

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of the Warren Water)
Association for a Comprehensive Plan Map Amendment) ORDINANCE NO. 2004-4
and Zone Change from Primary Forest (PF-76) to)
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. 2004-4.

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 Warren Water Association 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 .92 acre parcel having tax account number 4222-000-00201. The Major Map Amendment will allow the parcel to be used to site a well.

SECTION 4. HISTORY.

The Warren Water Association 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 October 2, 2003. The Columbia County Planning Commission held a hearing in the matter on April 5, 2004, 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 April 7, 2004, Jeff VanNatta, Planning Commission Chair, signed Final Order PA 04-01, recommending approval of the application.

On May 12, 2004, 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 May 5, 2004, 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 .92 acre parcel having tax account number 4222-000-00201 is hereby changed from Forest Resource to Community Service. The portion of tax account 4222-000-00201 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 .92 acre parcel having tax account number 4222-000-00201 is hereby changed from Primary Forest (PF-76) to Community Service Utility (CS-U). The portion of tax account 4222-000-00201 to be amended is more particularly described in Attachment C, which is attached hereto and is incorporated herein by this reference.

DATED this 20th day of May, 2004.

Approved as to Form

By: Sarah Brown
Office of County Counsel

Recording Secretary
By: Jan Greenhalgh
Jan Greenhalgh, Recording Secretary

First Reading: 5-12-04
Second Reading: 5-26-04
Effective Date: 8-24-04

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard
Rita Bernhard, Chair

By: _____
Anthony Hyde, Commissioner

By: Joe Corsiglia
Joe Corsiglia, Commissioner

ATTACHMENT A

Exhibit 1- Legal Counsel's File

1. Notice of Public Hearing (Publication);
2. Notice of Public Hearing (Property Owner Notice);
3. Affidavit of Publication;
4. Affidavit of Mailing;
5. Amended Staff Report to Planning Commission;
6. Notice of Planning Commission Hearing;
7. Board Communication with the following attachments:
 - a. List of interested parties to receive notice;
 - b. Hearing Notice for Planning Commission;
 - c. Planning Commission Final Order;
 - d. Planning Commission Staff Report;
 - e. Appeal Information for Final Order PA 04-01;
8. Planning Commission Minutes;
9. Referral and Acknowledgment from Columbia River Fire & Rescue;
10. Referral and Acknowledgment from Building Official;
11. Certificate of Mailing ;
12. Notice of Public Hearing (published);
13. Certificate of Mailing;
14. DLCD Notice of Proposed Amendment;
15. List of people to receive notice;
16. Referral Contact List;
17. Letter to Warren Water Association from Glen Higgins;
18. Application dated October 2, 2003;
19. Assessors record;
20. Certificate of Mailing Final Order PA 04-01;
21. Board Communication dated May 6, 2004 with the following attachments:
 - a. Staff Report to the Board of County Commissioners dated May 5, 2004;
 - b. Planning Commission Final Order;
 - c. Application PA 04-01 and Maps.

COLUMBIA COUNTY BOARD OF COMMISSIONERS**STAFF REPORT**

May 5, 2004

Plan Amendment & Zone Change

FILE NUMBER: PA 04-01

APPLICANT: Warren Water Association
PO Box 1014
St. Helens, Oregon 97051

OWNER: Same as Above

PROPERTY LOCATION: End of Church Road in Warren, 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 a .92 acre parcel.

TAX LOT: 4222-000-00201

Application Complete: 2/11/04

45 Day Notice DLCD: sent 2/12/04

BACKGROUND:

The applicant 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 a small .92 acre parcel (See PLA 04-13 which increased the size of the original parcel from .08 acre to .92 acre). The subject property is located approximately 1,300 to 1,400 feet west of the end of Church Road. Warren Water Association currently has an existing water reservoir at the site and proposes to drill a well on the same parcel. All surrounding property to the subject property is zoned Primary Forest (PF-76) however there is Rural Residential (RR-5) zoned property about 600 feet east of the subject property. (See also PLA 04-13)

APPLICABLE CRITERIA:

A.	<u>Columbia County Zoning Ordinance</u>	<u>Page Number</u>
	Section 1605 Zone Change - Major Map Amendments	2
	Section 1502 Zone Changes (Map Amendments)	2
B.	<u>Columbia County Comprehensive Plan</u>	

Part I	Administrative Procedures	3
Part XIV	Public Facilities and Services	4
C.	<u>Statewide Planning Goals 1,2, 4 and 11</u>	5

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 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 application for the proposed Zone Change is consistent with the following policies of the Comprehensive Plan:

Following with Comprehensive Plan Policies:

Administrative Procedures Policies 5 & 8;

This proposed Major Map Amendment has been initiated by the Warren Water Association which is the owner of the property and will follow the same process as initial adoption of the comprehensive plan which includes CPAC review, Planning Commission public hearing and recommendation, and Board hearing and adoption of amendments. All land use approvals shall be consistent with this plan.

Public Facilities & Services Policies 5, 18, 19;

The coordination of public facilities and their planning has been shown to be met through the process for this Comprehensive Plan Amendment and zone change. This process allows public comment and a public hearing process. This Plan Amendment (PA) and Zone Change (ZC) will designate land so that it is in the proper comprehensive plan designation in accordance with Public Facilities and Services Policies 18 and 19 ; and will amend the zoning code to the proper zoning designation so that the Comprehensive Plan and Zoning Code are in agreement. These amendments support the Warren Water Association Blaha Reservoir site at the end of Church Road and facilitate better provision of water to the Warren area served by Warren Water Association. This criteria is 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: This proposal is consistent with Statewide Planning Goals as provided for in the following:

Goal 1: Goal 1 Citizen Involvement is met through compliance with the land use public hearing procedures in the County's acknowledged land use regulations. Citizen involvement is found in the Citizen Planning Advisory Committee (CPAC) process and the public hearing process where citizens have the opportunity to testify for or against the proposal.

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 the affected governmental entities, i.e. the Columbia County Department of Land Development Services and the Oregon Department of Land Conservation and Development (DLCD), to identify their issues and concerns regarding this application, and because this application addresses and accommodates those concerns. This application is consistent with Columbia County's acknowledged Comprehensive Plan and land use regulations for the reasons stated in findings of this staff report. Further, the facts contained in this application and in the supporting documents and testimony provide an adequate factual base to support the application. Staff find that Goal 2 is satisfied.

Goal 3: Not Applicable.

Goal 4: Statewide Goal 4 is applicable because the site is currently designated forest lands and is surrounded by, but near the edge of, large tracts of commercially owned forest properties. Historically, the subject property has a Warren Water District storage reservoir that was built prior to the county zoning the area Primary Forest. This site is committed to community water supply use, and the entire site is less than an acre. The County finds that this small extraction from the forest production capabilities will not significantly effect forest production, and if permitted a beneficial addition of water supply for fighting wild fires will be realized. The County finds that an additional water supply and storage facility on this small parcel is compatible with forest use and would not add to costs of adjoining forest practices. An exception to the statewide Goal 4 is not required since OAR 660-06-025(4) (l) and (m) allows "water intake facilities, related treatment facilities, pumping stations, distribution lines and reservoirs and water impoundments" in the forest zone, and if reviewed

for a conditional use permit, the application would be subject to review standards of subsection (5) of this rule. It has been County policy to have all such new facilities and land rezoned to the appropriate zone; Community Service- Utility when applications for such facilities are made instead of allowing them land use authorization under conditional use permit.

Goal 5: Not Applicable

Goal 6: Not Applicable

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 amendment will result in compliance with the Columbia County Comprehensive Plan Goal for Public Facilities and Services which is to “plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development”. The amendment of both the Comprehensive Plan and zoning code will mean both documents are in agreement and therefore will provide an improved planning framework for the more “orderly” and “efficient” arrangement of water service provision which will in turn provide a framework for rural development occurring in the Warren Water Association service boundary. The applicant, Warren Water Association states that the addition of the new well allowed in the CS-U zone will significantly enhance the reliability of the Warren Water System.

Goal 12: Not applicable.

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 is presently served by electricity and County Fire and Police protection. The applicant proposes to drill a new well to facilitate improved service provision to Warren Water Association members. The property is accessed via the end of Church Road. The applicant states that, "Minimal additional vehicle trips are expected during the 3-month construction period for the well and minimal additional vehicle trips to the site will be following construction of the well." Staff finds that adequate facilities, services, and transportation networks exist to support the scale of development for the Warren Water Association well and reservoir on this property.

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 6: The proposed zone change is consistent with the policies of the Comprehensive Plan as identified in Finding 2 of this report; and Statewide Planning Goals as identified in Finding 3 of this report. The affected area and scale of proposed development has adequate facilities, services, and transportation networks to support the plan amendment and rezoning to Community Service - Utility (CS-U).

"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 7: 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:

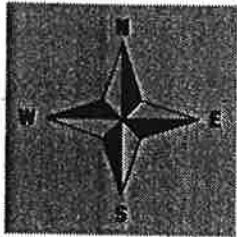
1. The Columbia River Fire & Rescue District has reviewed the application and has no objection to its approval as submitted.
2. The County Building Official has reviewed the application and has no objection to its approval as submitted.

No other comments have been received from adjacent or nearby property owners or government agencies as of the date of this BOC staff report (May 5, 2004).

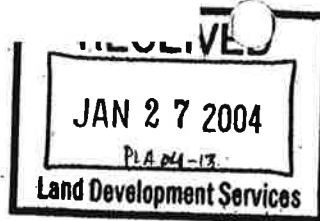
CONCLUSIONS AND RECOMMENDATIONS

The Columbia County Planning Commission approved this request for a Comprehensive Plan Amendment and Zone Change and hereby forward their **Recommendation of Approval** to the Board of County Commissioners as follows:

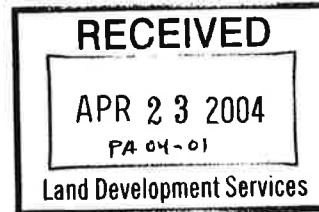
1. The Official Comprehensive Plan Map designation shall be changed from Forest Resource to Community Service for the subject .92 acre property.
2. The Official Zoning Ordinance Map designation for the subject .92 acre property shall be changed from Primary Forest (PF-76) to Community Service Utility (CS-U).



**REYNOLDS
LAND
SURVEYING,
INC.**



32990 Stone Road
Warren, OR 97053
(503) 397-5516
Fax (503) 397-5518



January 27, 2004

Warren Water Association
Legal Description
Blaha to Warren Water Association

A tract of land in the Northeast quarter of Section 22, Township 4 North, Range 2 West, Willamette Meridian, Columbia County, Oregon being more particularly described as follows:

Beginning at a 5/8" iron rod marking the Southwest corner of the Warren Water Association Tract as described in Book 244, Page 10, Deed Records of Columbia County, Oregon said point being North 89°42'00" West 244.08 feet and South 00°18'00" West 538.91 feet and South 00°14'53" West 59.10 feet from a 3/4" iron pipe at the Northeast corner of the South half of the Northeast quarter of the Northeast quarter of said Section 22; thence South 88°53'49" East a distance of 9.93 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." and the true point of beginning of the following described tract; thence South 01°55'43" East a distance of 73.22 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North 88°53'49" West a distance of 140.94 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South 01°06'11" West a distance of 200.00 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South 88°53'49" East a distance of 200.00 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North 01°06'11" East a distance of 200.00 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North 88°53'49" West a distance of 8.99 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North 01°55'43" West a distance of 73.22 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." at the Southeast corner of said Warren Water Association tract; thence North 88°53'49" West, along the South line of said Warren Water Association tract, a distance of 50.07 feet to the true point of beginning.

The above described tract of land is part of a property line adjustment along the South line of the Warren Water Association as described in Book 244, Page 10. No additional parcels are being created as a result of this property line adjustment.

Reserving unto the grantor a 40.00 foot wide non-exclusive easement for ingress, egress and utilities being more particularly described as follows:

Beginning at the Southwest corner of the Warren Water Association tract as described in Book 244, Page 10 and as called out in the above described tract; thence South 88°53'49" East a distance of 9.93 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South 01°55'43" East a distance of 33.16 feet to the true point of beginning of the following described easement; thence continuing South 01°55'43" East a distance of 40.06 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence South 88°53'49" East a distance of 50.07 feet to a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC."; thence North 01°55'43" West a distance of 40.06 feet; thence North 88°53'49" West a distance of 50.07 feet to the true point of beginning.

RECEIVED
JAN 27 2004
 Land Development Services

Record of Survey
 Property Line Adjustment
 For Warren Water Association
 Situated In The N.E. 1/4
 Section 22, T.4N., R.2W., W.M.
 Columbia County, Oregon

January 15, 2004

Narrative

The purpose of this survey is to facilitate a property line adjustment along the South line of the tract of land described in Book 244, Pg. 10, Deed Records of Columbia County, Oregon.

Basis of bearings is County Survey No. 1563 and 3335 between monuments found at points A and B. The tract described in Book 244, Pg. 10 was surveyed in 1982 on County Survey No. 3335. It was an original survey of the tract. I recovered monuments per County Survey No. 3335 at points C and D. Points E and F were not found probably due to reservoir construction. I calculated their positions by holding distance-distance intersections (per County Survey No. 3335 and D.B. 244, Pg. 10) from monuments found at points C and D. I monumented adjusted property lines at my clients direction.

Legend

- Denotes monument found as noted.
- ⊙ Denotes 5/8" iron rod with yellow plastic cap marked "L.S. 713" found per County Survey No. 3335.
- ⊗ Denotes 5/8"x30" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC" set.
- Denotes calculated position.
- 1{ } Denotes record data County Survey No. 1563 (Wagner).
- 2{ } Denotes record data per County Survey No. 3335 (Soli - Haner, Ross & Sporseen, Inc.).
- 3{ } Denotes record data per Deed Book 244, Pg. 10.



Scale: 1"=100'

CF03122W
 SF03122W
 FR-94

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 26, 1965
 DAVID E. REYNOLDS
 2157
 RENEWAL DATE: 12-31-2004

Reynolds
 Land Surveying, Inc.
 32990 Stone Road
 Warren, Oregon 97053
 (503) 397-5516

Section Corner

15 14
 22 23

2" IRON PIPE WITH
 3" BRASS CAP PER
 C.S. NO. 3358 &
 B.T. BOOK C, PG. 694

1{N 00°30'W 466.17'
 S 00°30'00"E 666.95'

