENT



To: Scappoose Bay Water Shed Council

NOTICE IS HEREBY GIVEN that the the City of Scappoose, has submitted applications for a **Zone Change and Comprehensive Plan Map Amendment**. The site is approximately 13.24 acres and currently zoned Rural Industrial Planned Development (RIPD) and Primary Agriculture (PA-80). This proposal will rezone the RIPD zone to Community Service-Recreation (CS-R) with no change to the Primary Agricultural (PA-80) zone. The property is identified by Tax Map Nos. 3117-00-00303 & 3117-00-00400.

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Access Code: 759-744-693

THIS APPLICATION IS FOR: () Administrative Review; (X) Planning Commission, Hearing Date: **June 7, 2021**

PLEASE RETURN BY: 04/26/2021

Planner: **Deborah Jacob**

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1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.
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, for the reasons below:

COMMENTS: _____

Signed: Dana Piche Printed Name: Dana Piche
Title: Coordinator, SBWC Date: 4/21/2021