

CPZ

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application by Tara Lynn)
Kuehn for a Comprehensive Plan Map Amendment)
and Zone Change from Community Service-) ORDINANCE NO. 2002-10
Institutional (CS-I) to Rural Residential (RR-5))

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2002-10.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, 215.050, 215.060, 215.223, and 197.610 to 197.615.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve the application of Tara Lynn Kuehn for a Comprehensive Plan Map Amendment from Community Service to Rural Residential and a Zone Change from Community Service-Institutional (CS-I) to Rural Residential (RR-5), on the 2.5 site of the former Dutch Canyon Grange, having tax account number 3216-000-00200. The Major Map Amendment will allow rural residential uses on the property.

SECTION 4. HISTORY

Tara Lynn Kuehn applied for a Comprehensive Plan Map amendment from Community Service to Rural Residential and a Zoning Map amendment from Community Service Institutional (CS-I) to Rural Residential (RR-5) on June 21, 2002. The Columbia County Planning Commission held a hearing on the application on August 5, 2002, to determine whether to recommend approval of the application to the Board of County Commissioners. After hearing testimony, receiving evidence, and deliberating, the Columbia County Planning Commission voted to recommend approval of the application to the Board of County Commissioners. On August 12, 2002, Jeff VanNatta, Planning Commission Chair, signed Final Order PA 02-04, recommending approval of the application with three Conditions of Approval.

On October 16, 2002, the Board of County Commissioners held a hearing on the record. At the hearing, Glen Higgins, Columbia County Planner, presented the staff report which listed criteria to be considered and contained the Department's proposed findings, conclusions and recommendations. Also during the hearing, documents in Legal Counsel's file (the record) was listed. A list of documents included in the record is attached hereto as Attachment A, and is

incorporated herein by this reference. After deliberating on the matter, the Board of County Commissioners voted to approve the application.

SECTION 5. FINDINGS.

The Board of County Commissioners adopts, as its findings, the findings of fact and conclusions of law contained in the Staff Report of the Department of Land Development Services dated October 11, 2002, a copy of which is attached hereto as Attachment B, and is incorporated herein by this reference.

SECTION 6. AMENDMENT AND AUTHORIZATION.

A. The Comprehensive Plan Map designation for the 2.5 acre parcel having tax account number 3216-000-00200 is hereby changed from Community Service to Rural Residential.

B. The Zoning Map designation for the 2.5 acre parcel having tax account number 3216-000-0020 is hereby changed from Community Service Institutional (CS-I) to Rural Residential (RR-5).

C. The Comprehensive Plan Map Amendment and Zoning Map Amendment is approved subject to the following condition: The Applicant shall submit an approved Lot Evaluation, or authorization for a septic system on the subject project.

DATED this 6th day of November, 2002.

Approved as to Form

By: *Sarah Tyson*
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: *[Signature]*
Anthony Hyde, Chair

Recording Secretary

By: *Jan Greenhalgh*
Jan Greenhalgh, Recording Secretary

By: *Joe Corsiglia*
Joe Corsiglia, Commissioner

First Reading: 10-16-02
Second Reading: 11-6-02
Effective Date: 2-4-03

By: *Rita N. Bernhard*
Rita Bernhard, Commissioner

ATTACHMENT A

RECORD

- 1) Notice of Public Hearing (Publication);
- 2) Notice of Public Hearing (Property Owner Notice);
- 3) Affidavit of Mailing;
- 4) Affidavit of Publication;
- 5) Referral Contact List;
- 6) List of People to Receive Notice;
- 7) Notice of Public Hearing dated July 1, 2002;
- 8) Staff Report to the Columbia County Planning Commission;
- 9) DLCDC Notice of Proposed Amendment;
- 10) Board Communication dated October 11, 2002, with the following attachments:
 - a. Planning Commission Final Order PA 02-04;
 - b. August 5, 2002, Planning Commission Minutes;
 - c. Staff Report to the Board of County Commissioners;
 - d. Referral and Acknowledgment from the County Road Department;
 - e. Referral and Acknowledgment from the Scappoose CPAC;
 - f. Referral and Acknowledgment from the County Sanitarian;
 - g. Application submitted by Tara Lynn Kuehn;
 - h. Vicinity Map;
 - i. Zoning Designation Map;
 - j. Address Map;
 - k. Site Plan;
 - l. Comprehensive Plan Designation Map;
 - m. Site Photos of Grange Building.

**COLUMBIA COUNTY
BOARD OF COMMISSIONERS
STAFF REPORT**

Plan Amendment & Zone Change

FILE NUMBER: PA 02-04

APPLICANT/OWNER: Tara Lynn Kuehn
PO box 6234
Beaverton, Oregon 97007-0234

PROPERTY LOCATION: 30965 Dutch Canyon Road

REQUEST: Plan Amendment of the Comprehensive Plan Designation Map from Community Service Institutional to Rural Residential and Re-zone of the Official Zoning Ordinance Map From CS-I to RR-5.

TAX LOT: 3216-000-00200

SIZE: 2.50 Acres

PRESENT COMP PLAN DESIGNATION: Community Service

PROPOSED COMP PLAN DESIGNATION: Rural Residential

PRESENT ZONING: Community Service - Institutional (CS-I)

PROPOSED ZONING: Rural Residential - 5 (RR-5)

BACKGROUND:

On August 5, 2002, the Columbia County Planning Commission heard the Comprehensive Plan Amendment and Zone change Application of Tara Lynn Kuehn. After reviewing the staff report and testimony from all interested parties, the Planning Commission made a recommendation of APPROVAL to the Board of Commissioners.

The subject property contains the former Dutch Canyon (South Scappoose) Grange building which is located in an area of Rural Residential uses. The applicant states that, "Community events/meetings held here were discontinued over 13 years ago." The applicant proposes to amend the Official Comprehensive Plan Map designation from Community Service to Rural Residential and to change the Official Zoning Ordinance Map on this 2.50 Acre parcel from Community Service - Institutional (CS-I) to Rural Residential - 5 (RR-5).

REVIEW CRITERIA:

<u>County Zoning Ordinance</u>	<u>Page(s)</u>
Section 1502	2, 3, 4, 5
Section 1605	2
Section 1608	5

FINDINGS:

This request is being processed under Section 1605 of the Zoning Ordinance. The pertinent sections of the ordinance are as follows:

1605 Zone Change - Major Map Amendment: The hearing for a major map amendment shall follow the procedure established in Sections 1502, 1502.1, 1502.1A and 1502.1B. This hearing cannot result in the approval of a major map amendment. The Commission may make a recommendation to the Board of 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 the admission of new evidence.

1502 Zone Changes (Map Amendments): There are two types of Zone Changes which will be considered by the Commission: Major Map Amendments and Minor Map Amendments.

.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 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 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.

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.
2. Minor Map Amendments are defined as a Zone Change which does not require an amendment to the Comprehensive Plan. The Commission may grant a Minor Map Amendment provided they find adequate evidence has been presented at a hearing substantiating the following:
- A. The Zone Change is consistent with the Comprehensive Plan; and
 - B. 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 1: This proposal is being processed as a Major Map Amendment, since the zone change requires the official Comprehensive Plan Map to be amended in order for the official Zoning Map and the Comprehensive Plan to be in agreement. The Planning Commission shall make a recommendation to the Board of County Commissioners who will then find that adequate evidence was submitted to make a decision upon whether or not approval criteria are met.

Section 1502.1.A.1 requires the Planning Commission to find adequate evidence substantiating that:

1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;

POLICIES: Applicable policies of the Comprehensive Plan include those for Rural Residential and Housing.

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.” p 53

RURAL RESIDENTIAL

"It shall be a policy of the County to:

5. Encourage the in-filling of existing built and committed lands for new residential development." p 53

HOUSING

"It shall be a policy of the County to:

1. Encourage an adequate housing supply by providing adequate opportunity for the development of new housing units and supporting the rehabilitation of the existing housing units when feasible. p 52

FINDING 2: The subject property and surrounding area has already taken a built and committed exception taken to become Rural Residential. Amendment of the Comprehensive Plan Map and zone change of the Zoning Ordinance Map to RR-5 will support the above Comprehensive Plan Policies for Rural Residential and Housing.

Section 1502.1(A)2 requires the Planning Commission to find that:

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

FINDING 3: Goal 1 Citizen Involvement was accomplished by staff following the notification and review procedures established by the zoning ordinance. Columbia County's Comprehensive Plan and zoning ordinances have been acknowledged as being consistent with Statewide Planning Goals. The Rural Residential section of the Plan, in particular, has been recently re-acknowledged following periodic review. The proposed Zone Change is located in an existing built and committed area, designated as an exception area in both the Comprehensive Plan's initial adoption and in periodic review and therefore is consistent with the Statewide Planning Goal 2. Goal 10 Housing has been shown to be met through the Comprehensive Plan Housing Policies identified above. The only other statewide goal that could apply in this case is Goal 8 Recreation Needs, assuming that Grange activities are recreational in nature. The fact that the Grange Hall has been inactive for thirteen years leads us to believe that use is no longer needed. No other statewide goals are applicable.

Continuing with Zoning Ordinance Section 1502.1:

"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 proposed zone change is consistent with the policies of the Comprehensive Plan and with Statewide Planning Goals. There are adequate facilities, services, and transportation networks to support the subject property's rural use as a rural residential homesite.

"1608 Contents of Notice: Notice of a quasi judicial hearing shall contain the following information:

- .1 The date, time and place of the hearing;
- .2 A description of the subject property, reasonably calculated to give notice as to the actual location, including but not limited to the tax account number assigned to the lot by the Columbia County Tax Assessor;
- .3 Nature of the proposed action;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held according to the procedures established in the Zoning Ordinance."

FINDING 5: All of the above shall have been included in the Notice of Public Hearing published twice in the Chronicle and Spotlight newspapers not less than 10 days prior to the hearing.

COMMENTS:

1. The Scappoose CPAC has reviewed the application and has no objection to its approval as submitted. "Approve"
2. The County Sanitarian comments that, "Will need to complete the lot eval and construction permit procedure. An approved lot Eval should be required before PA 02-04 is completed."
3. The County Roadmaster has reviewed the application and has no objection to its approval as submitted.

No other comments have been received from nearby or adjacent property owners or government agencies as of the date of this staff report (July 11, 2002).

CONCLUSIONS AND RECOMMENDATIONS:

Based on the above findings in the staff report (PA 02-04), Planning Staff recommend the Board of Commissioners **APPROVE** this request for a Plan Amendment and Zone Change as follows:

1. The Official Comprehensive Plan Map designation shall be changed from Community Service to Rural Residential on the subject property described as 3216-000-00200.
2. The Official Zoning Ordinance Map shall be changed from Community Service - Institutional (CS-I) to Rural Residential - 5 (RR-5) on the subject property described as 3216-000-00200.
3. The applicant shall submit an approved Lot Evaluation or an Authorization for Septic System shall be completed prior to the plan amendment/zone change becoming final.