

ADOPTED PLAN AMENDMENT

ADOPTED AUTO NO:	14689	PROPOSED PA AUTO NO:	16211
JURISDICTION ABB:	ACOLU	JURISDICTION :	COLUMBIA COUNTY
DLCD FILE NO:	003-07	LOCAL FILE # :	PA07-05/ZC 07-02
ADDITIONAL PROPOSAL FILE:	N	PROPOSED :	Y
DATE ADOPTED:	12/5/2007	TOTAL TIME SPENT ON REVIEW:	
DATE ADOPTION RECEIVED:	12/13/2007	DATE LETTER SENT ON PROPOSAL:	
DATE ADOPTION NOTICE SENT:	12/18/2007		
APPEAL DEADLINE:	1/2/2008	APPEAL FILED:	
LUBA No. :		APPEAL DECISION:	

Amend the Comprehensive Plan Map and (Zoning Map) from Agriculture Resource (Primary Ag - PA-38) to Rural Industrial (Resource Industrial Planned Development - RIPD) for 55 acres located portward near Clatskanie on Columbia River. An Exception to Statewide Planning Goal 3 - Agricultural Lands is being proposed. Proposal submitted without a final hearing date.

AMENDMENT TYPE: M M = Map; T = Text; B = Both
 ORD2007-10 PLAN.MAP
 ZONE.MAP

LOCATION: Port Westward NE of Clatskanie

# OF AREAS:	ORIGINAL USE AG	NEW USE	RIND	ACRES	55.78
	PA38	RIPD			

DESCRIPTION :

LOCALLY IDENTIFIED AGENCIES

Oregon Department of Agriculture, Port of St. Helens, and Clatskanie PUD.

DATE PROPOSAL RECEIVED :	7/2/2007	DAYS NOTICE OF EVID. HEARING:	
FIRST EVIDENTIARY HEARING DATE :	8/20/2007	DAYS NOTICE :	
FINAL HEARING DATE :		CONTACT PHONE # :	503-397-1501 EXT:7217
LOCAL GOV CONTACT :	Glen Higgins/J. Graichen	NUMBER OF AMEND :	3
DATE PRO. NOTICE SENT :			

PROPOSAL REVIEW

PART. NOTICE SENT : DEPT. PART. : YA

GOALS: 3 9

ASREVIEWER : GF	ASREVIEWER2 : LK	TIME SPENT ON REVIEW :
FINAL DATE : 07/26	MAIL DATE : 07/27	FAX DATE : 08/03
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

December 18, 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 003-07



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: January 2, 2008

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
Larry Ksionzyk, Community Development Planning Specialist
Glen Higgins, Columbia County

<paa> ya/ph

FORM 2

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

DEPT OF

(See reverse side for submittal requirements)

DEC 13 2007

LAND CONSERVATION
AND DEVELOPMENT

Columbia County

Ordinance No. 2007-10
Local File No.: PA07-05 & ZC07-02
(If no number, use none)

Date of Adoption: December 5, 2007
(Must be filled in)

Date Mailed: December 11, 2007
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: June 29, 2007

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____
(Please Specify Type of Action) |

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

Expand the Rural Industrial area at Port Westward by approximately 55 acres to accomodate future development. This requires changing the Comprehensive Plan Map from Agriculture Resource to Rural Industrial, with likewise changes in the zoning map.

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: Agriculture Resource to Rural Industrial

Zone Map Changed from: PA38 to RIPD

Location: Port Westward NE of Clatskanie Acres Involved: 55.78 acres

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Goal 3 (Agriculture Lands)

Was an Exception Adopted? Yes: No:

DLCD File No.: 003-07(16211) [14689]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of Summit)
Power Group for a Comprehensive Plan)
Map Amendment and Zone Change) ORDINANCE NO. 2007-10
from Primary Agriculture-38 (PA-38) to)
Rural Industrial-Planned Development)

WHEREAS, Summit Power Group filed with the Columbia County Land Development Services Department an application for a Major Map Amendment for two adjoining parcels, Tax Lot 8N4W 22 00 200 (30.66 acres) and Tax Lot 8N4W 22 00 300 (25.12 acres); and

WHEREAS, the proposed Major Map Amendment would consist of a Comprehensive Plan Map Amendment changing the subject area from Agricultural Resource to Rural Industrial, a Zone Change from Primary Agriculture-38 (PA-38) to Rural Industrial Planned Development (RIPD), and would require taking a Goal 3 Exception; and

WHEREAS, on June 28, 2007, said Application was deemed complete; and

WHEREAS, notice of the proposed Major Map Amendment was mailed to the Department of Land Conservation and Development on June 29, 2007; and

WHEREAS, on August 20, 2007, the Columbia County Planning Commission held a hearing on the application and heard testimony from the applicant and interested parties and considered written materials including the staff report; and

WHEREAS, after hearing testimony and deliberating, the Planning Commission recommended approval of the application to the Columbia County Board of County Commissioners; and

WHEREAS, on November 7, 2007, the Columbia County Board of County Commissioners held a de novo hearing on the application; and

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WHEREAS, the following Exhibits were introduced into the record:

Exhibit 1- County Counsel's hearing file containing:

- 1) Notice of Public Hearing (Publication)
- 2) Affidavit of Publication
- 3) Notice of Public Hearing (Property Owner Notice)
- 4) Affidavit of Mailing
- 5) Board Communication Dated October 25, 2007 with the following attachments:
 - 1) Staff Report to the Board of County Commissioners
 - 2) Teevin Parcel Legal Description
 - 3) Port Parcel I Legal Description
 - 4) Application Narrative and Maps PA 07-05/ZC 07-02
- 6) Planning Commission Recommendation Final Order PA 07-05/ZC 07-02
- 7) Staff Report to the Planning Commission dated August 21, 2007
- 8) Letter from Elaine Albrich with Legal Descriptions of Teevin Parcel and Port Parcel I
- 9) Certificate of Mailing, Notice of Decision (Recommendation), dated August 24, 2007
- 10) Notice of Decision dated August 24, 2007
- 11) Traffic Study and Update received August 20, 2007
- 12) Staff Report to the Planning Commission dated August 10, 2007
- 13) Letter from Elaine Albrich dated August 16, 2007
- 14) Referral Contact List, including the following:
 - 1) Referral and Acknowledgment Soil and Water Conservation District
 - 2) Referral and Acknowledgment Clatskanie Fire District
 - 3) Referral and Acknowledgment Road Master
- 15) Limited Power of Attorney and Ground Lease
- 16) DLCN Notice mailed June 29, 2007
- 17) Certificate of Mailing, Notice of Completeness, dated July 3, 2007
- 18) Notice of Completeness dated June 28, 2007
- 19) Notice of Planning Commission Hearing dated June 29, 2007
- 20) Clatskanie-Quincy CPAC Notice
- 21) Letter from Elaine Albrich dated June 27, 2007
- 22) Letter from Elaine Albrich dated June 21, 2007
- 23) Email from Eric Gjelde dated November 5, 2007

Exhibit 2- Email from Eric Gjelde dated November 5, 2007

Exhibit 3- Letter from Clatskanie Mayor Diane Pohl dated November 6, 2007; and

WHEREAS, after hearing the presentation of the staff report and testimony from the applicant and interested parties, the Columbia County Board of County Commissioners closed the public hearing, deliberated on the matter, and tentatively approved the application;

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NOW, THEREFORE,

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2007-10.

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 Summit Power Group for a Comprehensive Plan Map Amendment from Agricultural Resource to Rural Industrial and Zone Change from Primary Agriculture-38 (PA-38) to Rural Industrial-Planned Development (RIPD) for two adjoining parcels, Tax Lot 8N4W 22 00 200 (30.66 acres) and Tax Lot 8N4W 22 00 300 (25.12 acres). Approval of the application also requires taking a Goal 3 Exception to the subject parcels.

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 October 30, 2007, a copy of which is attached hereto as Attachment A, and is incorporated herein by this reference.

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SECTION 5. AMENDMENT AND AUTHORIZATION.

- A. The Columbia County Comprehensive Plan Map designation for the subject Area is hereby amended from Agricultural Resource to Rural Industrial.
- B. The Zoning Map designation for the subject area is hereby amended from Primary Agriculture-38 (PA-38) to Rural Industrial-Planned Development (RIPD).
- C. An Exception to Goal 3 is taken for the subject area based on analysis provided in the Staff Report of the Department of Land Development Services dated October 30, 2007.

DATED this 5th day of December 2007.

Approved as to Form

By: [Signature]
Office of County Counsel

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

First Reading: 11/21/07

Second Reading: 12-5-07

Effective Date: 3-4-08

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Rita Bernhard, Chair

By: [Signature]
Anthony Hyde, Commissioner

By: [Signature]
Joe Corsiglia, Commissioner

BOARD COMMUNICATION

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT
MEETING DATE: November 7, 2007 Regular Session

TO: BOARD OF COUNTY COMMISSIONERS

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

SUBJECT: PUBLIC HEARING
Plan Amendment / Zone Change
Agricultural Resource -to- Rural Industrial
Summit Power Group, Applicant

UABIA CLERK
OCT 29 2007

DATE: October 25, 2007

SUMMARY: Summit Power Group intends to site a power generating facility on property in Port Westward industrial area near Clatskanie. The initial site for the Summit Power facility, zoned RIPD, leased from the Port of St. Helens, consisted of TL Map No. 8422-000-00100 (52.85 acres). This site was determined not to be large enough for the planned facility. The applicant is, therefore, seeking to add the two adjoining parcels to the power generating facility site; TL No. 200 (30.66 acres) and TL No. 300 (25.12 acres), both zoned Primary Agriculture(PA-38). These two PA-38 zoned properties are surrounded on three sides by RIPD industrial zoned properties. In recent years, during two major industrial construction projects for PGE and Cascade Grain, these two properties have been and currently are being used for construction staging areas. Given their location near and between major industrial developments, it is logical for the County to re-zone these two properties to RIPD. This Plan Amendment and Zone Change would make possible the future siting of another large industrial development in the Port Westward Industrial Area.

Approval of this Plan Amendment and Zone Change would require the County to take an Exception to the State Goal 3 Agricultural Lands. As addressed in the staff report, there are good reasons for the Exception, including that the land is near river dock facilities, railroad, public and private infrastructure of gas and electrical grids, Port facility and services. The Exception would result in the clustering of major large scale industrial uses.

ATTACHMENTS:

1. Board of Commissioners Staff Report
2. Comments Received
3. Planning Commission Recommendation
4. Application & Maps

SUGGESTED MOTION:

I move to tentatively approve the adoption of the Exception Statement and the Plan Amendment and Zone Change for PA 07-05 / ZC 07-02 as presented in the findings, conclusions and recommendations of Staff Report dated October 30, 2007.

COLUMBIA COUNTY BOARD OF COMMISSIONERS

STAFF REPORT

October 30, 2007

Major Map Amendment

HEARING DATE: November 7, 2007

FILE NUMBER: PA 07-05 & ZC 07-02

APPLICANT: Summit Power Group; c/o Stoel Rives LLP; 900 SW 5th, Suite 2600; Portland, OR 97204

OWNER: Port of St. Helens (tax lot 200) & Teevin Bros. Land & Timber Co. (tax lot 300)
c/o Stoel Rives LLP; 900 SW 5th, Suite 2600; Portland, OR 97204

SITE LOCATION: Port Westward industrial site

TAX MAP NO: 8N4W 22 00 200 & 8N4W 22 00 300

ZONING: Primary Agriculture - 38 (PA-38)

SITE SIZE: Tax lots 200 and 300 are approximately 30.66 and 25.12 acres, respectively

REQUEST: A **Major Map Amendment** consisting of a **Comprehensive Plan Amendment** to change property designated Agriculture Resource to Rural Industrial and a **Zone Change** from Primary Agriculture - 38 (PA-38) to Rural Industrial Planned Development (RIPD).

APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance</u>		<u>Page</u>
Section 680	Rural Industrial - Planned Development (RIPD)	2
Section 1502	Zone Changes (PA/ZC)	2
1502.1(A)(1)	Consistency with the Comprehensive Plan	4
1502.1(A)(2)	Consistency with Statewide Planning Goals	6
1502.1(A)(3)	Adequacy of Public Facilities	13
Section 1600	Administration	14

APPLICATION COMPLETE: June 28, 2007 **150-DAY DEADLINE:** N/A ORS 215.427(6)

BACKGROUND:

The purpose of this Major Map Amendment is to expand the Port Westward industrial area to accommodate future development, which is not allowed on Primary Agriculture - 38 zoned land. The subject property is irregular in shape, generally flat, and undeveloped consisting of farmland generally used as pasture and hayfield.

The site is surrounded on three sides (north, east and west) by the Port Westward industrial area—some that is developed and some vacant—and RIPD zoning. The south side is zoned PA-38 and generally used for agricultural purposes.

The National Wetlands Inventory (NWI) and County Beak maps identify wetlands on the subject property. The site is also identified as being within major water fowl habitat according to the County's Beak maps, and zone X floodplain per FEMA FIRM 41009C0045C, dated August 16, 1988.

Pursuant to ORS 197.610, DLCD was sent notice of this proposed amendment at least 45-days prior to the first evidentiary hearing on adoption. This notice was mailed June 29, 2007.

REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:

Columbia County Zoning Ordinance Section 680 Resource Industrial - Planned Development (RIPD)

683 Uses Permitted Under Prescribed Conditions: The following uses may be permitted subject to the conditions imposed for each use:

- .1 Production, processing, assembling, packaging, or treatment of materials; research and development laboratories; and storage and distribution of services and facilities subject to the following findings:

Discussion: Generally, expansion of the Port Westward industrial development falls within CCZO Section 683. It is not allowed under PA-38 zoning. The desired use is possible under the RIPD zone, albeit land use permits subsequent to this Major Map Amendment (e.g. Use Permitted Under Prescribed Conditions and Design Review) would be required. These subsequent permits are beyond the scope of this Major Map Amendment, and the applicable design standards would be addressed at the time those permits are applied for.

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 55.78 acre subject property is AGRICULTURE RESOURCE, which will need to be changed to RURAL INDUSTRIAL in order for the PA-38 to RIPD 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 (e.g. Soil & Water Conservation District and the Clatskanie RFPD), the Clatskanie - Quincy 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 August 20, 2007 which will be followed by a hearing of the Board of County Commissioners at a date yet undetermined.

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 V (Agriculture): The goal of this part of the Comprehensive Plan is to preserve agricultural land for agricultural uses. This Major Map Amendment would remove PA-38 zoned land from the County's inventory and though "farm use" is allowed in the RIPD zone, certain non-agricultural uses are possible and likely given the site's proximity to Port Westward. As such, this proposal will require an exception to Oregon Statewide Planning Goal 3, as detailed below.

Part X (Economy): generally regards economic strength and diversity in the County. Though agricultural related practices contribute to the County's economy, industrial operations do too. In addition, industrial operations typically provide a tax base in greater proportion to public services provided and result in more permanent jobs. Many residing in the County commute outside it's borders and industrial land and the jobs it creates helps balance the jobs to residence ratio (currently in favor of residences). Moreover, it is likely that the future development this Major Map Amendment will precede, will be for power generation, which is itself an ingredient to economic growth as a basic service for the public good.

Good industrial sites are often determined by factors of their location; this is the case with Port Westward. As explained by the applicant, proximity to the Columbia River and existing maritime infrastructure of docks, rail spurs, and private and public utility infrastructure, as well as the Port's facilities and services, makes the site valuable for industrial and economic development.

For these reasons, this proposal is in compliance with the goals of Part X.

Part XII (Industrial Siting): discusses industrial land within the County, the economic ramifications thereof (i.e. need for industrial land), and the County's rural industrial sites, which includes Port Westward. This part of the Comprehensive Plan also contains the basis of why the Port Westward site was zoned for industrial use rather than farm. Generally, the exception to Statewide Planning Goal 3 for agriculture lands, per Goal 2, was justified for Port Westward given need (e.g. economics, employment and the site's unique characteristics) and irrevocable commitment (pre-existing use of the land before the Comprehensive Plan was adopted in 1984). This Major Map Amendment will allow expansion of the site and as explained by the applicant, development of additional industrial uses in this area will create new and continuous employment opportunities, promote economic growth, and maximize existing public and private investments. In other words, this is an expansion of a justified and important industrial site in the County and thus, this proposal is in compliance with Part XIII of the Comprehensive Plan.

Part XVI (Transportation): The goal of part XVI is the creation of an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents. The two most applicable objectives of Part XVI as it relates to this proposal are: 1) to utilize the various modes of transportation that are available in the County to provide services for the residents, and 2) to encourage and promote an efficient and economical transportation system to serve the commercial and industrial establishments of the County.

Three modes of transportation apply to this proposal: waterborne, rail and auto/truck. The Comprehensive Plan discusses how the Columbia River and its deep water access is one of the County's most valuable transportation resources. It also mentions that the Columbia is underutilized for this purpose. In addition, only certain parts of the County have access to functional railroads. This Major Map Amendment will provide the ability for rural industrial expansion of the Port Westward site, which utilizes both the river and rail line. Given the County's overall dependance on automobiles and trucks for transportation, the ability to use other modes of transportation lessens the burden on the road. Though roads will continue to be a means of accessing the site as well, there are other existing options. For these reasons this proposal complies with Part XVI.

Part XIV (Public Facilities & Services): The goal of Part XIV is to plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development. The applicant responds as follows: "The property is located in the Port

Westward area. Significant investments have been made in the Port Westward area's services and facilities, including water, sewer, electric, natural gas, and fire protection services. The area also has existing rail systems and a full-service dock. There are also public and private energy transmission facilities in the Port Westward area. There is an existing framework for allowing additional rural industrial development in the area." Staff concurs with this response as with existing services, expansion of industrial land would be efficient from a facilities and services standpoint. This proposal complies with Part XIV.

Part XVI (Goal 5: Open Space, Scenic & Historic Areas, and Natural Resources): The purpose of this Part is to protect cultural and natural resources. Three resources apply to this site: 1) open space, 2) wildlife habitat and 3) wetlands.

Open space is not specifically inventoried in the County, though, most of the County is zoned PF-76, FA-19 or PA-38 and though the primary intent of this zoning is to conserve resource lands for resource uses, the zones protect open space as a secondary function. The subject property is zoned PA-38, but will re-zoned RIPD given successful completion of this Major Map Amendment. Given the zoning designation alone, open space could conceivably be compromised. However, in this case, the subject property is already surrounded by RIPD zoning on three sides. Hence, any impact to open space should be minimal.

With regards to wildlife, the site is identified as being within major waterfowl habitat. Potential conflicting uses to waterfowl habitat generally apply to removal of water bodies (e.g. streams and sloughs) and wetlands. The subject property does contain wetlands, however there is no evidence this Major Map Amendment itself will compromise water fowl habitat, though subsequent development could. Albeit, any development would be subject to regulation of the County and other applicable agencies such as the Division of State Lands and Oregon Department of Fish and Wildlife to address and mitigate any issues..

Finally, and as already noted, the site contains wetlands. The intensity of development possible on RIPD zoned land is greater than PA-38, however, development would be subject to regulation of the applicable agencies (e.g. County, Division of State Lands, and the Army Corps of Engineers) to address and mitigate any impacts. It is likely, any development would require a wetland delineation to determine wetland boundaries and potential impacts, at the very least.

As there is no evidence to suggest this Major Map Amendment will compromise the identified Goal 5 resources on the subject property, it complies with Part XVI.

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 Clatskanie-Quincy CPAC, Clatskanie RFPD, Port of St. Helens, Soil & Water Conservation District, OSU Agricultural Office, Clatskanie PUD, Oregon Department of Agriculture, Natural Resources Conservation Service, and the County Roadmaster and Assessor. 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 scheduled for August 20, 2007. The hearing before the Board of County Commissioners will be scheduled after the Planning Commission has 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 subject property will be changed to Rural Industrial from Agriculture Resource and will require a Goal 3 exception. The physically developed and irrevocably committed bases for exceptions are intended to recognize and allow continuation of existing development. The subject property is not developed, which leaves the reasons exception; the Goal 3 exception analysis is set forth below.

Goal 3 (Agricultural Lands): An exception to Goal 3 is necessary to approve this Major Map Amendment. This requires findings for a “reasons exception” pursuant to OAR 660-004-0020(2)(a)-© and specifically related to siting rural industrial development on resource land outside of an urban growth boundary pursuant to OAR 660-004-0022(3). The following is the applicant’s response (in *italics*) addressing these issues:

The application is not consistent with Statewide Planning Goal 3, but is nonetheless allowed through a Goal 3 reasons exception under OAR 660-004-0022(3)© and OAR 660-004-0020(2) for rural industrial development.

Reasons that justify siting rural industrial development on Goal 3 resource land outside the urban growth boundary include the following:

“[t]he use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such decision should include a discussion of the lost resource productivity and values in relation to the county’s gain from the industrial use, and the specific transportation and resource advantages which support the decision.”

OAR 660-004-0022(3)©.

The County’s Comprehensive Plan has designated 905 acres of the Port Westward area as a Goal 3 exception. The property is located adjacent to the Port Westward rural industrial area and can take advantage of the location with access to the Columbia River, and the existing dock facilities, railroad and urban services, including PGE’s Beaver Power Plant. Allowing future rural industrial development on the Property would benefit the County’s economy by bringing jobs to the area for construction of a project and then a lesser level of employment for the operation and management of any facility. The loss of approximately 55 acres of PA-38 zoned land is only a minimal loss of resource land when compared to the potential benefits of centralizing the County’s rural industrial development within the Port Westward area. There are no non-resource lands within the County that have competitive advantages of the Port Westward area.

Including the Property in the Port Westward Goal 3 exception area allows for access to the existing services, dock structure and rail system. Further, given the existing transportation system, the need to construct new roads over resource land is small to nonexistent. Access to these existing improvements make the Property attractive for capital-intensive-type use. The Property historically has been used for agriculture row crops, perennial grassland, and livestock grazing. The County’s loss of the Property’s resource productivity as an agriculture resource is small when compared to the County’s gain from the future industrial use centered around the available service and transportation advantages at Port Westward.

When considering the Property's location, including its proximity to a centralized rural industrial development area and specific transportation and resource advantages, supports the County's decision to approve a Goal 3 exception. Thus this application provides sufficient reasons to authorize a Goal 3 exception for the Property under OAR 660-004-0022(3)©.

The reasons for allowing the application are consistent with OAR 660-004-0020 and are allowed under the four factors in OAR 660-004-0020(2). The following is an evaluation of the four factors in Goal 2.

The reasons set forth above justify why the policies in Goal 3 should not apply to the Property. The Property is in the Port Westward area, which is the largest rural industrial area in the County. The benefits of allowing a Goal 3 exception for the Property outweigh the loss of approximately 55 acres of resource land when considering that the exception promotes a centralized rural industrial area in the County. For this reason and the reasons stated above, OAR 660-004-0020(2)(a) is satisfied.

There are no non-resource lands available in the County that have the competitive advantages of the Port Westward area. Other land in the County that would not require a new exception would not have the facilities and services and access to existing water, rail and road transportation systems that is available in Port Westward. When justifying the Port Westward Goal 3 exception, the County noted that industrial land was available in Portland/Vancouver, Astoria and Longview/Kelso/Rainier. The County also found, however, that Port Westward had unique attributes and has a significant comparative advantage to improve the County's economy. The Port Westward Goal 3 exception statement in the Comprehensive Plan provides additional support for why non-resource lands are not available to reasonably accommodate rural industrial development. For these reasons, OAR 660-004-0020(2)(b) is satisfied.

When considering the long-term environmental, social, economic, and energy consequences, a Goal 3 exception for the Property would not result in more significant adverse impacts than would typically result from the same proposal located on non-resource land.

The primary environmental impact from approving the exception is the eventual removal of approximately 55 acres of filled land from resource use. The Property has been historically used for agriculture row crops, perennial grassland and livestock grazing. The Property has limited habitat value and has no environmental overlays.

The positive aspects of allowing the exception would be additional jobs and the addition of value to the County's tax base. The existing PGE facility pays \$1.5 [million?] per year in property taxes to Columbia County and employs 56 people. Additional investments and activities in the area would increase these figures.

Changing the use of the Property would have little direct social consequences. The additional jobs and tax support for the local government and service would have a positive impact.

There are potential energy savings to centralizing rural industrial development around existing infrastructure, which includes a deep-water dock, rail spurs and lines, roads and utilities. New infrastructure will not have to be created elsewhere in the County.

The proposed Goal 3 exception is compatible with other adjacent uses. The Property is immediately adjacent to the Port Westward rural industrial area and is partially owned by the Port. The property is located near the Columbia River, existing dock facilities, a railroad, public and private utility infrastructure, and Port facilities and services. The proposed exception would cluster major large scale industrial uses adjacent to surrounding farmland. The impact on farmland would be minimal as the State Department of Environmental Quality would restrict and limit pollution of the surrounding land, air and water.

The reasons for allowing a Goal 3 exception are consistent with OAR 660-004-0022(3)© and OAR 660-004-0020(2). The County may find that a Goal 3 exception is allowed for the Property.

Staff concurs that the above findings as provided by the applicant sufficiently address the criteria of OAR 660-004-0020(2)(a)-(d) and OAR 660-004-0022(3)©. As such, this proposal meets the exception requirements to Goal 3.

Goal 4 (Forest Lands): The County finds this goal is not applicable. The subject property is not forest land.

Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources): This goal addresses the conservation and protection of both natural and cultural resources. There does not appear to be any inventoried cultural resources. Three natural resources apply to this site: 1) open space, 2) wildlife habitat and 3) wetlands. This is addressed under Part XVI of the comprehensive plan. As this Major Map Amendment complies with Part XVI of the Comprehensive Plan, it also complies with Goal 5.

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 rural industrial uses in addition to resource uses, as allowed currently. Generally, any future development would be required

to comply with Federal, State and local laws, which are intended to minimize environmental impacts. The Clean Water Act and Clean Air Act are examples. Given the standards that future development would be subject to, 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 are no specific identified natural hazards. FEMA FIRM Map 41009C0045C, dated August 16, 1988, does identify zone X floodplain on the site, which is not subject to floodplain regulations. In addition the property is within Seismic Zone D1 (formerly zone 3), which applies to building regulations. These would apply at time of development.

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. 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 nonetheless, help promote the County’s economic strength. This is explained under Part X (Economy) of the Comprehensive Plan above. 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 dwelling units.

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 applicant’s response: “Port Westward has developed public facilities and services for rural industrial development. The area also provides access to the Columbia River by existing docks, and access to rail transport. Rural industrial development in the Port Westward area is orderly and efficient in that it groups development around existing services

and provides the benefits of a planned development area. Thus the application is consistent with Statewide Planning Goal 11.”

Staff concurs with the applicant and 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 zoning and potential uses will change. Currently, under PA-38, resource (i.e. farm and forest) uses and some limited residential uses are allowed generally. Other potential uses include schools and churches. Aside from schools and churches, these land uses are not intense and would generally have a minimal traffic/transportation impact. However, once zoned RIPD, industrial uses would be possible. These uses are rural industrial and though typically land extensive, they are generally not labor intensive (except for perhaps during construction) so at least personal vehicle traffic is not anticipated to be great.

Only a traffic impact analysis or similar study done by a registered professional traffic engineer would detail the comparison between potential uses of the two zones and whether or not the traffic generation and other transportation impacts of the RIPD zone versus the PA-38 zone would be significant or detrimental. The applicant submitted a traffic study by Kittelson & Associates, Inc. indicating the proposal has no significant affect on existing or planned transportation facilities. Moreover, DLCD, the County Road Department, the Clatskanie RFPD or any other agency did not express any concern with this issue.

It appears 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 applicant’s response: “The application is consistent with Statewide Planning Goal 13 in that it will promote consolidation of industrial services in the Port Westward area and conserve energy that would otherwise be expended developing these services elsewhere.”

In addition, as already explained in this report, the expansion of the Port Westward site will help enhance the County’s economy, specifically the north part of the County. This will provide local jobs and help balance the jobs/dwellings ratio. Currently, many County citizens

travel outside the County to work. Having more local jobs promotes energy conservation as it tends to result in less vehicle miles traveled.

For the above reasons, the County finds that the 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. Any development would not be allowed unless there were facilities that could adequately accommodate it. Currently, the Port Westward area has a water supply system, a water distribution system, electrical services, and natural gas services. The adequacy of the transportation system is addressed under Oregon's Statewide Planning Goal 12 above.

Finding 1: This Major Map Amendment is consistent with the County's Comprehensive Plan.

Finding 2: This Major Map Amendment is consistent with Oregon's Statewide Planning Goals.

Finding 3: 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 RIPD 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 the subject property to a designation of Rural Industrial and zoning to Rural Industrial - Planned Development (RIPD). This same designation and zoning surrounds the property on three sides already, and there is no other

adjacent designation and zoning other than Agricultural Resource and Primary Agriculture - 38 (PA-38).

Finding 4: Staff does not recommend the substitution of 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.

Discussion: The Planning Commission held a public hearing on this matter on August 20, 2007 and voted by a majority 6 to 0 to recommend approval of this Major Map Amendment. The Board of County Commissioners has scheduled November 7, 2007 to consider this matter which will be heard on the record unless the Board decides to open the record for additional evidence.

COMMENTS RECEIVED By LDS:

Clatskanie-Quincy CPAC: (no response)

Port of St. Helens: (no response)

Soil & Water Conservation District: Our board must meet to consider this; we will return comments to you by July 24, 2007. (no further comment received)

OSU Agricultural Extension Office: (no response)

Clatskanie PUD: (no response)

Clatskanie RFPD: No objection.

Oregon Department of Agriculture: (no response)

DLCD: (no response)

Natural Resources Conservation Service: (no response)

County Roadmaster: No objection.

County Assessor: (no response)

DLCD - 45 Day Notice Sent on 6/29/07 - (no response)

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 and comments herein, the Planning Director and the Planning Commission recommends **approval** of this Major Map Amendment to re-designating the site from Agriculture Resource to Rural Industrial in the Comprehensive Plan and to amend the Zoning Map of the Columbia County Zoning Ordinance to re-zone the subject property from Primary Agriculture - 38 (PA-38) to Rural Industrial - Planned Development (RIPD).

ATTACHMENTS:

Application and maps

**TEEVIN PARCEL
LEGAL DESCRIPTION**

EXHIBIT A

LEGAL DESCRIPTION

That certain parcel of land situate in Section 22, Township 8 North, Range 4 West of the Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

BEGINNING at the one-quarter section corner of Sections 22 and 23, Township 8 North, Range 4 West of the Willamette Meridian, Columbia County, Oregon;

Thence South $89^{\circ} 37' 00''$ West 2258.80 feet to the TRUE POINT OF BEGINNING;

Thence North $00^{\circ} 04' 00''$ West 1148.00 feet;

Thence South $89^{\circ} 37' 00''$ West 960.00 feet;

Thence South $00^{\circ} 04' 00''$ East 1148.00 feet;

Thence North $89^{\circ} 37' 00''$ East 960.00 feet to the TRUE POINT OF BEGINNING.

**PORT PARCEL I
LEGAL DESCRIPTION**

8-4-22 R200

93-71638

FORM No. 987—Sears-Roebuck Law Publishing Co., Portland, Ore. 97204

SPECIAL WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

Leo S. Meysing, Grantor,
conveys and specially warrants to Port of St. Helens, an Oregon municipal corporation, Grantee,
the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein, situated in Columbia County, Oregon to-wit:

as described on Exhibit A, on the reverse side hereof, and incorporated herein by this reference.

18808-5

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

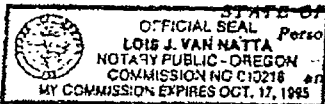
The said property is free of all encumbrances created or suffered by the Grantor except 1) statutory powers including the power of assessment of Beaver Drainage District; 2) right of ways for electrical transmission granted to People's West Coast Hydro-Electric Corporation, now West Coast Power Company, a corporation; 3) lack of ingress and egress to and from a legally dedicated road.

The true consideration for this conveyance is \$ 91,980.00 (Here comply with the requirements of ORS 93.030)

Dated this 3rd day of September, 19 93

Leo S. Meysing

Recorded By
Theo. T. ...



STATE OF OREGON, County of Multnomah, ss. September 3, 19 93

Lois J. VAN Natta, Notary Public - Oregon, personally appeared the above named Leo S. Meysing

and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me, Notary Public for Oregon—My commission expires: 10-17-95

(OFFICIAL SEAL)

SPECIAL WARRANTY DEED

Leo S. Meysing GRANTOR

Port of St. Helens GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:
Port of St. Helens
P. O. Box 538
St. Helens, Oregon 97051

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements should be sent to the following address:

NAME, ADDRESS, ZIP

STATE OF OREGON,

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.

7638 93 SEP -3 P400

Instrument # 93-71638
Page 2



ELIZABETH HUSER, County Clerk
By: ASB M. Lam Deputy
Receipt # Form # 7677

By Deputy

PARCEL NO. 1: That portion of the following described tract lying Southerly of the South line of tract described in Notice of Lis Pendens in action of the United States of America -vs- A.J. Phillips, Dan Aho and Lizzie Aho et al, as recorded March 18, 1942 in Book 34, page 560, Mortgage Records of Columbia County, Oregon; Starting at a point which is South 89 degrees 37 minutes West 694.8 feet from the quarter section corner between Sections 22 and 23, Township 8 North of Range 4 West of the Willamette Meridian, Columbia County, Oregon; thence North 0 degrees 04 minutes West 422.8 feet; thence South 89 degrees 37 minutes West 1018.2 feet; thence North 0 degrees 04 minutes West 2297.3 feet; thence North 89 degrees 56 minutes East 57.7 feet; thence North 0 degrees 04 minutes West 587.7 feet to Columbia River; thence North 58 degrees 11 minutes West 167.2 feet; thence North 49 degrees 13 minutes West 253.3 feet; thence leaving said Columbia River South 0 degrees 04 minutes East 3563.2 feet; thence North 89 degrees 37 minutes East 1295 feet to the point of beginning.

PARCEL NO. 2: That portion of the following described tract lying Southerly of the South line of tract described in Notice of Lis Pendens in action of the United States of America -vs- A.J. Phillips, Dan Aho and Lizzie Aho, et al, as recorded March 18, 1942 in Book 34, page 560, Mortgage Records of Columbia County, Oregon; Beginning at a point which is South 89 degrees 37 minutes West 1989.8 feet from the quarter section corner between Sections 22 and 23, Township 8 North of Range 4 West of the Willamette Meridian, Columbia County, Oregon; thence North 0 degrees 04 minutes West 3563.2 feet to the Columbia River; thence along said river North 49 degrees 13 minutes West 66.1 feet; thence leaving said river South 0 degrees 04 minutes East 420.1 feet; thence South 89 degrees 56 minutes West 219 feet; thence South 0 degrees 04 minutes East 3187.8 feet to the half section line running East and West through said Section 22; thence North 89 degrees 37 minutes East 269 feet to the point of beginning.

EXHIBIT A

560pg/34 BK

NOTICE OF LIS PENDENS

UNITED STATES OF AMERICA

TO

A. J. PHILLIPS ET AL

NOTICE IS HEREBY GIVEN that on the 17th day of March, 1942, the United States of America commenced an action against 848.64 acres of Land, More or Less, in Columbia County, Oregon; and A. J. Phillips and Bess Y. Phillips, husband and wife; Adolph Jacobson and Rega Jacobson, husband and wife; Axel Prannare and Katri Prannare, husband and wife; Olaf Svedeen and Emma Svedeen, husband and wife; Oscar Willala; Signe M. Mikelson and J. W. Mikelson, wife and husband; Fred C. Esch and Essie M. Esch, husband and wife; R. L. Keattley; A. I. Keattley; Eino J. Rytting; Henry Heimo and Hilma Heimo, husband and wife; William Kropsu and Hanna Kropsu, husband and wife; R. S. Downs and Clara Downs, husband and wife; Dan Aho and Lizzie Aho, husband and wife; Aldrik Reinnika and Ida Reinnika, husband and wife; Joseph A. Reinnika, and Aila E. Reinnika, husband and wife; Frank Abadie; G. J. Poysky and Eva F. Poysky, husband and wife; Jacob Rietala and Josephine Rietala, husband and wife; Arvid Kallunki and Marjorie Kallunki, husband and wife; Matt Rytting and Suzanna Rytting, husband and wife; Ball Estate; Collins Estate; Beaver Drainage District; Jack Wirkkunen and Jennie Wirkkunen, husband and wife; Columbia County, a municipal corporation and political and geographical subdivision of the State of Oregon; and all other persons or parties unknown having or claiming to have any right, title, equity or interest in and to the lands hereinafter described or to any portion thereof, in the District Court of the United States for the District of Oregon, at Portland, Oregon, for the condemnation of the fee simple title to the following described real property situate in the County of Columbia, Oregon:

All that land situated in Sections 15, 16, 21 and 22, Township 8 North, Range 4 West of the Willamette Meridian in Columbia County, Oregon, more particularly described as follows:

Commencing at the Northeast corner of said Section 22; thence North 89 degrees 30 minutes West 460 feet on the North line of said Section 22 to the East line of the Eino J. and Aino Rytting lands; thence South 0 degrees 30 minutes West 785 feet on said East line; thence West 1500 feet to the East line of the Dan Aho lands; thence South 0 degrees 30 minutes West 483 feet on the East line of said Dan Aho lands; thence West 1212 feet to the East line of Jacob Rietala lands; thence South 0 degrees 30 minutes West 1115 feet on said East line to the South boundary of said Rietala tract; thence South 89 degrees 56 minutes West 3840 feet on said South boundary to the center of Columbia County Road; thence North 16 degrees 0 minutes West 983 feet on the center line of said road; thence North 45 degrees 50 minutes West 2200 feet; thence North 4 degrees 27 minutes West 1682 feet; thence North 20 degrees 45 minutes East 560 feet to the line of ordinary high water on the left bank of the Columbia River; thence following said line of ordinary high water upstream to a point which is North 0 degrees 30 minutes East 250 feet from the initial point; thence South 0 degrees 30 minutes West 250 feet to the point of beginning.

Said land containing 339 acres more or less.

Also all that land situated in Sections 22 and 23, Township 8 North, Range 4 West of the Willamette Meridian in Columbia County, Oregon, being a strip of land 100 feet in width lying 50 feet on each side of and adjacent to the following described center line;

Commencing at the Northeast corner of said Section 22; thence North 89 degrees 30 minutes West 460 feet on the North line of said Section 22; thence South 0 degrees 30 minutes West 660 feet to a point of intersection with and point of beginning of said center line, from which the point of intersection of the last mentioned course and the Northerly line of said parcel of land bears 0 degrees 30 minutes East 69.3 feet; thence South 45 degrees 40 minutes 50 seconds East 3490 feet on said center line to a point of tangency with a curve line to the left; thence Easterly 1152.3 feet on said curve to the left, having a radius of 819.02 feet, through an angle of 80 degrees 40 minutes to the end of said strip of land. Excepting therefrom that portion of said strip of land lying within the right of way of the Spokane, Portland and Seattle Railway.

Said land containing 9.84 acres more or less.

subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines.

That it is necessary to acquire the fee simple title to said lands above described, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, in connection with the construction, maintenance and operation of an ammunition loading terminal and storage site and other related military purposes, which site is known as and is to be known as the Beaver Terminal and Storage Site.

Dated this 17th day of March, 1942.

Bernard H. Ramsey.
BERNARD H. RAMSEY,
Special Attorney,
Department of Justice.

Filed March 18th, 1942

at 8:30 o'clock A. M.

J. W. Hunt, County Clerk

By L. W. Mickelson, Deputy

SUMMIT POWER GROUP

**COMPREHENSIVE PLAN MAP
AND ZONING MAP AMENDMENTS**

Prepared by:

Stoel Rives LLP

Submitted June 2007

**Summit Power Group's Application
for
Comprehensive Plan Map and Zoning Map Amendments**

I. BACKGROUND

Summit Power Group ("Applicant") intends to site an energy facility on property located in the Port Westward area of Columbia County (the "County"). The site is approximately 149 acres and consists of the following tax lots: T8N4W22 tax lot 300 owned by Bob Teevins (the "Teevins Parcel"); T8N4W22 tax lot 200 owned by the Port of St. Helens (the "Port") and leased by Applicant ("Port Parcel I"); T8N4W22 tax lot 100 owned by the Port and leased by Applicant ("Port Parcel II"); and T8N4W23 tax lots 600 and 700 owned by Applicant (the "Summit Parcels"). See Attachment A for tax map of subject parcels. See Attachment B for aerial photograph showing the tax lots overlaid on the geographical features.

A substantial part of the Port Westward area is zoned Resource Industrial Planned Development ("RIPD") under the Columbia County Zoning Ordinance ("CCZO"), and the County has designated the RIPD area as a Goal 3 exception area. The Port Parcel II is zoned RIPD and is within the Goal 3 exception area. Port Parcel I and the Teevins Parcel (together, the "Property"), however, are zoned Primary Agriculture-38 ("PA-38") and designated as Agricultural Resource ("AR") on the County's Comprehensive Plan Map and Zoning Map. To allow future development of the Property, Applicant seeks to amend the County's Zoning Map, Comprehensive Plan Map, and Comprehensive Plan text in the manner described in this application.

Proposed Zoning Map Amendment

Applicant proposes that the Zoning Map classification for the Property be changed from PA-38 to RIPD.

<i>Zoning Districts</i>	<i>Existing Acres</i>	<i>Proposed Acres</i>	<i>Net Change</i>
PA-38	55.78	0.00	(55.78)
RIPD	0.00	55.78	55.78

Proposed Comprehensive Plan Map Amendment

Applicant proposes that the Comprehensive Plan Map designation for the Property be changed from AR to Rural Industrial ("RI").

<i>Comprehensive Plan Designation</i>	<i>Existing Acres</i>	<i>Proposed Acres</i>	<i>Net Change</i>
AR	55.78	0.00	(55.78)
RI	0.00	55.78	55.78

Proposed Comprehensive Plan Text Amendment

Applicant also proposes that the County approve a Comprehensive Plan text amendment to approve a Goal 3 exception for the Property.

II. AUTHORIZATION TO FILE THE APPLICATION

Applicant is authorized to file this application as a lessee in possession of Port Parcel I and through the power of attorney granted by Bob Teevins for the Teevins Parcel.

III. FINDINGS IN SUPPORT OF THE PROPOSED ZONING MAP AMENDMENT

Applicant seeks a Zoning Map amendment to change the Property from PA-38 to RIPD. This constitutes a major map amendment because it requires a Comprehensive Plan Map amendment in order for the proposed zone change to conform with the Comprehensive Plan. CCZO 1502(1). Under the relevant provisions of the CCZO, the application will be processed by the County as follows: the County Planning Commission (the "Planning Commission") will hold a public hearing on the application and make a recommendation to the Board of Commissioners (the "Board"). The Board will then hold a hearing on the record to determine whether the application satisfies the applicable criteria in CCZO 1502 and make a final local government decision on the application. CCZO 1605.

The approval of a major map amendment requires a two-step process under CCZO 1502(1):

- (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.*

The following sections provide responses to each approval criterion and demonstrate that the application satisfies all the applicable approval criteria in CCZO 1502 and therefore may be approved by the Board under CCZO 1502.

A. CCZO 1502(1)(A)(1) CONSISTENCY WITH COMPREHENSIVE PLAN GOALS AND POLICIES

The applicable Comprehensive Plan goals and policies are set forth below. The policies implement the applicable goals and, if the application is consistent with the policies, it also satisfies the goals. As indicated by each response, the application is consistent with the applicable goals and policies and therefore satisfies CCZO 1502(1)(A)(1). In making this determination, Applicant analyzed both the Comprehensive Plan goals and the policies but only cites the goals below for framework.

Citizen Involvement

Goals: To assure broad-based, county-wide citizen involvement in the planning process to include formulation of plans and ordinances, development of goals and objectives and input into everyday planning functions.

To increase the citizens' awareness of planning programs at both the county and state level.

To provide methods by which county citizens, organizations and interest groups have opportunities to be informed and participate in all phases of the planning process.

To provide a means for broad-based dissemination and availability to the public of technical information and other relevant planning documents, ordinances, plans, maps and correspondence.

To assure county support for the Citizen Involvement Programs (CPACs) in the form of human, financial, informational and technical assistance.

To insure continued citizen participation in the planning process and periodic reevaluation of the Citizen Involvement Program.

Response: The County's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. The application requires a quasi-judicial hearing before the Planning Commission and an on-the-record hearing before the Board. Public notice will be provided to all property owners within the applicable notice area with notice of the hearings, as provided in CCZO 1603 and 1608. The application is consistent with the policies and is therefore consistent with the goal.

Forest Lands

Goal: *To conserve forest lands for forest uses.*

Response: The forest lands goal and policies are not applicable. The application seeks a zone change for agricultural lands.

Agriculture

Goal: *To preserve agricultural lands for agricultural uses.*

Response: As discussed below, the application seeks a reasons exception from Statewide Planning Goal 3 to allow for the proposed Comprehensive Plan Map and text amendment. The application qualifies for a Goal 3 reasons exception and thus is allowed under this goal.

Housing

Goal: *To provide for the housing needs of the citizens of the County by allowing adequate flexibility in housing location, type, and density.*

Response: The Property currently is zoned PA-38 and housing is not a primary use in this zone. Rezoning the Property to RIPD would not reduce land available for housing, and the application is thus consistent with this goal and its policies.

Rural Residential

Goal: *It is the goal of the County to provide for the continuation and needed expansion of Rural Residential uses on those resource lands where a valid exception can be, or has been shown to be, justified.*

Response: The Property is not designated as rural resource land in the Comprehensive Plan and is located in the Port Westward area immediately adjacent to the Port's rural industrial lands. The application does not eliminate land that would otherwise be available for rural residential development and is therefore consistent with this goal and its policies.

Rural Communities

Goal: *To provide for the continuation and expansion of recognized Rural Communities at a level commensurate with their rural character and need.*

Response: The County's designated rural communities include Alston Corner, Goble, Deer Island, Mist, Birkenfeld, and Quincy. These communities are already established in the County. Rural communities in the County primarily function to protect and

enhance the existing characteristics of each area and provide for orderly development as needed. The Property is not designated as a rural community. The proposed Zoning Map change does not interfere with providing for the continuation and expansion of the recognized rural communities and thus the application is consistent with this goal and its policies.

Urbanization

Goal: *To create and maintain the urban growth boundaries based upon the consideration of the following factors: (1) Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals. (2) Need for housing, employment opportunities, and livability. (3) Orderly and economic provision for public facilities and services. (4) Maximum efficiency of land uses within and on the fringe of the existing urban area. (5) Environmental, energy, economic, and social consequences. (6) Retention of agricultural lands as defined, with Class I being the highest priority for retention and Class VI the lowest priority. (7) Compatibility of the proposed urban uses with nearby agricultural activities.*

Response: The application does not involve residential lands and would not encourage residential growth outside the designated urban growth boundary. Further, the Property is located in the Port Westward area, which is designated for rural industrial uses. The application is consistent with this goal and its policies because it does not impact residential development outside the urban growth boundary.

Economy

Goals: *To strengthen and diversify the economy of Columbia County and insure stable economic growth.*

To utilize Columbia County's natural resources and advantages for expanding and diversifying the economic base.

Response: The Port was created to promote economic development in the County. The Port regularly acts to secure land and provide needed improvements to expand economic growth and job creation within its boundaries. The Property is partially owned by the Port and is located in the Port Westward area.

Applicant is interested in developing an energy generation facility on Port Parcel II, the Summit Parcels, and the Property that would create new employment opportunities in the County and encourage a stable and diversified economy. Further, the Property is located near the Columbia River and can use the existing maritime infrastructure of docks and rail spurs, and public and private utility infrastructure, as well as the Port's facilities and services, to serve this new economic investment. Its location makes it valuable as a rural industrial site. The application is therefore consistent with this goal and its policies.

Industrial Development

Goals: To strengthen and diversify the economy of Columbia County and insure stable economic growth.

To utilize Columbia County's natural resources and advantages for expanding and diversifying the industrial base.

To encourage industrial growth in Columbia County to diversify its economy. New industry should locate to take maximum advantage of existing public and private investments.

Response: The Property is located in the Port Westward area immediately adjacent to the Port Westward rural industrial area and is partially owned by the Port. The Property is located near the Columbia River, existing dock facilities, a railroad, public and private utility infrastructure, and Port facilities and services. Rezoning the Property from PA-38 to RIPD allows for further rural industrial development in an area already committed to rural industrial uses and encourages industrial growth in the County. The development of additional industrial uses in this area will create new and continuous employment opportunities, promote economic growth, and maximize existing public and private investments.

As is discussed in more detail below, the application is also consistent with the Port Westward exception statement and satisfies the reasons exception for siting industrial development on Goal 3 resource land. Thus the application is consistent with this goal and its policies.

Resource Industrial Development

Goal: It is a goal of the County 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.

Response: Designating the Property as rural industrial on the Comprehensive Plan Map and RIPD on the Zoning Map will increase the amount of rural industrial area at Port Westward to serve existing development demand. Such development would take advantage of the existing Port facilities and services, and provides land for future industrial development that is not appropriate for location within the urban growth boundary. Zoning the Property RIPD would restrict future development to those uses that complement the character and development of the surrounding area. The application is consistent with this goal and its policies.

Transportation

Goals: The creation of an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents.

To utilize the various modes of transportation that are available in the County to provide services for the residents.

To encourage and promote an efficient and economical transportation system to serve the commercial and industrial establishments of the County.

To improve the existing transportation system.

Response: The application would encourage industrial uses to locate in an area where such uses could take advantage of water and rail transportation systems that are available in the Port Westward rural industrial area and would consolidate similar uses in one area. The Port Westward rural industrial area provides the benefit of existing and planned public and private infrastructure improvements. The application is consistent with this goal and its policies.

Future development will create traffic impacts similar to those that would have been created by a gas-fired energy generation facility proposed for the Summit Parcels that was reviewed and approved by the Oregon Energy Facility Siting Council. That previously proposed project was analyzed by Kittelson & Associates in coordination with the County's transportation staff and determined to provide impacts that could be accommodated with certain mitigation measures.

Applicant will provide an updated traffic analysis and suggested conditions of approval before the deadline for the County planning staff to develop a staff report about the application. In addition, the County and Applicant's successor, Summit Westward LLC, entered into a transportation facilities improvement agreement under which Summit Westward LLC agreed to share costs and made financial contributions to the improvement of the local transportation system to accommodate the development of an energy generation industrial facility on the Summit Parcels.

Public Facilities and Services

Goal: To plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development.

Response: The Property is located in the Port Westward area. Significant investments have been made in the Port Westward area's services and facilities, including water, sewer, electric, natural gas, and fire protection services. The area also has existing rail systems and a full-service dock. There are also public and private energy transmission facilities in the Port Westward area. There is an existing framework for allowing additional rural industrial development in the area. The application is consistent with this goal and its policies.

Energy Conservation

Goal: To strive for an energy efficient land use pattern based upon sound economic principles.

Response: The Property is located immediately adjacent to the Port Westward rural industrial area, which has existing facilities, services, and infrastructure to support future rural development. The proposed Comprehensive Plan Map and Zoning

Map amendments would allow similar industrial uses to exist in close proximity to one another in order to promote efficient land use patterns. The application is consistent with this goal and its policies.

Open Space

Goal: To conserve open space in Columbia County.

Response: The Property does not provide public access to the Columbia River or other scenic and recreational resource areas and does not serve a scenic, landscaping, or open recreational purpose. Currently, the Property provides little economic or aesthetic value as open space as it relates to planning for open space resources, given the Property's current agricultural use and close proximity to the County's largest rural industrial area. As such, the application is consistent with the open space policies and in turn, the open space goal.

Surface Mining

Goal: To protect and utilize appropriately the mineral and aggregate resources of Columbia County.

Response: The policies provide that the County should develop a program to determine the quality, quantity, location, and type of mineral and aggregate resources in the County. The Property is not included in such an inventory, nor is the Port Westward area. Thus future development on the Property would not be located adjacent to mineral and aggregate resources and have unwanted effects on such resources. Further, soil classifications for the Property and surrounding area were previously identified using the U.S. Department of Agriculture, Soil Conservation Service Soil Survey of Columbia County, Oregon, issued in November 1986. The two major soil units are Soil Map Unit 61 (Udipsamments, early level, protected) and Soil Map Unit 15 (Crims silt loam, protected), but most of the Property is Udipsamments. Udipsamments soil is deep, excessively drained, and formed in sandy dredge material. Borings and soil samples were taken in the vicinity during April 16 to 25, 2001. The results showed a generalized soil profile as follows: upper 10 to 15 feet consisting of heterogeneous mixture of very soft silt to soft fine sandy silt, very loose to loose silty fine sand; next 20 to 30 feet a very soft, low plasticity silt with traces of organics; and at 60 feet, a sandy silt transition into medium dense silty sand and poorly graded fine sand.

The Property and the surrounding area are not identified as a mineral and aggregate resource area, and the Property is not designated a Goal 5 aggregate resource. The application satisfies the applicable surface mining policies and thus is consistent with this goal.

Energy Sources

Goal: To protect deposits of energy materials in the county and prevent injury to surrounding lands and residents.

Response: This goal and its policies are not applicable to the application.

Fish and Wildlife Habitat

Goal: To protect and maintain important habitat areas for fish and wildlife in Columbia County.

Response: The Property is zoned PA-38 and has historically been used for agricultural row crops, perennial grassland, and livestock grazing. This level of activity has resulted in derogated vegetation. A habitat survey for the previously permitted gas-fired energy facility on the Summit Parcels and Port Parcel II found black-tailed jackrabbits, coyotes, black-tailed deer, and cottontail rabbits in the area. The survey also revealed that the area consists of the following community and habitat types: perennial grassland, tame pastureland, developed roads and areas, and annual croplands. The existing habitat does not provide quality big game habitat because the Property has been removed of bush, been used as pasture, and is adjacent to the Port Westward industrial area. Further, the Property provides no public-access to and along streams or rivers for fish and recreational opportunities. The application is thus consistent with the fish and wildlife habitat policies and is thus consistent with the fish and wildlife habitat goal.

Natural Areas

Goal: To protect the remaining ecologically significant natural features in Columbia County.

Response: Neither the Property nor the Port Westward rural industrial area are identified as natural areas. The proposed zone change would not bring incompatible land uses near a sensitive area. The application is thus consistent with this goal and its policies.

Water Resources

Goal: To protect and maintain the quality of water resources in Columbia County.

Response: The Property is flat and has historically been used for agricultural row crops, perennial grassland, and livestock grazing. There are few trees on the Property. There are no river or stream resources on the Property. Any future rural industrial development in the RIPD zone must conform with the all policies of the Comprehensive Plan and state and federal rules and regulations. This means that any future rural industrial development on the Property would require a wetland delineation, stormwater management controls, erosion control measures, wastewater discharge permits, and regulation of groundwater usage. Accordingly, the application is consistent with the water resources policies and is thus consistent with the water resources goal.

Historic and Cultural Areas

Goal: To encourage the preservation and maintenance of cultural and historical sites, and to identify and preserve new sites.

Response: In 2001, Archeological Investigations Northwest performed a cultural resources assessment of Port Parcel II. Given that the Property is directly adjacent to Port

Parcel II, it is anticipated that the same conditions exist on the Property. The cultural resource assessment relied on over 25 years of cultural resource record for the area, including subsurface testing. It concluded that due to the presence of dredge spoil and low-lying ground, the area would not be considered an area likely to contain archeological sites. Previously identified archeological sites in the nearby area were found on higher ground and close to the Columbia River. Accordingly, the proposed zone change would not prevent the preservation or maintenance of cultural and historical sites. Therefore the application is consistent with this goal and its policies.

Oregon Recreational Trails

Goal: *Potential and approved recreational trails are identified and addressed in the Recreation section of this report. To assure coordination with ODOT in regard to the two Oregon Recreation Trails present in the County, the following policies shall be adopted:*

Cooperate with the Oregon Department of Transportation (ODOT) in identifying a specific route for the Portland-to-the-Coast trail. Should ODOT identify a final route for this trail, the County will complete all steps required by the Goal 5 Administrative Rule and will amend its plan to recognize the trail.

Columbia County does not believe the Northwest Oregon Loop Bicycle Trail, as it currently exists in Columbia County, is appropriate because of the potential for conflicts between motor vehicles and bicycle traffic. However, Columbia County will cooperate with the Oregon Department of Transportation toward completing a bicycle trail that is safe and appropriate for the area and toward the protection and continuation of that trail.

Response: The application has no potential impact on the potential and approved recreational trails identified in the Comprehensive Plan and therefore is consistent with this goal and its policies.

Scenic Sites, Views, and Highways

Goal: *To protect and enhance the aesthetic value of scenic resources in Columbia County.*

Response: The Property is not designated as a scenic area, nor is it currently subject to natural resource-related overlay zones. Further, the proposed Zoning Map amendment to RIPD is consistent with the surrounding uses, which include the Port, PGE's Port Westward gas-fired energy generating facility, and Cascade Grain's ethanol production facility. The application is thus consistent with this goal and its policies.

Recreation

Goal: To satisfy the recreational needs of the citizens of Columbia County and its visitors.

Response: The Property is immediately proximate to the Port Westward rural industrial area, is not located along or adjacent to the Columbia River or Bradshaw Slough, and is partially owned by the Port. The Property is not suitable for public recreational use. This goal and its policies are thus not applicable.

Noise

Goal: To control and limit the adverse impacts of noise.

Response: The Property is located near other RIPD land, and the proposed Comprehensive Plan Map and Zoning Map amendments would not result in the encroachment of noise pollution sources to noise-sensitive uses. Moreover, any future rural industrial development must comply with DEQ noise regulations. Therefore the application is consistent with this goal and its policies.

Air, Land, and Water Resources

Goal: To maintain and improve land resources and the quality of the air and water of the County.

Response: Any future rural industrial development allowed within the RIPD zone would be required to comply with all state and federal standards and regulations regarding noise, water quality, and air quality, including those regulations established by the Clean Water Act and Clean Air Act. This application is thus consistent with this goal and its policies.

Flood Plain

Goal: Eliminate or reduce the economic and social costs created by flood-caused damages.

Response: The Property is not located in the flood plain and therefore this goal and its policies are not applicable.

Hazard Areas

Goal: To protect life and property from natural disasters and hazards.

Response: The Property is located in a Seismic Risk Zone 3. Any future rural industrial development, however, must meet Oregon’s seismic requirements and the applicable Uniform Building Code requirements. The Property is essentially flat and approximately 23 to 25 feet above mean sea level, so no future RIPD uses would be on an excessive slope. The Property is not located within a designated flood plain zone and is on land that is capable of physically supporting rural industrial development. Previous geotechnical surveys show that the Property and nearby area is underlain by deep soft soils capable of supporting rural

industrial development using pilings and spread footings. The application is consistent with this goal and its policies.

Willamette River Greenway

Goal: 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.

Response: The Property is located near the Bradshaw Slough and Columbia River and thus this goal and its policies do not apply.

B. CCZO 1502(1)(A)(2) CONSISTENCY WITH STATEWIDE PLANNING GOALS

The County's Comprehensive Plan has been acknowledged by the Oregon Land Conservation and Development Commission ("LCDC") as being consistent with the Statewide Planning Goals. It is Applicant's position that the application satisfies the Statewide Planning Goals by complying with the acknowledged provisions of the LCDC-acknowledged Comprehensive Plan and CCZO, and, with the exception of the Goal 3 exception findings, separate Statewide Planning Goal findings are unnecessary. Thus Applicant's responses to the following applicable Statewide Planning Goals rely on Applicant's responses in the section above addressing CCZO 1502(1)(A)(1).

Goal 1 Citizen Involvement

To develop a citizen involvement program that insures the opportunity for all citizens to be involved in all phases of the planning process.

Response: The County's public hearing process meets the requirements for this goal for citizen involvement in the land use process. This application requires a quasi-judicial hearing before the Planning Commission and an on-the-record hearing before the Board. Public notice will be provided to all property owners within the applicable notice area, and the hearings will be held in a manner consistent with the CCZO. The application is consistent with Statewide Planning Goal 1.

Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Response: The County's Comprehensive Plan and planning and zoning implementing ordinances, including the CCZO, are acknowledged to be in compliance with the Statewide Planning Goals and provides goals, policies, and procedures for reviewing and evaluating land use requests. The application will be reviewed in relation to the methodology and intent of the Comprehensive Plan, its applicable goals and policies, and the CCZO criteria. A Goal 3 exception is necessary to ensure that the application is consistent with the Statewide Planning Goals, and the Goal 3 exception analysis is set forth below.

Goal 3 Agricultural Lands

To preserve and maintain agricultural lands.

Response: The application is not consistent with Statewide Planning Goal 3, but is nonetheless allowed through a Goal 3 reasons exception under OAR 660-004-0020(3)(c) and OAR 660-004-0020(2) for rural industrial development .

Reasons that justify siting rural industrial development on Goal 3 resource land outside the urban growth boundary include the following:

“[t]he use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such decision should include a discussion of the lost resource productivity and values in relation to the county’s gain from the industrial use, and the specific transportation and resource advantages which support the decision.”

OAR 660-004-0022(3)(c).

The County’s Comprehensive Plan has designated 905 acres of the Port Westward area as a Goal 3 exception. The Property is located adjacent to the Port Westward rural industrial area and can take advantage of the location with access to the Columbia River, and the existing dock facilities, railroad, and urban services, including PGE’s Beaver Power Plant. Allowing future rural industrial development on the Property would benefit the County’s economy by bringing jobs to the area for construction of a project and then a lesser level of employment for the operation and management of any facility. The loss of approximately 55 acres of PA-38-zoned land is only a minimal loss of resource land when compared to the potential benefits of centralizing the County’s rural industrial development within the Port Westward area. There are no non-resource lands within the County that have the competitive advantages of the Port Westward area.

Including the Property in the Port Westward Goal 3 exception area allows for access to the existing services, dock structure, and rail system. Further, given the existing transportation system, the need to construct new roads over resource land is small to nonexistent. Access to these existing improvements make the Property attractive for capital-intensive-type use. The Property historically has been used for agricultural row crops, perennial grassland, and livestock grazing. The County’s loss of the Property’s resource productivity as an agricultural resource is small when compared to the County’s gain from the future industrial use centered around the available service and transportation advantages at Port Westward.

When considering the Property's location, including its proximity to a centralized rural industrial development area and specific transportation and resource advantages, supports the County's decision to approve a Goal 3 exception. Thus this application provides sufficient reasons to authorize a Goal 3 exception for the Property under OAR 660-004-0020(3)(c).

The reasons for allowing the application are consistent with OAR 660-004-0020 and are allowed under the four factors in OAR 660-004-0020(2). The following is an evaluation of the four factors in Goal 2.

The reasons set forth above justify why the policies in Goal 3 should not apply to the Property. The Property is in the Port Westward area, which is the largest rural industrial area in the County. The benefits of allowing a Goal 3 exception for the Property outweigh the loss of approximately 55 acres of resource land when considering that the exception promotes a centralized rural industrial area in the County. For this reason and the reasons stated above, OAR 660-004-0020(2)(a) is satisfied.

There are no non-resource lands available in the County that have the competitive advantages of the Port Westward area. Other land in the County that would not require a new exception would not have the facilities and services and access to existing water, rail, and road transportation systems that is available in Port Westward. When justifying the Port Westward Goal 3 exception, the County noted that industrial land was available in Portland/Vancouver, Astoria, and Longview/Kelso/Rainier. The County also found, however, that Port Westward had unique attributes and has a significant comparative advantage to improve the County's economy. The Port Westward Goal 3 exception statement in the Comprehensive Plan provides additional support for why non-resource lands are not available to reasonably accommodate rural industrial development. For these reasons, OAR 660-004-0020(2)(b) is satisfied.

When considering the long-term environmental, social, economic, and energy consequences, a Goal 3 exception for the Property would not result in more significant adverse impacts than would typically result from the same proposal located on non-resource land.

The primary environmental impact from approving the exception is the eventual removal of approximately 55 acres of filled land from resource use. The Property has been historically used for agricultural row crops, perennial grassland, and livestock grazing. The Property has limited habitat value and has no environmental overlays.

The positive aspects of allowing the exception would be additional jobs and the addition of value to the County's tax base. The existing PGE facility pays \$1.5 per year in property taxes to Columbia County and employs 56 people. Additional investments and activities in the area would increase these figures.

Changing the use of the Property would have little direct social consequences. The additional jobs and tax support for the local government and services would have a positive impact.

There are potential energy savings to centralizing rural industrial development around existing infrastructure, which includes a deep-water dock, rail spurs and lines, roads, and utilities. New infrastructure will not have to be created elsewhere in the County.

The proposed Goal 3 exception is compatible with other adjacent uses. The Property is immediately adjacent to the Port Westward rural industrial area and is partially owned by the Port. The Property is located near the Columbia River, existing dock facilities, a railroad, public and private utility infrastructure, and Port facilities and services. The proposed exception would cluster major large scale industrial uses adjacent to surrounding farmland. The impact on farmland would be minimal as the State Department of Environmental Quality would restrict and limit pollution of the surrounding land, air, and water.

The reasons for allowing a Goal 3 exception are consistent with OAR 660-004-0022(3)(c) and OAR 660-004-0020(2). The County may find that a Goal 3 exception is allowed for the Property.

Goal 4 Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: The Property does not contain any forest lands and therefore Statewide Planning Goal 4 is not applicable to the application.

Goal 5 Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

Response: Under the CCZO, the Property does not have a surface mining overlay, flood hazard overlay, sensitive bird habitat overlay, historic overlay, water quality overlay, stream bank stabilization overlay, fish and wildlife habit designation, a wetland area overlay, a natural area overlay, or a big game overlay. The Property is not identified in the County's Comprehensive Plan as being an area of cultural, historical, or recreational significance. The Property is farmland, historically used for agricultural row crops, perennial grassland, and livestock grazing, and does not contain any Goal 5 natural resources. Further, as discussed in response to CCZO 1502(1)(A)(1), the Property is not designated as having scenic value, nor is

it available as public open space. For these reasons, the application is consistent with Statewide Planning Goal 5.

Goal 6 Air, Water, and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Response: Any future rural industrial development allowed within the RIPD zone would be required to comply with all state and federal standards and regulations regarding noise, water quality, and air quality, including those regulations established by the Clean Water Act and Clean Air Act. This application thus is consistent with Statewide Planning Goal 6.

Goal 7 Areas Subject to Natural Hazards

To protect people and property from natural hazards.

Response: As discussed above, the Property is located in a Seismic Risk Zone 3. Any future rural industrial development, however, must meet Oregon's seismic requirements and the applicable Uniform Building Code requirements. The Property is essentially flat and approximately 23 to 25 feet above mean sea level, so no future rural industrial development would be on an excessive slope. The Property is not located within a designated flood plain zone and is on land that is capable of physically supporting rural industrial development. Previous geotechnical surveys show that the Property and nearby area is underlain by deep soft soils capable of supporting rural industrial development using pilings and spread footings. Thus the application is consistent with Statewide Planning Goal 7.

Goal 8 Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: The Property has no recreational value. It is immediately adjacent to the County's largest industrial development area.

Goal 9 Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: The Port was created to promote economic development in the County. The Port regularly acts to secure land and provide needed improvements to expand economic growth and job creation within its boundaries. The Property is partially owned by the Port and is located in the Port Westward area.

Applicant is interested in developing an energy generation facility on Port Parcel II, the Summit Parcels, and the Property that would create new employment opportunities in the County and encourage a stable and diversified economy. Further, the Property is located near the Columbia River and can use the existing

maritime infrastructure of docks and rail spurs, and public and private utility infrastructure, as well as the Port's facilities and services, to serve this new economic investment. Its location makes it valuable as a rural industrial site. The application is therefore consistent with this goal and its policies.

Goal 10 Housing

To provide for the housing needs of the citizens of the state.

Response: The Property is currently zoned PA-38 and is not designated for residential use. The proposed Comprehensive Plan Map and Zoning Map amendments would not reduce the available land for residential use in the County. Therefore Statewide Planning Goal 10 does not directly apply to the application.

Goal 11 Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Port Westward has developed public facilities and services for rural industrial development. The area also provides access to the Columbia River by existing docks, and access to rail transport. Rural industrial development in the Port Westward area is orderly and efficient in that it groups development around existing services and provides the benefits of a planned development area. Thus application is consistent with Statewide Planning Goal 11.

Goal 12 Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Response: The application would encourage industrial uses to locate in an area where such uses could take advantage of water and rail transportation systems that already exist in the Port Westward rural industrial area and would consolidate similar uses in one area. The Port Westward rural industrial area provides the benefits of existing and planned public and private infrastructure improvements.

Future development will create traffic impacts similar to those that would have been created by a gas-fired energy generation facility proposed for the Summit Parcels, which was reviewed and approved by the Oregon Energy Facility Siting Council. That previously proposed project was analyzed by Kittelson & Associates in coordination with the County's transportation staff and determined to provide impacts that could be accommodated with certain mitigation measures.

Applicant will provide an updated traffic analysis and suggested conditions of approval before to the deadline for the County planning staff to develop a staff report about the application. In addition, the County and Applicant's successor, Summit Westward LLC, entered into a transportation facilities improvement agreement under which Summit Westward LLC agreed to share costs and made financial contributions to the improvement of the local transportation system to

accommodate the development of an energy generation industrial facility on the Summit Parcels.

Goal 13 Energy Conservation

To conserve energy.

Response: The application is consistent with Statewide Planning Goal 13 in that it will promote the consolidation of industrial services in the Port Westward area and conserve energy that would otherwise be expended developing these services elsewhere.

Goal 14 Urbanization

To provide for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: The Property is located in a rural area and would remain rural if the application is approved. Future development of the Property would allow for rural industrial facilities like those already developed in the Port Westward area, which are not compatible with urban uses. Thus the application satisfies Statewide Planning Goal 14.

Goal 15 Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Response: The Property is not adjacent to or along the Willamette River and therefore Statewide Planning Goal 15 does not apply.

Goal 16 Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Response: The Property does not contain any estuarine resources and therefore Statewide Planning Goal 16 does not apply.

Goal 17 Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters.

To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Response: The Property does not contain any coastal shorelands and therefore Statewide Planning Goal 17 does not apply.

Goal 18 Beaches and Dunes

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas.

To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Response: The Property does not contain any beaches or dunes and therefore Statewide Planning Goal 18 does not apply.

Goal 19 Ocean Resources

To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Response: The Property does not contain any ocean resources and therefore Statewide Planning Goal 19 does not apply.

C. CCZO 1502(1)(A)(3) ADEQUATE FACILITIES, SERVICES, AND TRANSPORTATION

Adequate facilities, services, and transportation networks either exist to support future RIPD uses on the Property, or such facilities, services, and transportation networks will be provided concurrently with any future rural industrial development. The Port Westward area has a water supply system, a water distribution system, electrical services, and natural gas services. The area also has a deep-water dock, access to Burlington Northern Railroad, roads, and other infrastructure. Further, the County and Applicant's successor, Summit Westward LLC, entered into a transportation facilities improvement agreement under which Summit Westward LLC agreed to share costs and make financial contributions to the improvement of the local transportation system to accommodate the development of an energy generation industrial facility near Port Westward. For these reasons, the application satisfies CCZO 1502(1)(A)(3).

D. CCZO 1502(1)(B) FINAL APPROVAL OF MAJOR MAP AMENDMENT

Because the application satisfies the applicable approval criteria in CCZO 1502(1)(A) and is allowed under a Goal 3 reasons exception, we urge the Board to find that Applicant has provided sufficient evidence to support approval of the application as having satisfied all of the applicable review criteria.

IV. FINDINGS IN SUPPORT OF A COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT

As discussed under CCZO 1502(1)(A)(2), the application satisfies the applicable Statewide Planning Goals and qualifies for a Goal 3 exception under OAR 660-004-0022(3), and therefore the application satisfies the applicable approval criteria for allowing a Comprehensive Plan Map and text amendment.

Columbia County

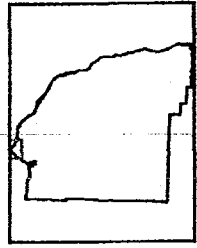
Community Development

County
Tract/lot#

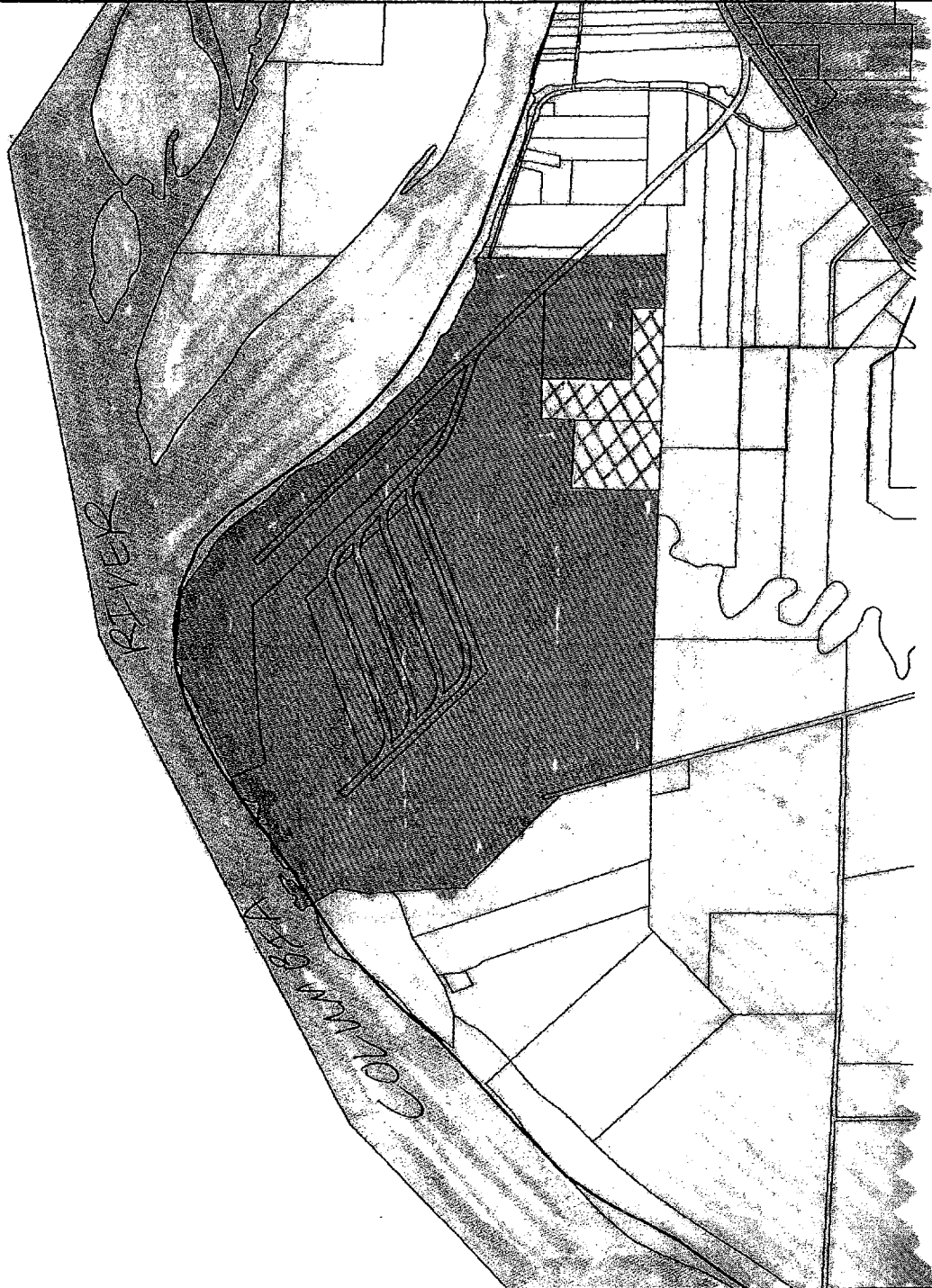
PA-38

BI-PD

PF-76



8/16/2007



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1/4 COR.

5-90

SEE MAP 8 4 15 DETAIL SHEET

SEE MAP 8 4

NO. 39

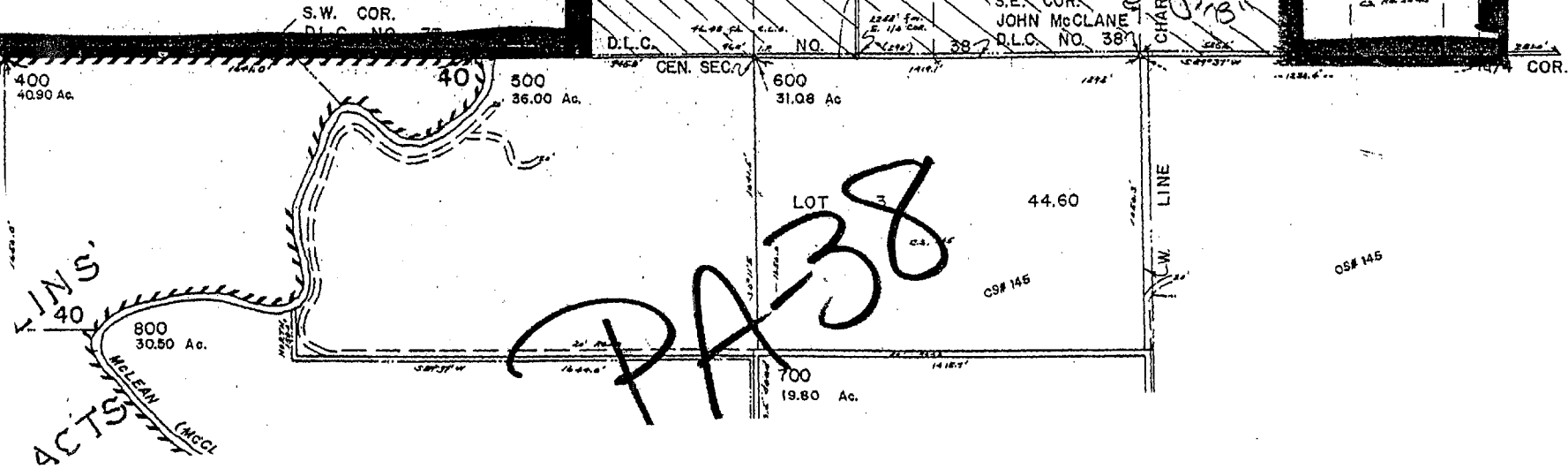
15 14
22 23

RIPD

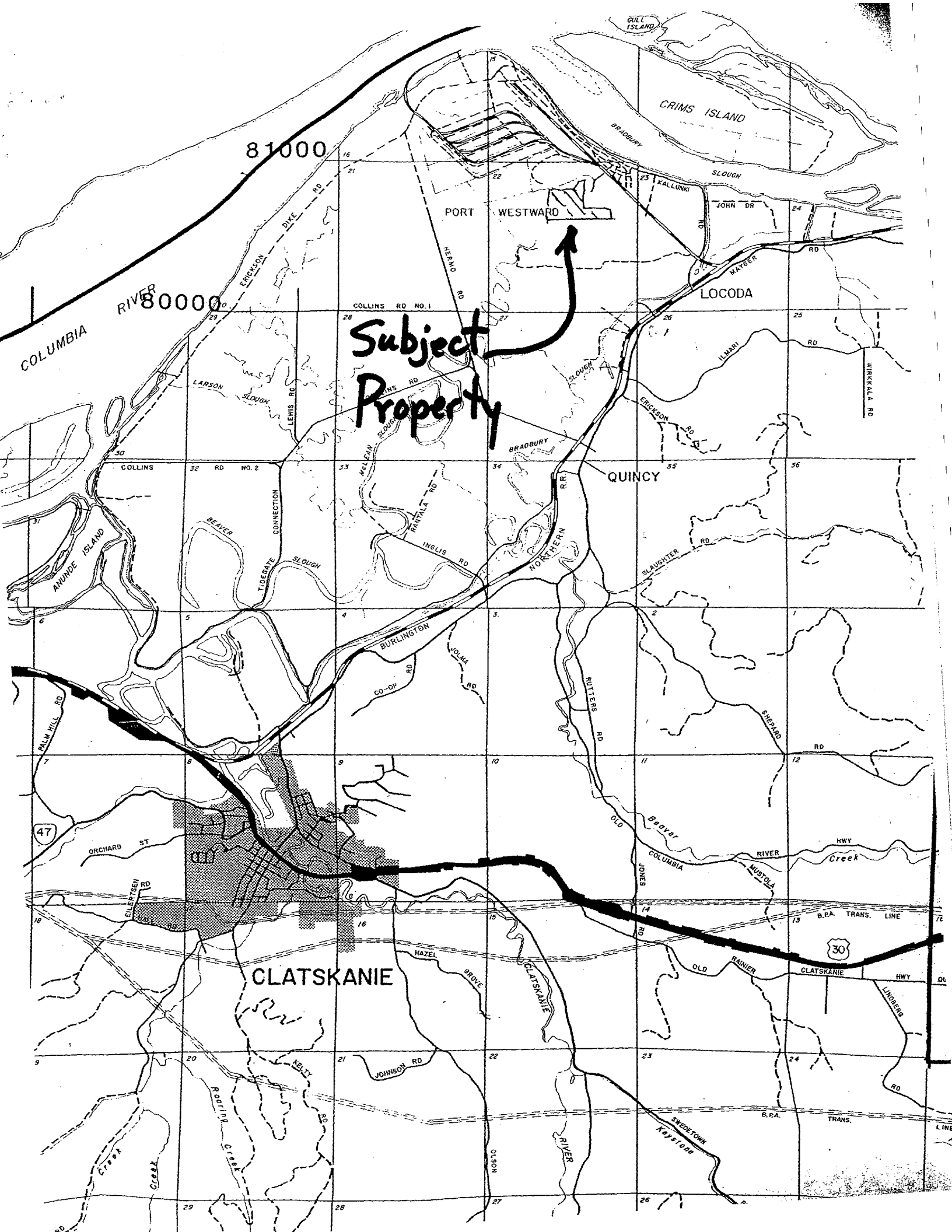
RIPD
Summit West
Direct Site

5-10

PA 38



SEE MAP 8 4 23



81000
80000
COLUMBIA RIVER

Subject Property

PORT WESTWARD

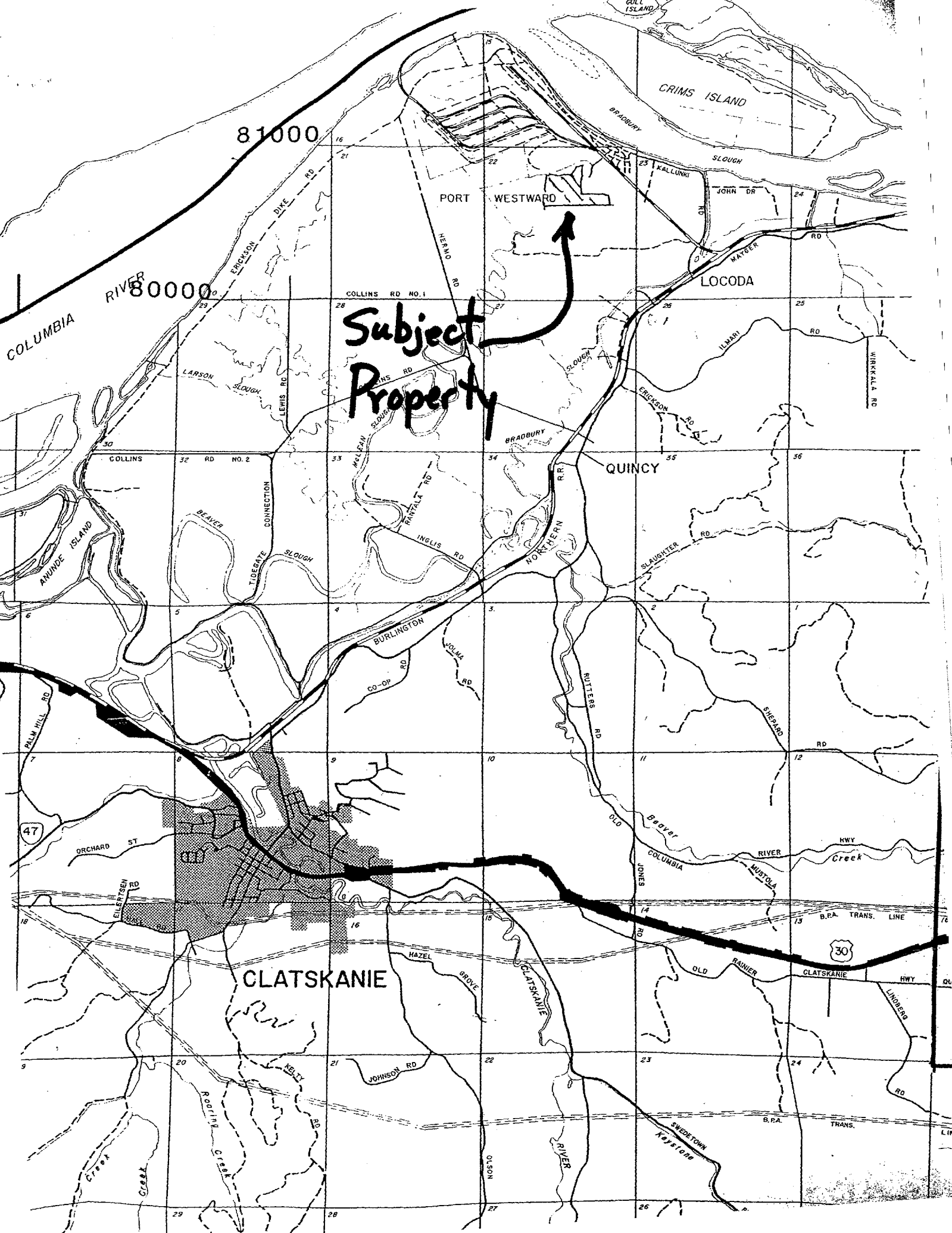
LOCODA

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