

1954

IN THE COUNTY COURT OF THE STATE OF OREGON  
FOR COLUMBIA COUNTY

In the Matter of ) AMENDED AND SUPPLEMENTAL  
 ) REPORT OF COMMISSIONERS  
SCAPPOOSE DRAINAGE DISTRICT )

TO THE HONORABLE COUNTY COURT OF THE STATE OF OREGON FOR THE  
COUNTY OF COLUMBIA:

We, the undersigned, Commissioners of Scappoose Drainage  
District, respectfully report:

On the 25th day of May, 1954, we were appointed and design-  
ated as Commissioners of Scappoose Drainage District and were  
thereby convened as a Board of Commissioners in that capacity and  
directed to examine the original report of the Commissioners in  
this matter, and all relevant facts thereto, and to prepare and  
file with the Clerk of the above named county, an amended and  
supplemental report in such particulars and respects as may be  
warranted by the law and by the facts, and to do all things neces-  
sary or convenient to implement said order.

That we met shortly thereafter in the office of John W. Cun-  
ningham in the Portland Trust Building, in the City of Portland,  
Oregon, and did at such meeting each take and subscribe to an  
oath that we will faithfully and impartially discharge our duties  
and make a true report to the County Court, and did also at said  
meeting elect one of our own number, John W. Cunningham, as the  
Chairman, and requested the Secretary of the Board of Supervisors  
to act as an ex officio secretary of the Board of Commissioners  
during our continuance in office.

That as soon as we had qualified as set forth above, we be-  
gan our duties, Mr. Wagner, engineer for said District, accompany-  
ing us at all times, and rendering his opinion in writing where  
called for, and the Secretary of the Board of Supervisors acting

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1 for us and carrying on the clerical work.

2 That we carefully reviewed the report of the original commis-  
3 sioners, that we are both familiar with and have viewed the  
4 premises to determine the value of all lands, the benefit thereto,  
5 within or without the District, which have been acquired or will  
6 be acquired and used for right-of-ways, holding basins, ditches,  
7 or pumping stations, or any other physical assets required by the  
8 Plan of Reclamation as originally set forth by the District  
9 Engineer and that has been supplemented by a report of the pres-  
10 ent Engineer.

11 That the Board of Supervisors supplied us with the original  
12 Commission Report, the original Plan of Reclamation, the Reclama-  
13 tion Plan as it has been supplemented and is now operating, a map  
14 of the District showing all property, the elevations thereof,  
15 the district ditches maintained thereon, the pumping plants, and  
16 all other information pertinent and necessary for us to carry out  
17 our duties.

18 That we find that after examination of the original Commis-  
19 sion Report, the original Plan of Reclamation, the Reclamation  
20 Plan as it has been supplemented and is now operating, the fol-  
21 lowing condition:

22 Under the original Plan of Reclamation, it was determined  
23 that all land below an elevation of 3.5 could not be used for  
24 farming purposes, and it was designated to be used as a holding  
25 basin for surplus run off and a reservoir area to hold water that  
26 accumulated faster than the same could be pumped out, or the  
27 topography of the land was such that it could not be drained by  
28 the original Plan of Reclamation.

29 We do find, however, that not all of this area was necessary  
30 to be used for holding basin or reservoir area, and that the  
31 district by installing seven interior pumps and small cross dikes  
32 has sufficiently drained a portion of the land lying below an

1 elevation of 3.5 so that it is farmed and cultivated from year to  
2 year by the respective owners thereof. We also find that since  
3 the original Plan of Reclamation, two additional exterior pumps  
4 have been installed, both of which assist materially in draining  
5 portions of the land below the 3.5 level.

6 We would amend and supplement the original Commission report  
7 by re-assessing amounts of benefits and amounts of damage, if any,  
8 that will accrue to acreages or other parcels of land, public  
9 highway, railroad, or other rights-of-way, and all properties  
10 that will be affected by the amended Reclamation Plan, and we  
11 have given due consideration and credit to all other drainage  
12 ditch or ditches, levee or levees, or systems of reclamation which  
13 have been constructed and afford a partial or complete protection  
14 for drainage to any tract or parcel of land in the district;  
15 that the Commissioners have in no way changed the Plan of Reclama-  
16 tion as it has been supplemented, and have prepared and signed, and  
17 hereby submit a detailed report of our findings in the matter,  
18 which are as follows:

19 ASSESSMENT FOR BENEFITS

20 Having examined the original Plan of Reclamation and the  
21 supplement thereof as furnished to us by the Board of Supervisors,  
22 the map and all other information furnished us by the District  
23 Engineer, being familiar with and having viewed the land and  
24 the features of the district, and having considered all the in-  
25 formation contained in the original Commissioners' Report, to-  
26 gether with all necessary data, it is apparent and evident to the  
27 Commissioners that the method originally arrived at by arriving  
28 at benefits accruing to the land within the district by dividing  
29 the same into zones of different elevations, setting forth the  
30 beneficial assessment in accordance with the relation of such  
31 zones to the surface of Willamette Slough at different flood  
32 stages or elevations, and the proportionate benefit that will be

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ATTORNEYS  
COMMERCIAL BUILDING  
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derived by the interior drainage system of the district as now constituted and the levee as maintained by it, is a just and equitable method of determining such benefits for assessment purposes.

We have therefore amended and supplemented the zoning system as set out in the original Commissioners' Report, and do hereby find and recommend the following as the most beneficial, just and equitable distribution of determining assessment benefits and assessment ratios:

**Zone 1-A.** All land lying within the district below an elevation of 3.5 feet and which has not been sufficiently drained or re-claimed so that it may be used for agricultural purposes or otherwise cultivated. **These lands receive no benefit.**

**Zone 1-B.** All land lying below an elevation of 3.5 feet which has been drained by the drainage district through installation of interior pumps, additional exterior pumps and portions thereof by small protective levees, and which has in fact for more than the last ten years been used for farming, agricultural purposes or otherwise has been in cultivation.

Because of the lower elevation of these lands, the pumping of water therefrom results in a greater lift of such waters, resulting in an additional expense to the district as compared with land in a higher elevation.

These lands will receive on a comparative basis with lands in other elevations a **benefit of 125%.**

**Zone 2.** All land between the elevations of 3.5 feet and 10 feet lying within the district and also within the boundaries of the levee itself. These lands will receive on a comparative basis with lands in other elevations a **benefit of 100%.**

**Zone 3.** All land between the elevation of 10 feet and 13 feet lying within the district and also within the boundaries of the levee itself. These lands will receive on a comparative basis with lands in other elevations a **benefit of 90%.**

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**Zone 4.** All land between the elevation of 18 feet and 22 feet lying within the district and also within the boundaries of the levee itself. These lands will receive on a comparative basis with lands in other elevations a **benefit of 50%.**

**Zone 5.** All land between the elevation of 22 feet and 30 feet lying within the District, and also within the boundaries of the levee itself. These lands will receive on a comparative basis with lands in the other elevations a **benefit of 25%.**

**Zone 6. Certain lands within the District will receive no benefit,** either because their elevation is higher than that of the levee itself, or are occupied by the levee, and other lands within the district boundaries are situated outside the levee. Some lands have necessarily been acquired and are used by the drainage district for ditches, and other lands have been devoted to rights-of-way by easement for inspection and maintenance of the levee itself, and roads are maintained thereon. Other rights-of-way in the district are maintained by the county as county roads.

As to all lands upon which the district has an easement for the purposes of maintaining a levee or for the purpose of maintaining district drainage ditches, or for the purpose of maintaining roads thereon, and as to all easements which Columbia County owns for the purpose of maintaining a public road, we find that in using said easements, the owners thereof are completely occupying the entire easement and that the owner of the fee itself is receiving no direct benefit from the lands upon which these easements are maintained, and we therefore believe that it is not equitable nor just to assess a benefit for betterment as to the lands occupied by these easements against the owner of the fee.

We therefore recommend that Zone 6 should contain the following classifications:

**Zone 6-A.** All land lying within the district above an

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1 elevation of 30 feet.

2 Zone 6-B. All land lying between the outside of the innertow  
3 of the dike or levee and the boundaries of the district itself.

4 Zone 6-C. All land occupied and used for drainage district  
5 ditches as shown by the drainage district maps.

6 Zone 6-D. All county or other public roads lying within the  
7 drainage district boundaries.

8 The owners of the fee of these lands on a comparative basis  
9 will receive no benefit directly for the use of the land inas-  
10 much as the owner of the easement in each instance is completely  
11 occupying the land itself.

12 SUMMARY OF ZONE ASSESSMENTS

13 We find that a plan wherein the rated value for the land  
14 receiving the most benefit is to the extent of \$125.00 per acre  
15 to be just and equitable, and that sum is adopted as the amount  
16 of benefit in Zone 1-B, and using the percentages arrived at in  
17 Zones 1-A and 1-B, 2, 3, 4, 5 and 6, there will be a total benefit  
18 for the district as follows:

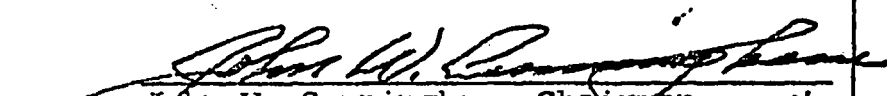
19	Zone 1-A	305.95	acres, no benefit
20	Zone 1-B	384.96	acres, 125% (or \$125.00)
21	Zone 2	2213.99	acres, 100% (or \$100.00)
22	Zone 3	1882.73	acres, 90% (or \$90.00)
23	Zone 4	185.96	acres, 50% (or \$50.00)
24	Zone 5	201.22	acres, 25% (or \$25.00)
25	Zone 6		
26	6-A	252.09	acres, no benefits
27	6-B	129.60	acres, no benefits
28	6-C	45.05	acres, no benefits
29	6-D	76.51	acres, no benefits
30		<hr/>	
31		5,678.06	acres benefit

32 A detailed re-division of the total benefits in the district

1 among the individual owners of the land in the district as set  
 2 forth by us in the proposed zones, has been furnished to us by  
 3 C. M. Wagner, the district engineer, and the District Board of  
 4 Supervisors, and is attached hereto and made a part hereof as  
 5 Exhibit "A". A map of the drainage district prepared by the  
 6 District Engineer, C. M. Wagner, has been furnished to us by the  
 7 District Board of Supervisors and is attached hereto and made a  
 8 part hereof as Exhibit "B"; said map sets forth the owners of  
 9 the land within the district, the property divided into the dif-  
 10 ferent zones recommended herein, the individual drainage basins  
 11 as described in the Amended Plan of Reclamation, the ditches  
 12 within the district that are owned by and will be maintained by the  
 13 district itself, the location of the interior pumping stations  
 14 owned and operated by the district, the location of the exterior  
 15 pumping stations owned by the district, the location of the ease-  
 16 ments used for maintaining the levee, county roads and other  
 17 public roads, and other data and information.

18 We find at this time that it is not necessary to make an  
 19 appraisal of any damages accruing to each or any parcel of land  
 20 by way of ditches or canals or the other acquisition of property  
 21 by the district for the reason that it appears to us that all of  
 22 these matters have been completed and there is nothing to con-  
 23 sider and assess in this respect at this time.

24  
 25 Respectfully submitted,

26   
 27 John W. Cunningham, Chairman  
 28 Registered Professional Engineer #15

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 30 C. W. Sherman, Commission Member

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 32 Ed Richardson, Commission Member