

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of )  
Harold R. Sparks (John McGilvra, Agent))  
for a Comprehensive Plan Amendment and )  
Zone Change from Primary Forest (PF-76))  
to Forest Agriculture (FA-19) )  
\_\_\_\_\_ )

ORDINANCE NO. 89-12

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. 89-12.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend the Comprehensive Plan and to rezone 143.33 acres of land from PF-76 to FA-19.

SECTION 4. AMENDMENT OF COMPREHENSIVE PLAN.

The Comprehensive Plan is hereby amended to change the Comprehensive Plan Designation for the following parcels located in T6N, R3W, Section 25:

<u>Tax Lot</u>	<u>Size (Acres)</u>
6325-000-01700	26.01 Acres
6325-000-01900	5.59 Acres
6325-000-01901	9.12 Acres
6325-000-01902	5.30 Acres
6325-000-02400	3.76 Acres
6325-000-02500	9.40 Acres
6325-000-02700	18.59 Acres
6325-000-03000	8.88 Acres
6325-000-03200	22.20 Acres
6325-000-03300	34.48 Acres

SECTION 5. REZONE.

The Zoning Map is hereby amended to change the zoning designation for the following parcels from Primary Forest (PF-76) to Forest Agriculture (FA-19):

<u>Tax Lot</u>	<u>Size (Acres)</u>
6325-000-01700	26.01 Acres
6325-000-01900	5.59 Acres
6325-000-01901	9.12 Acres
6325-000-01902	5.30 Acres
6325-000-02400	3.76 Acres
6325-000-02500	9.40 Acres
6325-000-02700	18.59 Acres
6325-000-03000	8.88 Acres
6325-000-03200	22.20 Acres
6325-000-03300	34.48 Acres

SECTION 6. FINDINGS AND CONCLUSIONS.

In support of this amendment and rezone, the Board adopts the Findings of Fact and Conclusion and Recommendation which were proposed by the Columbia County Planning Department in its report of September 11, 1989 a copy of which is attached hereto, labeled Exhibit "A", and incorporated herein by this reference, and as adopted by the Planning Commission by Final Order PA 7-89, a copy of which is attached hereto, labeled Exhibit "B" 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 4th day of October, 1989.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: John R. Peterson  
Chairman

By: May W. Dillon  
Commissioner

By: Michael Sykes  
Commissioner

Attest:

By: Chris Maylan  
Recording Secretary

First Reading: 10-04-89  
Second Reading: 10-04-89  
Effective Date: 10-04-89

Approved as to form  
By: Sherrill A. Kinnick  
Office of County Counsel

EXHIBIT "A"

COLUMBIA COUNTY PLANNING COMMISSION  
Staff Report

September 11, 1989

FILE NUMBER: PA 7-89

APPLICANT: Harold R. Sparks  
133 S.E. Ankeny Circle  
Portland, OR 97233

REQUEST: Major Comprehensive Plan Map Amendment /  
Zone Change

TAX ACCT. NUMBERS: 6325-000-01700, 01900, 01901, 01902,  
02400, 02500, 02700, 03000, 03200, 03300

EXISTING ZONING: Primary Forest (PF-76)

I. BACKGROUND

The applicant is requesting a Major Comprehensive Plan Map Amendment/Zone Change from Primary Forest (PF-76) to Forest Agriculture (FA-19) on a 26 acre parcel. The parcel is located in between Meissner and Hollywood Roads. Both are county roads, with Meissner being sixty feet and paved, and Hollywood being fifty feet and gravel. The parcel is a wood lot, with much of it covered with scrub and brush. Timber has been cut, and the applicant proposes to replant it in accordance with the State Forest Practices Act.

In reviewing the applicable standards, Staff found that several adjacent parcels also met those standards. Therefore this application also includes the following nine other tax accounts:

6325-000-01900, -01901, -01902, -02400, -02500, -02700,  
-03000, -03200, -03300.

The owners of these parcels were notified of their inclusion into this request.

II. FINDINGS

A. Section 1502.1 of the Zoning Ordinance states:

- .1 Major Map Amendments are defined as a Zone Change which requires 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 two (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;

Finding 1.

The Comprehensive Plan policies provide for the designation of resource lands as Forest Agriculture. The applicable plan policies shall be addressed in detail further on in this report.

2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and

Finding 2.

This request is consistent with all of the provisions of ORS 197. As the land is proposed to be changed from one resource zone to another resource zone, no exception to any of the statewide planning goals is to be taken. The Forest Agriculture zone has been found to be consistent with planning goals 3 and 4, since provision for this designation was included in the Comprehensive Plan, which has been acknowledged by the Department of Land Conservation and Development.

3. The property and affected area is 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.

Finding 3.

The subject properties all have frontage on county roads. Of the ten parcels involved, six of them already support single family

dwellings. Therefore, electricity and telephone service are available in the area. No other facilities, services, and/or transportation networks are planned.

- 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 is 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.

Finding 4. The Board of Commissioners shall hold a hearing on this request on October 4, 1989, at 11:00 a.m.

B. The following Comprehensive Plan policies apply to this request:

10. Require a plan amendment when considering a zone change from Primary Forest (PF-76) to Forest-Agriculture (FA-19) in accordance with Forest Lands Policies 3 and 4.

Finding 5. In accordance with this policy, this request is being processed as a Major Plan Amendment, even though there will not be a physical change to the Comprehensive Plan Map. This is because the map only designates two resource uses, one being forest and the other agriculture. It does not provide a separate designation for the

Forest Agriculture zone. The subject property is now designated as Forest Resource on the Comprehensive Plan, and will remain as such should this request be approved.

3. Designation as Primary Forest those lands that:
  - A. Are in industrial, private non-industrial and public ownerships.
  - B. Protect sensitive areas such as watersheds and wildlife and fisheries habitat.
  - C. Are in areas where parcels average 38 acres or more.
  - D. Are geographically or topographically separated from those lands used for agriculture and non-forestry uses.
  - E. Have a predominant cubic-foot site class of 2 and 3.
  - F. Have climate, soil and topographic conditions that require the maintenance of vegetative cover regardless of use.
  - G. Do not generally require an on site caretaker to effectively manage the resource.
  - H. Are isolated pockets within forest areas which do not meet the above criteria but for other reasons are precluded from any other use.

Finding 6. All forest lands can be said to be either in industrial, private non-industrial and public ownerships.

The subject parcels are not adjacent to any watersheds, nor any land with Sensitive Bird Habitat, Wetland Area, Natural Area, or Big Game Range Overlay Districts.

The subject properties, all currently zoned PF-76, have an average parcel size of 14.33 acres. Including the subject properties and excluding properties zoned Rural Residential, the average parcel size on that particular section map is 20.36 acres.

Tax account 6325-000-01700 is bordered on the north by Rural Residential zoning. Although there is road separation, it is also adjacent on the east and west to Rural Residential zoning.

The predominant cubic-foot site class on the subject properties is 4, as can be seen from the attached Cubic-Foot Site Class Map.

There is no indication that the properties require the maintenance of vegetative cover regardless of use.

Several of these properties (six out of ten) already have dwellings on them. Properties can generally be managed better with someone on site for protection.

These properties are not isolated pockets within forest areas, nor are there any reasons which would preclude them from any other uses.

4. Designate as Forest-Agriculture those lands that:
  - A. Are in private non-industrial ownerships where the existing ownership pattern consists predominantly of single small parcel owners.
  - B. Provide only minimal benefit to watershed and wildlife and fisheries habitat areas.
  - C. Are in areas where contiguously owned parcels average less than 38 acres and where the predominant parcel size is less than 38 acres. Contiguously owned parcels are considered as one unit.
  - D. Have direct access to a public right-of-way.
  - E. Have a predominant cubic-foot site class of 3 or 4.
  - F. Have soil and topographic characteristics that do not preclude a limited non-resource use of the land, and where such activity can be buffered from adjacent resource uses.
  - G. Are small isolated pockets of lands surrounded by land which meets the preceding criteria.

Finding 7. All of the subject properties are in private, non-industrial ownerships. The ownership is as follows:

26.01 AC - 6325-000-01700 Howard & Tamara Katz  
5.59 AC - 6325-000-01900 Terry Newman Gardner  
9.12 AC - 6325-000-01901 David Wadley Et Al  
5.30 AC - 6325-000-01902 John K. Frederick  
3.76 AC - 6325-000-02400 Joan & Robert Harris  
9.40 AC - 6325-000-02500 Lorene & Ralph Partridge  
18.59 AC - 6325-000-02700 Doris & Gordon Seeley  
8.88 AC - 6325-000-03000 Donald & Swea Nys  
22.20 AC - 6325-000-03200 Paul Seamons/Dee Vadnais  
34.48 AC - 6325-000-03300 Donna & William Ralls

As mentioned earlier, these properties are not adjacent to any watersheds, nor any land with Sensitive Bird Habitat, Wetland Area, Natural Area, or Big Game Range Overlay Districts.

Only two of the subject parcels have adjoining property under contiguous ownerships. However, the adjoining property is not included in this request. Including them, the contiguously owned average parcel size of the subject properties is 20.7 acres. Including the subject parcels and the two additional parcels under contiguous ownership, the average contiguously owned parcel size of the section map (excluding Rural Residential land) is 31.67 acres.

All subject properties have direct access to a public right-of-way.

The predominant cubic-foot site class is 4.

The predominant soil type for the area is Astonay gravelly loam, 30 to 60 percent south slopes. There is some Bacona silt loam, 3 to 30 percent slopes, and a small amount of Scaponia-Braun silt loams, 30 to 60 percent south slopes. The soil and topographic characteristics would not prevent limited non-resource land use. Existing roads and adequate setbacks (60 feet or more as stated in the Oregon Forest Practices Act) would ensure buffering from adjacent resource uses.

The subject parcels are surrounded by lands, some of which are zoned Rural Residential, that have similar characteristics.



III. AGENCY COMMENTS

The following agencies commented on this request:

1. Tide Creek CPAC stated no conflicts with their interests.
2. County Sanitarian stated no conflicts with his interests.
3. Columbia Soil and Water Conservation District stated:

"This parcel does not meet criteria for FA-19. It is better suited for forest."

IV. CONCLUSION AND RECOMMENDATION

Although the applicant had intended this request for tax account number 6325-000-01700 only, further review by Staff found it made more sense to look at the area rather than just that one parcel. After examining the criteria necessary for such an application, it was believed that all the properties included in this request could meet the criteria.

The impact this request may have would be, at maximum, the addition of four single family dwellings. These would have to be reviewed through the standards of the Forest Agriculture zone. While not as restrictive as the Primary Forest zone, the FA-19 standards would ensure that any new dwellings would either be resource related, or have to meet the standards for nonresource-related dwellings.

No future land divisions could take place as a result of approval of this request, as none of the parcels involved have enough acreage to be divided into two in accordance with the FA-19 standards.

State Goals 3 and 4 will not be violated as a result of this request, as DLCD acknowledged Columbia County's Comprehensive Plan with the provision to designate lands Forest Agriculture.

Based upon these conclusions and the findings as noted above, Staff recommends approval of this request.

V. ATTACHMENTS

Vicinity Map

# VICINITY MAP

**TIDE CREEK  
C. P. A. C.**

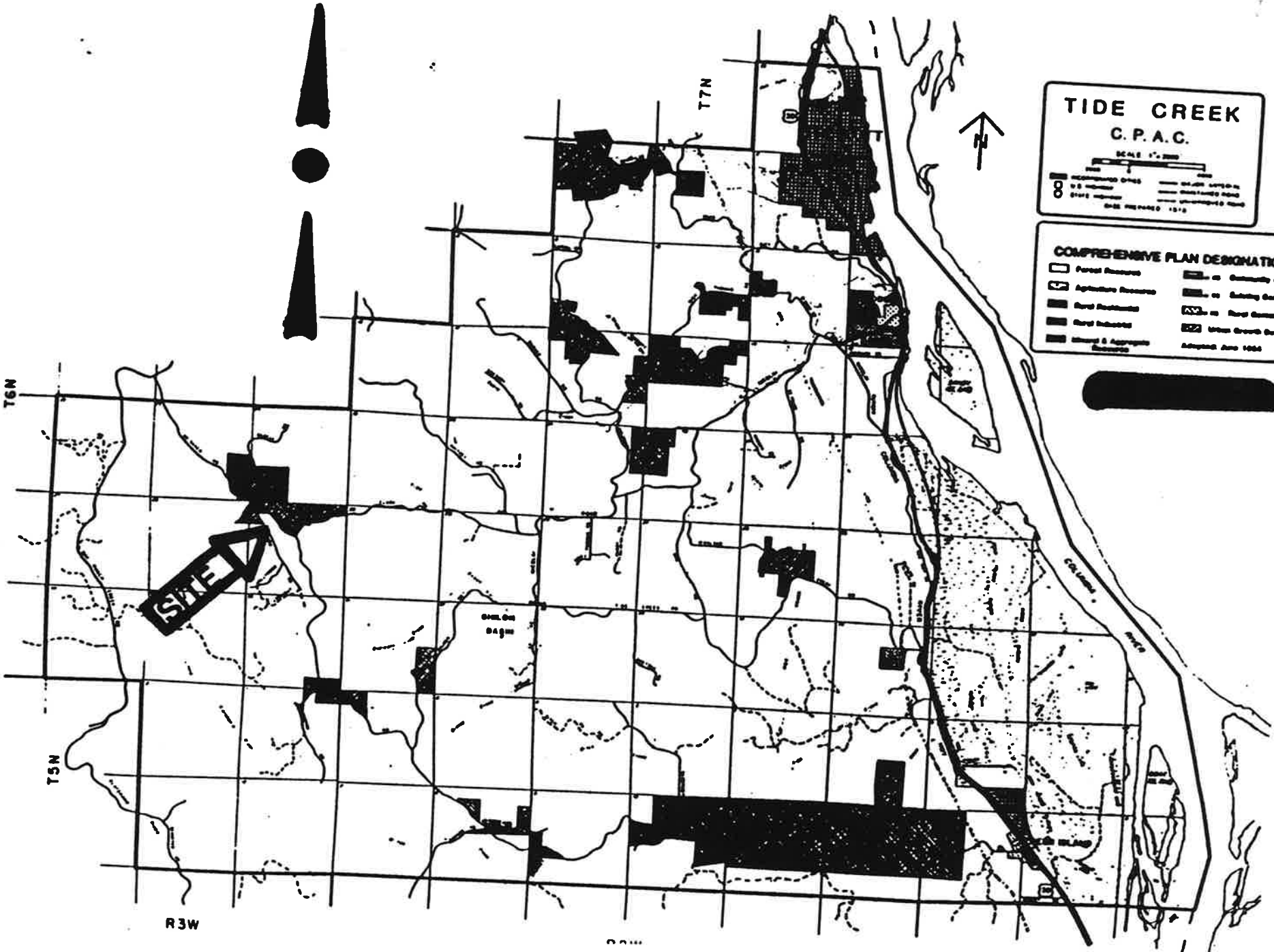
SCALE 1" = 200'

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UNIMPROVED ROAD      STATE HIGHWAY  
 U.S. HIGHWAY      STATE HIGHWAY  
 DATE PREPARED 1978

**COMPREHENSIVE PLAN DESIGNATIONS**

Forest Reserve	Community Service
Agriculture Reserve	Existing Community
Rural Residential	Rural Center
Rural Industrial	Urban Growth Boundary
Mixed & Aggregate Reserves	Adopted June 1988



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