

**COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

March 1, 2024

**Comprehensive Plan Map Amendment – Legislative Process
City of Vernonia UGB Swap**

HEARING DATE: March 13, 2024

FILE NUMBER: PA 24-01

APPLICANT/OWNER: City of Vernonia
1001 Bridge Street
Vernonia, OR 97064

REQUEST: To amend the Columbia County Comprehensive Plan Map by trading approximately 37 gross (24 buildable) acres of urban residential land (zoned for forest and rural residential uses) at the edge of the Vernonia Urban Growth Boundary (UGB) for approximately 49 gross (29 buildable) acres of Rural Residential exception area land surrounded on three sides by the Vernonia City Limits.

TAX LOTS: **To be removed from the Urban Growth Boundary:**
4405-00-01000, 4404-CB-06900, 4405-DA-06600, 4405-DD-01300, 4405-DD-01200, 4405-DD-01100

To be added to the Urban Growth Boundary:
4404-AB-00200, 4404-AB-01000, 4404-AB-00100, 4404-AB-01700,
4404-AB-01701, 4404-00-00200, 4404-00-00102, 4404-AC-00100, 4404-AC-00102, 4404-AC-00101, 4404-AC-00103, 4404-AC-00401

APPLICABLE CRITERIA:

Columbia County Zoning Ordinance:

- Section 1606 Legislative Hearing
- Section 1607 Consistency with the Comprehensive Plan
- Section 1611 Notice of Legislative Hearing

Columbia County Comprehensive Plan:

- Part I Administrative Procedures
- Part II Citizen Involvement
- Part IV Forest Lands
- Part VI Housing
- Part VII Rural Residential
- Part IX Urbanization

City of Vernonia-Columbia County Urban Growth Management Agreement
Statewide Planning Goals

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BACKGROUND:

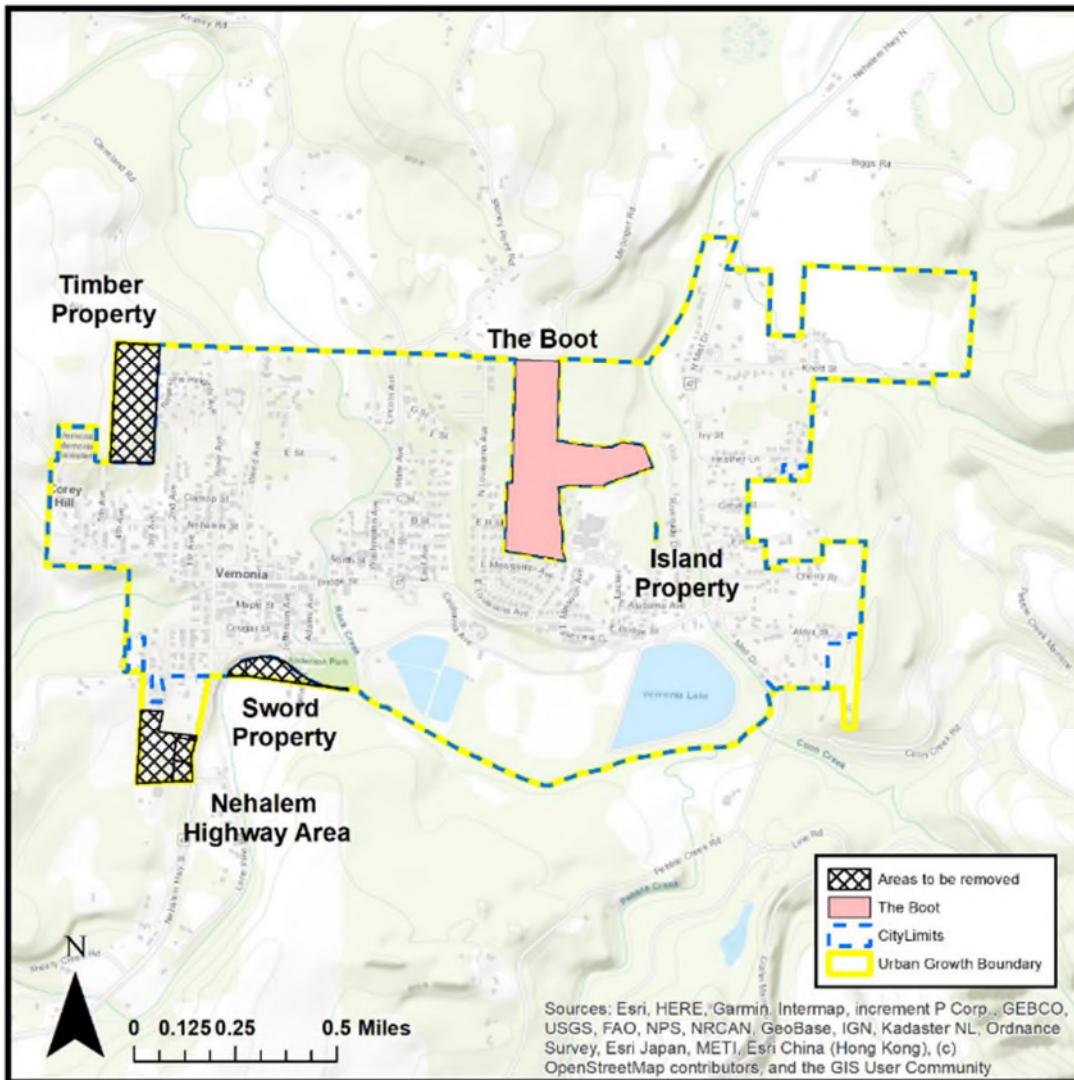
The City of Vernonia proposes to amend the Vernonia Comprehensive Plan and Map by trading approximately 37 acres of urban residential land (zoned for forest and rural residential uses) at the edge of the Vernonia Urban Growth Boundary (UGB) for approximately 49 acres of Rural Residential exception area land surrounded on three sides by the Vernonia City Limits. This UGB adjustment will:

1. Restore some forested land currently within the UGB to forest resource use;
2. Remove outlying extensions of rural residential lands that are difficult to serve with urban facilities; and
3. Create a compact and efficient urban form by including rural residential land closer to the school complex, shopping, employment and services.

The UGB adjustment will swap out three less developable areas within the current UGB, for the more developable “Boot” located adjacent west of the school complex and surrounded on three sides by the UGB. The Boot can be efficiently served extending the City’s existing grid street system. The UGB

adjustment will not substantially change the amount or type of buildable residential land within the UGB.

Area to be removed	Current City Comprehensive Plan Designation/ County Zone	Acres
Timber Property	R/PF-80	20
Sword Property	GR/PF-80	5.1
Nehalem Highway Area	R/ RR-5	12.1
Total		37
Area to be Added	County Zone	Acres
“The Boot”	RR-5	49
The Island Property	R-10	0.04



The subject proposal involves a City Comprehensive Plan and Map amendment which was adopted by the City of Vernonia's City Council on October 16, 2023. The next step in the process is to amend the County's Comprehensive Plan Map to change the Comprehensive Plan Map designation of the "Boot" and "Island" properties to Urban Growth Boundary, the "Nehalem Highway Area" to Rural Residential and the "Timber" and "Sword" properties to Forest – Conservation.

The 5.1-acre Sword Property (Tax Lots 4404-CB-06900 and 4405-DA-06600) is located south of the City Limits and south of the Nehalem River and an RV park. The Sword Property has a "Residential" comprehensive plan designation and is zoned Primary Forest-80 (PF-80) by Columbia County. This property is located entirely within the floodplain and almost entirely in the floodway where development is generally prohibited. Thus, the Sword Property has no buildable land and is suitable for long-term forest use.

The 20-acre Timber Property (Tax Lot 4405-00-00100) is in the northwest corner of the UGB, is owned by the City and is used for timber resources. The Timber Property has a "Residential" comprehensive plan designation and is zoned PF-80 by Columbia County. The property is relatively far from schools, shopping and services.

The 12-acre Nehalem Highway Area has three tax lots (Tax Lots 4405-DD-01300, 4405-DD-01200 and 4405-DD-01100) located in the southwest corner of the UGB. The area has a "Residential" comprehensive plan designation and is zoned RR-5 by Columbia County. The area has some steep slope (25% or greater) parts and 3 existing homesites. This area is relatively far from schools, shopping and services. Most of this area is on a downslope from the wastewater treatment plant and would require pumps or force mains to function. Prior to its inclusion in the UGB, this area had its current RR-5 zoning and was therefore considered exception land.

In 2009 the City expanded the UGB and the City Limits to reconstruct existing schools onto land outside the floodplain. At that time, Tax Lot 4404-00-00401 – a small 0.04-acre property about 200 feet long and 8 feet wide – was left outside the UGB wedged between the UGB expansion area and the rest of the City. The overlooked property is now an unincorporated island outside of the Vernonia UGB and City limits and has an R-10 zoning designation. The County has requested that the City correct this as part of the UGB adjustment.

The State of Oregon has a prescribed process for swapping land within the Urban Growth Boundary for land outside the UGB, called a UGB Adjustment. The purpose of a UGB is to allow cities to separate urban from rural land, and to ensure that urban land develops efficiently. UGBs also ensure that farm and forest land is not encroached upon by urban development. Oregon cities are required to maintain a 20-year supply of land for residential and employment needs within the UGB. Doing so is important to ensure cities can accommodate future growth while protecting farmland and natural resources in compliance with Statewide Planning Goals 3, 4, and 9 through 14.

OAR Chapter 660 Division 24 Urban Growth Boundaries allows cities to exchange or "swap" urban land within its UGB for rural land outside its UGB if (in addition to meeting Goal 14 and related requirements) alternatives are considered properly and the amount and type of traded land are "substantially equivalent." Appendix A in the attached findings demonstrate the proposal's compliance

with OAR 660-024-0065 Establishment of Study Area to Evaluate Land for Inclusion in the UGB, OAR 660-024-0067 Evaluation of Land in the Study Area for Inclusion within the UGB; Priorities; and OAR 660-024-0070 UGB Adjustments – Section 3 related to substantial equivalency of buildable residential land.

The Department of Land Conservation and Development (DLCD) was given notice of the proposed UGB swap on March 27, 2023. The City of Vernonia noticed the proposed amendments on their website, Facebook page and posted it in four public places in the City of Vernonia for two consecutive weeks starting on September 6, 2023. The City of Vernonia formally adopted the proposed UGB swap on September 19, 2023.

The first public hearing for the County’s adoption of the proposed Comprehensive Plan text amendments and implementing CCZO text amendments was held on December 4, 2023, before the Columbia County Planning Commission. At the December 4, 2023 public hearing, the Planning Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report dated November 27, 2023. After due consideration, the Planning Commission adopted the findings and conclusions included in the staff report and provided during the Planning Commission hearing, and recommended the Columbia County Board of Commissioners **APPROVE** these proposed Legislative Amendments to the Columbia County Comprehensive Plan.

The remainder of this staff report will discuss to what extent the proposal meets the applicable standards in the Columbia County Zoning Ordinance, Comprehensive Plan, and Statewide Planning Goals.

FINDINGS:

Columbia County Zoning Ordinance

This request is being processed under Section 1606 (Legislative Hearing) and Section 1611 (Notice of Legislative Hearing) of the CCZO. The pertinent sections of the ordinance are reviewed as follows:

1606 Legislative Hearing:

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

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.

Finding 1: This legislative amendment to the Comprehensive Plan map to adjust the City of Vernonia’s Urban Growth Boundary was initiated by the City of Vernonia. This UGB adjustment does not result in the change of any zoning designation. However, it does require the Comprehensive Plan map designations of the subject tax lots to change.

Continuing with the Columbia County Zoning Ordinance:

- .2 Notice of a Legislative Hearing shall be published at least twice, one week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 10 calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners.

Finding 2: Planning Commission: A hearing notice was published in the Columbia County Spotlight Newspaper and the Chronicle on November 15, 2023 and November 17, 2023. A second hearing notice was published in the November 22, 2023 and November 24, 2023 issues of the same publications. Both of these notices in each newspaper were published more than 10 days prior to the Planning Commission hearing date of December 4, 2023. Notice and Referral to CPAC’s and affected property owners were mailed on November 13, 2023.

Board of Commissioners: A hearing notice was published on in the Chronicle on February 14, 2024. A second hearing notice was published in the Chronicle on February 28, 2024. The last notice was published more than 10 days prior to the Board of Commissioners hearing scheduled for March 13, 2024. Notice of the Board of Commissioners hearing was mailed to affected property owners on February 6, 2024.

Continuing with the Columbia County Zoning Ordinance:

1607 Consistency with the Comprehensive Plan:

All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

Finding 3: The proposed adjustment to the City of Vernonia’s Urban Growth Boundary requires the county to adopt new Comprehensive Plan map designations for the affected properties. The properties being included into the UGB will be assigned “Urban Growth Boundary” Comprehensive Plan map designation and the properties coming out of the UGB will be assigned either “Rural Residential” or “Forest-Conservation” map designation, depending on the zoning of the tax lot. Findings throughout this report discuss to what extent the current proposal conforms to the applicable Goals and Policies of the Comprehensive Plan. At the December 4, 2023 Planning Commission hearing, the Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report dated November 27, 2023. After due consideration, the Planning Commission adopted the findings and conclusions included in the staff report and provided during the Planning Commission

hearing, and recommended the Columbia County Board of Commissioners APPROVE these proposed Legislative Amendments to the Columbia County Comprehensive Plan.

A hearing notice was published on in the Chronicle on February 14, 2024. A second hearing notice was published in the Chronicle on February 28, 2024. The last notice was published more than 10 days prior to the Board of Commissioners hearing scheduled for March 13, 2024. Notice of the Board of Commissioners hearing was mailed to affected property owners on February 6, 2024.

Continuing with the Columbia County Zoning Ordinance:

1611 Notice of Legislative Hearing:

The notice of a legislative hearing shall contain the following items:

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

Finding 4: The attached notice includes the information presented in the notice. As shown, all of the above information was included in the Board of Commissioners Notice of the Public Hearing scheduled for March 13, 2024 which was published twice in the Chronicle newspaper in their February 14, 2024 and February 28, 2024 editions in accordance with this legislative notice criteria.

Columbia County Comprehensive Plan

Review of the following Columbia County Comprehensive Plan Goal & Policies:

The Columbia County Comprehensive Plan has twenty-one parts, each with a set of general Goals and implementing Policies. These Goals and Policies are implemented by Ordinance and most specifically the CCZO.

The applicable portions of the Comprehensive Plan are reviewed below.

Part 1 Administrative Procedures

Goals:

1. To assure the goals and policies of this plan are implemented.

2. To provide review and revision procedures which include provisions for participation by citizens and affected interest groups.
3. To provide an understandable framework for reviewing and revising this plan.

Policies:

5. Provide a framework by which the Comprehensive Plan may be reviewed, revised and amended. Amendments to the Comprehensive Plan and its implementing ordinance(s) shall be in accordance with the following procedures and guidelines:
 - A. Amendments may be initiated by the Board of Commissioners, the Planning Commission, the Planning Director or the owner(s) of the affected property.
 - B. A Citizen Planning Advisory Committee may, upon a majority vote of its members, formally request either the Board of Commissioners or the Planning Commission initiate an amendment.
 - C. Revisions or amendments will follow the same process as initial adoption - CPAC review, Planning Commission public hearing and recommendation, and Board hearing and adoption of revisions or amendments.
 - D. For quasi-judicial amendments, all property owners within two hundred and fifty (250) feet of the affected area shall be notified of the hearing date and the requested amendment at least ten (10) days prior to the first scheduled public hearing.
 - E. For legislative amendments, notice of the public hearing and a copy of the proposed amendment, will be mailed to all Citizen Planning Advisory Committees and interested parties at least ten (10) days prior to the first scheduled public hearing.

Finding 5: The proposed amendments were initiated by the City of Vernonia to formally adjust their Urban Growth Boundary. As already covered for Findings 2, 3 and 4, these Legislative amendments were noticed to all required parties for both the Planning Commission and Board of Commissioners scheduled hearings in accordance with the requirements for Comprehensive Plan Map Amendments. With this information, staff finds that the proposal for PA 24-01 is consistent with Part I Administrative Procedures.

Part II Citizen Involvement Policies

1. To stimulate citizen involvement in the County by providing broad exposure to all phases of the planning process through radio and newspaper notices, general mailings and public meetings.

Finding 6: The Department of Land Conservation and Development (DLCD) was given notice on March 27, 2023. The City of Vernonia conducted a public hearing on the proposed amendments on September 19, 2023, at which time citizens had an opportunity to speak on the proposed amendments. Columbia County sent notice to all affected property owners for the proposal of PA 24-01. Notice was also published in the Spotlight and the Chronical on two separate occasions. The first notice was published on November

15, 2023 and November 17, 2023, and the second notice was published on November 22, 2023 and November 24, 2023. The last of which was more than 10 calendar days prior to the first hearing on December 4, 2023. Likewise the Board of Commissioners March 13, 2024 hearing was noticed to all affected parties on February 6, 2024 and to the Chronicle for publication in their February 14, 2024 and February 18, 2024 editions at least 10 days prior to their hearing. With these notice requirements and the Legislative amendment process, staff finds that the application for PA 24-01 is consistent with Part II Citizen Involvement.

Part IV Forest Lands Policies

2. Designate Forest Lands as Forest-Conservation in the Comprehensive Plan and implement this plan designation through the use of two (2) forest zones which will maintain or enhance the existing commercial forest products enterprise of the County. They are:
 - a. Primary Forest – PF-80
 - b. Forest-Agriculture – FA-80

Finding 7: The Timber Property and Sword Property are currently within the UGB but outside of City Limits and zoned PF-80. The Timber property is already used for forestry activities, and the Sword property is unsuitable for residential development. Upon removal from the UGB, these properties will retain their resource zoning and will be given Forest-Conservation comprehensive plan designation. This designation will maintain and enhance the existing commercial forest products enterprise of the County and ensure these properties are protected from residential development. Oregon Statewide Planning Goal 4 would apply to these lands, and they would be considered “resource land”. As the zoning designations are not changing, the resulting Comprehensive Plan map designation of the Timber and Sword properties will be Forest-Conservation.

Part IV Housing Policies

3. Provide adequate land inside the urban growth boundaries to meet housing needs and to provide for a wide range of urban housing choices.

Finding 8: The UGB adjustment better meets the objectives of these policies by removing areas from the UGB that are designated residential, but less likely to develop the desired residential uses, and adding the Boot, which will allow more efficient residential development within the UGB. Because the proposal is for a UGB Adjustment, the Urban Growth Boundary is not expanding due to a housing “need” within Vernonia but will better provide for a range of housing choices. Further discussion of housing need and suitability are found in Goal 10 Housing, and Goal 14 Urbanization findings.

12. Encourage the in-filling of urban growth boundary areas.

Finding 9: The UGB adjustment better meets the objectives of these policies by removing areas from the UGB that are designated residential, but less likely to develop the desired residential uses, and adding the Boot, which will allow more efficient residential development within the UGB. The UGB adjustment will

bring in RR-5 “exception” land and will therefore not be removing any resource land from the County, rather, the adjustment will result in a net gain of resource land in the County and will better concentrate housing development within the Vernonia UGB. The Boot will retain Columbia County Zoning until annexation, and the City of Vernonia will not allow water or sewer hookups to areas within the Boot prior to annexation. By providing more suitable residential land within Vernonia, infilling within the UGB will be more feasible. Further discussion of land suitability for residential development are found in Goal 10 Housing, and Goal 14 Urbanization findings.

Part IIV Rural Residential Policies

1. Designate as Rural Residential in the Plan those lands for which a valid exception has been, or can be shown to be, justified, and implement this plan designation through the use of Rural Residential zones.
5. Encourage the in-filling of existing built and committed lands for new residential development.
7. Require a buffer between Rural Residential development and adjacent resource lands.

Finding 10: The Nehalem Highway Area is currently zoned Rural Residential-5, this proposal will result in the area to be given a Columbia County Rural Residential comprehensive plan designation. Some of this area is already built out with residential dwellings. The Nehalem Highway Area, zoned RR-5 is surrounded by resource lands, and future development is required to have a greater setback between residential development and resource lands as stated in the Columbia County Zoning Ordinance Section 604.6. With this information, staff finds that the proposal for PA 24-01 is consistent with the applicable Rural Residential Policies.

Part IX Urbanization Policies

1. Provide an orderly and efficient transition from rural to urban land use.

Finding 11: The Vernonia-Columbia County Urban Growth Management Agreement (UGMA) facilitates an orderly and efficient transition from rural to urban land use. Findings regarding the UGMA are found in later findings of this staff report. The City and County have met and have agreed to the land designations for the areas removed from the UGB and the Boot area to be included in the UGB. Vernonia will not extend water or sewer to properties prior to annexation, ensuring an efficient transition from rural to urban land use. The UGB adjustment has been adopted by the City of Vernonia and is currently in the process of being adopted by Columbia County in order to become effective.

2. Accommodate urban population and urban employment inside urban growth boundaries, ensure efficient use of land, and provide for livable communities.

Finding 12: The RR-5 zoning in the Nehalem Highway area will continue to limit development to a density that does not require an urban level of public facilities or services, consistent with Goal 14. The UGB adjustment will exclude relatively unsuitable residentially designated land (that is generally better

suited for resource use or for rural level residential development) for a rural residential exception area that is surrounded on three sides by the existing UGB and on the north side by more rural residential exception land. Because city streets and urban services abut the Boot, it is more likely to be developed to urban densities than the areas to be removed and provides more housing opportunities close to the Vernonia school and downtown. Further discussion of efficient use of land and livability are found in Goal 10 Housing, and Goal 14 Urbanization findings.

3. Minimize the conflicts between urban and rural land uses.

Finding 13: The UGB adjustment will provide a better transition from rural to urban use and reduce conflicts between resource land and residential development by including the Boot because (1), the Boot area abuts no resource land whereas the areas to be removed abut large tracts of resource land, and (2) removing two resource areas (PF-80) from the UGB will ensure their long-term protection from urban development. The City and County have met and have agreed to the land designations for the areas removed from the UGB and the Boot area to be included in the UGB. Vernonia will not extend water or sewer to properties prior to annexation, ensuring an efficient transition from rural to urban land use. The RR-5 zoning in the Nehalem highway area will continue to limit development to a density that does not require an urban level of public facilities or services, consistent with Goal 14.

5. Develop managing techniques with the incorporated cities.
12. Have mutually agreed upon land use designations with each city.
17. Adopt the urban growth boundaries, and those portions of the adopted relating to the unincorporated urban growth areas, for the municipalities of Clatskanie, Columbia City, Rainier, Scappoose, St. Helens, and Vernonia.
20. Limit development outside of urban growth boundaries to densities which do not require an urban level of public facilities or services and are consistent with Goal 14 and OAR 660, Division 4.

Finding 14: The Vernonia-Columbia County Urban Growth Management Agreement (UGMA) facilitates an orderly and efficient transition from rural to urban land use. Findings regarding the UGMA are found in later findings of this staff report. The UGB adjustment will need to be adopted by both Vernonia and Columbia County in order to become effective.

The City and County have met and have agreed to the land designations for the areas removed from the UGB and the Boot area to be included in the UGB. Vernonia will not extend water or sewer to properties prior to annexation, ensuring an efficient transition from rural to urban land use. The RR-5 zoning in the Nehalem highway area will continue to limit development to a density that does not require an urban level of public facilities or services, consistent with Goal 14.

Urban Growth Management Agreement

In 1996 the City of Vernonia and Columbia County passed an Urban Growth Management Agreement to facilitate the orderly and efficient transition from urbanizable to urban land uses within Vernonia's UGB.

- A. In order to promote an orderly and efficient transition from urbanizable to urban land within the Urban Growth Boundary and retention of land for non-urban uses outside of the Urban Growth Boundary, the comprehensive plans of the City of Vernonia and Columbia County shall not conflict.
- B. Columbia County and the City of Vernonia recognize the need to coordinate their plans and ordinances.
- C. Furthermore, it is a policy of the City of Vernonia and Columbia County to maintain ongoing planning processes that will facilitate the development of mutually compatible plans and implementing ordinances.
- D. Columbia County and the City of Vernonia will share the responsibility of land use planning and regulation for the land within the Urban Growth Area. County responsibility for enforcement of any land use ordinance or prosecution thereof will be relinquished over any land within this area upon its annexation to the City.
- E. The City of Vernonia Comprehensive Plan Map shall be the controlling plan for land use designations within the UGA. Columbia County shall have the lead role for zoning of land within the UGA, but such zoning shall be consistent with the land use designations of the City of Vernonia Comprehensive Plan Map

Finding 15: This plan amendment will be adopted jointly by the City of Vernonia and Columbia County. Winterbrook and City staff have coordinated with the County, and both bodies agree that in the future, the Boot will be zoned Residential. The County shall retain the decision-making responsibility for all zoning amendments for the Boot until it is annexed; however, decisions will be made after a receipt of a recommendation from Vernonia. This application does not propose changes to the zoning of the Boot, Island, Sword, Timber, or Nehalem Highway properties. Columbia County and the City of Vernonia have jointly agreed to retain the current Rural Residential-5-acre minimum zoning in the Boot as a holding zone until annexation. Findings regarding consistency with the Columbia County Comprehensive Plan are found below.

Statewide Planning Goals Applicable to the Proposed UGB Swap

Goal 1 Citizen Involvement

Finding 16: Goal 1 calls for the opportunity for citizens to be involved in all phases of the planning process. This land use application is subject to a Type IV land use review, which includes a significant citizen involvement component. Public hearings will be duly noticed and held before the City and County Planning Commissions and the elected Board of Commissioners prior to adoption of the proposed plan amendment package. The mandatory public notice of the action and decision, and the hearing on this case before the Vernonia Planning Commission, City Council, County Planning Commission and the County Board of Commissioners are all avenues of citizen participation satisfying this Goal.

Goal 2 Land Use Planning

Finding 17: Goal 2 requires an adequate factual base and consideration of alternatives prior to making land use decisions. Land use decisions must also be made in accordance with adopted comprehensive plans and land use regulations.

As required by the UGB amendment rule, the City considered five alternative areas for possible inclusion within the UGB. The Vernonia Comprehensive Plan and the Land Use Development Code that implements the comprehensive plan provides a policy framework as the basis for the analysis contained in this report. The comprehensive plan and development code also provide the criteria by which the swap request and map amendment will be reviewed.

The proposed comprehensive plan map and text amendments are consistent with the Vernonia-Columbia County Urban Growth Management Agreement, discussed in more detail later in this document. In 1996 the City and Columbia County jointly adopted an Urban Growth Management Agreement (UGMA) to facilitate the orderly and efficient transition from urbanizable to urban land uses within Vernonia's UGB. The UGMA is discussed in Section 2.2 of this document. The UGB change would amend the comprehensive plans of both Columbia County and the City. Because the Vernonia Comprehensive Plan Map is the controlling plan for land use designations within the UGA, it would need to be amended to show a residential plan designation for the Boot.

The City has coordinated with Columbia County regarding the proposed UGB amendment package. Winterbrook met Columbia County and DLCD in December 2022, followed by meetings involving city staff between January 2023 and August 2023 to discuss the potential UGB amendment and ensure Goal 14 compliance and coordination between the City and the County.

If the Boot is brought into the City UGB, it will retain County zoning until annexation into the City. As prescribed in the UGMA, the County would continue to administer land use applications in this area until it is annexed to the City. Thus, the swap meets UGMA requirements. Goal 2 has been met.

Goal 4 Forest Lands

Finding 18: As stated in 660-024-0020(b), Goals 3 and 4 are not applicable when establishing or amending an urban growth boundary. No further analysis is required. The UGB adjustment will remove two areas of Columbia County PF-80 zoned land from the Vernonia UGB (the Timber Property and the Sword Property); the proposed County comprehensive plan designation for this property is Forest. Removing these properties from the UGB will ensure they remain in resource use and conform to the Goals and Policies of Part IV of the Columbia County Comprehensive Plan. Goals 3 and 4 are met.

Goal 5 Open Spaces, Scenic and Historic Areas & Natural Resources

Finding 19: Goal 5 requires local governments to inventory and protect natural resources. The Sword Property has 0.8 acres of Goal 5 inventoried wetlands that would be removed from the UGB, all within the flood plain. There are currently no County-inventoried Goal 5 resources in the Boot that will be added to the UGB. Appendix E: The Boot- Preliminary Off-Site Wetland Determination documents how there

are likely 8.1 acres of wetlands in the Boot. Wetland scientists found significant evidence indicating wetlands in the Boot using the same methodology as the off-site wetland determination used the Vernonia LWI. Ordinance 9-06 Development in Wetlands protects inventoried wetlands within Vernonia. If the Boot is brought into the UGB, there should be an update to the LWI to formally inventory the Boot area for the City of Vernonia. Goal 5 will be met.

Goal 6 Air, Water and Land Resources

Finding 20: Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal environmental quality regulations. The Columbia County Comprehensive Plan includes policies to comply with such regulations and meet applicable DEQ standards. By complying with applicable air, water and land resource quality policies, Goal 6 will be met.

Goal 7 Areas Subject to Natural Disasters and Hazards

Finding 21: Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards such as floods or landslides. The area proposed for removal has 5.1 floodplain acres and .2 steeply sloped (25% or greater) acres. The area proposed to be swapped into the UGB has only 0.07 floodplain acres and 0.64 acres with steep slopes. This proposal will reduce natural hazard risks by reducing the hazardous land within the UGB.

The small area within the flood plain will be regulated by the City of Vernonia Flood Plain Ordinance and the small area with steep slopes will be subject to Slope Hazard regulations in the Zoning Code. Thus, Goal 7 has been met.

Goal 8 Recreation Needs

Finding 22: Goal 8 requires each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. Columbia County's recreation needs have been addressed in the Columbia County Comprehensive Plan via Part XVII – Recreational Needs. The site proposed for inclusion within the UGB has not been identified as a potential park or recreation area, and none of the three areas proposed to be removed from the UGB are park or recreation areas nor have been identified as potential park and recreation areas. However, the Boot is close to the Vernonia school and the Ora Bolmeier City Park, Archie Dass Dog Park and Vernonia Lake City Park, resulting in improved residential access to park and recreational facilities.

Moreover, because the residential capacity of the UGB is not changing substantially, there will be no significant impact on the population and therefore the need for additional parkland. Goal 8 has been met.

Goal 9 Economy of the State

Finding 23: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands and plan and zone accordingly. The proposed amendments do not alter the amount of suitable employment land within the Vernonia UGB. Therefore, Goal 9 is not applicable.

Goal 10 Housing

Finding 24: Goal 10 requires cities to inventory their buildable residential lands, project future needs for such lands, and to plan and zone enough buildable land to meet those needs. As included in Appendix A, Section 2.1, the proposed UGB amendment will result in substantially the same residential buildable land and capacity as the existing UGB configuration. Because the residential capacity is substantially the same, the City was not required to reassess its housing needs per OAR 660-024-0070(3).

All of the buildable land to be removed from the UGB has a Residential plan designation in the Vernonia Comprehensive Plan. The parcels with RR-5 zoning designations (4405-DD-01300, 4405-DD-01200, and 4405-DD-01100) will have “Rural Residential” Comprehensive Plan map designations and the parcels with PF-80 zoning designations (4405-00-01000, 4404-CB-06900, and 4405-DA-06600) will have “Forest” Comprehensive Plan map designations.

The UGB adjustment will exclude relatively unsuitable residentially designated land (that generally better suited for resource use or for rural level residential development) for a rural residential exception area that is surrounded on three sides by the existing UGB and on the north side by more rural residential exception land. Because city streets and urban services abut the Boot, it is more likely to be developed to urban densities than the areas to be removed and provides more housing opportunities close to the school and downtown. Goal 10 has been met.

Goal 11 Public Facilities and Services

Finding 25: The City of Vernonia has adopted findings included in Appendix A related to future extension of services to the Boot area which will be added to the UGB. These findings include a Public Facilities report which details the feasibility and benefits of extending water, sewer, stormwater, and roadway access to the Boot. As documented in this report, the City Engineer has reviewed and found the extension of public facilities is both feasible and beneficial to public infrastructure for the Boot area. This report also outlines the difficulties in achieving future urban levels of density in the Nehalem Highway Area. With this information, Goal 11 has been met.

Goal 12 Transportation

Finding 26: Goal 12 encourages the provision of a safe, convenient, and economic transportation system. This goal is implemented by the Transportation Planning Rule (TPR). However, as stated in 660-024-0020(d):

“the transportation planning rule requirements under OAR 660-012-0060 need not be applied to an urban growth boundary amendment if the land added to the urban growth area is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the area or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.”

The proposed adjustments retain all zoning assigned prior to the inclusion or exclusion in the area, therefore, the transportation planning rule requirements under OAR 660-012-0060 need not be applied at this point. Prior to annexation and zone change applications, a transportation impact analysis will be required. Winterbrook reviewed the proposed adjustment with ODOT, and they confirmed for this UGB adjustment proposal, no traffic study would be required. This proposal also does not meet any of the thresholds found in CCZO 1450.1 to require a TIA. Goal 12 has been met.

Goal 13 Energy

Finding 27: Goal 13 requires jurisdictions to consider energy conservation during the planning process. Generally speaking, because the Boot area is near schools, parks, and commercial and industrial employment areas, and can readily be served by extending the existing grid street system, vehicle miles will be substantially reduced when compared with the areas to be removed from the UGB. Energy consequences of the proposed urban growth area adjustment have been considered in the Goal 14 alternatives analysis ESEE process previously in this narrative. Therefore, Goal 13 has been met.

Goal 14 Urbanization: UGB Adjustment

Finding 28: In most cases, UGB's are expanded to accommodate a 20-year population and employment projection. However, the City's review of local planning documents indicates that the City has enough land within the UGB to meet 20-year growth needs. In this situation, a UGB 'swap' as outlined in OAR 660-024-070 UGB Adjustments is proposed. Using this state rule, the City may trade land within the UGB for property outside the UGB, if (a) the amount of land to be traded is essentially the same, and (b) the designations of land to be traded are comparable. This approach does not need justification for a UGB change based on population growth and related land need and supply. The addition of land into the UGB requires the establishment of a study area and an alternatives analysis based on Goal 14 location factors.

The application for PA 24-01 included an alternatives analysis reviewed by the City Engineer which prioritizes land to be included in the UGB as outlined in OAR 660-024-0067. The highest priority is rural exception land (land that is not zoned for farm and forest use). The second priority is lower quality forest or farmland. The third priority is relatively high-quality farm and forest land. Since there is an abundant supply of highest priority rural exception land within the proposed study area, the City did not consider lower-priority farm or forest land for inclusion within the UGB.

The Alternatives Analysis which was included as Appendix C of the application materials identified approximately 520 acres of exception land within the study area. This exception land was then categorized into five analysis areas which are described as A1, A2, B1, B2, and C. This alternatives analysis was based on the four boundary location factors of Goal 14 which include:

1. Efficient accommodation of identified land needs
2. Orderly and economic provision of public facilities and services
3. Comparative environmental, energy, economic and social consequences
4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside of the UGB

With this information, the submitted Alternatives Analysis concludes that B2 (the Boot) is the most suitable for inclusion within the Vernonia UGB based on Goal 14 locational factors.

As concluded in the Appendix A findings submitted with the application, the adjustment of the UGB will result in substantially the same amount of buildable land residential capacity as the existing UGB configuration. The City requests approval of a comprehensive plan map amendment to exchange the three areas identified (the Timber Property, the Sword Property, the Nehalem Highway Area) which comprise 23.8 buildable acres for the Boot and the Island Property which comprise 28.6 buildable acres. With submitted information and analysis, Goal 14 has been met.

Goal 15 through 19

Finding: Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the subject site and no further analysis is required.

COMMENTS:

County Building Official:

County Public Works Department:

County Surveyor:

City of Scappoose:

City of Columbia City:

Webb Drainage District:

Columbia River PUD:

Rural Fire Protection Districts:

CPAC's:

Public Comments:

No other comments were received as of the date of this staff report.

CONCLUSION & DISCUSSION:

Notice of the public hearings before the Columbia County Planning Commission and Board of Commissioners were published in local newspapers and mailed notice was given to State and Local

agencies as well as property owners of all affected parcels. All notices given have been shown to meet the timelines required by State and Local law.

The City of Vernonia have proposed these changes to the Columbia County Comprehensive Plan map in order to conform with the recent UGB swap that was recently adopted by City Council.

At the December 4, 2023 public hearing, the Planning Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report dated November 27, 2023. After due consideration, the Planning Commission adopted the findings and conclusions included in the staff report and during the Planning Commission hearing and recommended the Columbia County Board of Commissioners **APPROVE** these proposed Legislative Amendments to the Columbia County Comprehensive Plan.

The findings found in this staff report evaluate and discuss how the proposal is consistent with the applicable sections of the Columbia County Zoning Ordinance and Comprehensive Plan, as well as the Oregon Statewide Planning Goals.

STAFF RECOMMENDATION:

Based upon the findings in this staff report, Staff recommends the Columbia County Board of Commissioners **AFFIRM** the Columbia County Planning Commission's recommendation and **APPROVE** PA 24-01 to adopt the proposed Comprehensive Plan map designations of "Rural Residential" for the Nehalem Highway Area, "Forest-Conservation" for the Timber Property and Sword Property, and "Urban Growth Boundary" for the Boot and Island properties.

Attachments:

1. Published Notice of BOCC Legislative Hearing and Affidavit of Mailing dated 2/6/24
2. Columbia County Planning Commission's Final Order PA 24-01 dated 12/8/23
3. Planning Commission Staff Report dated 11/27/23
4. Full Application Materials
5. City of Vernonia Adoption (Ordinance No. 942)