NOTICE OF ADOPTED AMENDMENT

April 14, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Scappoose Plan Amendment
DLCD File Number 005-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: May 3, 2006

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Brian Varricchione, City of Scappoose

<paa>
Jurisdiction: City of Scappoose  
Date of Adoption: 4/3/2006  
Date Mailed: 4/12/2006  
Date original Notice of Proposed Amendment was mailed to DLCD: N/A

☐ Comprehensive Plan Text Amendment  
☐ Land Use Regulation Amendment  
☒ Zoning Map Amendment  
☒ Other: Withdrawal of territory

Summarize the adopted amendment. Do not use technical terms. Do not write “See Attached”.

The Scappoose City Council approved withdrawing one parcel from the City Limits. The property has now reverted to unincorporated Columbia County land. The City’s Light Industrial (LI) zone no longer applies.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write “SAME”. If you did not give Notice for the Proposed Amendment, write “N/A”.

N/A

Plan Map Changed from: Industrial  
Zone Map Changed from: Light Industrial  
Location: West Lane Road  
Specify Density: Previous:  
New:

Applicable Statewide Planning Goals:

Was an Exception Adopted?  
☐ YES  ☒ NO

DLCD File No.: 005-06

(N/A)
Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment......

Forty-five (45) days prior to first evidentiary hearing? ☑ Yes ☒ No

If no, do the statewide planning goals apply? ☑ Yes ☒ No

If no, did Emergency Circumstances require immediate adoption? ☑ Yes ☒ No

Affected State or Federal Agencies, Local Governments or Special Districts:

Scappoose Rural Fire District, Columbia County

Local Contact: Brian Varricchione
Phone: (503) 543-7184
Address: 33568 E. Columbia Ave.
City: Scappoose
Zip Code + 4: 97056-
Email Address: brianvarricchione@ci.scappoose.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

   ATTENTION: PLAN AMENDMENT SPECIALIST
   DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
   635 CAPITOL STREET NE, SUITE 150
   SALEM, OREGON 97301-2540

2. Submit TWO (2) copies the adopted material, if copies are bounded please submit TWO (2) complete copies of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than FIVE (5) working days following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within TWENTY-ONE (21) days of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. Need More Copies? You can copy this form on to 8-1/2x11 green paper only, or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

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ORDINANCE NO. 774

AN ORDINANCE WITHDRAWING TERRITORY FROM THE CITY OF SCAPPOOSE

The City of Scappoose ordains as follows:

Section 1. Pursuant to ORS 222.460, the property described on Exhibit A and illustrated on Exhibit B, attached hereto and incorporated herein, situated in the City of Scappoose, Columbia County, Oregon and identified as tax lot 3201-010-02002 (the “Property”), is hereby withdrawn from the City of Scappoose.

Section 2. In support of the above withdrawal of the Property from the City, the Scappoose City Council finds that:

(a) Such withdrawal would straighten the City’s boundaries and contribute to a clear identification of the City, and the public interest will be furthered by such withdrawal for the reason that the Property cannot presently be served by public sewer facilities of the City.

(b) The subject Property is not served by public water or public sewer and has no permanent structures.

(c) City Council has initiated proceedings authorized by ORS 222.460 to withdraw the Property from the City, and such proceedings require adoption of a resolution and two public hearings.

(d) The City Council adopted Resolution 06-02 on February 6, 2006 to set the date of the initial public hearing for February 21, 2006.

(e) Notice of the initial public hearing was published in the South County Spotlight on February 8 and 15, 2006, as required by ORS 222.460(4) and ORS 222.120(3).

(f) Notice of the initial public hearing was posted by City staff in four public locations on January 20, 2006 as required by ORS 222.460(4) and ORS 222.120(3).

(g) A public hearing was held on February 21, 2006, at which time the City Council adopted Resolution 06-03 fixing the date of the final public hearing for March 20, 2006.

(h) Notice of the final public hearing was published in the South County Spotlight on March 8 and 15, 2006, as required by ORS 222.460(4) and ORS 222.120(3).

(i) Notice of the final public hearing was posted by City staff in four public locations on February 23 and 24, 2006 as required by ORS 222.460(4) and ORS 222.120(3).

(j) A final public hearing was held on March 20, 2006.
(k) There have been no written requests for an election as provided by ORS 222.460(6).

Adopted this 3rd day of April, 2006.

First Reading: March 20, 2006

Second Reading: April 3, 2006

Attest:

Susan Pentecost, City Recorder

Glenn Dorschler, Mayor
Exhibit A

Legal Description of Property Proposed for Withdrawal from City of Scappoose

Beginning at the point of intersection of the West right of way line of West Lane County Road with the North line of the Timothy Lamberson Donation Land Claim said point being 879.19 feet North and 6233.33 feet East of the Southwest corner of said Lamberson Donation Land Claim, said point also lying in Section 2, Township 3 North, Range 2 West, Williamette Meridian, Columbia County, Oregon, thence North 88° 43' 30" East, a distance of 49.76 feet; thence North 3° 37' 37" East, a distance of 157.63 feet to the North line of the D. B. Marshall tract as described in Deed Book 30 at page 638; thence South 28° 06' 30" East along said North line a distance of 157.10 feet to the Northeast corner thereof and the West line of Parcel 1 of the Hudson Howell and Company tract, as described in deed book 151 at page 262; thence along said West line North 21° 26' 30" East, a distance of 420.05 feet; thence North 107° 30" West, a distance of 385.56 feet; thence North 13° 58' East, a distance of 499.99 feet to and the true point of beginning of the following described tracts: thence North 9° 10' East, a distance of 381.52 feet; thence North 23° 09' West, a distance of 139.76 feet to the South line of the James R. Fisher tract, as described in amended default judgment entered February 19, 1979 in State Circuit Court Case No. 76116; thence along the southerly line of said Fisher tract North 74° 10' East, a distance of 256.65 feet; thence South 47° 36' 40" East, a distance of 48.31 feet; thence North 58° 38' 30" East, a distance of 247.15 feet to the Southwesterly right of way line of said West Lane County Road; thence along said right of way line South 45° 01' 21" 40" East, a distance of 221.08 feet; thence South 22° 51' East, a distance of 166.62 feet; thence South 3° 28' East, a distance of 26.49 feet to a point; thence Northwesterly on a straight line to the true point of beginning.