



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: October 20, 2015  
Jurisdiction: City of Columbia City  
Local file no.:  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/16/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 62 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
 001-15  
**File No.:** {23799}  
**Received:** 10/16/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Columbia City

Local file no.:

Date of adoption: 10/15/15                      Date sent: 10/16/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 5/13/15

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

**The adopted ordinance includes a more complete reference to the adopted findings than the draft.**

Local contact (name and title): Lisa Smith, Planning Director

Phone: 503-463-9098

E-mail: lisasmithone@gmail.com

Street address: 1840 Second Street

City: Columbia City

Zip: 97053

**PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

The ordinance amended Columbia City Comprehensive Plan Section H, Housing and the Comprehensive Plan/Zoning Map.

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- |                 |        |             |  |
|-----------------|--------|-------------|--|
| Change from R-2 | to R-3 | 1.33 acres. | A goal exception was required for this change. |
| Change from     | to     | acres.      | A goal exception was required for this         |
| change.         |        |             |  |
| Change from     | to     | acres.      | A goal exception was required for this         |
| change.         |        |             |  |
| Change from     | to     | acres.      | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address): TL 512804015100, TL 512804015102 and TL 512804015103

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from R-2	to R-3	Acres: 1.33
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None identified.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The adopted ordinance is included.

**ORDINANCE NO. 15-693-O**

**AN ORDINANCE AMENDING THE COLUMBIA CITY COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 03-585-O, AND AMENDING THE COLUMBIA CITY COMPREHENSIVE PLAN AND ZONING MAP.**

**THE CITY OF COLUMBIA CITY ORDAINS AS FOLLOWS:**

**Section 1.** The Columbia City Comprehensive Plan, Article II - Inventories of State Goals, Section H - Housing, Subsection 4 - 2009 Urban Growth Boundary Expansion, paragraph 8 shall be amended to read as follows:

The City will continue to work with Columbia County to amend population projections in a manner that addresses the City's limited capacity for growth. Additionally, the City permits and encourages dwelling units on the second story of commercial structures in the commercial zone and accessory dwelling units as methods of increasing housing.

**Section 2.** The Columbia City Comprehensive Plan, Article II - Inventories of State Goals, Section H - Housing, shall be amended to include the following subsection:

5. 2015 Zone Change

An analysis of impacts on previous projected additional dwelling units was completed in response to an application for a zone change from R-2, moderate density residential to R-3, high density residential, for approximately 1.3 acres.

**2015 Projected Additional Dwelling Units Needed**

Type of Housing	Percent of All Units	Total Units Needed	Available Prior to 2015 Zone Change	Available After 2015 Zone Change	Additional Units Needed
Single Family/Duplex	76%	306	306	300	6
Multi Family	17%	68	10	23	45
Manufactured Homes in Parks	7%	28	0	0	28
<b>Total</b>	<b>100%</b>	<b>402</b>	<b>316</b>	<b>323</b>	<b>79</b>

At an average of 5 dwelling units per acre, the rezoning of 1.3 acres from R-2, moderate density residential to R-3, high density residential creates a need for six (6) additional single family/duplex units to maintain 76% of all housing as single family/duplex. Historic constraints on further expansion of Columbia City urban growth boundary as a method of addressing the projected need continue to exist.

The City has based its projected housing need for single family/duplex on an average of 5 dwelling units per acre because the existing housing inventory, as included in the 2001 Buildable Lands Analysis, does not delineate between single family residences

(approximately 4 dwelling units per acre) and duplexes (approximately 8 dwelling units per acre). The City has recently identified several single family residences that have been functioning as “duplexes” or “accessory dwelling units” for extended periods of time and, with updated projections based on a more complete inventory, may find that need for single family/duplex housing is adequately addressed. In the future, the City anticipates seeking funding for an updated housing inventory more clearly identifying the actual inventory and updating the housing needs analysis. The City will also continue to work with Columbia County to insure population projections address the City’s limited capacity for growth.

The addition of 1.3 acres of R-3, high density residential zone reduces the projected need for additional multi-family housing from 58 units to 45 units. The City finds that the accessory dwelling unit provisions adopted by the City in 2014 can be reasonably expected to address an as yet undefined percentage of housing. Additionally, the City permits dwelling units on the second story of commercial structures in the commercial zones as a method of increasing multi family dwelling units.

**Section 3.** The Columbia City Comprehensive Plan and Zoning map is hereby amended by the rezoning of the real property owned by Columbia Harbour LLC (Applicant) described in Exhibit A as mapped in Exhibit B, attached hereto and incorporated herein.

**Section 4.** In support of the above, the City Council hereby adopts specific findings and conclusions in the staff report dated July 7, 2015, the findings contained in the Planning Commission deliberations documented in the hearing transcript from the August 6, 2015 hearing, Applicant’s final written argument presented to the Planning Commission, and the following supplemental findings:

- a. The September 17, 2017 hearing was properly noticed in accordance with local and state requirements;
- b. The City Council carefully reviewed the underlying record prior to the hearing;
- c. The Comprehensive Plan and supporting documents in the record indicate a need for R-3 zoned properties, rezoning the subject parcel to R-3 increases the availability of R-3 zoned parcels and contributes to meeting the goals of the Comprehensive Plan for additional dwelling units.
- d. The recent adoption of the City’s Accessory Dwelling Unit Ordinance increases the availability of Single Family/ Duplex housing development opportunities, which further protects against any potential loss of Single Family / Duplex housing that could be associated with this zone change
- e. Oral and written testimony was received at the public hearing before the City Council on September 17, 2015 raising concerns about the proposal. The Council finds that the majority of issues raised by neighbors were not related to the approval criteria or comprehensive plan policies applicable to this request. To the extent such arguments touched on applicable approval criteria such as housing inventory, location of other R3 zone properties, and public health and safety considerations, the Council opts to rely on the findings presented in the materials supplied by staff, the Planning Commission and Applicant. There was confusion over the terminology used in to describe dwelling types, dwelling density, and uses allowed in the various residential zones. The proposal still allows for single family homes in the R3 zone

and particularly the subject property by amending the Townhome definition to allow attached single family dwellings. The Council finds that there is substantial evidence in the record to support approval of the proposed request. Further, the neighbors misconstrue the burden of proof and the Council finds that Applicant has demonstrated by the preponderance of the evidence that the proposal complies with the applicable approval criteria and comprehensive plans. Issues related to scale, density, frontage improvements, and compatibility with the neighborhood will be addressed through a subsequent land use review. The R3 zone requires that residential development be subject to site development review prior to construction.

**Section 5.** The effective date of this ordinance shall be 30 days after the date of adoption.

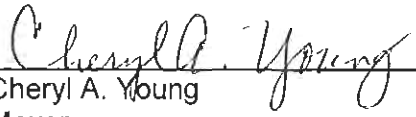
First reading: October 1, 2015

Second reading: October 15, 2015

Adopted by the City Council this 15th day of October, 2015, by the following vote:

AYES: 3      NAYS: 0      ABSENT: 2      ABSTAIN: 0

Approved by the Mayor the 16th day of October, 2015.

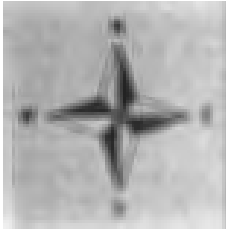
  
Cheryl A. Young  
Mayor

ATTEST:

  
Leahnette Rivers  
City Administrator/Recorder

Effective date: November 15th, 2015

Exhibit A



**REYNOLDS  
LAND  
SURVEYING,  
INC.**

32990 Stone Road  
Warren, OR 97053  
(503) 397-5516  
Fax (503) 397-5518

June 5, 2015

**Legal Description  
Zone Change Parcel**

A tract of land in Section 28, Township 5 North, Range 1 West, Willamette Meridian being the tracts of land described in Instrument Number 2014-000707 and Instrument No. 2014-002772, Clerk's Records of Columbia County, Oregon and being more particularly described as follows:

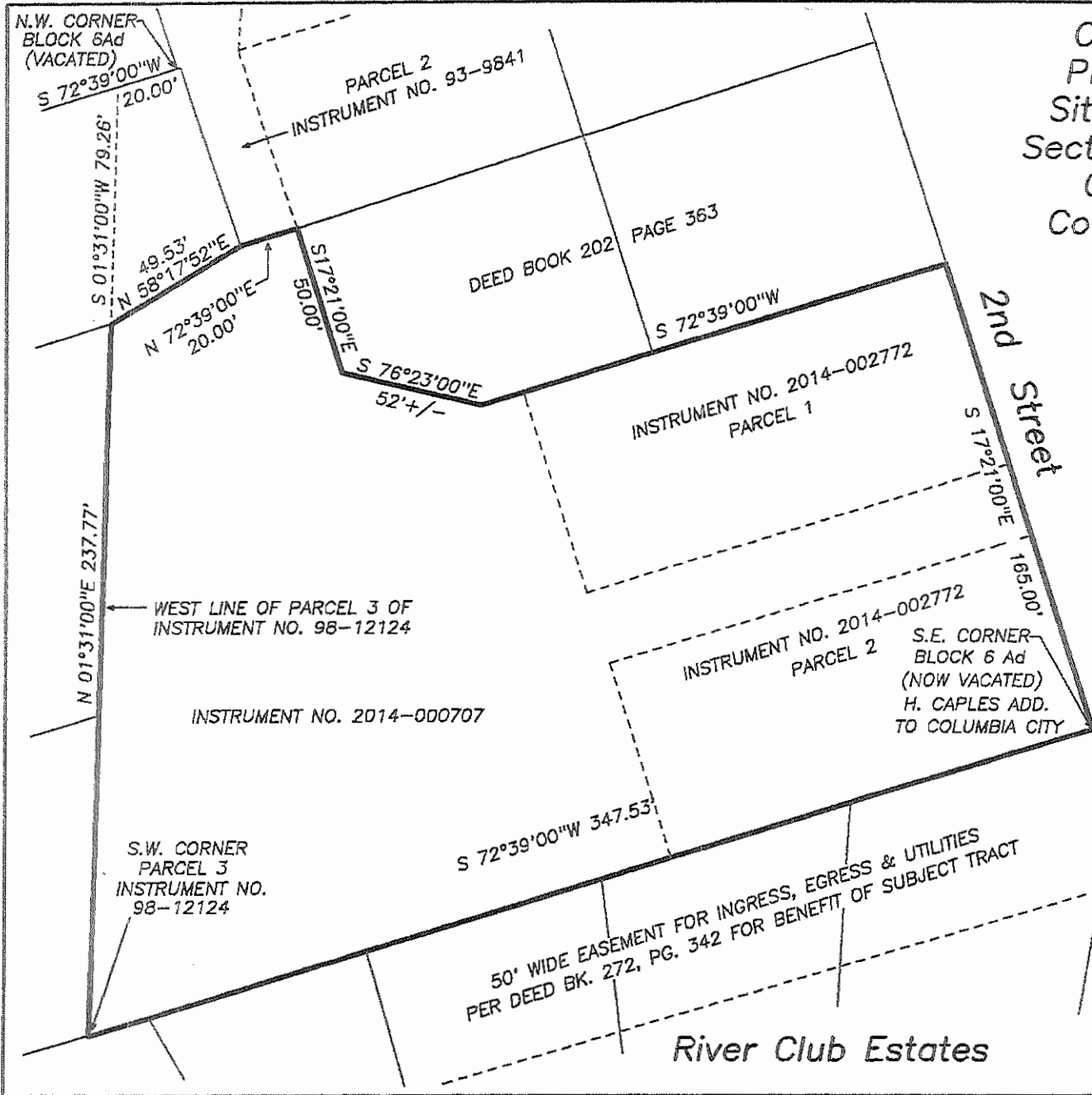
Beginning at a point on the East line of Block 6 Ad (now vacated), of the H. Caples Addition to Columbia City that is North 17°21'00" West a distance of 165.00 feet from the Southeast corner of said Block 6 Ad, said point being the Southeast corner of the Roy E. Jolma and Helen Mary Jolma tract as described in Deed Book 202, Page 363, Clerk's Records of Columbia County, Oregon; thence South 17°21'00" East, along said East line of Block 6 Ad, a distance of 165.00 feet to the Southeast corner thereof; thence South 72°39'00" West, along the South line of said Block 6 Ad and the Westerly extension thereof, a distance of 347.53 feet to the Southwest corner of Parcel 3 of the John A. Petersen and Agnes Marie Petersen tract as described in Instrument No. 98-12124 and recorded on September 28, 1998 in the Clerk's Records of Columbia County, Oregon; thence North 01°31'00" East, along the West lines of Parcels 1 and 3 of said Petersen tract as described in Instrument No. 98-12124, a distance of 237.77 feet; thence North 58°17'52" East a distance of 49.53 feet to the Southwest corner Parcel 2 of the Charles D. Leachman and Martha E. Leachman tract as described in Instrument No. 93-9841 and recorded on November 10, 1993 in the Clerk's Records of Columbia County, Oregon; thence North 72°39'00" East, along the South line of said Parcel 2 of the Leachman tract, a distance of 20.00 feet to the Southeast corner thereof, said point being the Northwest corner of said Jolma tract as described in Deed Book 202, Page 363; thence along the boundaries of said Jolma tract the following 3 courses: South 17°21'00" East a distance of 50.00 feet; thence South 76°23'00" East a distance of 52 feet more or less to a point on a line drawn South 72°39'00" West from the point of beginning; thence North 72°39'00" East to the point of beginning.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

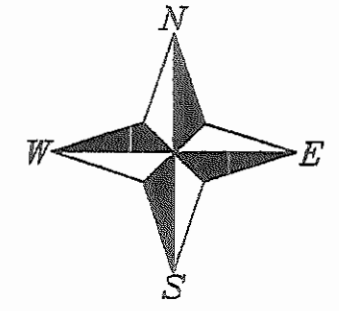
OREGON  
JULY 26, 1985  
DAVID E. REYNOLDS  
2157

RENEWAL DATE: 12-31-2016

Exhibit b



Columbia Harbour LLC  
 Proposed Zone Change  
 Situated In The N.E. 1/4  
 Section 28, T.5N., R.1W., W.M.  
 City of Columbia City  
 Columbia County, Oregon  
 June 5, 2015



Scale: 1"=50'  
 CF:96055E  
 SF:96055E23

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*David E. Reynolds*  
 OREGON  
 JULY 26, 1985  
 DAVID E. REYNOLDS  
 2157

RENEWAL DATE: 12-31-2016

Reynolds  
 Land Surveying, Inc.  
 32990 Stone Road  
 Warren, Oregon 97053  
 (503) 397-5516



## COLUMBIA CITY, OREGON NOTICE OF DECISION

### APPLICANT/

### OWNER:

Columbia Harbour LLC  
William Al Petersen, Agent  
101 St. Helens Street  
St. Helens, OR 97051

### APPLICATION:

The applicant requested municipal approval of a comprehensive plan text and map amendment and rezoning Columbia County TL 5N1W28DA05100, TL 5N1W28DA05102, and TL 5N1W28DA05103 from R-2, Moderate Density Residential to R-3, High Density Residential. The affected tax lots are generally located as a machine shed and surrounding 1.33 acres of vacant land west of Second Street and north of River Club Estates.

### PUBLIC HEARINGS:

A public hearing was held before the Columbia City Planning Commission on Tuesday, July 14, 2015 and was continued to July 26, 2015. Following the public hearing, the Planning Commission deliberated, adopted findings and recommended the Council approve the application as submitted.

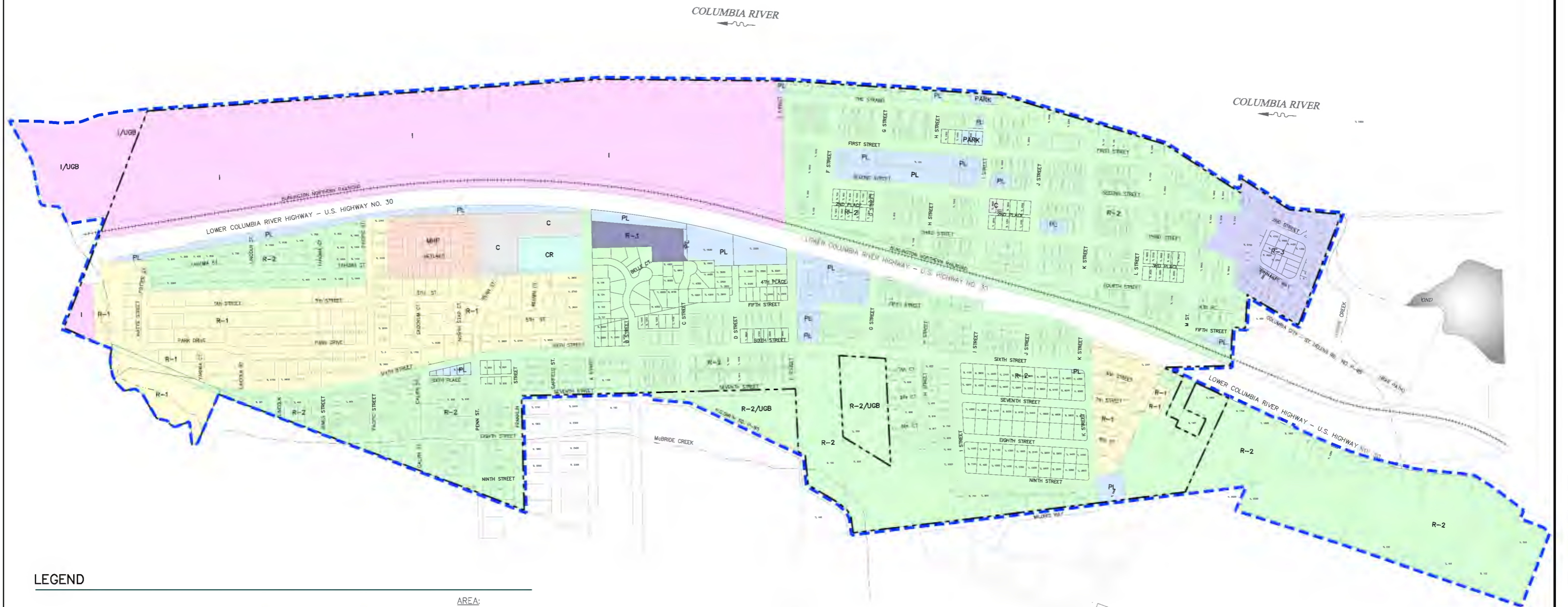
A public hearing was held before the Columbia City Council on Thursday, September 17, 2015. Following the public hearing, the City Council deliberated and approved the application. The findings were adopted on October 1, 2015 and the implementing ordinance was placed on first reading. Second reading occurred on October 15, 2015 and the ordinance becomes effective on November 15, 2015.

Notice is hereby given that the Columbia City Council **APPROVED** the zone change application as requested. The adopting ordinance and the record of the decision are available at City Hall, 1840 Second Street, Columbia City, Oregon.

This decision is final on October 16, 2015, the date this Notice of Decision is being mailed to the applicant and all interested parties who have submitted written or oral testimony in the record. The City Council decision is the final local action. Any party with standing may appeal the decision to the Land Use Board of Appeals (LUBA) within 21 days pursuant to ORS 197.830. Persons wishing to appeal the decision to LUBA are advised to seek legal counsel.



Lisa Smith, Planner  
John A. Rankin, LLC



**LEGEND**

CITY OF COLUMBIA CITY LIMITS		AREA: 484.11 ACRES
URBAN GROWTH BOUNDARY (UGB)		554.21 ACRES

**LAND USE DESIGNATION**

		AREA:
	(R-1) SINGLE-FAMILY RESIDENTIAL	67.5 ACRES
	(R-2) GENERAL RESIDENTIAL	298.49 ACRES
	(R-3) MULTI-FAMILY RESIDENTIAL	14.05 ACRES
	(MHP) MANUFACTURED HOME PARK	6.77 ACRES
	(C) COMMERCIAL	5.19 ACRES
	(CR) COMMERCIAL RECREATION	2.81 ACRES
	(I) INDUSTRIAL	101.80 ACRES
	(PARK) PUBLIC LANDS, PARK (PL)	21.96 ACRES
	NEWER PLATTED AREAS	67.5 ACRES
	DUPLEX/SFD	298.49 ACRES
	3-10 DU/AC	14.05 ACRES
	MANUFACTURED HOMES ONLY	6.77 ACRES
	RETAIL/SERVICES (BUSINESS)	5.19 ACRES
	COLUMBIA RIVER ATHLETIC CLUB	2.81 ACRES
	"OLD MILL SITE"	101.80 ACRES



NOT TO SCALE

**NOTE:**

THIS MAPPING IS BASED ON ELECTRONIC FILE INFORMATION PROVIDED BY MURRAY, SMITH & ASSOCIATES AND INFORMATION RECEIVED FROM COLUMBIA CITY. DRAWING HAS BEEN MODIFIED BY KENNEDY/JENKS CONSULTANTS.

SEPTEMBER 2015

**CURRENT CITY LIMITS AND EXPANDED UGB OVERVIEW MAP**

CITY OF COLUMBIA CITY



1091029.00