

**COLUMBIA COUNTY  
BOARD OF COMMISSIONERS**

**STAFF REPORT**

July 19, 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

<b>SUBJECT PROPERTY:</b>	<b>TAX MAP NO:</b>	<b>Acct. No.</b>	<b>Acreage</b>	<b>Zone</b>	<b>Comp Plan</b>
	3117-00-00303	439079	<b>4.96</b>	<b>RIPD</b>	<b>RI</b>
	3117-00-00400	5318	<b>8.28</b>	<b>RIPD</b>	<b>RI</b>
	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).

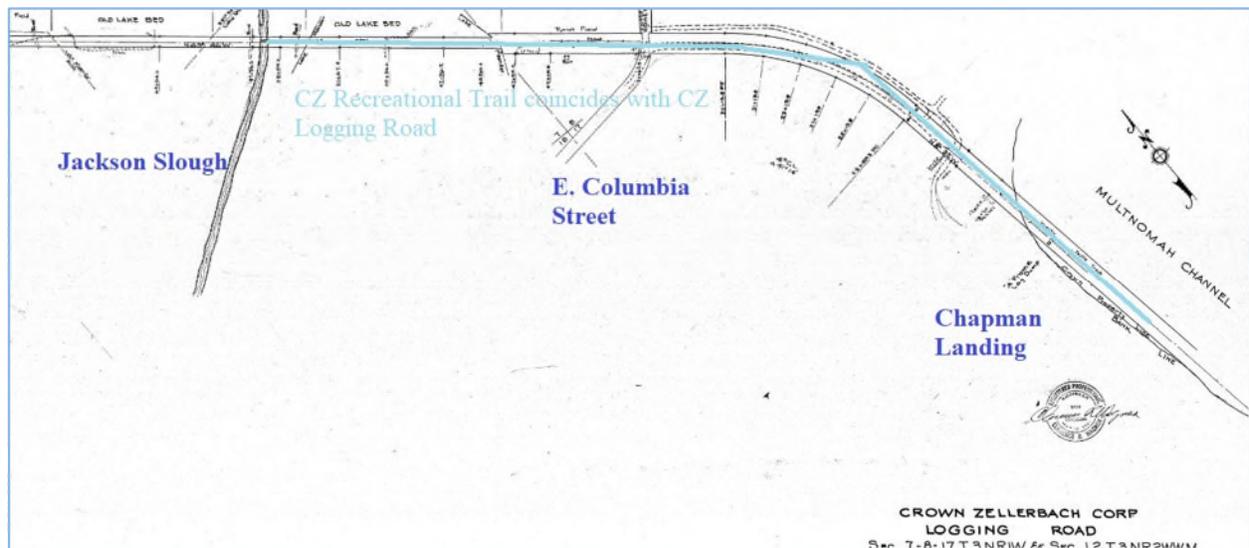
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## SUMMARY AND BACKGROUND

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)	<b>4.96 acres</b>
3117-00-00400	Rural Industrial Planned Development (RIPD) *Primary Agriculture (PA-80)	<b>8.28 acres</b> 2.04 acres
<b>Total RIPD Rezone</b>		<b>13.24 acres</b>

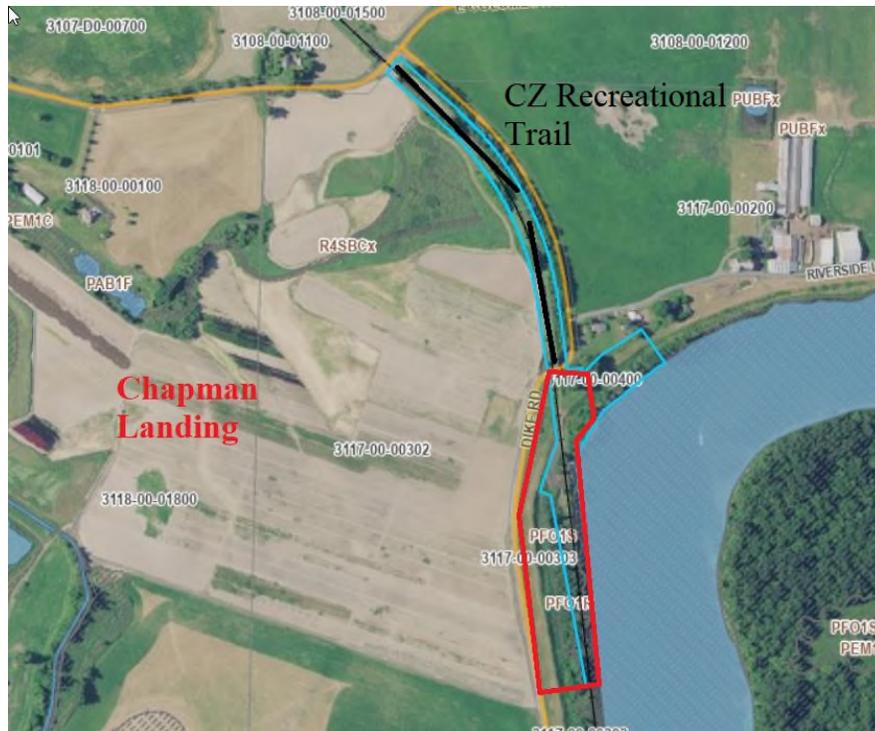
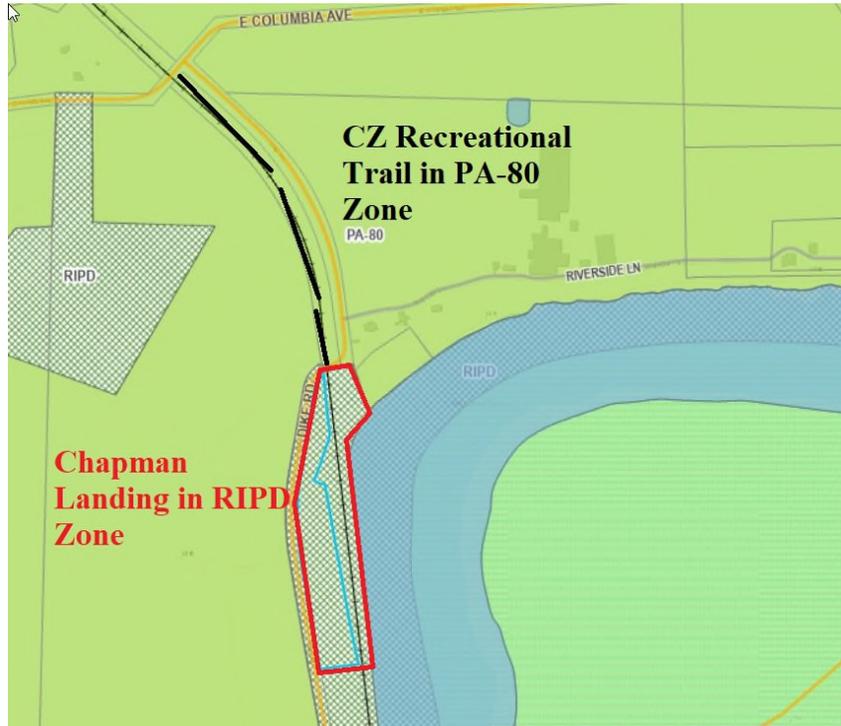
\*No rezoning is proposed for the 2.04 acres in the PA-80 Zone

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.

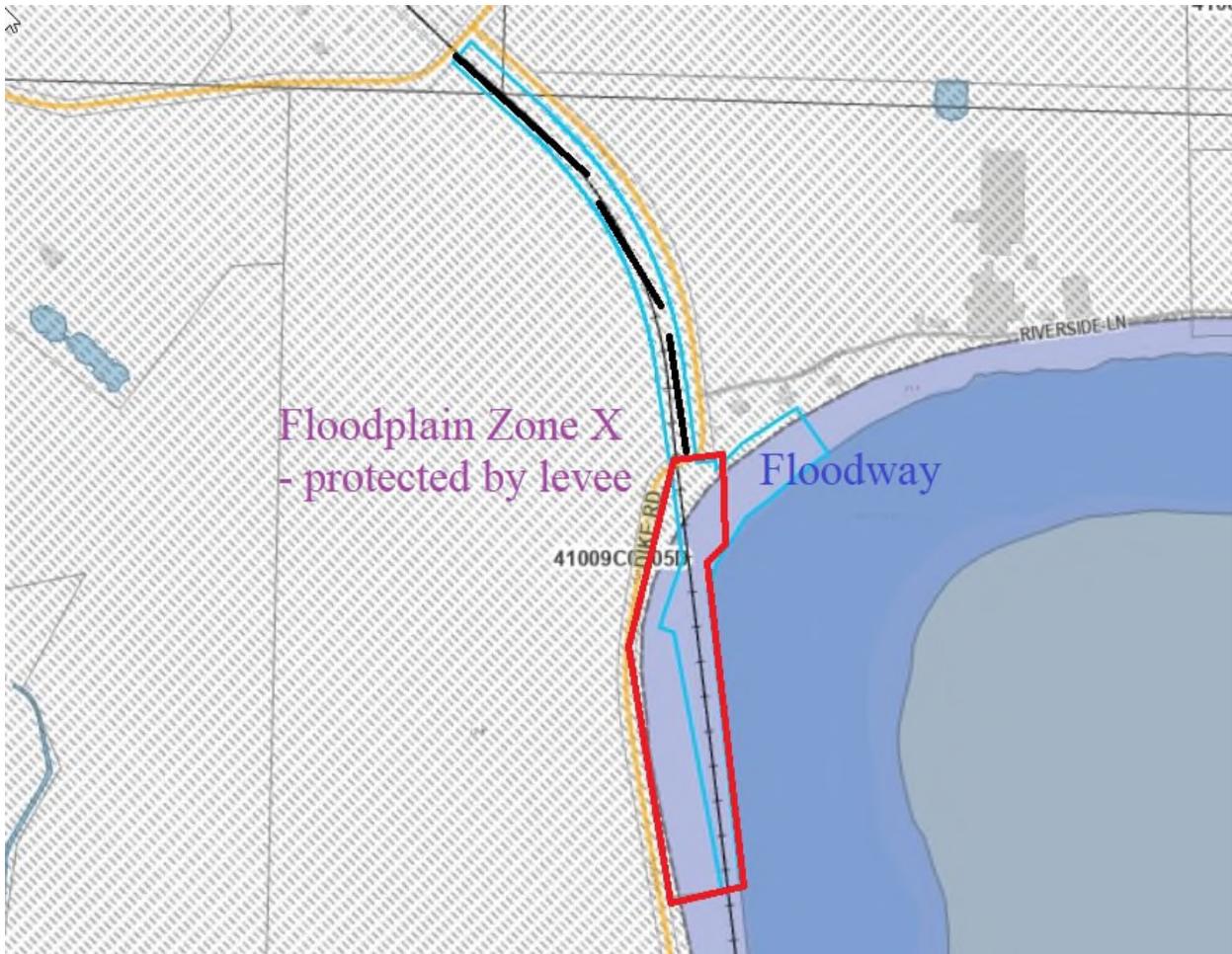
The first public hearing on the proposed map amendments was held on June 7, 2021 before the Columbia County Planning Commission. The Planning Commission heard the County Planning Staff's presentation of a summary of the May 26, 2021 Staff Report for PA 20-01 and ZC 20-01 and the City of Scappoose's supporting 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.

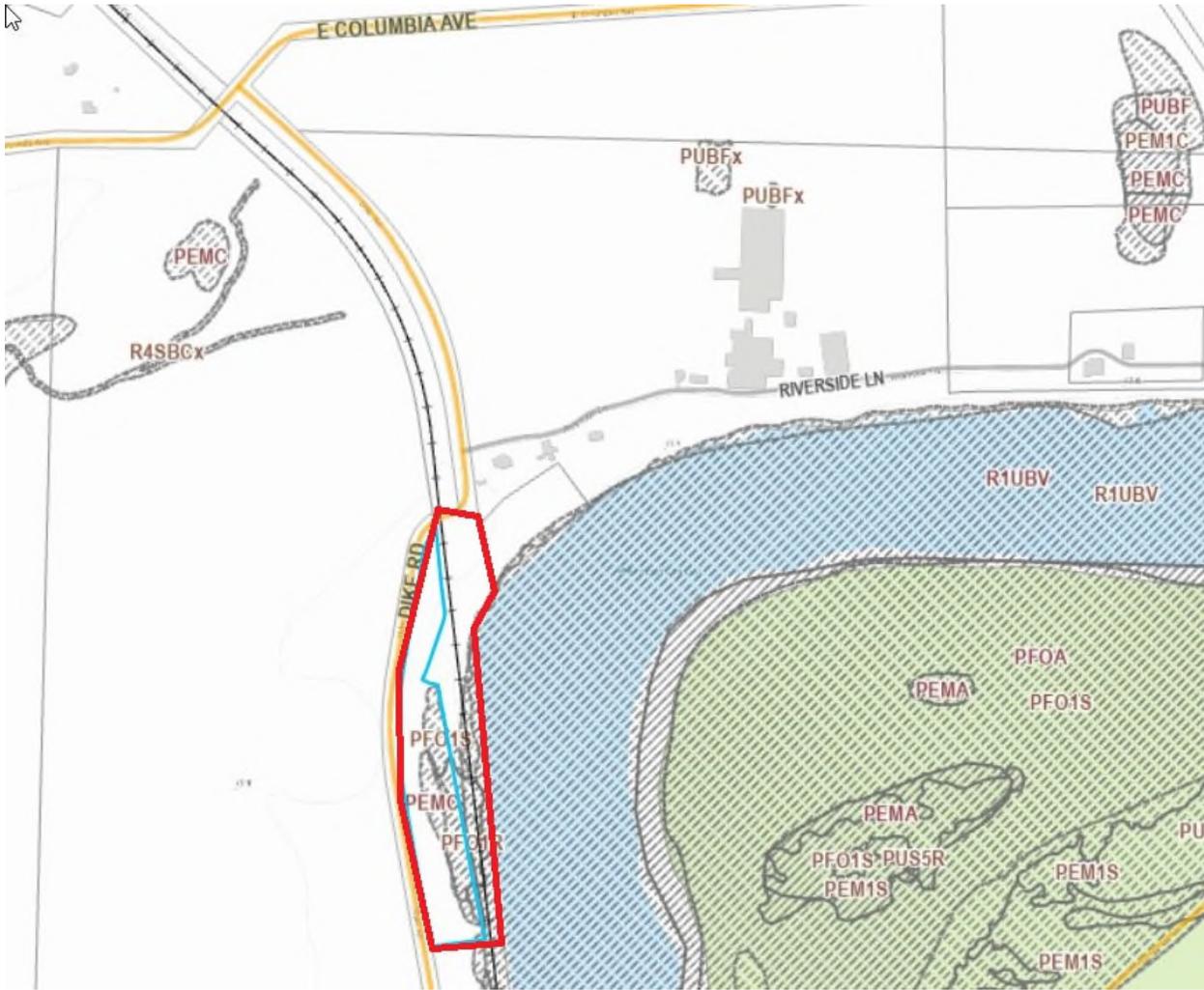
**Zoning and Aerial Maps of the two subject properties and the CZ Trail between E. Columbia Avenue and Multnomah Channel**



**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 5<sup>th</sup> and 6<sup>th</sup> 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.

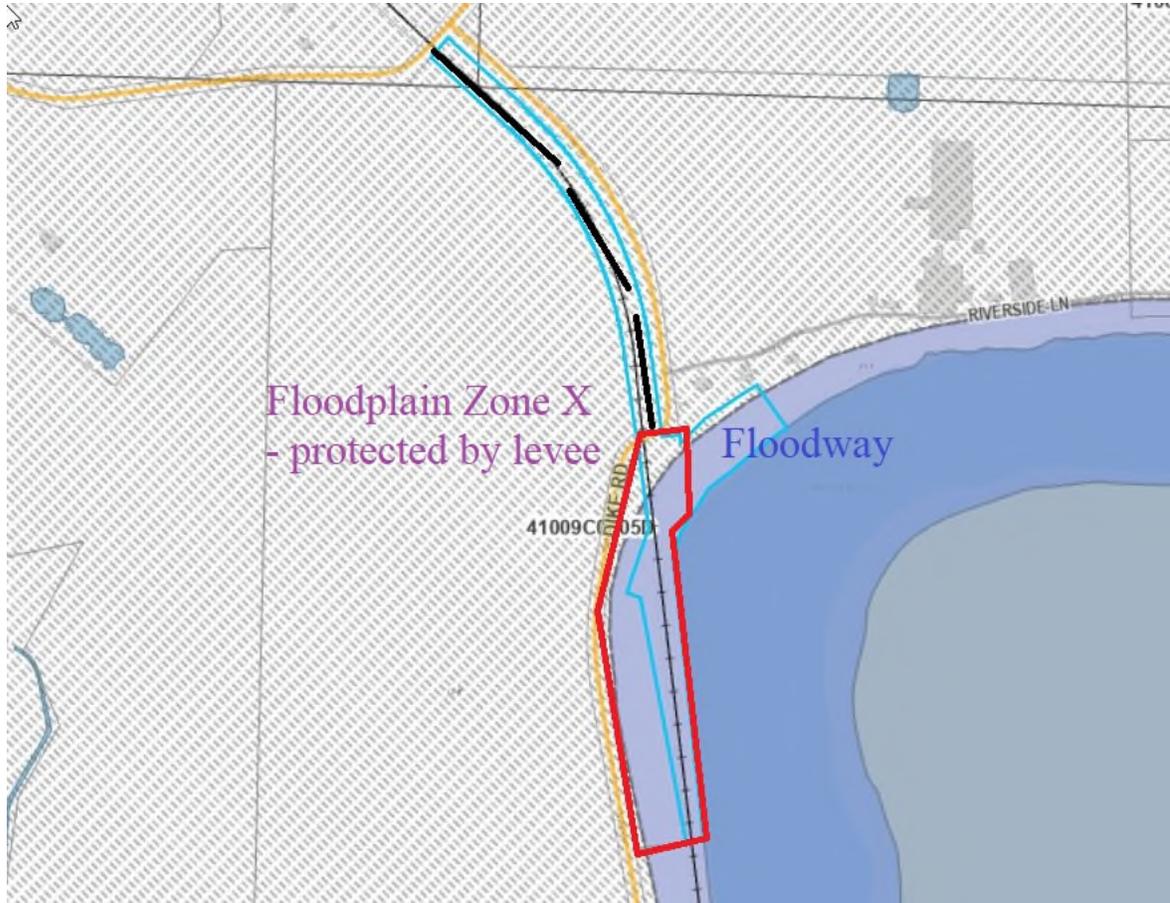
#### **POLICIES:**

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 17<sup>th</sup>, 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 DLCD 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