



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/23/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Columbia County Plan Amendment  
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, December 06, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Debbie Jacob, Columbia County  
Jon Jinings, DLCD Community Services Specialist  
Anne Debbaut, DLCD Regional Representative  
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA/l





# ADOPTED PLAN AMENDMENT

|  |                  |                        |                 |
|--|------------------|------------------------|-----------------|
| JURIS ABB :                                    | ACOLU            | Adopted Database No.:  | 16411           |
| Was Proposal Submitted prior to adoption:      | Y                | Proposed Database No.: | 18119           |
| Date Adoption Notice Received:                 | 11/16/2010       | Jurisdiction:          | COLUMBIA COUNTY |
| Date of Adoption:                              | 11/10/2010       | DLCD File No.:         | 002-10          |
| Date Adoption Notice sent:                     | 11/23/2010       | Local File # :         | TA 10-03        |
| Appeal Deadline:                               | <b>12/6/2010</b> | Appeal filed:          | LUBA No.:       |
| Additional File associated with this Proposal: | N                | Decision:              |                 |

### Proposed Adoption:

Amend the Zoning Code to add and delete text for three zones including Primary Agriculture Use Zone (PA-80), Forest/Agriculture Use Zone (FA-80), Primary Forest Zone (PF-80); and amend the Comprehensive Plan Part V Agriculture in order to comply with Oregon Rules Statutes and Oregon Administrative Rules legislation incorporated since 1993. Amend the Zoning Ordinance to eliminate Section 1178 Buffer Woodlot Overlay Zone. This proposal was received without notice of a final hearing date.

### Changes to Proposed Amendments:

Dlcd submitted comments dated 3/10/2010 & 4/2/2010 referencing portions of the 2/19/2010 proposed amendments that were still discrepant with specific applicable provisions required in either ORS or OAR's. At the 4/19/2010 public hearing, Planning Commission directed Land Development Services staff to recitify these discrepancies and to include them in the revisions. These revision were made, reviewed and unanimously approved by the Planning Commission.

### Affected Agencies:

Oregon Department of Forestry, Oregon Department of Agriculture

M - Map    T - Text    B - Both

Amendment Type: T    Ordinance No: 2010-11

PLANUPDATE

DEVCODE

PE.GOAL3

PE.GOAL4

Original Use:            New Use:            Acres:

### Urban Growth Boundary Expansion:

UGB Expansion:

Acres Involved:

### Statewide Planning Goals:

2, 3, 4,

### Proposal

|                                 |              |                                    |    |
|---------------------------------|--------------|------------------------------------|----|
| Date Proposal Submitted:        | 2/18/2010    | Number of Amendments:              |    |
| First Evidentiary Hearing date: | 4/19/2010    | Days to First Evidentiary Hearing: | 60 |
| Final Hearing date:             |              | Days to Final Hearing:             |    |
| Local Government Contact:       | Debbie Jacob | Date Proposed Notice Sent:         |    |
| Contact Phone:                  | 503-397-1501 | Date Participation Notice Sent:    |    |
|                                 | Ext: 7260    |                                    |    |

### Review

|                       |       |                       |        |                       |           |
|-----------------------|-------|-----------------------|--------|-----------------------|-----------|
| Agency Participation: | YA    | Assigning Supervisor: | JJ     | <u>Lead Reviewer:</u> | <b>GF</b> |
| Draft Deadline Date:  | 03/25 | Time spent on Review: | 2.00   | Reviewer 2:           | KD        |
| Mail Deadline Date:   | 03/26 | Response Sent:        | Y      | Reviewer 3:           |           |
| Fax Deadline Date:    | 04/02 | Type of Response:     | Letter | Reviewer 4:           |           |
|                       |       | Date Response sent:   |        | Reviewer 5:           |           |





FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE

NOV 16 2010

STAMP

DEPT OF LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Columbia County** Local file number: **TA 10-03**

Date of Adoption: **November 10, 2010** Date Mailed: **November 15, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: February 17, 2010

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment

Land Use Regulation Amendment  Zoning Map Amendment

New Land Use Regulation  Other:

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

Zoning Ordinance and Comprehensive Plan Amendments to:

- (1) Sections 300, 400, and 500 , "Primary Ariculture, Forest Agriculture, and Primary Forest Zones",
- (2) Delete Section 1178 the "Woodlot Overlay Zone" in its entirety and
- (3) Parts IV and V of the Comprehensive Plan related to Forest and Agriculture Lands

These amendments are necessary in order for the county's Zoning Ordinance and Comprehensive Plan to comply with provisions that have been incorporated into State law since 1993.

Does the Adoption differ from proposal? Yes, Please explain below:

DLCD submitted comments dated March 10, 2010 and April 2, 2010 referencing portions of the February 19, 2010 Proposed Amendments that were still discrepant with specific applicable provisions required in either Oregon Revised Statutes or the Oregon Administrative Rules.

At the April 19, 2010 public hearing, the Planning Commission directed Land Development Services staff to rectify these discrepancies and to include them in the revisions.

These revisions were made, reviewed and unanimously approved by the Planning Commission at their June 7, 2010 continued hearing that was then forwarded to the Board of Commissioners for their review at the October 13, 2010 hearing.

Plan Map Changed from: **N/A** to:

Zone Map Changed from: to:

Location: Acres Involved:

DLCD File No. 002-10(18119) [16411]

Specify Density: Previous:

PA - 38 acres  
FA - 19 acres  
PF - 76 acres

New:

PA - 80 acres  
FA - 80 acres  
PF - 80 acres

38

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

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

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Fire Districts, Oregon Department of Agriculture, Oregon Department of Forestry

Local Contact: **Todd Dugdale**

Phone: (503 ) 397-7207 Extension:

Address: 230 Strand St.

Fax Number: 503-366-3902

City: St. Helens

Zip: 97051

E-mail Address: [todd.dugdale@co.columbia.or.us](mailto:todd.dugdale@co.columbia.or.us)

## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY

In the Matter of Amending the Columbia County     )  
Zoning Ordinance and Comprehensive Plan to     )     ORDINANCE No. 2010-11  
Bring Columbia County Forest and Agriculture     )  
Zones into Compliance with State Law            )

---

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

SECTION 1.            TITLE.

This ordinance shall be known as Ordinance No. 2010-11.

SECTION 2.            AUTHORITY.

This ordinance is adopted pursuant to ORS 197.175, ORS 203.035, ORS 215.050, and ORS 215.130.

SECTION 3.            PURPOSE.

The purpose of this ordinance is to amend the Columbia County Zoning Ordinance and Comprehensive Plan to be consistent with provisions that have been incorporated into State law since 1993. Specifically, this ordinance amends the text of the PA-38, FA-19 and PF -76 zones of the Columbia County Zoning Ordinance and Section IV and V of the Comprehensive Plan related to Forest and Agricultural Lands. This ordinance also deletes the Woodlot Overlay Zone of the Columbia County Zoning Ordinance.

SECTION 4.            FINDINGS.

The Board of County Commissioners adopts Findings of Fact and Conclusions of Law contained in the October 6, 2010 Staff Report to the Board of Commissioners, attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION 5.            AMENDMENT AND AUTHORIZATION.

1. The Columbia County Zoning Ordinance is hereby amended as shown in Exhibit "B," attached hereto and incorporated herein by this reference.
2. The Columbia County Comprehensive Plan is hereby amended as shown in Exhibit "C," attached hereto and incorporated herein by this reference.





SECTION 6. SEVERABILITY.

If for any reason any court of competent jurisdiction holds any portion of this ordinance or any portion of the attached Exhibits invalid, such portion shall be deemed a separate, distinct and independent portion, and any such holdings shall not affect the validity of the remaining portions thereof.

SECTION 7. SCRIVENER'S ERRORS

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

SECTION 8. EMERGENCY.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect on January 5, 2011.

DATED this 10<sup>th</sup> day of November 2010.

Approved as to Form

By: [Signature]  
Office of County Counsel

Recording Secretary

By: [Signature]  
Jan Greenhalgh, Recording Secretary

First Reading: 11-10-10  
Second Reading: 11-10-10  
Effective Date: 1-5-11

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Anthony Hyde, Chair

By: [Signature]  
Earl Fisher, Commissioner

By: [Signature]  
Rita Bernhard, Commissioner



**COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS**  
**“Resource Zoning & Comprehensive Plan Text Amendments”**

**Staff Report**  
**October 6, 2010**

**HEARING DATE:** October 13, 2010

**FILE NUMBER:** Planning File TA 10 - 03

**APPLICANT:** Columbia County  
Land Development Services  
230 Strand  
St. Helens, Oregon 97051

**REQUEST:** Columbia County proposes Zoning Ordinance and related Comprehensive Plan Text Amendments to its three Resource Zones **Primary Agriculture, Forest Agriculture, and Primary Forest** and the elimination of **Section 1178 Buffer Woodlot Overlay Zone** from the Zoning Ordinance. These proposed amendments will allow the county’s ordinances to be consistent with provisions that have been incorporated and passed into state legislation since 1993.

| <b>APPLICABLE CRITERIA &amp; CONTENTS:</b>             | <b>PAGE</b> |
|--|-------------|
| <b>1. <u>Notification Requirements</u></b>             |             |
| <hr/>  |             |
| <b><u>Columbia County Zoning Ordinance</u></b>         |             |
| Section 1606 - Legislative Hearings                    | 4           |
| Section 1611 - Notice of Legislative Hearing           | 5           |
| <b><u>Oregon Revised Statutes</u></b>                  |             |
| ORS 197.610 - 45 Day Notice to DLCD                    | 6           |
| ORS 215.503 - Measure 56 Notice Requirements           | 6           |
| <b><u>Oregon Administrative Rules</u></b>              |             |
| OAR 660-018-0020 - Post Acknowledgment Amendments      | 7           |
| <b>2. <u>Review Criteria</u></b>                       |             |
| <hr/>  |             |
| <b><u>Columbia County Zoning Ordinance</u></b>         |             |
| Section 1607 - Consistency with the Comprehensive Plan | 8           |



**Columbia County Comprehensive Plan Goals and Policies**

Part I - Introduction to the Plan 9  
Part II - Citizen Involvement 10  
Part III - Planning Coordination 10  
Part IV - Forest Lands 10  
Part V - Agriculture 11  
Part VI - Housing 12  
Part VII - Rural Residential 13  
Part IX - Urbanization 14  
Part X - Economy 14  
Part XI - Commercial 14  
Part XII - Industrial Siting 15  
Part XIII - Transportation 15  
Part XIV - Public Facilities and Services 16  
Part XV - Energy Conservation 16  
Part XVI - Open Space, Scenic and Historic Areas, and  
Natural Resources 17  
Part XVII - Recreational Needs 18  
Part XVIII - Air Land, and Water Quality 18  
Part XIX - Natural Disasters and Hazards 19  
Part XX - Willamette River Greenway 20

**Oregon Statewide Planning Goals**

Goal 1 - Citizen Involvement 21  
Goal 2 - Land Use Planning 21  
Goal 3 - Agricultural Lands 22  
Goal 4 - Forest Lands 22  
Goal 5 - Natural Resources, Scenic & Historic Areas,  
and Open Spaces 22  
Goal 6 - Water, Air and Land Resources 23  
Goal 7 Areas Subject to Natural Hazards 23  
Goal 8 Recreational Needs 23  
Goal 9 Economic Development 24  
Goal 10 Housing 24  
Goal 11 Public Facilities and Services 24  
Goal 12 Transportation 25  
Goal 13 Energy Conservation 25  
Goal 14 Urbanization 25  
Goal 15 Willamette River Greenway 25

**3. Comments Received** 26



#### 4. Conclusions and Recommendations

27

##### **Attachments:**

##### **“Attachment A”**

- (1) Proposed Amendments to Sections 300, 400, 500 and 1178 of the Zoning Ordinance
- (2) Proposed Amendments to Parts IV and V of the Comprehensive Plan
- (3) Proposed Deletion in its entirety Section 1178 of the Zoning Ordinance - Buffer Woodlot Overlay Zone.

##### **“Attachment B”**

Letter from the Department of Land Conservation and Development dated March 10, 2010  
Letter from the Department of Land Conservation and Development dated April 2, 2010

##### **“Attachment C”**

Comments from the Scappoose CPAC submitted during the April 19, 2010 public hearing  
Comments received from the public

##### **“Attachment D”**

May 27, 2010 Memorandum to Planning Commission referencing Revisions to the PF-76, PA-38, and FA-19 Zones and to Part V of the Comprehensive Plan after the April 19, 2010 Public Hearing.

##### **“Attachment E”**

July 13, 2010 Final Order and Planning Commission’s Recommendation of **APPROVAL** to the Board of County Commissioners for TA 10-03

**BACKGROUND:** Land Development Services proposes to update the County Zoning Ordinance to reflect baseline criteria found in current State Law (OARs & OARs) regarding farm and forest land zoning laws from the 1993 through February 2010 legislative sessions. Columbia County’s land use ordinances have not been updated to incorporate state law that protects existing forest and farm uses and also prevents residential encroachment into areas currently utilized for commercial forest and farm uses.

The County’s update of its resource zoning provisions is a pressing need in order to accurately reflect the changes in state regulations over the last three decades. One example of the county’s outdated ordinance is the current provisions for and definition of Forest Management Dwellings. The proposed amendments to the PF-76 Zone will remove the current provision allowing Forest Management Dwellings that are *necessary for* and accessory to support a commercially viable forest operation on the property. This is impossible for property owners to demonstrate since its basis is fundamentally flawed; dwellings are **not** necessary for commercially viable timber operations to occur on forestland. Additionally, the proposed amendments to the FA-19 Zone are





significantly different than those proposed for the PA-38 and PF-76 Zones. Specifically, all future development for FA-19 zoned properties will be determined on a case-by-case basis using the Predominant Use Test pursuant to OAR 660-006-0050(2). The uses, activities, and development of land in the FA-19 Zone will be based on the predominant use of a tract as of January 1, 1993 and shall comply with the appropriate requirements of either Farm Land or Forest Land.

One of the consequences of the lack of updated County ordinance provisions has been confusion from individuals, applicants and advisory groups as to how dwellings and other uses in the forest and farm zones are reviewed and approved. Another effect has been that, by applying State rules to our county ordinances, Planning Staff can conduct an initial review to determine if the proposal meets the base criteria for the authorized development of the resource zoned property. Because Planning Staff will not be able to accept an application for review if the base criteria is not met, staff will still be able to work with the property owner and provide them with a mutually accepted authorized alternative that is site specific and appropriate for the proposed development of the resource zoned property.

The Planning Commission held the initial public hearing on April 19, 2010 and continued this hearing until June 7, 2010 in order to provide Land Development Services with sufficient time to include revisions to the proposed Zoning and Comprehensive Plan Amendments reflecting comments from the Department of Land Conservation and Development and comments submitted during the April 19, 2010 public hearing. These Revisions to the proposed Zoning and Comprehensive Plan Amendments were made (referenced in the attached May 27, 2010 Memorandum to the Planning Commission in Attachment D), reviewed and unanimously approved by the Planning Commission at their June 7, 2010 continued public hearing. The Final Order for this Recommendation was signed on July 13, 2010 (Attachment E). With the incorporation of these May 27, 2010 Revisions that are consistent with the research, evaluation and findings in the April 19, 2010 Staff Report for TA 10-03 and based on the comments received from the public and affected agencies, the Planning Commission recommended on the June 7, 2010 public hearing that the Board of County Commissioners approve TA 10-03, the legislative amendment to:

- (1) Amend the text of the PA-38, FA-19, and PF-76, Sections 300, 400, and 500 respectively of the Zoning Ordinance,
- (2) Delete the Woodlot Overlay Zone, Section 1178, in its entirety and
- (3) Amend Section Parts IV and V of the Comprehensive Plan related to Forest and Agricultural Lands.

#### **FINDINGS:**

##### Beginning with Section 1600 of the Zoning Ordinance:

This request is being processed under Sections 1606 (Legislative Hearing) and 1611 (Notice of Legislative Hearing) of the Columbia County Zoning Ordinance. The pertinent sections of the ordinance are reviewed as follows:



1606 Legislative Hearing: Requests to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.
- .2 Notice of a Legislative Hearing shall be published at least twice, 1 week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners.

**Finding 1:** The Director initiated the proposed amendments to Sections 300, 400, 500 and 1178 of the Zoning Ordinance and to Parts IV and V of the Comprehensive Plan by submitting the application for TA 10-03 on February 5, 2010. This criterion is satisfied.

**Finding 2:** Public hearing notices were published in the *Daily News*, *St. Helens Chronicle* and *Spotlight* newspapers on **March 31, 2010 and April 7, 2010** both of which are more than 10 days prior to the Planning Commission hearing date of April 19, 2010. A public hearing notice was published in the *St. Helens Chronicle* newspaper on **September 22, 2010 and September 29, 2010** more than 10 days prior to the Board of Commissioners' hearing date of October 13, 2010. Notices to and requests for Information & Referral was mailed to all members of the Columbia County's five (5) CPACs, Columbia County Soil & Water Conservation District, the Oregon State University Columbia County Agricultural Extension Office, Oregon Department of Forestry, and Oregon Department of Agriculture on **March 8, 2010**. A Measure 56 Notice of the proposed zone amendments was mailed to all PF-76, PA-38, and FA-19 property owners on **March 11, 2010** because the proposed Resource Zoning Code amendments may limit or prohibit land uses previously allowed in the affected three Resource Zones. **Measure 56** notification criteria identified in ORS 215.503 will be addressed later on **Page 5**. For these reasons, staff finds the criteria for Section 1606 has been satisfied.

Continuing with Section 1611 of the Zoning Ordinance:

1611 Notice of Legislative Hearing: The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;



.5 Hearings will be held in accordance with the provisions of the Zoning Ordinance.

**Finding 3:** All of the above information was included in the Notice of Public Hearing published twice in the *Daily News*, *Chronicle Spotlight* newspapers and twice in the *Chronicle* for the Board of Commissioner's October 13, 2010 hearing, stated in Finding 2 above. This criterion is satisfied.

Continuing with Oregon Revised Statutes (ORS):

**ORS 197.610** (1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new regulation must be forwarded to DLCD at least 45 days before the first evidentiary hearing on adoption and contain the text and any supplemental information that the local government believes is necessary to inform DLCD as to the effect of the proposal as well as the date set for the first evidentiary hearing. When a local government determines that the goals do not apply to a particular proposed amendment or a new regulation, notice under subsection (1) of this section is not required. In addition, a local government may submit an amendment or new regulation with less 45 days' notice if the local government determines that there are emergency circumstances requiring expedited review. In both cases:

(a) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2); and

(b) Notwithstanding the requirements of ORS 197.830 (2), the director or any other person may appeal the decision to the board under ORS 197.830 and 197.845.

**Finding 4:** Land Development Services mailed a 45 day notice to DLCD required per ORS 197.610(1) on February 17, 2010. Staff therefore finds that the 45 day notice prior to the Planning Commission's initial hearing on April 19, 2010 is met. The County will mail a Notice of Adoption to DLCD if the Board approves the amendments after the October 13, 2010 public hearing. This criterion is satisfied.

Continuing with Oregon Revised Statutes (ORS):

The applicable provisions of ORS 215.503 related to the proposed Resource Zoning Ordinance and related Comprehensive Plan amendments include:

**NOTICE TO PROPERTY OWNERS**

**ORS 215.503 Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions.** (1) As used in this section, "owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by the governing body of a county shall be by ordinance.



(3) Except as provided in subsection (6) of this section and in addition to the notice required by ORS 215.060, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan, the governing body of a county shall cause a written individual notice of land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(4) In addition to the notice required by ORS 215.223 (1), at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(8) Notwithstanding subsection (7) of this section, the governing body of a county may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under subsections (3) and (4) of this section.

(9) For purposes of this section, property is rezoned when the governing body of the county:

(a) Changes the base zoning classification of the property; or

(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

**Finding 5:** All owners of record of PF-76, PA-38, and FA-19 zoned properties were mailed notices of the proposed Resource Zoning and Comprehensive Plan amendments on March 11, 2010, 38 days prior to the Planning Commission's April 19, 2010 public hearing on the proposed Resource Zoning and Comprehensive Plan amendments. The County will mail a Notice of Adoption to DLCD if the Board approves the amendments after the October 13, 2010 public hearing. For these reasons, staff finds the criteria identified in ORS 215.503 (1), (2), (3), (4), (8) and (9) have been satisfied for the proposal submitted for TA 10-03.

**Continuing with Oregon Administrative Rules (OAR):**

The applicable provisions of OAR 660-018-0020 related to the proposed Resource Zoning Ordinance and related Comprehensive Plan amendments include:

**OAR 660-018-0020 - Filing of a Proposed Amendment to or Adoption of a Comprehensive Plan or Land Use Regulation with the Director**

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation must:

(a) Be submitted to the director at least 45 days before the first evidentiary





hearing on adoption. The submittal must be received by the department at its Salem office;

- (b) Be accompanied by appropriate forms provided by the department;
- (c) Contain two copies of the text and any supplemental information the local government believes is necessary to inform the director as to the effect of the proposal. One of the required copies may be an electronic copy;
- (d) Indicate the date of the final hearing on adoption. If a final hearing on adoption is continued or delayed, following proper procedures, the local government is not required to submit a new notice under OAR 660-018-0020.

- (2) The text submitted to comply with subsection (1) (c) of this rule must include the specific language being proposed as an addition to or deletion from the acknowledged plan or land use regulations. A general description of the proposal or its purpose is not sufficient. In the case of map changes, the text must include a graphic depiction of the change, and not just a legal description, tax account number, address or other similar general description.

**Finding 6:** This proposed Zoning Ordinance Amendments to Sections 300, 400, 500, and 1182 and to Parts IV and V of the Comprehensive Plan must also follow the Oregon Administrative Rule's Post-Acknowledgment Plan Amendment process of a 45 day notice to the State; this was accomplished and discussed for Finding 4. The County will mail a Notice of Adoption to DLCD if the Board approves the amendments after the October 13, 2010 public hearing. This criterion is satisfied.

Continuing with Section 1607 of the Zoning Ordinance:

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 7:** The Planning Commission held a public hearing on April 19, 2010 and continued this on June 7, 2010 when they reviewed revisions and recommended the Board of County Commissioners approve the proposed Resource Zone and Comprehensive Plan Amendments as presented in the April 19, 2010 Staff Report for TA 10-03 and revised per the May 27, 2010 Memorandum. The Board of Commissioners has scheduled a public hearing for October 13, 2010 to consider the proposed Resource Zoning and Comprehensive Plan Amendments. The Planning Commission does not make a final decision on this matter, but rather makes a recommendation to the Board of Commissioners for the final decision. See **Findings 8 through 25** for various discussions of consistency with the Comprehensive Plan. This criterion will be satisfied when the



Board holds their public hearing on October 13, 2010 and can then determine that the proposed amendments are consistent with the Comprehensive Plan before final adoption of the proposed amendments.

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

The Columbia County Comprehensive Plan has twenty-one (21) Parts, each with a set of general Goals and related Policies that are, in turn, implemented by the Zoning Ordinance . The main purpose of the Zoning Ordinance is to identify and list provisions that defines how land can be used and developed in the County's unincorporated areas. The proposed text amendments to Sections 300, 400, 500 and the elimination of Section 1182 of the Zoning Code and the related amendments to Parts IV and V of the Comprehensive Plan apply to all 21 Parts of the Comprehensive Plan, except Part VIII - Rural Communities and Part XXI - Comprehensive Plan Maps. The next Section of this report, and the consequent Findings 8 through 25 will evaluate the consistency of the proposed Resource Zoning Code and Comprehensive Plan amendments with these separate Parts of the Comprehensive Plan.

**Part I: Introduction to the Plan and Finding 8:** The Comprehensive Plan is the public's vision/conclusion about development and conservation of the County's resources, public facilities and services. It is meant to guide the public decisions that impact facility construction or the use of resources. The plan is working document upon which public agencies, private firms and individuals must be able to rely on so that their decisions can be made with confidence. The Comprehensive Plan is meant to be all-inclusive in that it is meant to identify how the county can:

1. Preserve, conserve, manage, and utilize its natural resources, including but not limited to, its land, air and water;
2. Identify appropriate locations for various types of land uses including agricultural, forestry, residential, commercial, and industrial activities; and
3. Guide the public decisions that impact facility construction or the use of resources.

The primary objectives of the Comprehensive Plan are to prevent or minimize conflicts between incompatible land use activities, provide a source of information describing the condition and characteristics of the County, provide an objective basis for public and private land use decisions, and to provide a better understanding of specific actions, programs and regulations which may affect the public.

Since a comprehensive plan is designed and written to meet the needs of the community it serves, it is important for it to be regularly reviewed, revised and updated to ensure it continues to reflect the county constituents' continually changing economic, political, and demographic needs. The proposed Resource Zoning Code and Comprehensive Plan amendments, if approved, will allow the county's Zoning Ordinance to be consistent with the State of Oregon's provisions for Resource Lands that have been incorporated and passed into state legislation since 1993 through February 2010. The county's and state's review processes and amendment procedures already discussed for Findings 1 through 7 of this report are consistent with those outlined in the



Administration provisions of the Comprehensive Plan. For these reasons, staff finds the submitted Resource Zoning Code and Comprehensive Plan amendments are consistent with Part 1 of the Comprehensive Plan.

**Parts II & III (Citizen Participation & Planning Coordination) & Finding 9:** Requires coordination with affected governments and agencies and property owners. In accordance with requirements in Section 1603 of Columbia County's Zoning Ordinance, in ORS 215.060 and in ORS 197.610, the County provided notice of the hearing with the opportunity for comments to all Resource Zoned property owners, the DLCDC, the Oregon Department of Forestry, Oregon Department of Fish & Wildlife, Oregon Department of Agriculture, the five (5) Columbia County CPACs, the Columbia County Soil & Water Conservation District, and the Columbia County OSU Agricultural Extension Office. Any and all comments, received as of the date of this report, are discussed throughout this report and specifically referred in the listed **Attachments B and C** of this Report. .

Additionally, Major Map Amendments are subject to the legislative public hearing process and are heard by the Planning Commission (for a recommendation) and by the Board of County Commissioners (for a final decision). These hearings are advertised and open to the public and provide additional opportunity for public comment. The Planning Commission hearing for the Resource Zoning and Comprehensive Map amendments is scheduled for April 19, 2010, which will be followed by a hearing of the Board of County Commissioners on October 13, 2010. All of these requirements have and will be satisfied through the public notices and hearings process. For these reasons Staff finds the proposed Zoning and Comprehensive Plan Amendments are consistent with Parts II & III of the Comprehensive Plan.

**Part IV - Forest Lands & Finding 10:** Forest lands contribute to our County's quality of life and economic vitality in a variety of ways. Forest lands produce timber and its by-products, provide recreational opportunities for residents and non-residents, hunters and hikers, and provide non-economic benefits to residents in the form of clean water, fish and wildlife habitats, outdoor recreational opportunities and scenic beauty. The proposed amendments to the PF-76 Zone will also allow for administrative review of residential uses on forest lands when it can be shown that the proposed residence meets qualifications adopted by the State, and provided the subject property can safely support appropriate residential siting and development standards in the forest zone. The required development and siting provisions will also ensure compatibility of the new residential use with resource uses on adjacent active forest and or farm lands such that they minimize as opposed to maximize, potential detrimental impacts on the subject and adjacent properties' natural resources protected by Statewide Planning Goal 5.

These amendments will also ensure the development of all primary and accessory structures within the forest zone will meet the Department of Forestry's recommended fire siting standards for forest dwellings and structures as well as this agency's fire safety design standards for roads. Additionally, if proposed dwellings are not within a fire protection district, the proposed amendments will require property owners to provide written documentation to the county of a residential fire protection plan of an alternative means for protecting the dwelling from fire hazards. This alternative fire protection plan shall be approved by the fire protection district.



These amendments will also require the Planning Commission's approval through the Conditional Use Permit process for future Public or Non-Profit Parks including playgrounds, Destination Resorts, and Firearm Training Facilities in the Primary Forest Zone. Additionally, the proposed amendments will be consistent with the Oregon Forest Practices Act in that they will encourage economically efficient forest practices to ensure the continuous growing and harvesting of forest tree species on commercial forests as well as on private non-commercial forest lands owned by individuals, families and trusts who represent an important aspect of timber management since they also augment existing commercial lumber supplies.

By adopting these amendments Columbia County acknowledges the need to limit potential urbanization (including dwelling siting) activities and parcelization into smaller than 80 acre properties in the forest zone. This is accomplished by providing adequate review procedures to help assure existing commercial activities and future innovative forest practices will be protected in the forest zone. An 80 acre minimum lot size for newly created residential parcels is also necessary to prevent the encroachment of residential users in the primary forest zone. Because these large sizes will make these parcels less attractive for residential uses it will also discourage residential speculation from occurring on forest land. Finally the proposed amendments to the provisions in the Primary Forest Zone are necessary to ensure all land uses and subdivisions occurring in this particular resource zone are consistent with the state's regulations that have been codified into states statutes and administrative rules since 1993.

**Part V - Agriculture & Finding 11:** After the wood products industry, agriculture has consistently been Columbia County's second most important economic activity. However, according to 2000 statistics, agricultural employment contributed only 6% of the County's income and employed only 2% of the County's work force; these percentages have not significantly changed since 1975. Reflecting recent nationwide trends, countywide the number of acres in farm use has been steadily decreasing. Statistics compiled for the period from 1982 to 2007 show the total acreage in the "all farms" category has decreased as a percentage of all land in the County from 18% in 1982 to 13% in 2007. Although the percentage of farms in excess of 50 acres has declined from 39% in 1992 to 27% in 2007, small farms constitute the majority of the farms in the County and have the highest gross sales per acre.

The proposed amendments to the Primary Agriculture Zone will help ensure this agriculture profile of Columbia County is, and will continue to be, that of small-acreage and high-intensity farming for the foreseeable future. The proposed 80-acre minimum size for newly created properties in the Primary Agriculture Zone will be consistent with state regulations that are adequate to protect commercial farms and to prevent residential encroachment into areas currently utilized for commercial farms or that are capable of utilization for commercial farms. Farm uses including the current employment of land for the primary purposes of obtaining a profit of the land's products or by products, defined in OAR 214.203(2) are permitted outright in the Primary Agriculture Zone provided all structures are consistent with the zone's development siting standards. Commercial farm stands in this zone can be used for the sale of farm crops and livestock grown on farms operating in the local agricultural area which includes other bordering county's in the States of Washington and Oregon These revisions encourage smaller property owners to continue being able to conduct commercially viable agricultural operations in the





## Primary Agriculture Zone.

The proposed amendments also provide more accurate definitions of “Agricultural Lands” in the Primary Agriculture Zone and in Part V of the Comprehensive Plan Amendments per DLCD’s recommendations dated March 10, 2010. Specifically, the definitions of “Agricultural Lands” have been revised to include land in agricultural capability classes other than I-IV/I-VI that are adjacent to or intermingled with classes I-IV/I-VI and are within a farm unit even though this land may not be cropped or grazed. These amendments will require the Planning Commission’s approval through the Conditional Use Permit process for future Public or Non-Profit Parks including playgrounds in the Primary Agriculture Zone. The General Review Standards for development in the Primary Agriculture Zone do not include provisions in ORS 215.296 (3 - 8) for filing complaints in this zone, as requested by DLCD in the March 10, 2010 comments to avoid redundancy with the state’s provisions. The proposed amendments will also require Conditional Use Permits for any exploration, minimum and/or subsequent processing of geothermal, oil, and gas resources defined by ORS 522.005 which do not require any permits for the exploration of geothermal resources. These more restrictive provisions are necessary since many of these geothermal resources in Columbia County are located in relatively close proximity to residentially zoned and/or developed areas of Mist and Birkenfeld in the more western unincorporated areas. The proposed amendments will allow the expansions of schools established on or before 1/1/2009 on contiguous tax lots even though they do not primarily serve residents of the rural area provided they do not force a significant change in or increase the costs of accepted farm or forest practices on surrounding lands. The proposed zoning amendments also prohibit new golf courses from being located on high-value farmland. Finally, all of these proposed amendments to the Comprehensive Plan and to provisions in the Primary Agriculture Zone are necessary to ensure all land uses and divisions occurring in this particular resource zone are consistent with the state’s regulations that have been codified into states statutes and administrative rules since 1993.

**Part VI: Housing & Finding 12:** As the County population continues to increase, so will the demand for housing and the need to keep housing prices affordable for county residents . The *State Housing Goal* states “. . . plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households . . .”. The proposed PF-76 code amendments will allow for the administrative review of single family residences and allow these new residences only if it meets any of the following state mandated criteria:

1. “Lot of Record” forest land dwelling, except on properties that are suitable for commercial timber production,
2. Large and Multiple Tract forest dwelling,
3. “Template” forest dwelling, regardless of size of property,
4. Temporary Dwelling for Medical Hardship as defined in ORS 215.755 and
5. Caretaker residences for public parks and hatcheries

The existing Zoning provisions allowing the alteration, restoration, and replacement of lawfully established replaceable dwellings will not change, and these new provisions will allow the



temporary residential use of existing structures for relatives with medical hardships. However, the old provisions for *Forest Management Dwellings* in the Primary Forest Zone will be eliminated with these amendments because these types of dwellings are not necessary for nor accessory to the property owner being able to grow and harvest timber on the forested property. The proposed amendments are also consistent with the Oregon Forest Practices Act's policy of encouraging economically efficient forest practices in forestland in ways that ensure the continuous growing and harvesting of forest tree species. Finally, these amendments are also consistent with mechanism that call for the utilization of sound management of soil, air, water, fish and wildlife resources and scenic resources that are intended to ensure and preserve the continuous benefits of those resources for future generations.

Similarly, in the PA-38 Zone the amendments will specify various conditions under which new dwellings, either farm or non-farm related, can be built that are also consistent with the state's provisions for Agricultural land. These PA-38 residential-related amendments also include provisions for replacement residential and historical dwellings, medical hardship homes, residential care/training/foster homes or facilities, and dwellings on wildlife habitat land.

For these reasons, the proposed Resource Zoning amendments are consistent with the Comprehensive Plan's Housing Goal to provide for the housing needs of the county. They accomplish this by allowing adequate flexibility in housing location, type, and density in all 3 of the county's resource zones. Finally, the proposed Resource Code Amendments will be consistent with the Comprehensive Plan's policies to assist individuals in their efforts to provide housing for elderly and physically challenged relatives, for the rehabilitation of the county's existing lawfully established housing stock, and for the authorization of residential use on legal lots of record under single ownership provided they meet all regulations and rules of the applicable local, state and federal agencies.

**Part VII - Rural Residential & Finding 13:** The proposed Resource Code Amendments are consistent with this Part of the Comprehensive Plan in that they will decrease potential residential speculation for rural development on resource zoned properties. It will accomplish this by restricting the subdivision of Resource zoned properties into at least 80 acre parcels. Provisions for the creation of smaller than 80 acre resource zoned properties are permitted provided the property contains the following specific development criteria:

1. Site-specific requirements related to soil characteristics,
2. Existing and lawfully established authorized uses,
3. Legal access to a public right-of-way, and
4. Is no larger than necessary for the minimum size of the authorized use.

These provisions for subdividing resource lands are consistent with those of the State and are necessary to reduce potential conflicts from occurring between residents on rural residential and resource zoned properties who live in close proximity to one another. These proposed amendments are also needed to ensure development occurs only in the rural areas within which the existing or planned for public services can support it and where adequate measures are taken to preserve and protect open spaces, water sheds, habitat areas, flood plains, and natural areas.



Finally, the proposed amendments will also decrease speculation development from occurring in the county's more rural areas that will also ensure property assessments do not rise which, in turn, can create additional costs to nearby agriculture and forestry operations.

**Part IX Urbanization & Finding 14:** The proposed Resource Code Amendments regarding site specific development and authorized uses within the resource zones are consistent with this Part of the Comprehensive Plan in that they help to provide an orderly and efficient transition from rural to urban land uses of these resource zoned properties situated in relatively close proximity to the county's incorporated areas. Prior to the expansion of any urban growth boundaries of nearby resource zoned properties, the state's and the county's applicable criteria for these expansions must be met and will not be altered by these amendments.

**Part X Economy & Finding 15:** The proposed Resource Code Amendments are consistent with the Columbia County's Comprehensive Plan's Economic Goals: to strengthen and diversify the economy, to insure stable economic growth and to utilize the county's natural resources and advantages for expanding and diversifying the economic base. Revising these county ordinances so they are consistent with the State of Oregon's statutes and administrative rules will also be a much more efficient use of county employees' time spent reviewing applications as well as the general public's time spent applying for development permits. Incorporating these state regulations into the county's Zoning Ordinance will ensure property owners can receive a thorough and comprehensive analysis by Land Development Services Planning Staff. Finally, these proposed amendments will further protect the county's largest economic activity, that is based on timber products. These amendments are vital for the county because they will ensure resource-based economic activities will not only continue to occur on land that is most suitable for farm and forest production, but will also preserve these lands for these uses.

**Part XI - Commercial and Finding 16:** In 1984 the Comprehensive Plan designated fifty-five (55) parcels outside of recognized urban growth boundaries that were committed to some type of commercial activity. These parcels fell into the following categories: Rural/Urban, Rural Center category, Rural and Marine. The majority of these parcels were committed to commercial use prior to the initial zoning of the County in 1973, and many of these parcels supported more than one commercial enterprise. Although the proposed amendments does not rezone any existing resource zoned properties to Commercial, these proposed amendments to the PA-38 Zone authorizes specific commercial uses including facilities for the processing of farm crops and related commercial activities for the production of biofuel as defined by ORS 315.141, dog kennels, training and stabling of horses, wineries, golf courses, and landscaping businesses in conjunction with a nursery. As already discussed for Finding 11, the proposed amendments include a broader definition of agricultural uses and include the employment of land for the primary purposes of obtaining a profit of the land's products or by products, defined in OAR 214.203(2) are permitted outright in the Primary Agriculture Zone similarly, commercial farm stands in this zone can be used for the sale of farm crops and livestock grown on farms operating in the local agricultural area which includes other bordering county's in the States of Washington and Oregon. These revisions encourage smaller property owners to continue being able to conduct commercially viable agricultural operations in the Primary Agriculture Zone. All of these commercial activities are subject to either administrative or quasi-judicial review, are



required to comply with site-specific development criteria to ensure the use will not detrimentally impact the areas' Goal 5 Resources, and must demonstrate they will not force a significant change in or increase the cost of accepted farm or forest practices on adjacent properties. Staff finds this criterion has been satisfied.

**Part XII - Industrial Siting & Finding 17:** The Comprehensive Plan already states the county needs more vacant industrial land than is available within the Urban Growth Boundaries, and designated five (5) industrial sites located outside of the UGB's. These sites are known as the Prescott Site, the Bernet Site, Port Westward, Reichhold Chemicals, and the Scappoose Industrial Airpark, all of which, still have substantial commitment to industrial use except for the Prescott and Bernet sites. Additionally, the Scappoose Industrial Airpark, because of its unique airpark facilities, does not compete for the same industries as other sites within or without urban growth boundaries. Port Westward, Reichhold Chemicals, and the Bernet site are compatible with industrial uses that are either land extensive, incompatible with the urban environment, marine related or a combination of the above. Although none of these types of uses will be modified with the proposed amendments, it is important to note that they do not compete with industrial areas within urban growth boundaries but are complementary to those existing uses in the county's incorporated areas.

Further, the Goal of the Comprehensive Plan's related to Industrial Siting is to provide for industrial development on rural lands when such development can be shown to support, utilize, or in some manner be dependent upon, the natural resources of the area. The proposed amendments to Conditionally Permitted Uses in Section 305 of the amended PA-38 Zone identify conditions under which mill sites that have been either abandoned or been operating at less than 25 percent of capacity since January 1, 2003 will be eligible to be rezoned for industrial uses. This provision in the PA-38 Zone will, consequently, allow for its implementation in any of the County's 3 Resource Zones provided it satisfies the criteria in ORS 197.719. These conditions require the site as follows:

1. Be located outside any UGB,
2. Contain permanent buildings used in the production or manufacturing of wood products,
3. The boundary cannot be expanded beyond the borders of the mill site,
4. Prohibits any other uses on the site, and
5. Prohibits future rezoning for retail, commercial or other non-resource use except as provided under Statewide Planning Goals.

Because these abandoned or diminished mill sites already support, utilize and are dependent upon the areas' natural resources, allowing their conversion to industrial uses simultaneously increases the county's supply of rural industrial land outside of UGBs. For these reasons, staff finds the proposed amendments are consistent with the Goal and Policies of the Comprehensive Plan related to Industrial Siting.

**Part XIII - Transportation and Finding 18:** These amendments to both the PA-38 and PF-76 Zones authorize improvements related to reconstruction or modification of existing public roads





and highways. These amendments are consistent with Part XIII of the Comprehensive Plan's Goal to create and improve an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents which satisfies this criterion.

**Part XIV Public Facilities and Services & Finding 19:** The Comprehensive Plan states that urban and rural developments are to be guided by public facilities appropriate for the needs of the areas to be served. The Comprehensive Plan also states that the facilities and services for rural areas should be provided at levels for rural use only and should not support urban uses. The proposed amendments to Section 300 in the PA-38 Zone include provisions that authorize the Planning Commission's approval of developing the following public utilities in the agriculture zone provided these proposals include mitigation measures to reduce potentially adverse impacts on adjacent properties and land uses:

1. Utility Facilities for Public Services,
2. Communication Facilities/Transmission Towers,
3. Solid Waste Disposal Sites granted by DEQ for the disposal, handling or transfer of, or energy recovery, material recovery and recycling from solid wastes,
4. Commercial Power Generating Facilities,
5. Commercial Wind Power Generating Facilities, and
6. Operational facilities associated with water districts.

Additional Public Facilities and Services related amendments to the PA-76 Zone authorize circumstances that provide for the development of public and private parks and campgrounds, schools, community centers, youth camps, destination resorts rural fire protection district stations, power generating facilities, solid waste disposal sites, operational facilities for water districts, firearms training facilities, cemeteries, and the expansion of existing airports.

The proposed Resource Code Amendments are consistent with this Part of the Comprehensive Plan in that they help to ensure future land uses and divisions of properties in any of the 3 Resource Zones provided they are compatible with the uses of adjacent properties, minimize potential detrimental impacts to the areas' Goal 5 resources, can safely support the intended new use, and meet the appropriate site specific standards for the intended development. The proposed amendments to the PF-76 Zone will incorporate the Department of Forestry's Fire Siting Standards for Dwelling and Structures as well as the Fire Safety Design Standards for Roads in the forest zone. Similarly, as mentioned in the previous Finding 17, abandoned or diminished mill sites provided for in ORS 197.719, will be eligible to be rezoned and converted into industrial uses which will help the county's preservation of its rural industrial land. Finally, the proposed amendments will support a sufficient level of fire safety and service to minimize the increased risk of fire damage to life and property in the forest zones and will ensure all new development within all resource zones will be adequate and appropriate for the intended uses prior to the issuance of any new building permits. For these reasons, staff finds the proposed amendments are consistent with Part XIV of the Comprehensive Plan related to Public Facilities and Services.

**Part XV - Energy Conservation & Finding 20:** The previous five discussions concerning



**Economy, Commercial, Industrial Siting, Transportation, and Public Facilities and Services** also apply to the primary Goal of **Energy Conservation** in that these proposed amendments will help ensure new development within the PA-38 and PF-76 Zones will also encourage an energy efficient land use pattern that is based on sound economic and financial principles. Specifically, the proposed amendments are supported by numerous energy conservation policies for the county to utilize. These include encouraging economically and financially sound provisions that will allow the development of recycling facilities and the use of recycled resources, encourage the development of alternative energy sources, encourage the construction and modification of existing public roads and highways, require fire siting standards for forest dwellings and structures, and encourage the conversion of abandoned or diminished mill sites to rural industrial uses. For these reasons that support needed rural commercial and resource-related growth, staff finds the proposed amendments are consistent with Part XV related to Energy Conservation of the Comprehensive Plan.

**Part XVI - Goal 5; Open Space, Scenic and Historic Areas, and Natural Areas & Finding**

**21:** All Goal 5 resources except wilderness areas, Oregon Recreational trails, critical groundwater areas, and federal/state wild and scenic waterways are found within Columbia County.

Consequently in 1998, and 2003 Columbia County inventoried and evaluated the following resources according to the Goal 5 Process in OAR 660 Division 23:

- a. Land needed for open space;
- b. Mineral and aggregate resources;
- c. Energy sources;
- d. Fish and wildlife areas and habitat;
- e. Ecologically and scientifically significant natural areas;
- f. Outstanding scenic views and sites;
- g. Water areas, wetlands, watersheds, and ground water resources;
- h. Historic areas, sites, structures, and objects;
- i. Cultural areas;
- j. Potential and approved Oregon Recreational trails;
- k. Potential and approved federal wild and scenic waterways and state scenic waterways;

The proposed Resource Zoning Code amendments are intended to continue the preservation and protection of Columbia County's identified Goal 5 Resources for current and future generations. The proposed amendments to the purpose of the PA-38 Zone state this district "*will provide for open space, watershed protection, maintenance of clean air and water, and fish and wildlife habitat including the creation, restoration, and enhancement of wetlands.*" The PA-38 zone will also provide for wind power generating facilities, composting facilities, and land application of reclaimed water, agricultural, or industrial processed water or biosolids for agricultural, horticultural, silvicultural production or for irrigation in connection with permitted uses in the agricultural zone.

Likewise the amendments to the PF-76 Zone are intended to conserve and protect watershed, soil, fish and wildlife habitats. Not only will activities that conserve soil, air and water be permitted outright in the forest zone, but the amendments will authorize forest research and experimentation



facilities, traditional and alternative power generating facilities, water reservoirs and impoundments, and structures accessory to Fish & Wildlife Enhancement within the PF-76 Zone subject to administrative or quasi-judicial review and to site-specific development criteria . All dwellings in the forest zone will also be required to be sited only in ways that minimize or negate any potentially detrimental impacts on the site's and/or the surrounding areas' Goal 5 Resources.

These amendments to the PA-38 and PF-76 Zones also will provide for appropriate and site-specific development criteria that are necessary to preserve, protect, and utilize the county's mineral and aggregate resources. Consequently, Staff finds that these proposed amendments to the resource zoning codes are consistent with Part XVI of the Comprehensive Plan and will protect the county's identified Goal 5 Resources.

**Part XVII - Recreational Needs & Finding 22:** Columbia County contains outstanding potential recreational resources. 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.

Consequently, 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 current and future recreational needs. The proposed PA-38 amendments provide for a variety of recreational needs include wineries, destination resorts, public and private parks and playgrounds, community centers, on-site filming and associated facilities, hunting/fishing preserves and campgrounds, living history museums, model aircraft facilities, golf courses, and outdoor gatherings all of which are subject to land use review and approval.

Similarly, the amendments to the PF-76 Zone provide for public parks, campgrounds, and youth camps, destination resorts, outdoor mass gatherings, hunting/fishing operations with and without accommodations, and structures accessory to Fish & Wildlife Enhancement.

Updating the county's Resource Zones to include these additional recreational uses will also help the county to overcome traditional obstacles to the development of recreational sites and facilities including, but not limited to, the lack of financial resources and the private ownership of vital and popular public use areas. These Resource Code amendments are likely to increase coordination between representatives from the private and public sectors' financial resources, legal and administrative techniques, and specialized financing opportunities all of which are vital to the realization of additional recreational opportunities throughout Columbia County. Finally, these amendments will support the Comprehensive Plan's policy for the county to encourage coordination with the private sector considering the amount and location of private lands. When private facilities answer a public need, the County should encourage and supplement these efforts.

**Part XVIII - Air, Land and Water Quality & Finding 23:** As analyzed previously during the discussions for Findings 8, 10, 11, 13, 19, 20 & 21 related to **Introduction to the Plan, Forest**



**Lands, Agriculture, Rural Residential, Public Facilities & Services, Energy Conservation, and Open Spaces, Scenic, Historic and Natural Areas**, respectively, these proposed Resource Code amendments will ensure future land uses and development within Resource Zones will continue to maintain and improve the county's land resources in ways that also protect and preserve the quality of the county's air and water. With these amendments, all proposed uses and development within these 3 Resource Zones will be reviewed either administratively or quasi-judicially and will only be approved provided the proposals are not only authorized but will ensure the air, land and water quality on both the subject and adjacent property are not compromised or detrimentally impacted. Finally the proposed amendments will help ensure the future development on resource zoned properties is consistent with Part XVIII's two policies related to the county's air, land and water quality:

1. To work with the appropriate State and Federal agencies to insure that State and Federal water, air, and land resource quality standards are met, and
2. To comply with all applicable State and Federal standards and regulations regarding noise pollution.

**Part XIX - Natural Disasters and Hazards & Finding 24:** Columbia County can best be characterized as mountainous, with 28% of the County having slopes of 30% or greater. These excessive slopes cause rapid surface water runoff, are prone to erosion and sliding, and usually have underdeveloped soil covers. Much of the County has severe foundation limitations caused by the combination of excessive slopes and high water tables. The Comprehensive Plan also contains Maps delineating the areas that are subject to Landslides, Earthquakes, Steep Slopes, and Maps of Areas with Soils that are subject to Low Shear Strength, Mass Movement, and High Water Tables, and many of these areas are located in resource zoned areas. Any proposed structural development within these identified areas already require review pursuant to Chapter 70 of the Uniform Building Code prior to the issuance of any building permits. This method of review has worked successfully to date and should continue to work in the future.

Columbia County also contains specific identified areas that are subject to flood hazards and mapped by the Federal Emergency Management Agency's (FEMA) Maps dated 1988 and anticipated to be updated later in 2010. These FEMA Maps designate Flood Plain regions throughout the county that may be dry in some seasons of the year but are 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 more intensive 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.

The proposed Resource Code amendments will not change how County Building Officials process proposed development within any of these areas that are subject to natural disasters or hazards. However, the proposed amendments may potentially authorize more intensive uses within some of the county's resource zoned properties that are already subject to these hazards. Consequently, the proposed amendments will enable the county to review the proposed development and provide ways for the intended proposal to only be suitable for the specific property and its physical





characteristics, but will also preserve and protect existing land uses on adjacent properties. Within the required review of proposed development on any resource zoned property, these site specific provisions will give careful consideration to the property's location, Goal 5 protected resources, topographic and drainage features, size of tracts, and availability of utility and transportation facilities.

These proposed provisions to the PA-38 and PF-76 Zones will help to ensure only appropriate development can occur in these areas. Finally, the proposed provisions for public and private recreational facilities addressed in Finding 22 will also provide for sustainable and relatively low damage authorized development within the PA-38 Zone and includes Wetland Creation/Restoration and Enhancement, Aquaculture and Insect Cultivation, Wineries, Exploring and Processing of Mineral and Aggregate Resources, parks, golf courses, and the application of reclaimed water and biosolids. In the PF-76 Zone these sustainable and relatively low damage authorized uses include the Exploration and Processing of Mineral and Aggregate Resources, Research and Experimentation Facilities related to forest operations, caretakers residences for Public Parks and Hatcheries, Campgrounds, Youth Camps, Destination Resorts, Reservoirs and Water impoundments, Hunting and Fishing Operations without Accommodations, and Structures Accessory to Fish & Wildlife Enhancement.

In conclusion, the proposed Resource Code amendments will encourage future development to support the Goal of Natural Disasters and hazards: to protect life and property from being significantly impacted by their future occurrences. These amendments will also help the county to coordinate all development within these areas so that the proposals will be consistent with the applicable regulations of other state and federal agencies.

**Continuing with Part XX - Willamette River Greenway & Finding 25:** The Willamette Greenway system includes all channels of the Willamette River from its confluence with the Columbia River upstream to Dexter Dam on the Middle Fork and to Cottage Grove Dam on the Coast Fork. More than 510 riverbank miles are included within this system. Columbia County contains 25 riverbank miles along both sides of the Multnomah Channel and regulations apply to land within 150 feet of the low water mark within urban areas and within the Greenway Boundary in rural/unincorporated areas.

The predominantly resource zoned lands bordering the Multnomah Channel serve a number of purposes: agriculture, habitats for fish and wildlife, industrial uses, marine commercial uses, and recreation. Additionally, there are no commercial timber resources within the Greenway, nor are there any known mineral or aggregate deposits or extraction sites. The proposed Resource Code amendments will provide additional safeguards for resource zoned properties along the Willamette Greenway since they will help to balance among various authorized uses in ways that will ensure any competing demands do not degrade the quality of the waterway. The Greenway Plan - consisting of ODOT's Greenway Program, Statewide Planning Goal 15, and local comprehensive Plans - provide the framework for achieving this balance. The updated revisions to the Resource Zones, will provide a way for all affected agencies to not only coordinate proposed development and uses of the Willamette Greenway's vital agricultural, natural, scenic, and economic areas and interests, but will also provide a mechanism for these agencies to



continue to maintain and enhance these mutually beneficial interests in ways that reduce or minimize potential conflicts from occurring between its varied authorized resource related uses. For these reasons, staff finds the proposed amendments are consistent with the Comprehensive Plan's Goal of the Willamette Greenway: "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." These proposed amendments will help the county to implement its Comprehensive Plan's 13 Willamette River Greenway policies that, in turn, allows the county to preserve and maintain the natural, historical and recreational greenway along its portions of the Multnomah Channel that are an integral part of the Statewide Willamette River Greenway System.

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

*Note: Columbia County's Comprehensive Plan contains provisions consistent with and in support of Oregon's Statewide Planning Goals. Therefore, the proposed amendments' consistency with the Statewide Planning Goals are addressed in the discussions of the proposal's consistency with the Comprehensive Plan. Most findings in this section will reference previously discussed sections of this Staff Report.*

**Goal 1 (Citizen Involvement):** Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in State statute and in its acknowledged Comprehensive Plan and land use regulations.

For Legislative Zoning Ordinance Text Amendments, the County's land use regulations, ORS 215.060 and ORS 197.610 require notice to the public and to the Department of Land Conservation and Development (DLCD) and public hearings before the County Planning Commission and Board of Commissioners. By complying with these regulations and statutes, the County complies with Goal 1.

The County provided (45 day) notice of the proposal to DLCD, which was mailed on February 17, 2010. Agency referrals were sent to all County CPACs, the Oregon Department of Forestry, Oregon Department of Fish & Wildlife, Oregon Department of Agriculture, the Columbia County Soil & Water Conservation District, and the Columbia County OSU Agricultural Extension Office on March 8, 2010. a Measure 56 Notice was mailed to all PF-76, PA-38, and FA-19 zoned property owners that may be affected by the proposal on March 11, 2010. Any and all comments are under COMMENTS RECEIVED below. In addition, two notices of the Planning Commission Hearing, scheduled for April 19, 2010, were posted in the *Chronicle*, *South County Spotlight* and the *Daily News* on March 31, and April 7, 2010. Finally, DRAFT Resource Zoning and Comprehensive Plan Amendments were posted on the County's website for public information and review. The October 13, 2010 public hearing before the Board of County Commissioners was also advertised and published twice in the *Chronicle* at least 10 days prior to this hearing. The requirements of Goal 1 have been satisfied.

**Goal 2 (Land Use Planning), Part I:** Goal 2, Part 1 requires that decisions and actions related to land uses be consistent with acknowledged Comprehensive plans of affected cities and counties



and based on adequate factual information. Factual information supporting this application is addressed throughout the staff report through an analysis of both County and State laws and the proposal's consistency with these laws. The text amendment's consistency with the Columbia County Comprehensive Plan is specifically addressed above in Findings 8 through 25. Although Goal 2 also contains standards for taking exceptions for statewide goals, they do not apply to the proposed Comprehensive Plan and Resource Zoning Amendments included for TA 10-03.

Goal 2, Part I further requires coordination with affected governments and agencies. As stated under Goal 1 above, affected agencies have been notified of the request. The requirements of Goal 2, Part I have been satisfied.

**Goal 3 (Agricultural Lands):** Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33. As discussed per Finding 11, the proposed amendments to the PA-38 Zone included in TA 10-03 will help insure this agriculture profile of Columbia County is, and will continue to be, that of small-acreage and high-intensity farming by ensuring:

1. All provisions for uses, activities, and division of the county's Agricultural land will be consistent with state regulations that are adequate to protect commercial farms
2. The prevention of residential encroachment into areas currently utilized for commercial farms or capable of utilization for commercial farms, and
3. All land uses and divisions are consistent with the state's regulations that have been codified into states statutes and administrative rules since 1993.

For these reasons, staff finds the requirements of Goal 3 have been satisfied.

**Goal 4 (Forest Lands):** This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will conserve forest lands for forest uses. As discussed for Finding 10, the proposed amendments will ensure the continual protection and preservation of a variety of resource and non-resource related uses and development on Columbia County's forest lands. Additionally, the proposed development and siting provisions will also help to ensure mutual compatibility of new uses with existing uses on adjacent and active forestlands in ways that also are intended to minimize potential detrimental impacts on the subject and adjacent properties' resources protected by Statewide Planning Goal 5. Finally the proposed amendments to the provisions in the Primary Forest Zone are necessary to ensure all land uses and divisions occurring in this resource zone are consistent with the state's regulations that have been codified into states statutes and administrative rules since 1993 satisfying this criteria for Goal 4.

**Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces):** Goal 5 directs Columbia County to establish a process for the inventory, evaluation, and continued preservation of each of these natural and cultural resources covering more than a dozen natural and cultural resources such as wildlife habitats and wetlands. Because Columbia County has already inventoried and evaluated its Goal 5 Resources 1998, and 2003 discussed previously for Finding 21, the proposed Comprehensive Plan and Resource Zoning Amendments will ensure



their continued preservation in ways that provide a balance between the affected resources and potentially conflicting uses nearby. For these and the reasons included in Finding 21, staff finds Goal 5 has been satisfied.

**Goal 6 (Air, Water and Land Resources Quality):** This Goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. As discussed for Finding 23, these proposed amendments will ensure future uses and development within these 3 Resource Zones will only be approved if the authorized proposals are able to ensure the air, land and water quality of the subject and adjacent properties are not compromised or detrimentally impacted. Finally, the proposed amendments will provide the county with local implementing mechanisms that will help ensure proposals on resource zoned land comply with the applicable State and Federal standards and regulations that protect and maintain the county's water, air, and land quality. Staff finds this requirement has been satisfied.

**Goal 7 (Areas Subject to Natural Disasters and Hazards):** Goal 7 deals with development in areas that are subject to natural hazards such as floods or landslides, and requires the county to apply "appropriate safeguards" (floodplain zoning, for example) when planning for development within these designated areas. As mentioned for Finding 24, approximately 28% of Columbia County can best be characterized as mountainous, with slopes exceeding 30%. The county also contains specific identified areas subject to flood hazards and mapped by the 1988 Federal Emergency Management Agency's (FEMA) Maps which are anticipated to be updated later in 2010 to reflect new technical data from the 1996 and 2007 Floods .

Although the proposed amendments will not change how County Building Officials process proposed development within areas that are subject to natural disasters or hazards, they may potentially authorize more intensive uses on existing resource zoned properties that are already subject to these hazards. Consequently, the proposed amendments will ensure the county's review of the proposed development provides ways for it to only be suitable for the specific property and its physical characteristics, but are also necessary to preserve and protect existing land uses on adjacent properties. These site specific provisions for resource zoned properties will also give careful consideration to the property's location, Goal 5 protected resources, topographic and drainage features, size of tracts, and availability of existing or planned for utility and transportation facilities. Finally, the proposed provisions for public and private recreational facilities addressed in Finding 22 will also provide for sustainable and relatively low damage authorized development within the PA-38 and PF-76 Zones. For these reasons, staff finds this requirement is satisfied.

**Goal 8 (Recreational Needs):** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts. Per Finding 22, the proposed PA-38 amendments will provide for a variety of recreational needs include wineries, destination resorts, public and private parks and playgrounds, community centers, on-site filming and associated facilities, hunting/fishing preserves and campgrounds, living history museums, model aircraft facilities, golf courses, and outdoor gatherings all of which are subject to land use review





and approval. Similarly, the proposed amendments to the PF-76 Zone provide for public parks, campgrounds, and youth camps, destination resorts, outdoor mass gatherings, hunting/fishing operations with and without accommodations, and structures accessory to Fish & Wildlife Enhancement. These proposed amendments will also increase the likelihood of better coordination between the private and public sectors' financial resources, legal and administrative techniques, and specialized financing opportunities all of which are vital to the realization of additional recreational opportunities throughout our county. These reasons all support the Statewide Recreational Goals and satisfy this requirement for the proposed amendments to the county's Resource Zones.

**Goal 9 (Economic Development):** Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. As already discussed for Findings 15 and 16, the proposed amendments are consistent with the county's Comprehensive Plan's Economic and Commercial Goals of strengthening and diversifying its economy, insuring stable economic growth and utilizing the county's natural resources and advantages for expanding and diversifying the economic base. These proposed revisions to the 3 resource zones will also be a more efficient use of county employees' time spent reviewing and the time the general public spends applying for development permits because they will incorporate state regulations into the county's Zoning Ordinance. Resource zoned property owners can receive a thorough and comprehensive analysis of the proposal by county staff that will better protect, preserve, and manage the county's identified natural resources so that the proposed development will also be able to ensure the subject property's future productive and environmentally sensitive uses. For these reasons, this requirement has been satisfied.

**Goal 10 (Housing):** This Goal requires jurisdictions to provide for the housing needs of its residents and requires jurisdictions to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. As already discussed for Finding 12, the proposed amendments are consistent with the Comprehensive Plan's Housing Goal of providing for the county's housing needs by allowing adequate flexibility in housing location, type, and density. These amendments will also include housing provisions for families with elderly and physically challenged relatives, for the rehabilitation the county's existing lawfully established housing stock, and for authorizing residential use on legal lots of record under single ownership provided the homes and property owners meet all regulations and rules of the applicable local, state and federal agencies. These amendments support the Statewide Goal to provide for the housing needs of county residents satisfying this requirement.

**Goal 11: (Public Facilities and Services):** Goal 11 calls for the efficient planning of public services such as sewers, water, law enforcement, and fire protection. The Goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. As discussed previously for Finding 19, these proposed amendments are consistent with the county's similar Comprehensive Plan Goal that guides urban and rural developments to those areas that are appropriate for the existing or planned public facilities of the areas to be served. For the PA-38 zone, these amendments



include provisions for the quasi-judicial approval of proposed communication, solid waster, electrical, power generation, and community water utilities and the conversion of abandoned or diminished d mills to rural industrial land provided these proposals include mitigation measures to reduce potentially adverse impacts on adjacent properties and land uses. Similarly, for the PF-76 Zone the amendments include provisions for the development of a variety of public and private facilities related to parks and campgrounds, commercial power generation, schools, rural fire protection districts, solid waste disposal sites, water districts, firearm training facilities, expansion of existing airports, and community centers. Additionally, in the PF-76 Zone the proposed amendments will incorporate the Department of Forestry's Fire Siting Standards for Dwelling and Structures as well as the Fire Safety Design Standards for Roads for all new development in this forest zone. Provisions have been made into the proposed Resource Zoning Code amendments that are consistent with Statewide Goal 11 satisfying this requirement.

**Goal 12 (Transportation):** The Statewide Goal aims to provide "a safe, convenient, and economic transportation system." As discussed for Finding 18, these amendments to both the PA-38 and PF-76 Zones authorize improvements related to the reconstruction or modification of existing public roads and highways which are consistent with the Statewide Goal of safely and efficiently serving the needs of county residents. This requirement is satisfied.

**Goal 13 (Energy):** Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." As discussed previously for Findings 15 - 20 related to **Economy, Commercial, Industrial Siting, Transportation, Public Facilities and Services and Energy**, these proposed amendments will help the county ensure new development within the 3 resource zones will also encourage an energy efficient land use pattern that is based on sound economic and financial principles. encourage the conversion of abandoned or diminished mill sites to rural industrial uses. For the reasons as well as the ones stated for Findings 15 - 20, staff finds that the proposed amendments will support and encourage needed rural commercial and resource-related growth in the county's resource zoned unincorporated areas consistent which is consistent with the Statewide Planning Goal 13 and satisfies this requirement.

**Goal 14 (Urbanization):** This Goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." As discussed previously for Finding 14, the proposed Resource Code Amendments include provisions related to site specific development and authorized uses within the 3 resource zones are consistent with the Comprehensive Plan's Goal for Urbanization. These proposed amendments will help provide an orderly and efficient transition from rural to urban land uses on existing resource zoned properties in relatively close proximity to the county's incorporated areas. However, and prior to the proposed expansion of any urban growth boundaries into nearby resource zoned properties, the state's and the county's applicable criteria for these expansions must be met and will not be altered by these amendments. For these reasons, staff finds this requirement is satisfied.

**Goal 15 (Willamette Greenway):** Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River. As discussed earlier for Finding 25, Columbia



County contains 25 riverbank miles along both sides of the Multnomah Channel and its regulations apply to land within 150 feet of the low water mark within urban areas and within the Greenway Boundary in rural/unincorporated areas. The proposed amendments will provide additional safeguards for resource zoned properties along the Willamette Greenway since they include provisions that are intended to balance the needs for various authorized uses in ways that will ensure all competing demands do not degrade the quality of the protected waterway and also protect and preserve the Willamette Greenway's vital agricultural, natural, scenic, and economic areas. For these reasons staff finds this requirement has been satisfied.

**COMMENTS RECEIVED:** The following comments have been received as of September 28, 2010:

**Clatskanie-Quincy CPAC:** No Comment

**St. Helens - Columbia City CPAC:** Has reviewed the submitted proposal and has no objections to its approval as submitted.

**Upper Nehalem CPAC:** No comment

**Scappoose-Spitzenberg CPAC:** Submitted comments at the April 19, 2010 Planning Commission Hearing and are included in *Attachment C*.

**Mist-Birkenfeld CPAC:** No Comment

**Department of Land Conservation and Development (DLCD):** DLCD submitted comments in letters dated March 10, 2010 and April 2, 2010 included as "Attachments B". These letters provide a detailed list (with page references) of proposed resource code amendments that are still discrepant with the specific applicable provisions required in either the Oregon Revised Statutes or the Oregon Administrative Rules.

Because these discrepancies were received after the DRAFT AMENDMENTS were submitted for the required agencies and property owners review and after the public notices were made, Land Development Services was able to rectify, with the Planning Commission's approval, these discrepancies in the attached PA-38, PF-76 and FA-19 Code Amendments that require the Board of Commissioners approval prior to their final adoption of the proposed amendments.

**Rodney Moore, M.E. Moore Construction:** Supports the proposed amendments.

**Jeremy Keepers, Weyerhaeuser Real Estate Development Company (WREDCO):** Supports the proposed amendments.

No other comments have been received as of the date of this report, September 28, 2010.



## CONCLUSIONS AND RECOMMENDATIONS:

Based on the facts, findings and comments in the April 9, 2010 Staff Report for TA 10-03, with the required revisions approved by the Planning Commissions and referenced in the July 13, 2010 Planning Commission Recommendation to the Board of Commissioners for TA 10-03, and with the revisions herein as presented in the October 6, 2010 Staff Report, the Planning Commission recommends the Board of County Commissioners **APPROVE** these TA 10-03 Resource Zoning and Comprehensive Plan Amendments as presented in October 6, 2010 Staff Report that is the legislative amendment to:

- (1) Amend the text of the PA-38, FA-19, and PF-76, Sections 300, 400, and 500 respectively of the Zoning Ordinance,
- (2) Delete the Woodlot Overlay Zone, Section 1178, in its entirety and
- (3) Amend Section Parts IV and V of the Comprehensive Plan related to Forest and Agricultural Lands.

These amendments will allow these county ordinances to be consistent with the provisions codified in the State of Oregon's Revised Statutes and Administrative Rules related to authorized uses, development and property divisions in the three County's Resource Zones included as "Attachment A" of this report.

