

ADOPTED PLAN AMENDMENT

ADOPTED AUTO NO:	14510	PROPOSED PA AUTO NO:	16042
JURISDICTION ABB:	ACOLU	JURISDICTION :	COLUMBIA COUNTY
DLCD FILE NO:	001-07A	LOCAL FILE # :	PA07-02
ADDITIONAL PROPOSAL FILE:	N	PROPOSED :	Y
DATE ADOPTED:	8/29/2007	TOTAL TIME SPENT ON REVIEW:	
DATE ADOPTION RECEIVED:	9/13/2007	DATE LETTER SENT ON PROPOSAL:	
DATE ADOPTION NOTICE SENT:	9/20/2007		
APPEAL DEADLINE:	10/3/2007	APPEAL FILED:	
LUBA No. :		APPEAL DECISION:	

Amend the Comprehensive Plan Map and (Zoning Map) fro Community Service (Community Service Recreation) to Forest Resource (Primary Forest PF-76) for 3 acres located at 27627 Old Rainier Road, Rainier. This would restore the original zoning for this property, back to what is was before the Indoor Soccer Arena went out of business. Proposal was submitted without a Final Hearing date.

AMENDMENT TYPE: M M = Map; T = Text; B = Both
2007-8 PLAN.MAP
ZONE.MAP

LOCATION: 27627 Old Rainier Road, Rainier

# OF AREAS:	1.00 ORIGINAL USE UCOMMS	NEW USE FOR	FOR	ACRES	3.00
		UCOMMS			

DESCRIPTION :
Same.

LOCALLY IDENTIFIED AGENCIES
Columbia Fire and Rescue.

DATE PROPOSAL RECEIVED :	4/23/2007	DAYS NOTICE OF EVID. HEARING:	
FIRST EVIDENTIARY HEARING DATE :	6/18/2007	DAYS NOTICE :	
FINAL HEARING DATE :		CONTACT PHONE # :	503-397-7222 EXT:
LOCAL GOV CONTACT :	Jacob Graichen	NUMBER OF AMEND :	2
DATE PRO. NOTICE SENT :			

PROPOSAL REVIEW

PART. NOTICE SENT : DEPT. PART. : N

GOALS:

ASREVIEWER :	ASREVIEWER2 :	TIME SPENT ON REVIEW :
FINAL DATE :05/24	MAIL DATE : 05/25	FAX DATE :06/01
RESPONSE SENT :	ASSUPERVISOR :	ASRESPONSE :



Oregon

Theodore R. Kulongoski, 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

AMENDED NOTICE OF ADOPTED AMENDMENT

September 20, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Columbia County Plan Amendment
DLCD File Number 001-07 A

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: October 3, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Glen Higgins, Columbia County

<paa> n

FORM 2

DEPT OF DLCD NOTICE OF ADOPTION

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

SEP 13 2007

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Columbia County Local File No.: PA07-02
(If no number, use none)

Date of Adoption: August 29, 2007 Date Mailed: 9-10-07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 4-19-07

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - Zoning Map Amendment
 - New Land Use Regulation
 - Other: _____
- (Please Specify Type of Action)

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

Comprehensive Plan Map Amendment from Community Service to Forest Resource
and Zone Change from Community Service - Recreation (CS-R) to Primary Forest (PF-76)
for an approximately 3 acre area of a 83.31 acre parcel to bring the whole parcel
under one zoning designation of PF-76

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : Community Service to Forest Resource

Zone Map Changed from: Community Service-Rec to Primary Forest (PF-76)

Location: 27627 Old Rainier Rd, Rainier Or Acres Involved: 3

Specify Density: Previous: Same New: _____

Applicable Statewide Planning Goals: Goal 4

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-07A (16042)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

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

State DLCD, Columbia River Fire & Rescue _____

Local Contact: Glen Higgins Area Code + Phone Number: 503-397-1501

Address: 230 Strand St City: St Helens, Or

Zip Code+4: 97051 Email Address: _____

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of Beaver)
Valley's Back Yard Garden Products, Inc.)
for a Comprehensive Plan Map Amendment) ORDINANCE NO. 2007-8
and Zone Change from Community)
Service-Recreation (CS-R) to Primary)
Forest - 76 (PF-76))

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2007-8.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, and 197.610 to 197.615.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve the application of Beaver Valley Back Yard Products, Inc. for a Comprehensive Plan Map Amendment from Community Service to Forest Resource and Zone Change from Community Service-Recreation (CS-R) to Primary Forest-76 (PF-76), for an approximately 3 acre area of a 83.31 acre parcel having tax account number 7313-000-00300.

SECTION 4. FINDINGS.

The Board of County Commissioners adopts findings of fact and conclusions of law contained in the Staff Report of the Department of Land Development Services dated August 1, 2007, a copy of which is attached hereto as Attachment A, and is incorporated herein by this reference.

SECTION 5. AMENDMENT AND AUTHORIZATION.

- A. The Columbia County Comprehensive Plan Map designation for the approximately 3 acre subject area is hereby amended from Community Service to Forest Resource.
- B. The Zoning Map designation for the approximately 3 acre subject area is hereby amended from Community Service-Recreation (CS-R) to Primary Forest-76 (PF-76).

DATED this 26th day of August, 2007.

Approved as to Form

By: [Signature]
Office of County Counsel

Recording Secretary
By: [Signature]
Jan Greenhalgh, Recording Secretary

First Reading: 8-15-07
Second Reading: 8-29-07
Effective Date: 11-27-07

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Rita Bernhard, Chair

By: [Signature]
Anthony Hyde, Commissioner

By: [Signature]
Joe Corsiglia, Commissioner

(0)

BOARD COMMUNICATION

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT

MEETING DATE: August 8, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Todd Dugdale, Director of Land Development Services *TD*

SUBJECT: PUBLIC HEARING
PA 07-02 & ZC 07-01 Major Map Amendment

LOCATION: 27627 Old Rainier Road, west of Rainier

APPLICANT: Beaver Valley's Back Yard Garden Product's, Inc.

SUMMARY:

The applicant has applied for a Major Map Amendment which includes a **Comprehensive Plan Amendment** to change approximately 3 acres of a subject property designated Community Service to Forest Resource and a **Zone Change** to change the zoning from Community Service - Recreation (CS-R) to Primary Forest-76 (PF-76). The property totals approximately 83.31 acres in size and all but the three acres of the property subject to this Major Map Amendment is already zoned Primary Forest-76 (PF-76).

The 3-acre site is developed with an existing building that was occupied by an indoor recreation/soccer facility, Genesis Indoor Soccer & Sports Facility. That operation has gone out of business. Now the land owner wants to lease the site to a company that bags cedar mulch and chip products, is involved with greenhouse cultivation (i.e. nursery) and shipping of those products. This is not allowed under current zoning, but may be allowed under PF-76 zoning, given obtainment of a Conditional Use Permit and Design Review.

This matter went before the Columbia County Planning Commission at a public hearing on June 18, 2007. At that hearing the Planning Commission recommended the Board of County Commissioners approve this Major Map Amendment. The Planning Commission did not include any conditions of approval in their recommendation.

STAFF RECOMMENDATION:

Staff recommends the Board of Commissioners approve the Major Map Amendment.

ATTACHMENTS:

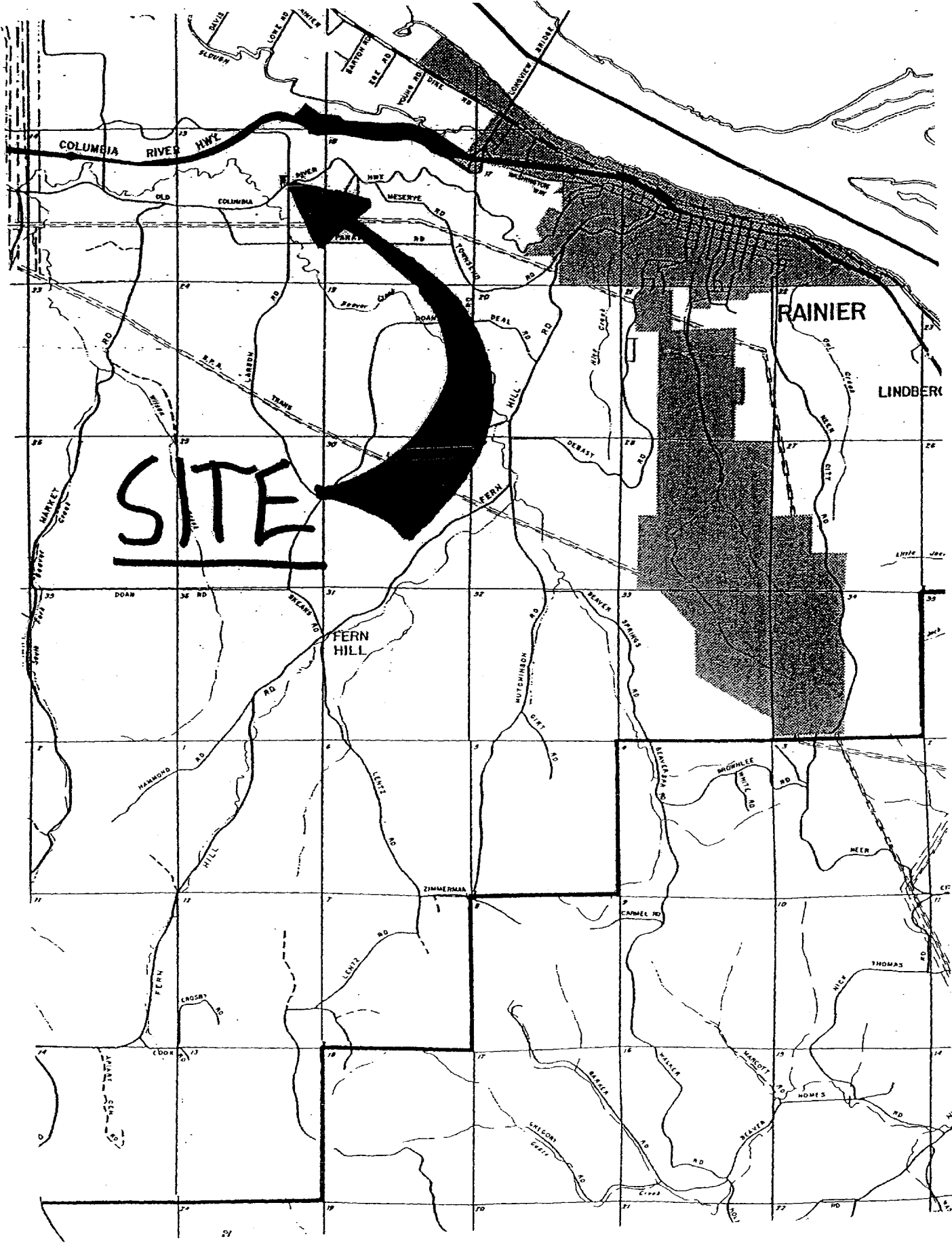
- 1) Board of Commissioners Staff Report w/ attachments (correspondence)
- 2) Planning Commission Final Order
- 3) Application Materials

PREPARED BY: Jacob A. Graichen, AICP, Planner III

COLUMBIA COUNTY

AUG 06 2007

COUNTY COUNSEL



SITE

RAINIER

LINDBERK

FERN HILL

ZIMMERMAN

BROOKLEE

MEER

THOMAS

HOMES

COLUMBIA COUNTY BOARD OF COMMISSIONERS

STAFF REPORT

August 1, 2007

Major Map Amendment

HEARING DATE: August 8, 2007

FILE NUMBER: PA 07-02 & ZC 07-01

APPLICANT: Beaver Valley's Back Yard Garden Products, Inc.; 27627 Old Rainier Road; Rainier, OR 97048

OWNER: Daniel R. & Josephine A. Leno; 75930 Rockcrest Drive; Rainier, OR 97048

SITE LOCATION: Property addressed as 27627 Old Rainier Road & 75801 Larson Road

TAX ACCOUNT NO: 7313-000-00300 (3 acre portion)

ZONING: Primary Forest-76 (PF-76) & Community Service - Recreation (CS-R)

SITE SIZE: Total size of property = 83.31 acres; Area zoned CS-R, subject to zone change = approx. 3 acres

REQUEST: A **Major Map Amendment** consisting of a **Comprehensive Plan Amendment** to change area designated Community Service to Forest Resource and a **Zone Change** to change the area zoned Community Service - Recreation (CS-R) to Primary Forest-76 (PF-76).

APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance</u>		<u>Page</u>
Section 500	Primary Forest - 76 (PF-76)	2
Section 1502	Zone Changes (PA/ZC)	3
1502.1(A)(1)	Consistency with the Comprehensive Plan	4
1502.1(A)(2)	Consistency with Statewide Planning Goals	7
1502.1(A)(3)	Adequacy of Public Facilities	11
Section 1600	Administration	12

APPLICATION COMPLETE: Apr. 19, 2007 **150-DAY DEADLINE:** N/A ORS 215.427(6)

BACKGROUND:

The subject property is multi-zoned: both CS-R and PF-76. Only approximately 3 acres is zoned CS-R. The entire site was zoned PF-76 until 1998 when an Plan Amendment/Zone Change was applied for and approved (file PA 98-1) to make way for an indoor recreation/soccer facility. A Design Review (file DR 99-2) was approved as well to address the new use including the construction of an approximate 61' x 104' addition to an existing approximate 170' x 104' building, to use the entire structure for the recreation facility. The facility operated for several years but has gone out of business. Now the land owner wants to lease the site to a company that bags cedar mulch and chip products, is involved with greenhouse cultivation (i.e. nursery) and shipping of those products. Given the new proposed use, the portion of the property that was re-zoned to CS-R needs to be changed back to PF-76, so the proposed use may be allowed; it is not possible in the CS-R zone.

The subject property is irregular in shape, consisting of both flat areas and rolling hills. Where not developed, the site is mostly pastureland. The property is bordered by three rights-of-way: U.S. Highway 30 to the north, Larson Road to the east, and Old Rainier Road to the south. Two parts of the site are developed. One is a single-family dwelling and accessory structures off of Larson Road. The second, the approximate 3-acre portion subject to this Major Map Amendment, is the former Genesis Sports facility area, consisting of two large buildings, a graveled parking area and some landscaping, off of Old Rainier Road.

The subject property has 100-year flood plain associated with Beaver Creek (FIRM Panel 41009C0180C); Beaver Creek is a fish bearing stream according to the Oregon Department of Forestry Stream Classification Maps. The site also contains wetlands through the center of the property. Surrounding zoning generally includes CS-I to the east, CS-R and PF-76 to the south, PF-76 to the west and RR-5 and FA-19 to the north. Surrounding land uses include Hudson Cemetery to the northeast, Rainier Highschool to the southeast, Hudson Park to the south, and woodland and scattered rural dwellings elsewhere.

Pursuant to ORS 197.610, DLCDC was sent notice of this proposed amendment at least 45-days prior to the first evidentiary hearing on adoption. This notice was mailed April 19, 2007.

This matter went before the Columbia County Planning Commission at a public hearing on June 18, 2007. At that hearing the Planning Commission recommended the Board of County Commissioners approve this Major Map Amendment.

REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:

Columbia County Zoning Ordinance Section 500 Primary Forest - 76 (PF-76)

503 Conditional Uses: In the PF Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 504 and

505. A conditional use shall be reviewed according to the procedures provided in Section 1503.

- .1 Wood processing facilities other than primary processing.

Discussion: The former use of the 3 acre CS-R zoned site was for an indoor recreation facility. This operation, not allowed in the PF-76 has ceased. The proposed mulch/greenhouse use at least partially falls under Section 503.1 as shown above. The desired use is possible under the PF-76 zone (its not allowed under the CS-R zone), albeit a Conditional Use Permit will be required. This is also supported under OAR 660-006-0025. Though a Conditional Use Permit will be required, this information is provided here for background purposes only and is not criterion to approve this Major Map Amendment.

In addition, a Design Review will be required for a new use, but that is beyond the scope of this Major Map Amendment.

Continuing with Columbia Zoning Ordinance Section 500 Primary Forest - 76 (PF-76)

506 Standards:

- .1 The minimum lot or parcel size for new land divisions shall be 76 acres. New land divisions of less than 76 acres shall be allowed only for uses permitted under Sections 502.5 through 502.9, 503.1 through 503.8, and 503.10. New land divisions for the uses permitted under these sections shall be limited to the minimum size necessary to accommodate the proposed use. [**Note:** State law now requires 80 acres minimum parcel size]
- .2 The minimum lot or parcel width and minimum lot or parcel depth shall be 100 feet:
- .3 The minimum front yard, minimum rear yard, and minimum side yards shall all be 50 feet.
- .4 There shall be no height limitations on buildings.

Discussion: The minimum lot/parcel size of the subject site—80 acres per State law—will not be impacted by the proposal. The site will remain approximately 83.31 acres, and given the proposal, will be zoned PF-76 entirely. The site's geometry/shape will not be impacted by this proposal. The existing building on the CR-R zoned site is approximately 110 and 208 feet from the west and south property lines, respectively. Should the site's zoning be changed to PF-76, the existing building's setbacks will conform to the County's Zoning Ordinance.

Finding 1: This Comprehensive Plan Amendment and Zone Change will not result in non-conformance with the standards of the PF-76 zone.

Continuing with Columbia County Zoning Ordinance Section 1502 Zone Changes

- .1 Major map Amendments are defined as Zone Changes which require the Comprehensive Plan Map to be amended in order to allow the proposed Zone Change to conform with the Comprehensive Plan. The approval of this type of Zone Change is a 2 step process:
 - A. The Commission shall hold a hearing on the proposed Zone Change, either concurrently or following a hearing on the proposed amendment to the Comprehensive Plan which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Commission may recommend approval of a Major Map Amendment to the Board of Commissioners provided they find adequate evidence has been presented at the hearing substantiating the following:
 1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
 2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
 3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
 - B. Final approval of a Major Map Amendment may be given by the Board of Commissioners. The Commissioners shall hold a hearing on the proposed Zone Change either concurrently or following a hearing on the proposed Comprehensive Plan Amendment which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Board may approve a Major Map Amendment provided they find adequate evidence has been presented substantiating the following:
 1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
 2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
 3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to

support the use, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property.

Discussion: This Zone Change is a Major Map Amendment. The Comprehensive Plan designation for the approximate 3 acre portion of the site subject to this proposal is COMMUNITY SERVICE, which will need to be changed to FOREST RESOURCE in order for the CS-R to PF-76 Zone Change to be possible in conformance with the Comprehensive Plan.

THE FOLLOWING POLICIES OF THE COUNTY'S COMPREHENSIVE PLAN APPLY TO THIS PROPOSAL (THOSE NOT LISTED ARE NOT APPLICABLE):

Part II (Citizen Involvement): requires opportunity for citizens to be involved in all phases of the planning process. Generally, Part II is satisfied when a local government follows the public involvement procedures set out in State statutes and in its acknowledged Comprehensive Plan and land use regulations, which has been done for this application. This is explained further under Part III below.

Part III (Planning Coordination): requires coordination with affected governments and agencies. The County provided notice, of the hearing with the opportunity for comments, to DLCD, applicable agencies (including the DLCD and Columbia River Fire & Rescue), the Rainier - Fernhill CPAC and neighboring property owners. Any and all comments as of the date of this report are discussed under COMMENTS RECEIVED below. The Planning Commission hearing for the Major Map Amendment request was scheduled for June 18, 2007, which will be followed by a hearing of the Board of County Commissioners scheduled for August 8, 2007.

The County is responsible for coordinating the plans of cities in its jurisdiction. However, in this case, the subject property is not within any city's Urban Growth Boundary.

For quasi-judicial Comprehensive Map Amendments and Zone Changes, 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 a public hearing before the County Planning Commission.

Part IV (Forest Lands): addresses forest lands, which make up the majority of Columbia County (approximately 84% in 1984). Of this land, approximately 95% is comprised of cubic-foot site class II and III and thus, is a very productive and important resource. It also has historically been a major component of the County's economy, albeit, to a lesser degree today.

The County recognizes that urbanization and parcelization of valuable forest land can compromise the resource uses they are intended for. Such resource uses include but are not

limited to the production of trees and processing of forest products, open space, and wildlife habitat.

In this case, the request is to bring an approximately 3-acre portion of the 83+ acre property to a Forest Resource designation and Primary Forest - 76 (PF-76) zone, as the rest of the property is already designated and zoned. This will remove the property's multiple-zoning, which can result in conflicting uses and will enable the existing facilities on the approximate 3 acre area to be more easily used for resource related uses, while further limiting non-resource uses. This is of particular importance for large parcels such as the subject property, since their size in conjunction with resource designation and zoning helps to preserve open space, provide wildlife habitat etc., because it is less likely a large parcel will be fully developed. In conclusion, as the vast majority of the property is already designated and zoned for forest resource use, its value to the public is vested as such. With the entire site designated and zoned for forest resource, that value is better preserved.

Part X (Economy): generally regards economic strength and diversity in the County. The site's current zoning, Community Service - Recreation, allows public and private recreation facilities, such as the indoor sports facility previously operated on the subject property. From an economic standpoint, such a facility is customer dependant and in an rural setting as this site is located, having an adequate population threshold to support such a business is questionable. This is perhaps why the indoor recreation facility went out of business. Other recreation uses are possible too with the CS-R zone, though, being only a three acre portion of the subject property, and the site's proximity to the Rainier High School, those uses such as a private resort and hunting/fishing lodge are unlikely.

Should the three acre portion of the site be zoned Primary Forest - 76 (PF-76), resource related activities would be possible. This includes processing of forest products, which, according to the applicant is the ultimate purpose of this Major Map Amendment. Given the region's significant forest based economy any "forest-based" business has the advantage of shared economic benefits of other related businesses. For example, processing a byproduct of another forest operation to a final product. In this example, packaging of cedar mulch, a byproduct of local mills. Though not as robust as in the past, the County forest resources are vast and it is these resources which provide economic advantages for the County. Given the rural setting of the site, a resource based business is more fitting and likely to succeed. This promotes economic diversity and local jobs, thus curtailing the jobs housing imbalance—a chronic problem for Columbia County. For these reasons, this proposal is in compliance with the goals of Part X.

Part XVII (Recreational Needs): discusses satisfying the recreational needs of the County's citizens and visitors. In this case, a potential recreation opportunity is being removed. However, this is not contrary to the Comprehensive plan for several reasons. First, the subject property is not necessarily an optimum location for an indoor recreation facility who's survival is dependant on customers. This was already explained under Part X (Economy)

above. Second, one way of ensuring recreation adequacy is by providing an even distribution of recreation areas within the County. As Hudson Park (a County Park) is across the road from the site, this Major Map Amendment will not, create a recreational void in this region of the County. Third, there is no evidence that this Major Map Amendment will compromise existing recreation options. Finally, this indoor recreation facility on the site has already gone out of business; it is no longer a recreation option and this provides evidence that the site is not well suited to such a use.

OREGON'S STATEWIDE PLANNING GOALS

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 the statutes and in its acknowledged comprehensive plan and land use regulations.

For quasi-judicial comprehensive plan amendments and zone changes, 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 notice to DLCD. Agency referrals were sent to the Rainier-Fernhill CPAC, Columbia River Fire and Rescue, and the County Sanitarian, Roadmaster, Assessor, Building Official and Council. Any and all comments are under COMMENTS RECEIVED below. In addition, property owners within the required notice area were notified of the Planning Commission hearing. The first hearing before the Planning Commission was held on June 18, 2007. The hearing before the Board of County Commissioners was scheduled after the Planning Commission had forwarded their recommendation to the Board. The County finds that Goal 1 has been satisfied

Goal 2 (Land Use Planning), Part I: Goal 2, Part 1 requires that actions related to land use be consistent with acknowledged Comprehensive plans of cities and counties. Consistency with the applicable provisions of the acknowledged Columbia County Comprehensive Plan is demonstrated above.

Goal 2, Part I also requires coordination with affected governments and agencies and an adequate factual base. Affected agencies have been notified as explained under Goal 1, above. The factual base supporting this application is described herein, where both County and State laws and how this Major Map Amendment applies to and complies with them is analyzed. For these reasons, the County finds that the requirements of Goal 2, Part I are met.

Goal 2 (Land Use Planning), Part II: Goal 2, Part II authorizes three different types of exceptions: (1) physically developed (previously called “built”); (2) irrevocably committed; and (3) reasons exceptions. Standards for taking these kinds of exceptions are set out in LCDC’s rule interpreting the Goal 2 exceptions process, OAR 660, Division 4. Besides addressing how a local government takes these kinds of exceptions in the first instance, the rule sets out standards that apply when a local government proposes to change existing types of uses, densities or public facilities and services authorized under prior exceptions.

In this case, the land affected by this Major Map Amendment will be changed to a Forest Resource designation and Primary Forest-76 (PF-76) zoning. As this will bring an approximate 3-acre portion of the total 83.31 subject property to the same designation and zoning as the remainder, and that the request is to be “resource land,” there is no exception in this case. For these reasons, the County finds that the requirements of Goal 2 Part II are met.

Goal 3 (Agricultural Lands): The County finds this goal is not applicable. The subject property is not agricultural land.

Goal 4 (Forest Lands): This goal generally addresses the conservation of forest lands for forest uses. Forest Lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. This property was designated and zoned as forest land when the County adopted its Zoning Ordinance and Comprehensive Plan, both still in effect, in 1984. This was changed in 1998 (see PA 98-1) so that the then proposed indoor recreation facility would be possible. This Major Map amendment is being applied for so forest related operations will once again be possible at the former sports facility site. The County finds that the requirements of Goal 4 are met.

Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources): This goal addresses the conservation and protection of both natural and cultural resources. Two natural resources are inventoried on the site: Beaver Creek (a fish bearing stream with associated riparian area) and wetlands. There does not appear to be any inventoried cultural resources. As this Major Map Amendment will bring the property to a resource designation and zone, which promotes natural resource preservation and open space, this Major Map Amendment is not contrary to the preservation of the identified natural resources. As such, the County finds that the requirements of goal 5 are met.

Goal 6 (Air, Water and Land Resources Quality): Goal 6 addresses the quality of air, water and land resources. In the context of Comprehensive Plan Amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The proposed plan amendment and zone change would allow uses authorized in the forest zone, which generally include: forest operations, uses related to natural resource

conservation, location dependent uses (e.g. communication towers and mineral resources), and dwellings given certain circumstances or criteria. Generally, any use allowed on forest land is not intense and inherently will have minimal environmental impact. For uses that could result in more substantial impact, such as a gravel pit, there are regulatory guidelines in place from both State and local authorities to minimize any impact. In this particular case, this Major Map Amendment is intended to make way for forest product packaging, greenhouse cultivation (i.e. nursery) and shipping of these products using existing facilities. Environmental impact of such an operation is expected to be minimal given compliance with Federal, State and local laws. Both proposed and potential uses possible given this Major Map Amendment, should have a minimal impact on air, water and land resource quality and the standards of the PF-76 zone are intended to promote air, water and land resource quality. Given the proposed and potential uses, the County finds that the requirements of goal 6 are met.

Goal 7 (Areas Subject to Natural Disasters and Hazards): Goal 7 deals with development in places subject to natural hazards. It requires that jurisdictions apply “appropriate safeguards” when planning for development there.

In this case, there is an identified natural hazard: special flood hazard area inundated by 100-year flood, associated with Beaver Creek, as identified by NFIP FIRM Map Number 41009C0180 C. Regardless of the property’s zone, both local and federal flood plain regulations would apply to new development. In this case, the property will be re-designated and zoned to a forest resource, which generally allows less intense development and less impact on natural flow of flood waters. Given these two factors, the County finds that the requirements of Goal 7 are met.

Goal 8 (Recreational Needs): This goal calls for a government to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. The subject property has not been planned for recreational opportunities. Further, though it is a loss of a recreation opportunity in the area, that “loss” is the result of the indoor facility going out of business which suggests that this location is inappropriate for such a use (e.g. lack of population threshold/customer base). Also, as there is a County Park (Hudson Park) and Rainier High School in the immediate vicinity of the site, there are already recreation opportunities in this area; “removal” of the indoor recreational facility will not create a recreation void. This Major Map Amendment will not compromise the recreational needs of the County citizenry and thus, meets the requirements of Goal 8.

Goal 9 (Economic Development): While Goal 9 applies only to urban and unincorporated lands inside urban growth boundaries, this Major Map Amendment will help promote forest related business. This Major Map Amendment is being applied for, for such a business. This helps the local economy (local jobs/local money spent locally), economic diversity and the jobs housing balance (currently imbalanced in favor of housing) in the County. Though technically not applicable, the County finds that the overall intent of Goal 9 is met.

Goal 10 (Housing): The County finds that Goal 10 is not applicable. Goal 10 applies inside urban growth boundaries. In addition, this Major Map Amendment will not result in a loss or gain of dwellings.

Goal 11 (Public Facilities and Services): Goal 11 requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services. It further provides that urban and rural development “be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served.”

The subject property consists of rural land and is unlikely to be included in any urban growth boundary anytime in the near future. The site is supplied by water with a private well. Sewage is handled by on-site septic. These services are exclusive to the subject property and are typical of rural areas. Such onsite private services do not beget urban intensity of development. Urban sewer and water service are not available at this time and are not likely to be needed to support the uses possible on the property. The County finds that the proposal complies with Goal 11.

Goal 12 (Transportation): Goal 12 requires local governments to “provide and encourage a safe, convenient and economic transportation system.” Goal 12 is implemented through LCDC’s Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. In this case, the proposal is a Comprehensive Plan Amendment to change area designated Community Service to Forest Resource and a Zone Change to change the area zoned Community Service - Recreation (CS-R) to Primary Forest-76 (PF-76). CS-R is a potentially more intense than PF-76 from a use and vehicular trip generation standpoint. Given that the proposal is to bring the subject property to a less intense designation and zoning, this Major Map Amendment should not result in a greater impact to surrounding transportation facilities. A Traffic Impact Analysis is not warranted and the County finds that the proposal complies with Goal 12.

Goal 13 (Energy Conservation): Goal 13 directs cities and counties to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles.

The potential uses possible on the approximate 3-acre portion of the site subject to this Major Map Amendment given the CS-R zone are limited. The indoor recreation facility was one that was possible. However, for such a business to survive, a certain threshold or customer base is necessary. Given the rural character of the site and surrounding low population density, it would take a widespread area to support such a business. The only transportation option to this facility is by car; other modes such as rail or bus are not available. This equates

to excess vehicle miles traveled, compared to a similar facility located within an urban area where there are people and multi-modal transportation options. Conversely, the proposed forest product packaging, greenhouse business would provide local jobs. This will help balance the jobs / housing ratio in the County. Currently, many live in the County, but commute well outside for employment. Further, even if this proposed business does not materialize or fails, uses possible on forest resource property generally do not generate high traffic. Given these circumstances, the County finds that this proposal complies with goal 13.

Goal 14 (Urbanization): The County finds that Goal 14 is not applicable. The proposed amendments do not authorize urban uses on rural lands or otherwise convert rural land to urban uses.

Goal 15 (Willamette River Greenway): The County finds that Goal 14 is not applicable. The site is not near the Willamette River.

Goals 16 - 19 (Coastal State-Wide Planning Goals): These Goals do not apply to Columbia County as it is not a coastal jurisdiction.

CCZO 1502.1(A) (3): With regards to the affected area and the adequacy of facilities, services and transportation networks, there is no evidence that there will be any inadequacies for development or land use subsequent to the Major Map Amendment. The site is served by a private septic system and well. Any development would not be allowed unless these private facilities could adequately accommodate it. The adequacy of the transportation system is addressed under Oregon's Statewide Planning Goal 12 above.

Finding 2: This Major Map Amendment is consistent with the County's Comprehensive Plan.

Finding 3: This Major Map Amendment is consistent with Oregon's Statewide Planning Goals.

Finding 4: There is no evidence that the property and affected area are not presently provided with adequate facilities, services, and transportation networks to support any use allowed by the PF-76 zone, nor is there evidence that this Major Map Amendment will compromise such facilities, services and transportation networks.

Continuing with Columbia County Zoning Ordinance Section 1502 Zone Changes

1502 .3 **Alternate Zones:** If the Commission determines that a zone other than the one being proposed will adequately allow the establishment of the proposed use, the Commission may substitute the alternate zone for the proposed zone in either the Major Map Amendment or the Minor Map Amendment procedures.

Discussion: This Major Map Amendment would bring an approximate 3 acre portion of a

property totaling roughly 83.31 acres to a designation of Forest Resource and zoning to Primary Forest-76 (PF-76). This is the designation and zoning of the remaining approximate 80 acres. This Major Map Amendment will remove multiple zoning of a property and substitution of another zone is not warranted.

Finding 5: Staff does not recommend the Commission substitute another designation or zone for this Major Map Amendment request.

Continuing with Columbia County Zoning Ordinance Section 1600 Administration

1605 Zone Change - Major Map Amendment: The hearing for a major map amendment shall follow the procedure established in Section 1505, 1502. 1, 1502 1A and 1502 1B. This hearing cannot result on the approval of a major map amendment. The Commission may make a recommendation to the Board of County Commissioners that such a zone change be granted. Approval by the majority of the Commission is necessary in order to make recommendation to the Board of Commissioners. The Board of Commissioners hearing on the proposed zone change-major map amendment will be on the record unless a majority of the Board votes to allow admission of new evidence.

Finding 6: The Planning Commission made a recommendation of approval of this Plan Amendment and Zone Change for 3 acres back to Primary Forest by approving of Final Order PA 07-12 and ZC 07-01 on June 21, 2007. The Board of Commissioners hearing shall be on the record unless the Board wants to hear new evidence by opening th hearing for new testimony.

COMMENTS RECEIVED:

Rainier CPAC: (no response)

Columbia River Fire & Rescue: No objection. Comply with Oregon Fire Code.

DLCD: (no response)

County Sanitarian: No objection.

County Roadmaster: No objection.

County Assessor: (no response)

County Building Official: No objection. Obtain Change of Occupancy Permits after Planning approvals.

County Counsel: (no repsonse)

No further comments from agencies, citizens or otherwise have been received regarding this proposal as of the date of this staff report.

CONCLUSION, & RECOMMENDED DECISION & CONDITIONS:

Based on the facts, findings, comments herein, and the Planning Commission's recommendation, the Planning Director recommends **approval** of this Major Map Amendment re-designating the site from Community Service to Forest Resource and to amend the Zoning Map of the Columbia County Zoning Ordinance to re-zone the subject property from Community Service - Recreation (CS-R) to Primary Forest-76 (PF-76).

ATTACHMENTS:

Comments Received
Application and Maps

REFERRAL CONTACT LIST

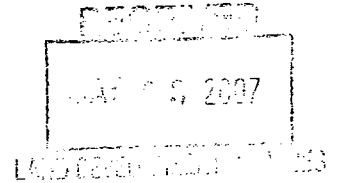
Applicant Name: Lenny Worley

File No.: PA 07-02

<input type="radio"/> Cities	<input type="radio"/> Fire Districts
<input type="checkbox"/> Clatskanie	<input type="checkbox"/> Clatskanie (Alston, Mayger, Woodson)
<input type="checkbox"/> Columbia City	<input type="checkbox"/> Mist-Birkenfeld (Natal)
<input type="checkbox"/> Prescott	<input type="checkbox"/> Columbia River Fire & Rescue
<input type="checkbox"/> Rainier	<input checked="" type="checkbox"/> (St. Helens & Rainier)
<input type="checkbox"/> St. Helens	<input type="checkbox"/> Scappoose (Chapman)
<input type="checkbox"/> Scappoose	<input type="checkbox"/> Vernonia (Pittsburg, Keasey)
<input type="checkbox"/> Vernonia	<input type="checkbox"/> Deputy State Fire Marshall (outside RFPDs)
<input type="radio"/> School Districts	<input type="radio"/> State & Federal Agencies
<input type="checkbox"/> Clatskanie (Quincy, Mayger)	<input type="checkbox"/> ODOT- [Aeronautics] [Highways] [Rail]
<input type="checkbox"/> Rainier (Prescott, Goble)	<input type="checkbox"/> ODFW- [East] [West] of Highway 47
<input type="checkbox"/> St. Helens (Columbia City, Deer Island)	<input type="checkbox"/> ODF-Oregon State Forestry
<input type="checkbox"/> Scappoose	<input type="checkbox"/> DEQ - Division _____
<input type="checkbox"/> Vernonia (Mist, Birkenfeld)	<input type="checkbox"/> DSL-Oregon Division of State Lands
<input type="radio"/> Water	<input type="checkbox"/> Oregon Department of Agriculture
<input type="checkbox"/> McNulty Water Association	<input checked="" type="checkbox"/> DLCD-Land Conservation & Development
<input type="checkbox"/> Warren Water District	<input type="checkbox"/> DOGAMI-Geology & Mineral Industries
<input type="checkbox"/> Quincy Water District	<input type="checkbox"/> Willamette Greenway
<input type="radio"/> Special Districts	<input type="checkbox"/> U.S. Corps of Engineers
<input checked="" type="checkbox"/> CPAC (<u>Rainier-Fernhill</u>)	<input type="checkbox"/> U.S. Fish & Wildlife
<input type="checkbox"/> Port of St. Helens	<input type="checkbox"/> Natural Resources Conservation Service
<input type="checkbox"/> West Oregon Electric	<input type="radio"/> County Departments
<input type="checkbox"/> Columbia River PUD	<input checked="" type="checkbox"/> Sanitarian
<input type="checkbox"/> Drainage District ()	<input checked="" type="checkbox"/> Roadmaster
<input type="checkbox"/> Soil & Water Conservation District	<input checked="" type="checkbox"/> Assessor
<input type="checkbox"/> OSU Agricultural Extension Office	<input type="checkbox"/> Surveyor
<input type="checkbox"/> Columbia 911 (Road Naming)	<input type="checkbox"/> Watermaster
<input type="radio"/> Other	<input type="checkbox"/> Parks Department
<input type="checkbox"/>	<input checked="" type="checkbox"/> Building Official
<input type="checkbox"/>	<input checked="" type="checkbox"/> County Counsel
<input type="checkbox"/>	<input type="checkbox"/> Surface Mining Administrator

April 20, 2007

REFERRAL AND ACKNOWLEDGMENT



To: Roadmaster

NOTICE IS HEREBY GIVEN that Beaver Valley's Back Yard Garden Products, Inc. has submitted an application for a Comprehensive Plan Amendment and Zone Change from Community Service Recreation (CSR) to Primary Forest (PF-76). The property is identified as Tax Lot No. 7313-000-00300 (portion of) and is located at 27627 Old Rainier Rd, Rainier, Oregon. PA 07-02

THIS APPLICATION IS FOR: ()Administrative Review; (X) Planning Commission, Hearing Date: June 18, 2007

PLEASE RETURN BY: 4/30/07

Planner: Jacob Graichen

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

- We have reviewed the enclosed application and have no objection to its approval as submitted.
- Please see attached letter or notes below for our comments.
- We are considering the proposal further, and will have comments to you by _____.
- Our board must meet to consider this; we will return their comments to you by _____.
- Please contact our office so we may discuss this.
- We recommend denial of the application, for the reasons below:

COMMENTS: _____

Signed: Lang R. Wells

Title: Transportation Planner Date: Apr 23, 07

April 20, 2007

REFERRAL AND ACKNOWLEDGMENT

To: Building Official

NOTICE IS HEREBY GIVEN that Beaver Valley's Back Yard Garden Products, Inc. has submitted an application for a Comprehensive Plan Amendment and Zone Change from Community Service Recreation (CSR) to Primary Forest (PF-76). The property is identified as Tax Lot No. 7313-000-00300 (portion of) and is located at 27627 Old Rainier Rd, Rainier, Oregon. PA 07-02

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Planner: Jacob Graichen

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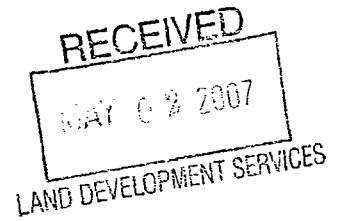
1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.
3. We are considering the proposal further, and will have comments to you by _____.
4. Our board must meet to consider this; we will return their comments to you by _____.
5. Please contact our office so we may discuss this.
6. We recommend denial of the application, for the reasons below:

COMMENTS: *Obtain Change of Occupancy Permits after planning approvals.*

Signed: *[Signature]*
Title: *Building Official* Date: *4/23/07*

April 20, 2007

REFERRAL AND ACKNOWLEDGMENT



To: Sanitarian

NOTICE IS HEREBY GIVEN that Beaver Valley's Back Yard Garden Products, Inc. has submitted an application for a Comprehensive Plan Amendment and Zone Change from Community Service Recreation (CSR) to Primary Forest (PF-76). The property is identified as Tax Lot No. 7313-000-00300 (portion of) and is located at 27627 Old Rainier Rd, Rainier, Oregon. PA 07-02

THIS APPLICATION IS FOR: () Administrative Review; (X) Planning Commission, Hearing Date: June 18, 2007

PLEASE RETURN BY: 4/30/07

Planner: Jacob Graichen

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

1. We have reviewed the enclosed application and have no objection to its approval as submitted.
2. Please see attached letter or notes below for our comments.
3. We are considering the proposal further, and will have comments to you by _____.
4. Our board must meet to consider this; we will return their comments to you by _____.
5. Please contact our office so we may discuss this.
6. We recommend denial of the application, for the reasons below:

COMMENTS: _____

Signed: RL

Title: Rbws Date: 5-2-07

U

April 20, 2007

REFERRAL AND ACKNOWLEDGMENT

RECEIVED
MAY 14 2007
LAND USE AND PLANNING

To: Columbia River Fire & Rescue

NOTICE IS HEREBY GIVEN that Beaver Valley's Back Yard Garden Products, Inc. has submitted an application for a Comprehensive Plan Amendment and Zone Change from Community Service Recreation (CSR) to Primary Forest (PF-76). The property is identified as Tax Lot No. 7313-000-00300 (portion of) and is located at 27627 Old Rainier Rd, Rainier, Oregon. PA 07-02

THIS APPLICATION IS FOR: ()Administrative Review; (X) Planning Commission, Hearing Date: June 18, 2007

PLEASE RETURN BY: 4/30/07

Planner: Jacob Graichen

The enclosed application is being referred to you for your information and comment. Your recommendation and suggestions will be used by the County Planning Department and/or the Columbia County Planning Commission in arriving at a decision. Your prompt reply will help us to process this application and will ensure the inclusion of your recommendations in the staff report. Please comment below.

- 1. We have reviewed the enclosed application and have no objection to its approval as submitted.
- 2. Please see attached letter or notes below for our comments.
- 3. We are considering the proposal further, and will have comments to you by _____.
- 4. Our board must meet to consider this; we will return their comments to you by _____.
- 5. Please contact our office so we may discuss this.
- 6. We recommend denial of the application, for the reasons below:

COMMENTS: comply w/ Oregon Fire Code

Signed: Bill Madson

Title: Fire Marshal Date: 5-10-07

**BEFORE THE
COLUMBIA COUNTY PLANNING COMMISSION
ST. HELENS, OREGON**

In the matter of an application of Beaver)
Valley's Back Yard Garden Products,)
Inc. for a Major Map Amendment in the)
Community Service - Recreation (CS-R))
zone.

FINAL ORDER PA 07-02
ZC 07-01

This matter came before the Columbia County Planning Commission on the application of Beaver Valley's Back Yard Garden Products, Inc. for a **Major Map Amendment** consisting of a **Comprehensive Plan Amendment** to change an approximate 3-acre portion of the subject property designated Community Service to Forest Resource and a **Zone Change** to change that portion zoned Community Service - Recreation (CS-R) to Primary Forest-76 (PF-76). The subject property is approximately 83.31 acres in size and is located at 27627 Old Rainier Road & 75801 Larson Road. The site is further described per the County Assessor's records as tax account number: 7313-000-00300.

Notification of this land use application was sent to affected agencies, the Rainier-Fernhill CPAC and surrounding property owners. A Public Hearing was held on June 18, 2007 where the Planning Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report.

After due consideration, the Columbia County Planning Commission hereby adopts the findings in the Staff Report dated June 8, 2007, and **recommends the Board of County Commissioners approve this application PA 07-02 & ZC 07-01 for a Major Map Amendment.**

COLUMBIA COUNTY PLANNING COMMISSION

David A. Middle
DAVE MIDDLE, CHAIRMAN

6-21-07
DATE

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES

COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

General Application

File No. PA 07-02

GENERAL LAND USE PERMIT APPLICATION

Zone Change + *Comprehensive Plan Map Amendment*

Other: _____

APPLICANT: Name: Beaver Valley's Back Yard Garden Products, Inc.

Mailing address: 27627 Old Ranier Rd., Ranier, OR 97048

Phone No.: Office 503-556-1010 Home _____

Are you the _____ property owner? _____ owner's agent?

PROPERTY OWNER: _____ same as above, OR:

Name: Dan Leno

Mailing Address: 75930 Rockcrest Drive, Ranier, OR 97048

PROPERTY ADDRESS (if assigned): 27627 Old Ranier Rd., Ranier, OR 97048

TAX ACCOUNT NO.: 7313-000-00300 Acres: 3.00 Zoning: CS-R
part

_____ Acres: 80.00 Zoning: +PF-76

_____ Acres: _____ Zoning: _____

PRESENT USES: (farm, forest, bush, residential, etc.)

<u>Use:</u>	<u>Approx. Acres</u>
<u>Indoor Soccer</u>	<u>3.00</u>
<u>Farm</u>	<u>80.00</u>
<u>Total acres (must agree with above):</u>	<u>83.00</u>

PROPOSED USES:

cedar mulch bagging facility

WATER SUPPLY: Private well.
 Community system.

Is the well installed? Yes No

Name _____

METHOD OF SEWAGE DISPOSAL: Community Sewer. Name _____
 Not applicable.
 Septic System.

If Septic, does the subject property already have a system? Yes No

If no, is the property approved for a Septic System? Yes No

CONTIGUOUS PROPERTY: List all other properties you own which have boundary lines touching this property:

Tax Account No. Acres Co-owners (if any)

<u>Tax Account No.</u>	<u>Acres</u>	<u>Co-owners (if any)</u>

CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Date: 4/13/07 Signature: [Signature], atty for Applicant

NOTE: Please attach an accurate and detailed plot plan, including property lines, existing and proposed structures, location of septic tank and drainfield, farm - forest areas, large natural features (cliffs, streams, etc.).

+++++

Planning Department Use Only

APR 13 2007

Date Rec'd. _____ Hearing Date: _____

Or: Administrative _____

Receipt No. 55531 CK# 43067

Zoning: _____ Staff Member: _____

+++++

ZONE CHANGE FACT SHEET

Please complete the following:

1. What is the present zoning? CS-R

2. What zone is being proposed? PF-76

3. Zoning Map Amendment Yes No

4. State the specific purpose of the zone change request: cedar mulch bagging facility

5. Why is the subject property better suited for the proposed use than the use presently permitted:

The present use failed a few years ago. The site is set amongst a great deal of forestland, is better used for wood processing.

6. What public need or convenience will be met by this zone change that is not already being met by available property in the general area:

The applicant searched properties throughout the Longview, Kelso, and Ranier areas. This is the only one available.

7. Describe how the proposal is in general conformance with the comprehensive plan and the planning objectives for the specific area:

The submitted narrative directly addresses this point.

8. Describe any changes that have occurred in the land use, street arrangements, or other physical conditions which have altered the subject property since the present zoning was adopted: _____

The prior land use (indoor soccer) went out of business.

9. Does the subject property presently have adequate public facilities, services, and transportation to support the proposed use? yes. If not, describe the development plan being proposed to provide these services: _____

+++++

The applicant must submit the following PRIOR to the Planning Commission hearing, which is regularly scheduled for the 1st Monday of each month:

- 1) Answers to the above questions.
 - 2) The application form attached.
 - 3) Vicinity Map.
 - 4) Zoning Map Amendment fee: ~~\$1,500.00~~ \$1,610.00
- Comprehensive Plan Map Amendment 1,720.00

APPLICATION FOR PLAN AMENDMENT/ZONE CHANGE APPROVAL
To COLUMBIA COUNTY, OREGON
For BEAVER VALLEY'S BACK YARD GARDEN PRODUCTS, INC.
 Applicant's Narrative (April 13, 2007)

Proposal. Beaver Valley's Back Yard Garden Products, Inc. (the Applicant) has operated a cedar mulch bagging facility located in Longview for several years. The Applicant now wishes to bring its operation (including 22 employees) to the County.

Site. The Site of this application is the previous Genesis Indoor Soccer & Sports Facility located at 27627 Old Rainier Road (a three-acre portion of 7 North 3 West Section 12, Lot 300). Property owner Dan Leno, along with Jack Wolf, completed the 24,000 sq.ft warehouse-type building for the soccer operation in 1998. Genesis stopped operating a couple of years ago.

In order to facilitate the indoor soccer operation, the County approved a plan amendment from Forest Resource to Community Service and a zone change from Primary Forest (PF-76) Community Service – Recreation (CS-R). (This action is hereinafter referred to as “the 1998 Zone Change.”) Because the soccer operation has failed and in order to entitle the mulch processing operation, we file this application for to change the zone back to PF-76.

Applicable Criteria: Plan Amendment/Zone Change. The applicable criteria are set forth at CCZO § 1502

CCZO § 1502.1.A.1: *The proposed Zone Change is consistent with the policies of the Comprehensive Plan.*

Policy 1 of the Forest Lands section of the Comp Plan is to “conserve forest lands for forest uses, including: A . . . the processing of forest products.”

As described above, the proposal is to replace a defunct community service use with an operation will take finished mulch from a nearby mill and bag it for wholesale delivery. Thus, this application goes beyond this policy by not simply conserving the subject site for processing of a forest product, but actually reclaiming it for the that purpose.

That conservation of forest lands would be of primary importance in the County's land use objectives is not surprising given the Plan's finding that “55% of the county work force is . . . dependent upon the lumber and wood products industries for their livelihood.” This proposal would support that percentage.

The proposed PA/ZC will further other Forest Lands policies of the County. Notably the Plan seeks to “limit the creation of parcels or lots for non-forest uses.” The subject 3-acre site was not created as a parcel or lot, but clearly functioned that way, a discrete area in non-farm use. Again, this application would reclaim a parcel from a non-forest use.

CCZO § 1502.1.A.2: *The proposed Zone Change is consistent with the Statewide Planning Goals.*

The 1998 Zone Change listed two relevant Statewide Planning Goals, No. 4, Forest Lands, and No. 8, Recreation. Because this application site does not involve an inventoried Goal 5 resource, a Goal 7 natural hazard area, or any of the Development goals (9-14), this list appears correct.

In applying the Goals to any plan amendment request, the County must inevitably weigh and balance competing objectives. *Waker Associates Inc. v. Clackamas Co.*, 111 Or App 189, 194-95, 826 P2d 20 (1992) ("a balancing process that takes account of relative impacts of particular uses on particular goals and of the logical relevancy of particular goals to particular uses is a decisional necessity").

Statewide Planning Goal 4 seeks to "conserve forest lands." We discuss above the primacy of the forestry conservation objective in the Comp Plan. We also discuss how this proposal advances that goal.

Goal 8, Recreation ("to satisfy the recreational needs of the state") sets a competing objective. Rezoning the site away from Community Service – Recreation clearly cuts against this goal, but seemingly not by much.

Probably the best evidence that this application would have little negative impact on this goal is that the site was offered to the public as a private recreation facility and failed. This suggests that the demand for recreational sites in the area does not outstrip the present supply (which exists mostly in the parks and schools

In applying the objectives of Goal 4 against Goal 8 to this application, it seems clear that conservation of Forest Lands should prevail.

CCZO § 1502.1.A.3: *The property and affected area is presently provided with used Zone Change is consistent with the Statewide Planning Goals.*

In the 1998 Zone Change, the County found as follows:

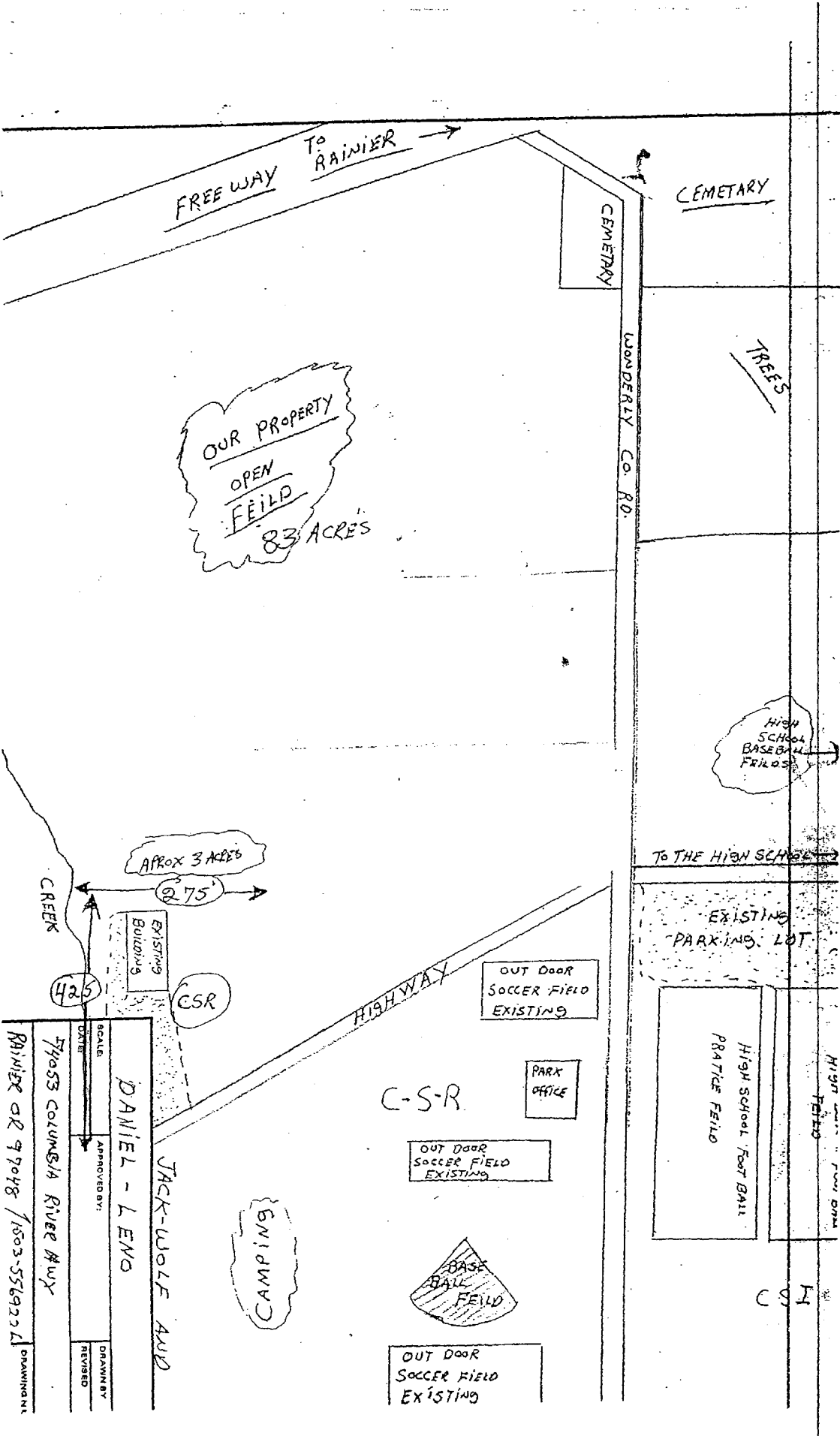
The only facilities, services and transportation networks in the area of the proposed zone changes are power, telephone, the Rainier Rural Fire Protection District, and 2 county roads. These are adequate for the CS-R zone, as evidenced by other areas in the county which have similar services adjacent to CS-R zoning, and which have experienced no unusual problems associated with the uses and densities permitted by this zone.

The site is supplied water through a private well. Sewage is handled by on-site septic.

If the site was adequately served for an indoor soccer facility, then clearly services are sufficient for a wood processing use. The processing operation does not require water and electrical is already hooked up.

Regarding traffic, the Applicant anticipates 22 employees working at peak production. Based on the Applicant's experience running the same type of operation on the Longview site, he believes that it will result in three inbound and three outbound trips from the Site per day via 80,000 lb. truck.

This traffic will access the site via Old Rainier Road. As part of the Genesis project, the 45-foot-wide driveway was improved with concrete. Last summer, the property owner improved this access by widening the road shoulder for a distance on either side of the driveway in order to accommodate truck traffic.



SCALE: _____ DATE: _____
 APPROVED BY: _____ DRAWN BY: _____
 DANIEL - LENO
 JACK-WOLF AWD
 17403 COLUMBIA RIVER HWY
 RAINIER OR 97048 / 503-5569221
 DRAWING NO.

425
 CSR
 C-S-R
 CSR

CAMPING

OUT DOOR SOCCER FIELD EXISTING

BASEBALL FIELD

OUT DOOR SOCCER FIELD EXISTING

PARK OFFICE

HIGH SCHOOL FOOTBALL PRACTICE FIELD

TO THE HIGH SCHOOL

EXISTING PARKING LOT

HIGH SCHOOL BASEBALL FIELDS

CEMETARY

CEMETARY

WONDERLY CO. RD.

FREE WAY TO RAINIER

OUR PROPERTY
OPEN FIELD
83 ACRES

APPROX 3 ACRES @ 275'

CREEK

EXISTING BUILDINGS

HIGH SCHOOL FOOTBALL PRACTICE FIELD

CSI

Hwy. 30 FREEWAY

OUR FEILD 83 ACES

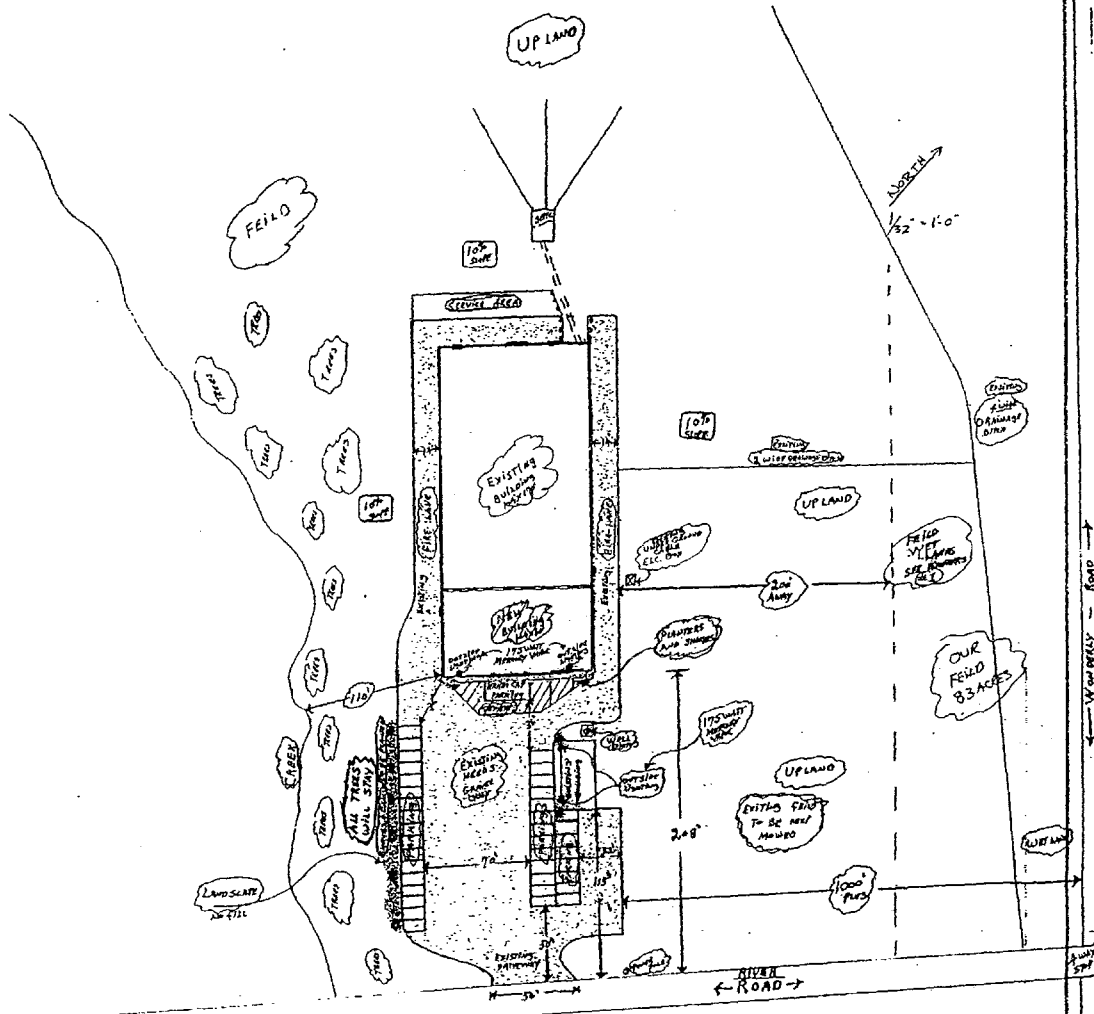
TO CEMENT

UPLAND

FEILD

MOBILE
1/2" = 1'-0"

↑
N



HUDSON PARK

Site & Existing Building 1/07

JACK WOLF
 7A-03 CUMBER RIVER HWY
 BAINES ON 97-98
 556-7226

COLUMBIA

1" = 400'

SEE MAP 7 3 12

ADDRESS MAP

WEST 90.00 CH. GLO

200

300

400

500

600

700

Q.E. WONDERLY CO. RD. NO. 125

400
8.64 Ac.

PA 07-02

300
83.31 Ac.

75972

75942

27226

PCF
2205709.90

N59°27'E (GRID)

P.T.
+08.40

CY. DRG. No. 88-27-10

U.S. HWY 30

OR HWY. 2W

75801

10/22/07

300

CREEK

701
27.18 Ac.

600
21.49

703
8.52 Ac

BEAVER

Genesis Arena

27627

27599

701

700
4.51 Ac.

27271

800
1.35 Ac.

27305

200
1.43 Ac.

27359

27163

914° 29' 1"
Δ 1° 22' R

5302.0' -
9° 20' CR
Δ 39° 22'
7.216

589° 50' E

665.02'

R ROAD

27226

900
33.27 Ac

13-07

1000
27.67 Ac.

OLD RAINIER ROAD

TRANSMISSION

LONGVIEW

LINE

N88° 23' 20" W

OPERATED

EASE M AS ST. JO

Legal Description for PA 07-02

Parcel 1: That portion of the East half of Northwest quarter of Section 13, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon that lies North of the center line of Beaver Creek and Southeasterly of the Southeasterly right of way line of the tract conveyed to the State of Oregon by and through its State Highway Commission, by Deed recorded May 23, 1966 in Book 161, page 747, Deed Records of Columbia County, Oregon.

Parcel 2: That portion of the West half of the Northeast quarter of Section 13, Township 7 North, Range 3 West of the Willamette Meridian, Columbia County, Oregon, lying Northeasterly of the center line of Beaver Creek and Northwesterly of the northwesterly right of way line of the old Columbia River Highway. EXCEPT THEREFROM tracts conveyed to Woodbine Cemetery Association by Deeds recorded in Book 0, Page 407 and Book 49, Page 148, Deed Records of Columbia County, Oregon and also EXCEPTING THEREFROM tracts conveyed to Rainier Cemetery District by Deeds recorded November 6, 1964 in Book 156, page 582 and recorded March 9, 1967 in Book 164, page 324, Deed Records of Columbia County, Oregon, and EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State Highway Commission by Deed recorded May 23, 1966 in Book 161, page 747, Deed Records of Columbia County, Oregon.

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DEVELOPMENT SERVICES
COUNTY COURTHOUSE
100 STRAND ST.
SEASIDE, OR 97051



016H16501628
Meter
\$0 1.820
09/12/2007
Mailed From 97051
US POSTAGE

Plan Amendment Specialist
DLCD
635 Capitol Street NE
Suite 150
Salem Or 97301

