

Back

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the)
Comprehensive Plan Map and)
Rezoning 5.07 Acres from)
Rural Residential (RR-5) to)
Resource Industrial-Planned)
Development (RIPD))
_____)

ORDINANCE NO. 88-10

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

SECTION 1. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035, 215.050 and 215.223.

SECTION 2. TITLE.

This ordinance shall be known as Ordinance No. 88-10.

SECTION 3. PURPOSE.

The purpose of this ordinance is to rezone 5.07 acres of land from RR-5 to RIPD.

SECTION 4. AMENDMENT OF COMPREHENSIVE PLAN MAP.

The Comprehensive Plan Map is hereby amended to change the Comprehensive Plan Designation for the following parcels from Rural Residential to Rural Industrial:

	<u>Tax Lot</u>	<u>Size</u>
T3N, R2W, Section 24,	#030-00100	0.20 acres
	#030-00201	0.57 "
	#030-00200	0.13 "
	#030-00300	0.33 "
	#030-00301	0.23 "
	#030-01801	0.85 "
	#030-01800	0.86 "
	#030-04500	1.00 "
	#030-04600	0.06 "
T3N, R2W, Section 24,	# 02000	0.84 "

SECTION 5. REZONE.

The Zoning Map is hereby amended to change the zoning designation for the following parcels from Rural Residential (RR-5) to Rural Industrial-Planned Development (RIPD):

ORDINANCE NO. 88-10

	<u>Tax Lot</u>	<u>Size</u>
T3N, R2W, Section 24,	#030-00100	0.20 acres
	#030-00201	0.57 "
	#030-00200	0.13 "
	#030-00300	0.33 "
	#030-00301	0.23 "
	#030-01801	0.85 "
	#030-01800	0.86 "
	#030-04500	1.00 "
	#030-04600	0.06 "
T3N, R2W, Section 24,	# 02000	0.84 "

SECTION 6. FINDINGS AND CONCLUSIONS.

In support of this amendment and rezone, the Board adopts the Findings of Fact and Conclusions of Law attached hereto, labeled Exhibit "A" and incorporated herein by this reference.

SECTION 7. EMERGENCY.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this ordinance takes effect immediately upon its adoption.

ADOPTED this 19th day of October, 1988.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Michael J. Sypars
Chairman

By: Max W. Dillards
Commissioner

By: John R. Petran
Commissioner

Attest:

By: Cheri Maylan
Recording Secretary

First Reading: 10-19-88
Second Reading: 10-19-88
Effective Date: 10-19-88

EXHIBIT "A"

BEFORE THE COUNTY PLANNING COMMISSION
FOR COLUMBIA COUNTY STATE OF OREGON

In the Matter of the Application of)
Columbia County for a Comprehensive)
Plan Amendment in Order to Allow the)
Proposed Zone Change to Conform to)
the Comprehensive Plan)

Final Order CPA 2-88

This matter came before the Columbia County Planning Commission on March 7, 1988 for a Major Plan Amendment and Zone Change.

The area, in several ownerships, totals 5.07 acres. The properties zoned Rural Residential are located between the Columbia River Highway to the west, the railroad tracks to the east, Johnson's Landing Road to the north and Multnomah County line on the south. The area is approximately 3,600 feet long, by 85 feet wide at the north end and 150 feet wide on the south.

The proposal was to amend the Comprehensive Plan and Zoning Ordinance to allow for a new zone to be known as a Rural Commercial Zone. There is not a Rural Commercial Zone in the present ordinance.

Comments from the Land Conservation & Development Commission Staff indicated they had concern about certain language proposed for the new zone and Comprehensive Plan designation. The Planning Commission tabled the Zone Change request, until final comments were received from the Land Conservation & Development Commission.

The recommended language, from LCDC, for the new rural Commercial Zone stated that no Rural Commercial Zone will be allowed within five (5) miles of an Urban Growth Boundary. Based upon this information, the Planning Commission recommended that a Zone Change to Resource Industrial Planned Development, or possibly Rural Center, be pursued.

A hearing was held on July 11, 1988. The Planning Commission having considered the information in the Staff Report and having considered testimony from other sources, both at the March 7, 1988 meeting and the July 11, 1988 Planning Commission meeting recommends this request for a Comprehensive Plan Amendment and Zone Change be recommended for approval by the Columbia County Board of Commissioners.

The reasons used to justify the amendment are: The Rural Commercial Zone cannot be used in this location. The Resource Industrial Planned Development is the only Zone available. The Planning Commission adopts the findings in the Staff Report.

Date July 11 / 88

COLUMBIA COUNTY PLANNING COMMISSION


Voris Probst, Chairman

7/11/88
Staff report

BEFORE THE COUNTY PLANNING COMMISSION
FOR COLUMBIA COUNTY STATE OF OREGON

In the Matter of the Application) Findings of Fact,
of Columbia County for a) Conclusions of Law,
Comprehensive Plan Amendment) & Recommendation
and Proposed Zone Change from)
Rural Residential to Resource)
Industrial Planned Development)

I. REQUEST

The proposal is to designate the following described properties as Rural Industrial. The request is based upon the fact the properties are unsuitable for further residential uses. The policies for Rural Industrial areas are implemented through the use of the Resource Industrial Planned Development Zone.

<u>Tax Lot</u>	<u>Size</u>
T3N, R2W, Section 24, #030-00100	0.20 acres
030-00201	0.57 "
030-00200	0.13 "
030-00300	0.33 "
030-00301	0.23 "
030-01801	0.85 "
030-01800	0.86 "
030-04500	1.00 "
030-04600	0.06 "
T3N, R2W, Section 24, 02000	0.84 "

DESCRIPTION

The properties are located between the Columbia River Highway to the west, the railroad tracks to the east, Johnson's Landing Road on the North and Multnomah County line on the south. This described area is approximately 3,600' long, by 85' wide on the north end and 150' wide on the south. The total land area to be rezoned is 5.07 acres. The other properties in this described area are zoned Existing Commercial and are not affected by this request. See the attached map for additional information.

Land uses in the strip include a service station, business office, motel, restaurant, and mobile home court, all of which are zoned Existing Commercial. Two (2) of the parcels zoned residential are in commercial use. Tax Lot #01800 is a commercial nursery sales lot and tax lot A#02000 has been used for a fruit stand. The parcel still contains an office and cooler. Bob Hinkle, owner of Tax Lot #02000 lists the land use as a warehouse. Residential uses in the strip include both single family dwellings and duplexes.

The small parcel sizes, specifically the narrow width, limits the use of parcels for single family homes.

The Columbia River Highway will soon be widened to four (4) lanes. The widening process will reduce the access points onto the highway. Also, there will be fill added in certain areas, where the roadway is higher than the adjoining properties. It is evident the properties, located between the railroad tracks and the Columbia River Highway, are not suitable for rural residential uses, based upon location. In addition, the very size, limits the space for a well, septic and homesite. The third factor is the mix of commercial uses existing in the strip.

POTENTIAL USES

The most likely uses are those dependent on a highway for support. The widening of the highway will further impact the residential uses currently found between the highway and the railroad. Present commercial uses may also be impacted by the road widening. There will be no parking in front of the motel and restaurant. Other businesses, such as the gas station and the nursery, will not be impacted by the widening. The industrial classification will relieve certain building constraints. It may necessitate the aggregating of lots for sufficient size to build. However, setbacks can be established by the Planning Commission.

II. COUNTY ZONING CRITERIA

A Major Map Amendment is a two (2) step process. Section 1502.1 of the Columbia County Zoning Ordinance states the Columbia County Planning Commission may recommend approval of the Major Map Amendment to the Board of Commissioners, provided the Commission finds adequate evidence has been presented at a public 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; and
3. The property and affected area is presently provided with adequate facilities to support the use.

The Board of Commissioners may give final approval of a Major Map Amendment provided they also find adequate evidence has been presented to substantiate the above three (3) items.

Also, amendments to Columbia County's acknowledged plan and land use regulations must be received by the Department of Land Con-

ervation and Development at least 45 days prior to the scheduled final public hearing.

The County's Goal and Policies for Rural Industrial Planned Development are:

1. Designated as Rural Industrial in the Plan those lands which are currently being utilized or which are recognized as being needed to accommodate rural and natural resource industries.
2. Implement the Rural Industrial plan designation through the use of a single Resource Industrial Planned Development Zone.
3. Restrict industrial development on land zoned Resource Industrial Planned Development to those uses which:
 - A. Are not generally labor intensive;
 - B. Are land extensive;
 - C. Are located with adequate rail and/or vehicle and/or deep water port and/or airstrip access;
 - D. Complement the character and development of the surrounding area;
 - E. Are consistent with the rural facilities and services existing and/or planned for the area; and,
 - F. Will not require facility and/or service improvements at public expense; or,
 - G. Are not appropriate for location within Urban Growth Boundaries due to their hazardous nature.

The proposal is deemed to be consistent with most policies for designating lands Rural Industrial. This follows the goal to provide for industrial development on rural lands when such development can be shown to support, utilize, or in some manner be dependent upon the natural resources of the area. The development along the strip is dependent upon the highway. Future use of the land is expected to be related to highway traffic as opposed to residential uses.

It is not proposed that uses would be labor intensive, due to the size limitation. This also means the use can not be land extensive. This is slightly contrary to the policy.

The properties do have adequate vehicle access; the facilities and services in the area are adequate and no improvements are necessary. The proposed uses could be appropriate for locating within the Scappoose Urban Growth Boundary. It is unknown if any uses would be of a hazardous nature.

Findings are that the proposal may not be consistent with two (2) of the policies.

The County's Plan is consistent with the Statewide Planning Goals; therefore that requirement has been addressed.

The third findings is that the properties have adequate facilities to support the use. The only proposed use for the area was the construction of a mini-storage building. This has not been constructed. Existing facilities in the area are adequate for this use.

III. CONCLUSION & RECOMMENDATION

Columbia County does not have a rural commercial zone. The Comprehensive Plan recognizes fifty-five (55) parcels outside of urban growth boundaries that are committed to some type of commercial activity. These parcels are zoned Existing Commercial, a zone that assures the continuation and limited expansion of these "lawful" activities, regardless of type and location.

This zoning prohibits any new commercial activities in the county, simply because an applicant cannot request a zone change to Existing Commercial.

The County has recognized a need for a rural commercial zone. This need was further heightened when it was brought to the County's attention the existence of a small area, now zoned Rural Residential, that cannot likely develop for future residential use.

A Rural Commercial Zone has been drafted. However, the DLCDC has stated that such a zone cannot be implemented within five (5) miles of an existing urban growth boundary. The County Planning Commission requested that the County pursue amending the Comprehensive Plan and Zoning Ordinance to change the Rural Land Use Designation for the lands shown on the attached map to a commercial or industrial use.

Section 1502.3 of the County Zoning Ordinance allows the Planning Commission to substitute an alternate zone if it's determined that another zone will adequately allow for the proposed uses.

In this case, a commercial use best fits the need. The change to a Rural Center District was also considered. The uses permitted fit the area but are also the same uses that DLCDC has found to be inappropriate for areas outside of UGBs. The Rural Center District is intended for application to isolated rural settlements. This area being considered is too close to Scappoose to be a Rural Center.

In conclusion, it is evident the long narrow strip of land, varying from 85' to 150' in width, is not suitable for future residential uses. Different approaches have been investigated. There are not any good solutions available. The area does fit

some of the policies for designation as Rural Industrial but also lacks some of the necessary qualifications.

The staff is supportive of submitting the Zone Change request to the Board of Commissioners, for their approval and to the Department of Land Conservation & Development for their comments. The DLCDC is aware of the area and may be able to offer guidance on ways to accommodate the owner's wishes. If the proposal is denied the properties can only be addressed on a case by case basis.

IV. ATTACHMENTS

Maps

SW 1/4 Sec 24 T. 1 R. 2 W. W.M.
COLUMBIA COUNTY
THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
S - 1/4" = 200' Current Revision Date 10/08/86

SFL MAP 3 2 24 2 4



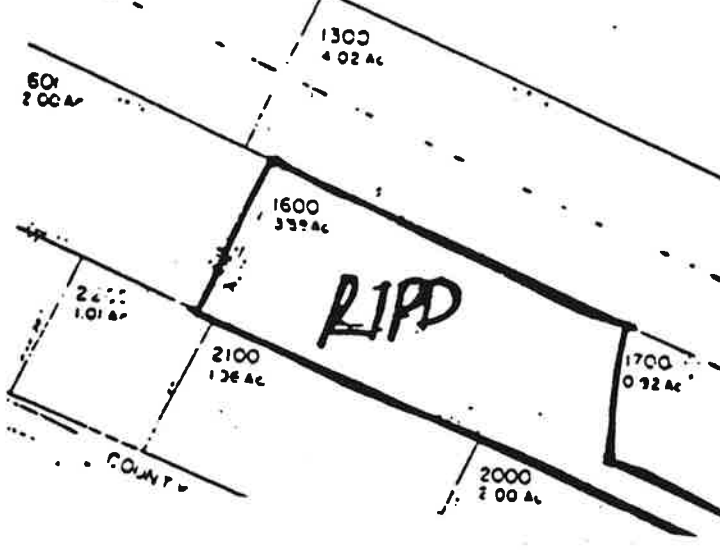
DOCK STATION

TRON'S Landing Road 3 2 24

PROPOSED ZONE CHANGE

EC - Existing Commercial
RIPD - Rural Industrial-
Planned Developme

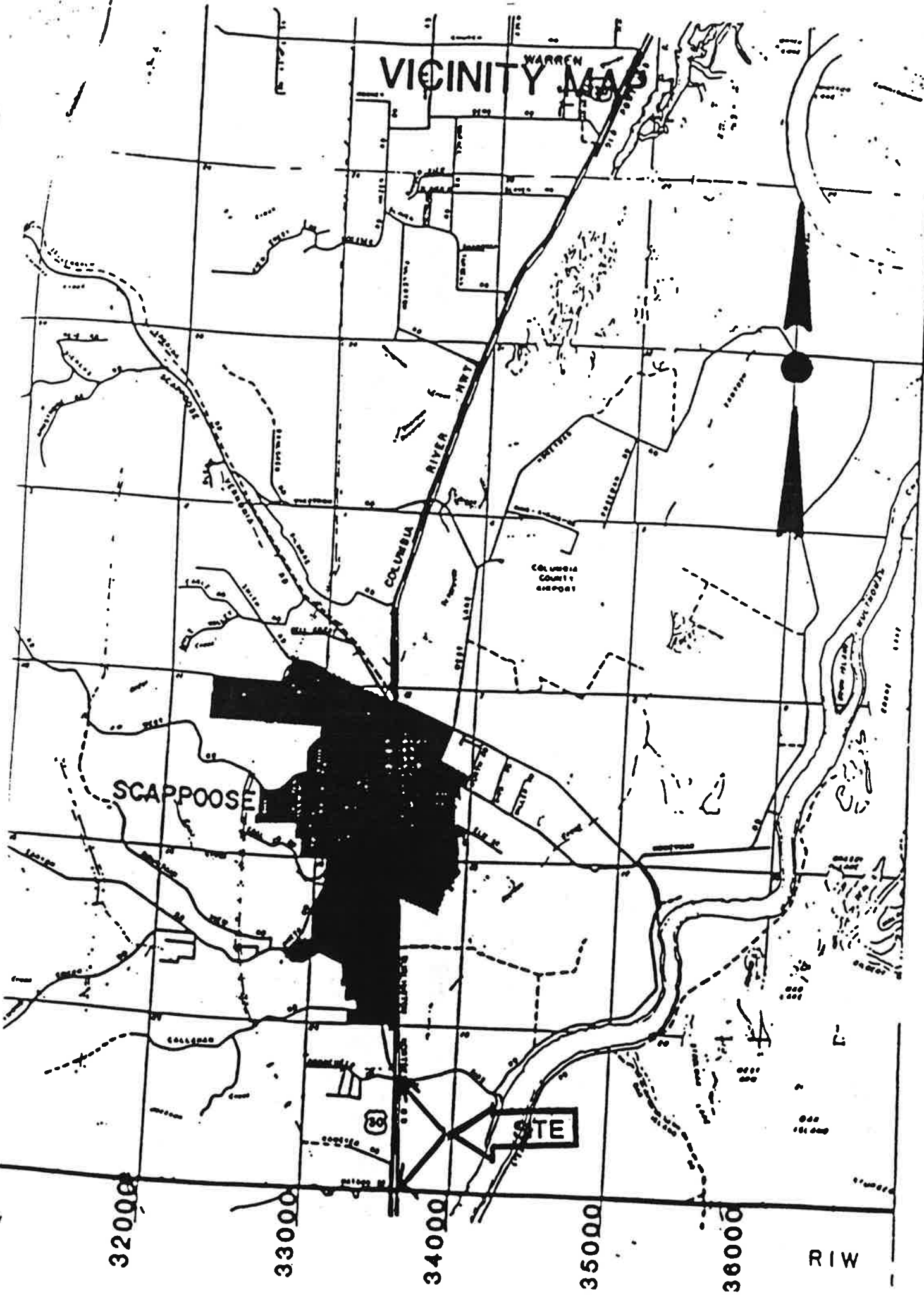
2005 RR-5



1-09
AG-38



VICINITY MAP



SCAPPOOSE

STE

32000

33000

34000

35000

36000

RIW

WARREN

COLUMBIA
COUNTY
AIRPORT

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES

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

October 19, 1988

TO: Board of Commissioners
John Knight, County Council

FROM: Bryan Christian *Bryan*

SUBJECT: Comprehensive Plan Amendment/Zone Change request for properties located south of the City of Scappoose

For some months now different land use designations have been proposed for the properties south of the City of Scappoose between the Highway and the Railroad, that are zoned Rural Residential. The only zone that appears to fit the area is Resource Industrial Planned Development (RIPD).

The DLCDD Staff comments to the proposal are that we have not adequately addressed two (2) of the County's Policies for designating lands for Rural Industrial use and findings have not been presented to address QAR 660-04-018.

The County's Comprehensive Plan Policies for Resource Industrial Development in question are:

1. Designated as Rural Industrial in the Plan those lands which are currently being utilized or which are recognized as being needed to accommodate rural and natural resource industries.
3. Restrict industrial development on land zoned Resource Industrial Planned Development to those uses which:
 - A. Are not generally labor intensive;
 - B. Are land extensive;
 - C. Are located with adequate rail and/or vehicle and/or deep water port and/or airstrip access;
 - D. Complement the character and development of the surrounding area;
 - E. Are consistent with the rural facilities and services existing and/or planned for the area; and,
 - F. Will not require facility and/or service improvements at public expense; or,
 - G. Are not appropriate for location within Urban Growth Boundaries due to their hazardous nature.

OAR 660-04-018 requires specifically that committed exceptions be limited to the following:

- (a) Uses which are the same as the existing types of land uses on the exception site; or
- (b) Rural uses which are:
 - (1) consistent with Statewide Planning Goals;
 - (2) will not commit adjacent or nearby resource land to non-resource uses; and
 - (3) are compatible with adjacent or nearby resource uses.

The following findings are prepared to support the zone change request. Policy 1 requires the designation of those lands which are currently being utilized or which are recognized as being needed to accommodate rural and natural resource industries. The total land area under consideration is five (5) acres. Approximately one-third of the area is committed to a nursery sales yard and a cold storage building. The cold storage site has been used for the sale of vegetables, fruit, fish bait, etc., in the past.

The area is both being used for rural uses and the area is recognized as being needed to accommodate other rural uses. One of the problems encountered is the lack of rural lands available for small business. The areas for which an exception has been taken vary in size from 50 acres to several hundred acres. This long thin land area, with frontage onto the Columbia River Highway meets the need to provide areas for rural uses in an area already committed to such uses. The area appears suitable for rural uses such as mini-storage and RV & boat storage. The nursery sales yard may need to expand. Presently, they are a non-conforming use and the only logical direction to expand is onto land now zoned Rural Residential.

Policy 3 lists seven (7) factors to consider for the development of land zoned Resource Industrial Planned Development. The DLCD objection is the small area being considered does not allow for land extensive uses and uses not generally labor intensive. These terms are used to indicate the kind of business that should happen in rural areas. The use of the land for a mini-storage, or nursery stock is not the same as an electronics manufacturing plant employing several hundred workers, as described in the Industrial Economic Analysis section of the Comprehensive Plan.

Even though the area is small, and some ownerships may have to be combined for a rural use, the area is still better suited for the proposed use than it is for rural residential use. The rural residential goal and policies are to provide for the continuation and needed expansion of rural residential uses and to encourage the infilling of existing built and committed lands for new residential

development. The restricted area between the railroad track and the highway, and existing uses along the Columbia River Highway prevents achieving the rural residential goal and policies.

The DLCD letter requests that OAR 66018-018 be addressed. The criteria requests that committed exceptions be limited to rural uses which;

- (1) are consistent with the Statewide Planning Goals;
- (2) will not commit adjacent or nearby resource lands to non-resource uses; and
- (3) are compatible with adjacent or near-by resource uses.

The following Statewide Planning Goals are not applicable: Agricultural Lands; Forest Lands; Open Spaces, Scenic & Historic; Air, Water and Land Resources Quality; Areas Subject to Natural Disasters and Hazards; Recreational Needs; Transportation; Energy Conservation and Willamette River Greenway.

The following Goals apply: Economy, Housing, Public Facilities and Urbanization.

Economy - The goals are to strengthen and diversify the economy of Columbia County and to utilize natural resources and advantages for expanding and diversifying the economic base. New business should locate to take maximum advantage of existing public and private investments. The use of the property along the Columbia River Highway will make use of the existing facilities. The type of rural uses which are appropriate in the area, such as storage areas and nursery sales, will not require any new improvements.

Housing - The goal is to provide for the housing needs of the County by allowing flexibility in housing location and density. The policies are to encourage the housing supply for a range of choices. The residential uses in the area include two (2) single - family dwellings on parcels of approximately one (1) acre in size and two (2) houses and two (2) sets of duplexes on parcels of one-half (1/2) acre or less in size. It is doubtful if any of the existing homes could be replaced with new homes because of septic and well requirements. It is definite the duplexes could not be replaced. Given the development constraints and the location between the highway and the railroad track, it is not possible to achieve the housing goals and policies.

Public Facilities - The goal is to plan and develop a timely, orderly and efficient arrangement of public services as a framework for urban and rural development. A policy is to require that adequate types and levels of public facilities and services be provided in advance of, or concurrent with, development. Any rural land uses approved in the proposed area will use the existing services available. There is no intention to require that city water and sewer be extended to serve the area. Public

facilities can only be provided if the area were to be included in the Scappoose Urban Growth Boundary.

Urbanization - The goal is to maintain urban growth boundaries based upon an demonstrated need for lands to be included in the urban area. One of the policies is to limit development outside of urban growth boundaries to densities which do not require an urban level of public facilities or services. It is the intent of the County to limit the rural uses to the services that exist now in the area. This is in keeping with the Rural Industrial Policy of limiting uses to those that are not generally labor intensive and are land extensive.

The purposed uses for the area are ones not requiring urban services. The earlier proposal was for a Rural Commercial Zone, utilizing uses found in the rural areas. This idea was later dropped because such uses could not occur within five (5) miles of an urban growth boundary. The same intensity of development is proposed for the rural industrial use.

If the criteria in OAR 660-14-018 can not be met, then a "reasons" exception must be satisfied. It is not possible to justify a reasons exception for the area. The only possibility is to adopt the findings proposed in this report.

The last part of OAR 660-18-018 requires that committed exceptions be limited to rural uses which:

- (a) will not commit adjacent resource lands to non-resource uses; and
- (b) are compatible with adjacent or near-by resource uses.

The railroad right-of-way buffers the rural industrial uses from the agricultural resource land to the east. There are no public railroad crossings in this area.

To the north there is an Existing Commercial business (gas station and rural store) and a County Road which separates the committed exceptions area from the resource lands.

The lands immediately to the south in Multnomah County are used for commercial activities. The properties to the west are a mix of Rural Residential, Existing Commercial and Resource Industrial Planned Development.

Uses proposed for the committed exception area, and the only uses that are suitable for the parcels, will be compatible with adjacent resource lands and will not commit adjacent resource uses to non-resource uses.