

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of the McNulty Water)
People's Utility District for a Comprehensive Plan)
Map Amendment from Forest Resource to Community)
Service and Zone Change from Primary Forest (PF-76) to) ORDINANCE NO. 2003-9
Community Service Utility (CS-U))

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2003-9.

SECTION 2. AUTHORITY.

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

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve the application of the McNulty Water People's Utility District (PUD) for a Comprehensive Plan Map Amendment from Forest Resource to Community Service and a Zoning Map Amendment from Primary Forest (PF-76) to Community Service Utility (CS-U), on a 1.07 acre portion of a 116.40 acre parcel having tax account number 5130-000-00400. The Major Map Amendment will allow the 1.07 acre portion to be used to site a water reservoir, subject to Site Design Review.

SECTION 4. HISTORY

The McNulty Water PUD applied for a Comprehensive Plan Map amendment from Forest Resource to Community Service and a Zoning Map amendment from Primary Forest (PF-76) to Community Service Utility (CS-U) on June 19, 2003. The Columbia County Planning Commission held a hearing in the matter on August 4, 2003, 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 5, 2003, Michael Herdrich, Planning Commission Vice-Chair, signed Final Order PA 03-07, recommending approval of the application.

On September 17, 2003, the Board of County Commissioners held a hearing on the record of the Planning Commission's decision. 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 were introduced as the record of the Planning Commission decision, and were labeled Exhibit 1. A list of documents included in the record is attached hereto as Attachment A, and is incorporated herein by this

reference. After deliberating in the matter, the Board of County Commissioners voted to tentatively 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 September 3, 2003, 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 1.07 acre portion of tax account number 5130-000-00400 is hereby changed from Forest Resource to Community Service. The portion of tax account 5130-000-00400 to be amended is more particularly described in Attachment C, which is attached hereto and is incorporated herein by this reference.

B. The Zoning Map designation for the 1.07 acre portion of tax account number 5130-000-00400 is hereby changed from Primary Forest (PF-76) to Community Service Utility (CS-U). The portion of tax account 5130-000-00400 to be amended is more particularly described in Attachment C, which is attached hereto and is incorporated herein by this reference.

C. The Comprehensive Plan Map and Zoning Ordinance amendments specified above are subject to the following conditions of approval:

1. Prior to purchase of the 1.07 acre site, the Applicant shall receive approval to partition the site from the 116.40 acre parent parcel having tax account number 5130-000-00400.

2. Prior to development of the 1.07 acre site for the proposed reservoir, the Applicant shall receive approval of a Site Design Review application to site the water reservoir.

DATED this 1st day of October, 2003.

Approved as to Form

By: Sarah Tyson
Office of County Counsel

Recording Secretary

By: Jan Greenhalgh
Jan Greenhalgh, Recording Secretary

First Reading: 9-17-2003

Second Reading: 10-1-2003

Effective Date: 12-30-2003

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Joe Corsiglia
Joe Corsiglia, Chair

By: Not Present
Rita Bernhardt, Commissioner

By: Anthony Hyde
Anthony Hyde, Commissioner

ATTACHMENT A

Exhibit 1- Legal Counsel's File:

- 1) Notice of Public Hearing (publication);
- 2) Notice of Public Hearing (Property Owner Notice);
- 3) List of people to receive notice;
- 4) Affidavit of mailing;
- 5) Affidavit of publication;
- 6) Board Communication with the following attachments:
 - a. Final Order PA 03-07;
 - b. Notice of Public Hearing dated June 25, 2003;
 - c. Staff Report to the Columbia County Planning Commission dated July 23, 2003;
- 7) Board Communication dated September 9, 2003 with the following attachments:
 - a. Staff Report to the Board of County Commissioners dated September 3, 2003;
 - b. Application with maps and conceptual site plan;
 - c. Referral and Acknowledgment from County Transportation Planner;
 - d. Referral and Acknowledgment from St. Helens CPAC;
 - e. Referral and Acknowledgment from Soil and Water Conservation District;
 - f. Referral and Acknowledgment from Building official;
 - g. Referral and Acknowledgment from Soil and Water Conservation District;
 - h. Referral and Acknowledgment from Columbia River Fire and Rescue;
 - i. Referral and Acknowledgment from McNulty Water Association;
 - j. Referral and Acknowledgment from County Sanitarian;
- 8) Minutes of August 4, 2003 Planning Commission Minutes;
- 9) Notice of Public Hearing dated June 25, 2003;
- 10) Referral Contact List;
- 11) Letter to LDS from McNulty Water People's Utility District dated June 23, 2003, with the following attachments:
 - a. Letter to LDS from Fred Bolton, P.W. dated April 24, 1997;
 - b. Exhibit B- Reynolds Land Surveying Inc.;
 - c. Letter to LDS from McNulty Water People's Utility District dated June 16, 2003;
 - d. Letter to McNulty Water People's Utility District from LaVielle Geotechnical P.C. dated June 9, 2003.;
 - e. Exhibit D- Preliminary Plan;
 - f. Exhibit E- Reservoir Plan;
 - g. Exhibit F- Zoning Map;
 - h. Plate 4- McNulty Water Association Pressure Zones;
 - i. Historical Population And Projections;
- 12) DLCD Notice of Proposed Amendment;
- 13) Site Design Review Submittal Checklist;
- 14) Development Review Committee Meeting agenda;
- 15) Certificate of Mailing Dated August 12, 2003;
- 16) Certificate of Mailing Staff Reports dated July 25, 2003;
- 17) Notice published in the Spotlight;

- 18) Notice published in the Chronicle;
- 19) Certificate of Mailing dated June 27, 2003;
- 20) Letter to McNulty Water People's Utility District from Jim Holycross dated June 19, 2003;
- 21) Receipt dated June 19, 2003.

ATTACHMENT B

McNulty Water PUD

PA 03-07

COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT
September 3, 2003
Plan Amendment & Zone Change

FILE NUMBER: PA 03-07

APPLICANT: McNulty Water People's Utility District (PUD)
34240 Millard Road
Warren, Oregon 97053

PROPERTY OWNER: Longview Fiber Company
1510 St. Helens Street
St. Helens, Oregon 97051

PROPERTY LOCATION: Intersection of Robinette and Smith Roads approximately 1½ miles north northwest of St. Helens, Oregon

REQUEST: Plan Amendment of Comprehensive Plan Map from Forest Resource to Community Service; and a zone change of the zoning map from Primary Forest (PF-76) to Community Service Utility (CS-U) on 1.07 acres.

TAX LOTS: 5130-000-00400

REVIEW CRITERIA

<u>CCZO</u>	<u>PAGE</u>
Section 1605	2
Section 1502	2
Section 1012	8
Section 1502	8
Section 1608	9

BACKGROUND:

The McNulty Water PUD proposes to amend the official Comprehensive Plan Map designation from Forest Resource to Community Service and to change the Official Zoning Ordinance Map from Primary Forest (PF-76) to Community Service Utility (CS-U) on 1.07 acres of an existing 116.40 acre parcel. The subject 1.07 acres is located approximately 1½ miles north northwest of St. Helens, Oregon on the northwest corner of the intersection of Robinette and Smith County Roads. The McNulty Water PUD intends to site a water reservoir at this location to improve water storage capabilities and to provide better service to areas currently above other reservoirs in the system.

SOILS:

Soils underlying the property are as follows:

	<u>Est. % of Area</u>	<u>Ag.Cap. Class</u>	<u>D.F.Site Index (CMAI)</u>
23C Goble Silt Loam, Warm, 3 to 15 percent slopes	100	VIe	183

FINDINGS:

This request is being processed under Section 1605 of the Zoning Ordinance. Pertinent sections of the ordinance follow:

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.

Finding 1: The proposed plan amendment and zone change is being processed as a Major Map Amendment, as 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.

Following with the County Zoning Ordinance, 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;

Finding 2: The applicant describes why the proposed Zone Change is consistent with the policies of the Comprehensive Plan in the applicant's narrative attached to the application as follows:

Administrative Procedures Policies 5 & 8: Administrative Procedures Policies 5 and 8 apply to this application. *Policy 5* authorizes the owners of affected property to initiate amendments to the County's Comprehensive Plan and land use regulations.

Policy 8 requires that all land use approvals be consistent with the Comprehensive Plan. This application satisfies all applicable plan policies for the reasons set out below.

Public Facilities and Services Policies 1, 2, 4, 13, 18, and 20: The applicant states that, "The goal provides for the planning and development of a timely, orderly and efficient arrangement of public services as a framework for urban and rural development. This proposal will provide improved service capability for existing and future residential development in the McNulty Water PUD rural service area and may also provide a potential to service the urban area of Columbia City. The proposal is timely because it will increase service provision capability to its service areas where residential development is now occurring.

Policy 1 calls for the provision of adequate types and levels of public services in advance of development. The proposed new reservoir is one such facility needed to accommodate permitted rural development in the McNulty Water PUD service area. The reservoir will be sized to accommodate existing and future growth that is permitted in the rural area under the County's acknowledged Comprehensive Plan.

Policy 2 requires that the level of facilities and services be appropriate for and limited to the needs and requirements of the area to be served. Like the existing Robinette and Blaha Road reservoirs, the proposed new reservoir will serve the rural population residing west of and outside the corporate boundaries of the City of St. Helens. The new reservoir is sized to accommodate existing development and future population growth in that rural area that is expected to occur over the life of the facility. The new reservoir will also have the capability to serve development inside the Cities of Columbia City and St. Helens urban areas. For these reasons, *Policy 2* is met.

Policy 4 encourages new development on lands within the urban growth boundaries or built and committed exception areas. Because McNulty Water PUD serves a rural population, its location outside the city's urban growth boundary is appropriate. As described in more detail in the exceptions analysis below, built and committed lands in the rural area cannot reasonably accommodate the proposed reservoir site because they are not located at a high enough elevation to reasonably accommodate development within service areas at lower elevations.

Policy 5 requires the coordination of public facilities planning with affected service districts and agencies. Because this application concerns future water service planning, and because the McNulty Water PUD is the applicant, this policy is met.

Policy 13 requires the County to support a level of fire safety and service in all areas of the county sufficient to minimize the risk of fire damage to life and property. Adequate fire service is currently provided to the area by the Columbia River Fire & Rescue District. This same adequate service will continue with the location of the new reservoir at a higher location.

Policy 18 establishes three community service designations to be applied to parcels supporting public facilities and services.

Policy 19 provides that one of these, the Community Service Utility designation, be applied to those lands that support or are needed to support various types of public and private utility facilities. Because a water reservoir for McNulty Water People's Utility District (PUD) is a public utility facility, and because need is shown for additional storage capacity and elevation to augment the existing facilities, these policies are met."

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

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

Finding 3: The application addresses statewide planning goals as follows:

Goal 1: Goal 1, Citizen Involvement, is met through compliance with the land use hearing procedures in the County's acknowledged land use regulations.

Goal 2: Goal 2 requires coordination with affected governmental entities, consistency with acknowledged plans, and an adequate factual base.

This proposal complies with Goal 2's coordination requirement because, prior to the filing of this application, the applicant conferred orally or in person with Columbia County Department of Land Development Services to identify their issues and concerns regarding this application, and because this application addresses and accommodates those concerns. The county emphasized the need for a goal exception. This application accommodates both concerns because it includes the necessary exception and because the McNulty Water PUD's service area boundaries primarily include residential lands outside St. Helens' UGB.

For the reasons stated above, this application is consistent with Columbia County's acknowledged Comprehensive Plan and land use regulations. Further, the facts contained in this application and in the supporting documents and testimony provide an adequate factual base to support the application. Hence, Goal 2 is satisfied.

Goal 3: Not Applicable

Goal 4: Goal 4 calls for conservation of forest lands. Notwithstanding that requirement, LCDC's administrative rule in OAR 660, Division 6, allows reservoirs and water impoundments to be sited on forest

lands provided that the criteria found in OAR 660-006-0025(5)(a-c) are met. This application includes an exception to Goal 4 since this application will ultimately result in land removed from forest use.

Exception to Goal 4.

The applicant states, "it is state policy to preserve forest land for forest uses. However, both the legislature and LCDC have made an exception to this policy for water reservoirs. OAR 660-006-0025(4)(m) allows reservoirs and water impoundments to be located on forest lands, pursuant to (5) (a-c), however the County Comprehensive plan calls for land used for Community Service serving a public utility purpose to be zoned Community Service Utility. The proposal would redesignate and rezone approximately 1.07 acres of land CSU. Accordingly, the proposed exception site size is reasonable and appropriate for the proposed use.

The location in a rural area is appropriate because the population to be served by the reservoir is predominantly rural and because the new reservoir will be located at an elevation above the Robinette low pressure zone.

Goal 5: Not applicable.

Goal 6: The siting of a new water reservoir at the proposed location will not violate applicable air, water and noise requirements.

Goal 7: Not applicable. There are no hazards at the proposed site.

Goal 8: Not applicable.

Goal 9: Not applicable.

Goal 10: Not applicable.

Goal 11: The proposed plan amendment will provide a new water reservoir location to accommodate the Smith Low -Pressure zone within the McNulty Water PUD service area. This amendment is timely because the existing because of the need for better service to members. Because the future water reservoir will serve only the rural population in the area, the proposal is appropriate for and limited to the needs of the rural population.

Goal 12: The proposed facility is adequately served by a network of rural roads in the area. The new reservoir will not attract or add new vehicle trips to the roadway system other than operation and maintenance vehicles and thus will not significantly affect any transportation facility.

Goal 13: Not applicable

Goal 14: Not applicable.

Goal 15-19: Not applicable.”

Continuing with Zoning Ordinance Section 1502.1.A:

- "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 5: The subject property and affected area is presently provided with adequate facilities, services, and transportation networks to support the use. There is no need for sewage disposal at the proposed reservoir location. The rural road network serving the site includes Robinette Road and Smith Road. The subject property is presently served by electricity, phone, and County Fire and Police protection which are available to the site.

Following with Comprehensive Plan provisions:

PUBLIC FACILITIES AND SERVICES

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

Finding 6: This comprehensive plan amendment and zone change will allow the McNulty People's Utility District the opportunity to improve timely service to their customers in an orderly and efficient arrangement. Other sites where McNulty Water PUD facilities are located are also zoned CS-U. This application will result in the rezoning of the subject property and will make McNulty Water facilities more orderly and consistently zoned CS-U. The ability of McNulty Water to place a water reservoir in this location on high ground will improve system efficiency by allowing a higher location and better service to the Smith low-pressure zone.

Continuing with Comprehensive Plan provisions:

18. Designate parcels supporting public and private facilities and services as Community Service in the Comprehensive Plan and implement this plan designation through the use of three (3) zoning designations:
 - A. Community Service Utility - CSU
 - B. Community Service Institutional - CSI

C. Community Service Recreation - CSR

(See Zoning Ordinance for types of uses allowed in each zone.)

19. Designate as Community Service Utility (CSU) those lands that:

- A. Support various types of public and private utility facilities existing as of the date of this ordinance; or,
- B. Are needed to support public and private utility facilities which can be shown to satisfy the minimum standards set out in the implementing ordinances.

Finding 7: The proposed water reservoir for McNulty Water People's Utility District is a public utility (PUD). The approval of the plan amendment and the zone change to community service utility will support this public utility.

Continuing with the Zoning Ordinance:

Section 1010 COMMUNITY SERVICE - UTILITY

1012 Permitted Uses:

- .6 Municipal water treatment plants and storage systems including those owned and operated by a water association or a water district.

Finding 8: This plan amendment and rezone would allow the McNulty Water PUD to apply for a site design review to construct a new reservoir which is a storage system owned and operated by the former McNulty Water Association and as of lately McNulty Water PUD.

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 9: The proposed zone change is consistent with the policies of the Comprehensive Plan as noted in finding 3 above and Statewide Planning Goals. Consistency of Statewide Planning Goals is implied when the County Comprehensive Plan was adopted. The affected area has adequate facilities, services, and transportation networks to support the plan amendment and rezoning to Community Service Utility use.

"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 10: 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 County Sanitarian has reviewed the application and has no objection to its approval as submitted.
2. The McNulty Water Association has reviewed the application and states, "McNulty Water Assn. is willing and able to supply water for this project."
3. The Natural Resources Conservation Service has reviewed the application and has no objection to its approval as submitted.

4. The Columbia River Fire & Rescue District has reviewed the application and has no objection to its approval as submitted.
5. The St. Helens CPAC has reviewed the application and has no objection to its approval as submitted.
6. The Building Official has reviewed the application and has no objection to its approval as submitted.
7. The Soil & Water Conservation District has reviewed the application and has no objection to its approval as submitted.
8. The St. Helens CPAC has reviewed the application and has no objection to its approval as submitted, "but please give considerations to any written comment by the public."
9. The County Roadmaster has reviewed the application and has no objection to its approval as submitted.

No other comments have been received from adjacent or nearby property owners or government agencies as of the date of this staff report (July 23, 2003).

PLANNING COMMISSION RECOMMENDATION:

The County Planning Commission met on August 4, 2003 at their regularly scheduled time and heard the application by McNulty Water PUD and now hereby forward their **recommendation of Approval** to the Board of County Commissioners for a Comprehensive Plan Map Amendment from Forest Resource to Community Service (CS); and a zone change from Primary Forest (PF-76) to Community Service Utility (CS-U) with the following conditions of approval:

1. The Official Comprehensive Plan Map designation shall be changed from Forest Resource to Community Service for the subject 1.07 acre property.
2. The Official Zoning Ordinance Map designation for the subject 1.07 acres shall be changed from Primary Forest (PF-76) to Community Service Utility (CS-U)
3. When this plan amendment is approved by the County Commissioners the applicant shall apply for and have approved and recorded a partition to divide 1.07 acres off of the parent parcel. This 1.07 acres shall be designated Community Service in the Comprehensive Plan and zoned Community Service Utility (CS-U) on the zoning map.

4. A site design review application shall be reviewed and approved for the siting of the water reservoir on the subject property.

Attachments:

- Application
- Exception to Goal 14
- Letter from Longview Fiber Approving of Application
- Vicinity Map
- Comprehensive Plan Map
- Zoning Map
- Address Map
- Site Detail
- Contour Map

ATTACHMENT C

September 17, 2003

McNulty Water Association
Legal Description
Smith Road Reservoir Site-Revised (Proposed)

A tract of land in the Northeast quarter of Section 30, Township 5 North, Range 1 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 30; thence South $05^{\circ}40'05''$ East a distance of 1131.06 feet to a point on the Easterly right of way line of H.G. Smith County Road and the **true point of beginning** of the following described tract; thence South $80^{\circ}34'47''$ East a distance of 208.70 feet; thence South $09^{\circ}25'13''$ West a distance of 253.83 feet to a point on the Northerly right of way line of said H.G. Smith County Road; thence along said Northerly and Easterly right of way lines of H.G. Smith County Road the following 4 courses: along the arc of a 720.00 foot radius curve to the left (the long chord bears North $65^{\circ}29'46''$ West 90.00 feet) an arc distance of 90.06 feet; thence North $69^{\circ}04'46''$ West a distance of 63.02 feet; thence along the arc of a 75.00 foot radius curve to the right (the long chord bears North $29^{\circ}49'46''$ West 94.91 feet) an arc distance of 102.76 feet; thence North $09^{\circ}25'13''$ East a distance of 144.35 feet to the true point of beginning.

Bearings in the above described tract of land are based on a bearing of South $14^{\circ}49'15''$ East between a found monument at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 30 and a found monument at the Southeast corner of the West half of the Southeast quarter of the Northeast quarter of said Section 30.