

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of Jeff Yarbor, Joel)
Yarbor and Bud Hickey for a Comprehensive)
Plan Map Amendment and Zone Change from Surface) ORDINANCE NO. 2005-4
Mining (SM) to Forest Agricultural (FA-19))

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2005-4.

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 Jeff Yarbor, Joel Yarbor and Bud Hickey for a Comprehensive Plan Map Amendment from Aggregate Resource to Forest Resource and zone change from Surface Mining (SM) to Forest Agriculture (FA-19) on a 33.1 acre parcel, having tax account number 7318-000-01301.

SECTION 4. HISTORY.

The land proposed for this re-zone has been used as a surface mine by Fred Sutter and then Morse Bros., Inc. Mining ceased on the property in 1998. Morse Brothers Inc. Performed reclamation through 2000 and subsequently sold the property to the applicants. In a letter dated June 8, 2005, the Oregon Department of Geology and Mineral Industries reported that the site is sufficiently reclaimed. The post mining use of the property was established to be forestry. The applicants propose to site one dwelling on the FA-19 parcel after their proposed re-zone. On June 20, 2005, the Columbia County Planning Commission held a hearing on the request. 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 June 23, 2005, David Middle, Acting Planning Commission Chair, signed Final Order 05-03, recommending approval of the application.

SECTION 5. FINDINGS.

The Board of County Commissioners adopts the findings of fact and conclusions of law contained in the Staff Report of the Department of Land Development Services dated August 3, 2005, a copy of which is attached hereto as Attachment A, and is incorporated herein by this reference.

SECTION 6. AMENDMENT AND AUTHORIZATION.

A. The Columbia County Comprehensive Plan Map designation for the 33.1 acre parcel, as described in Attachment B which is attached hereto and is incorporated herein by this reference, is hereby amended from Aggregate Resource to Forest Resource.

B. The Columbia County Zoning Map designation for the 33.1 acre parcel, as described in Attachment B which is attached hereto and is incorporated herein by this reference, is hereby amended from Surface Mining (SM) to Forest Agriculture (FA-19).

C. The amendments described above are contingent upon the following conditions of approval:

1. The Applicant shall provide evidence that an easement for ingress/egress and for utilities is provided for the subject property.
2. The Applicant shall comply with all riparian corridor standards.

DATED this 31st day of August, 2005.

Approved as to Form

By: *Sacelito*
Office of County Counsel

Recording Secretary
By: *Jan Greenhalgh*
Jan Greenhalgh, Recording Secretary

First Reading: 8-17-05
Second Reading: 8-31-05
Effective Date: 11-29-05

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: *[Signature]*
Anthony Hyde, Commissioner

By: *abstained*
Joe Corsiglia, Commissioner

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

COLUMBIA COUNTY BOARD OF COMMISSIONERS

08/03/05

STAFF REPORT

Plan Amendment & Zone Change

HEARING DATE: 08/10/05

FILE NUMBER: PA 05-03

APPLICANTS: Jeff Yarbor, Joel Yarbor, Bud Hickey
% Century 21 Elite Reality
58147 Columbia River Highway
St. Helens, Oregon 97051

OWNER: Same as Above

PROPERTY LOCATION: Off Lindberg Road, 4.5 miles east of Clatskanie

REQUEST: Plan Amendment of Comprehensive Plan Map from Surface Mining to Forest Resource; and a zone change of the Official Zoning Map from Surface Mining (SM) to Forest Agriculture (FA-19).

TAX LOTS: 7318-000-01301

PRESENT COMP PLAN DESIGNATIONS: Surface Mining

PROPOSED COMP PLAN DESIGNATION: Forest Resource

PRESENT ZONING: Surface Mining (SM)

PROPOSED ZONING: Forest Agriculture (FA-19)

REVIEW CRITERIA:		<u>Page</u>
CCZO, Section 1605,	Zone Change, Major Map Amendment	2
CCZO, Section 1502,	Zone Changes	3
TABLE 1:	Surrounding Parcels and Uses	6
CCZO, Section 1608,	Contents of Notice	8

BACKGROUND:

The applicants, hereinafter referred to as the applicant, propose to rezone the property by amending the Official Comprehensive Plan Map designation from Surface Mining to Forest Resource and to change the Official Zoning Ordinance Map from Surface Mining (SM) to Forest Agriculture (FA-19). The proposed acreage to be rezoned from SM to FA-19 is approximately 33.1 acres.

The subject property is described as tax lot #1301 and was formerly owned by Fred Sutter who operated a pit mine that was subsequently owned and operated by Morse Brothers, Inc. as the Lost Creek Quarry. The County's Comprehensive Plan listed this site under 'Active Aggregate Sites with Active Mining & Land Reclamation Permits' dated January 20, 1984 on page 217, #22 the Fred Sutter site. This quarry was listed in the June 7, 1995 Columbia County Goal 5: Mineral and Aggregate Inventory by H. G. Schlicker & Associates, Inc. as having a Previous Periodic Review (PPR) significance. The quarry has been closed for years. The applicant has stated that, "the Lost Creek Quarry was closed in response to objections from neighboring interests." The Statutory Warranty Deed conveying interest from Morse Brothers, Inc. to the to the applicants states under encumbrance #21 that,

"In consideration of the conveyance of the property from Grantor to Grantee, Grantee and its successors in interest to title to such real property agree that no portion of the property may be used for the developing, mining, processing or sale of rock, aggregate, sand, gravel, or aggregates, including but not limited to asphalt, concrete, cement, treated base aggregate or concrete."

The applicant propose this plan amendment and zone change to utilize the land as a different use in response to the above deed restriction.

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.

Finding 1: The Planning Commission heard this request at their June 20, 2005 public hearing and made recommendation for approval with conditions. The Board of Commissioners have scheduled August 10, 2005 as the date they will review this application. This request will be on the record unless the Board votes to allow testimony through conducting a public hearing.

Continuing with the Zoning Ordinance:

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:

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 2: The proposed zone change was heard by the Planning Commission on June 20, 2005, and a tentative decision was made to Recommend Approval of this request. The Final

Order was signed by the Chairman on 06/23/05. The Board of Commissioners shall review this either by review of the record, or if they choose my open a public hearing to submitted new evidence into the record.

Continuing with CCZO, Section 1502.1.B: which requires that the Board of Commissioners 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 Forest Lands; Goal 5: Open Space, Scenic and Historic Areas, and Natural Resources; and Surface Mining.

FOREST LANDS: POLICY # 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.

Finding 3: *Forest Land* policies as noted above are as follows. The subject property known as tax lot #1301 is in private non-industrial ownership where the existing ownership pattern in the area is, for the most part, predominantly small parcel size ownership patterns. The subject 33.1 acre parcel when rezoned to FA-19 will provide only minimal benefit to watershed and wildlife and fisheries habitat areas because of the previous mining activity and smaller parcel size. The predominant parcel size for surrounding property adjacent to the subject property averages 28.78 acres for the five surrounding parcels (See Figure 1). This 28.78 average means that the predominant parcel size is less than 38 acres which meets forest land policy. The subject property as indicated in the Soil Survey of Columbia County Oregon has cubic foot site class for Douglas-fir production capability of II, however, it is staff's position that the soil horizon for the overburden of the mining site, before the overburden was removed, was the cubic foot site class of II referred to in the Soil Survey of Columbia County, Oregon and that, after the overburden was removed and rock was mined from the site, the resultant soil was then incorrect as represented in the Soil Survey, which means the reclaimed soil now on the property is of a lower productive capability with probable predominant cubic-foot site classes of 3 or 4.

Findings on Policies of the Comprehensive plan follow:

GOAL 5: OPEN SPACE, SCENIC, AND HISTORIC AREAS, AND NATURAL AREAS; ARTICLE X. WATER RESOURCES; E WATER RESOURCES GOALS AND POLICIES; POLICY #5: Protect areas significant for the recharge of groundwater resources such as wetlands and riparian areas; POLICY #9: Protect riparian vegetation along streams and lakes by requiring appropriate setbacks for nonwater-dependent uses and standards for removal of riparian vegetation. POLICY #17: Protect water quality by applying Riparian Corridor and Wetland Overlay zones which discourage development in sensitive areas that affect the water resource

Finding 4: The *Goal 5* policies as noted above are addressed as follows. The proposed plan amendment and zone change will help to protect area on the property which is significant for groundwater recharge by allowing forest uses to re-establish themselves after re-zoning to FA-19 and its allowed uses. Groundwater recharge areas will be improved because the area that was mined on the property has been reclaimed and re-planted with trees and because the trees and other natural organic succession taking place on the property has taken root and has been re-establishing a forest ecosystem on the property. This forest eco-system with its capillary action will help to hold groundwater in the soil which will in turn adds to groundwater supplies.

There are several water bodies on the subject property including Palmer Creek and an existing pond. Which are both classified as wetlands and have riparian areas associated with them. This policy will be met if riparian setbacks are adhered to. A condition fo approval of this application shall be that all structures and development areas on the property shall meet riparian corridor standards, including 50' riparian setbacks.

Findings on Policies of the Comprehensive plan follow:

SURFACE MINING: POLICY #5: Designate as Surface Mining (SM) those sites with current active mining and land reclamation permits as of January 20, 1984... Change, upon completion of mining activities, those sites that will revert to uses as indicated in the reclamation plan or to uses compatible with surrounding lands.

Finding 5: *Surface Mining* (SM) policies as noted above is addressed as follows. The subject property was zoned SM on the county's original Zoning Map because the Sutter quarry operated on the site at the time. The original County's Comprehensive Plan listed under 'Active Aggregate Sites with Active Mining & Land Reclamation Permits' dated January 20, 1984 on page 217, #22 the Fred Sutter site. This quarry was listed in the June 7, 1995 Columbia County Goal 5: Mineral and Aggregate Inventory by H. G. Schlicker & Associates, Inc. as having a Previous Periodic Review (PPR) significance. The reason that it was previously listed as having

significance is because the quarry was in operation at the time it was listed. No present day significance test has been proven for the site, i.e. 2 million tons of rock that meet ODOT specifications for hardness and durability. The applicant have previously stated that, "the Lost Creek Quarry was closed in response to objections from neighboring interests." The Statutory Warranty Deed conveying interest from Morse Brothers, Inc. to the to the applicants states under encumbrance #21 that,

"In consideration of the conveyance of the property from Grantor to Grantee, Grantee and its successors in interest to title to such real property agree that no portion of the property may be used for the developing, mining, processing or sale of rock, aggregate, sand, gravel, or aggregates, including but not limited to asphalt, concrete, cement, treated base aggregate or concrete."

The Sutter Quarry a.k.a. Lost Creek Quarry was established before the north County was zoned. In 1984 when County-wide zoning was instituted the subject property had current active mining and land reclamation permits as of January 20, 1984 and was therefore designated Surface Mining in the County Comprehensive Plan and was zoned Surface Mining (SM). Morse Bros. Inc. was the owner of the property in 1998 when mining ceased on the property. Morse Bros. Inc. performed reclamation of the property through 2000 and subsequently sold the property to the current owners who are now the applicants. The County Surface Mining Administrator has determined that the reclamation plan is achieve and the Reclamation Bond may be released. Approval of this proposal to allow the property to revert to forest use and be compatible with surrounding lands.

<i>TAX ID NUMBER</i>	<i>ACREAGE</i>	<i>ZONE</i>	<i>USE/ADDRESS</i>	<i>TAX CODE</i>
7318-000-01301 Subject Property	33.10 Acres	SM	Vacant	6
7318-000-01000	9.00 Acres	FA-19/SM	22530 Lindberg Rd.	6
7318-000-01101	20.00 Acres	FA-19	22560 Lindberg Rd.	6
7318-000-01200	11.56 Acres	FA-19	22824 Lindberg Rd.	6
7318-000-01300	80.16 Acres	FA-19/PF-76	Vacant	6
7318-000-01401	23.20 Acres	PF-76	22930 Lindberg Rd.	6

Tax Code 6 = Designated Forest Lands (Reforestation)

FIGURE 1: SURROUNDING PARCELS AND USES

Continuing with Section 1502.1(A)2 which requires the Board of Commissioners to find that:

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

Applicable Statewide Planning Goals include:

Goal 2: Land Use Planning - To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding 6: The subject land use action utilizes the process and policy framework as described in Statewide Planning Goal 2. For this application, the application review process and decision is made only after following criteria for Plan Amendments in Columbia County acknowledge land use ordinances, presented throughout this staff report. An exception to Statewide Planning Goals is not needed because both the currently existing SM zone and the proposed FA-19 zone are both identified in the Comprehensive Plan as resource designations. Staff finds that an exception to Statewide Forest Goal 4 to take the subject property out of the Forest Lands designation is inappropriate and not needed. The general overall resource use of this property will not change. The specific type of resource use will change from aggregate extraction to forest production but overall will remain in resource use therefore an exception is not necessary.

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 7: The immediate area of the subject properties is served by Lindberg Road, a county maintained public road, which has immediate access to State Highway 30. Telephone and power are also provided close to the property. The Clatskanie Rural Fire Protection District provides fire suppression services to the property. Domestic water will be provided by a private well and sewage will be treated by an individual private septic system. The applicants have stated that if this application is approved they will extend necessary facilities, and transportation networks onto the subject property when it is developed.

Continuing with Zoning Ordinance;

"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 8: All of the above shall have been included in the Notice of Public Hearing sent to surrounding property owners on July 19, 2005 and notice was published in the newspaper of record in the July 27, 2005 issue.

COMMENTS:

1. The District 18 Watermaster has reviewed the application and has no objection to its approval as submitted
2. The County Sanitarian has reviewed the application and has no objection to its approval as submitted
3. The County Roadmaster has reviewed the application and has no objection to its approval as submitted.
4. The County Building Official has reviewed the application and has no objection to its approval as submitted.
5. The Rainier CPAC commented, "We have no objection to approval upon the recommendations fo the Planning Commission to approve and the Board of Commissioners approval."

6. The Oregon Department of Geology and Mineral Industries commented by letter dated June 8, 2005 that, "The approved reclamation plan for the site states the secondary use will be forestry. However, the current landowner, Mr. Yarbor, plans on developing the property for home sites. Based on the stability of the reclaimed slopes and ongoing natural vegetation the site is sufficiently reclaimed to be closed and the bond may be released to MBI."

No other comments have been received from adjacent or nearby property owners or government agencies as of the date of this staff report (August 3, 2005).

CONCLUSIONS AND RECOMMENDATIONS

Planning Staff and the Planning Commission forward their recommendation of approval to the Board of County Commissioners for a Plan Amendment and recommend that:

1. The Official Comprehensive Plan Designation shall be changed from Surface Mining to Forest Resource.
2. The Official Zoning Map shall be changed from Surface Mining (SM) to Forest Agriculture (FA-19).

...with the following conditions:

1. The applicant shall facilitate Morse Bros. Request to release the Surface Mining Reclamation Bond on the site, before this Plan Amendment is considered complete.
2. The applicant shall provide evidence that an easement for ingress/egress and utilities is provided for the subject property.

Attachments: Application
Location Map
Zoning Map
Address Map
Aerial Photo

ATTACHMENT B

RECEIVED

JUL 27 2005

LAND DEVELOPMENT SERVICES

LEGAL DESCRIPTION

A parcel of land situated in the South half of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Commencing at the East Quarter corner of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North $89^{\circ} 08' 59''$ West a distance of 443.05 feet along the North line of the Southeast quarter of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, to the point of beginning; thence South $00^{\circ} 51' 01''$ West a distance of 990.00 feet; thence North $89^{\circ} 08' 59''$ West a distance of 1363.64 feet; thence North $00^{\circ} 53' 48''$ West a distance of 625.62 feet; thence South $89^{\circ} 06' 22''$ West a distance of 207.06 feet; thence North $00^{\circ} 53' 13''$ East a distance of 225.00 feet; thence North $05^{\circ} 39' 54''$ West a distance of 147.02 feet; thence South $89^{\circ} 08' 59''$ East a distance of 1613.18 feet to the point of beginning.

TOGETHER WITH a nonexclusive easement for ingress/egress road and utilities situated in the Northeast and the Southeast quarter of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, as disclosed by reservation in Warranty Deed recorded February 8, 2001 as Fee Number 01-01182 and described as follows:

A 50 foot wide nonexclusive easement for ingress/egress, road and utilities 25 feet parallel and perpendicular to each side of the following described centerline:

Commencing at the East quarter corner of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North $13^{\circ}35'45''$ East a distance of 873.30 feet to the point of beginning of said centerline; thence South $47^{\circ}23'26''$ West a distance of 200 feet, thence South $50^{\circ}23'26''$ West a distance of 400 feet; thence South $51^{\circ}23'26''$ West a distance of 200 feet; thence South $56^{\circ}23'26''$ West a distance of 200 feet; thence South $58^{\circ}23'26''$ West a distance of 200 feet; thence South $41^{\circ}23'26''$ West a distance of 297 feet; thence South $30^{\circ}23'26''$ West a distance of 200 feet; thence South $37^{\circ}23'26''$ West a distance of 200 feet; thence South $48^{\circ}33'18''$ West a distance of 200 feet; thence South $52^{\circ}23'26''$ West a distance of 143 feet, said point being South $65^{\circ}19'41''$ West a distance of 1565.98 feet from said East quarter corner of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, and the terminus of said centerline.

ATTACHMENT A

COLUMBIA COUNTY BOARD OF COMMISSIONERS

08/03/05

STAFF REPORT

Plan Amendment & Zone Change

HEARING DATE: 08/10/05

FILE NUMBER: PA 05-03

APPLICANTS: Jeff Yarbor, Joel Yarbor, Bud Hickey
% Century 21 Elite Reality
58147 Columbia River Highway
St. Helens, Oregon 97051

OWNER: Same as Above

PROPERTY LOCATION: Off Lindberg Road, 4.5 miles east of Clatskanie

REQUEST: Plan Amendment of Comprehensive Plan Map from Surface Mining to Forest Resource; and a zone change of the Official Zoning Map from Surface Mining (SM) to Forest Agriculture (FA-19).

TAX LOTS: 7318-000-01301

PRESENT COMP PLAN DESIGNATIONS: Surface Mining

PROPOSED COMP PLAN DESIGNATION: Forest Resource

PRESENT ZONING: Surface Mining (SM)

PROPOSED ZONING: Forest Agriculture (FA-19)

REVIEW CRITERIA:		<u>Page</u>
CCZO, Section 1605,	Zone Change, Major Map Amendment	2
CCZO, Section 1502,	Zone Changes	3
TABLE 1:	Surrounding Parcels and Uses	6
CCZO, Section 1608,	Contents of Notice	8

BACKGROUND:

The applicants, hereinafter referred to as the applicant, propose to rezone the property by amending the Official Comprehensive Plan Map designation from Surface Mining to Forest Resource and to change the Official Zoning Ordinance Map from Surface Mining (SM) to Forest Agriculture (FA-19). The proposed acreage to be rezoned from SM to FA-19 is approximately 33.1 acres.

The subject property is described as tax lot #1301 and was formerly owned by Fred Sutter who operated a pit mine that was subsequently owned and operated by Morse Brothers, Inc. as the Lost Creek Quarry. The County's Comprehensive Plan listed this site under 'Active Aggregate Sites with Active Mining & Land Reclamation Permits' dated January 20, 1984 on page 217, #22 the Fred Sutter site. This quarry was listed in the June 7, 1995 Columbia County Goal 5: Mineral and Aggregate Inventory by H. G. Schlicker & Associates, Inc. as having a Previous Periodic Review (PPR) significance. The quarry has been closed for years. The applicant has stated that, "the Lost Creek Quarry was closed in response to objections from neighboring interests." The Statutory Warranty Deed conveying interest from Morse Brothers, Inc. to the applicants states under encumbrance #21 that,

"In consideration of the conveyance of the property from Grantor to Grantee, Grantee and its successors in interest to title to such real property agree that no portion of the property may be used for the developing, mining, processing or sale of rock, aggregate, sand, gravel, or aggregates, including but not limited to asphalt, concrete, cement, treated base aggregate or concrete."

The applicant propose this plan amendment and zone change to utilize the land as a different use in response to the above deed restriction.

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.

Finding 1: The Planning Commission heard this request at their June 20, 2005 public hearing and made recommendation for approval with conditions. The Board of Commissioners have scheduled August 10, 2005 as the date they will review this application. This request will be on the record unless the Board votes to allow testimony through conducting a public hearing.

Continuing with the Zoning Ordinance:

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:

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 2: The proposed zone change was heard by the Planning Commission on June 20, 2005, and a tentative decision was made to Recommend Approval of this request. The Final

Order was signed by the Chairman on 06/23/05. The Board of Commissioners shall review this either by review of the record, or if they choose my open a public hearing to submitted new evidence into the record.

Continuing with CCZO, Section 1502.1.B: which requires that the Board of Commissioners 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 Forest Lands; Goal 5: Open Space, Scenic and Historic Areas, and Natural Resources; and Surface Mining.

FOREST LANDS: POLICY # 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.

Finding 3: *Forest Land* policies as noted above are as follows. The subject property known as tax lot #1301 is in private non-industrial ownership where the existing ownership pattern in the area is, for the most part, predominantly small parcel size ownership patterns. The subject 33.1 acre parcel when rezoned to FA-19 will provide only minimal benefit to watershed and wildlife and fisheries habitat areas because of the previous mining activity and smaller parcel size. The predominant parcel size for surrounding property adjacent to the subject property averages 28.78 acres for the five surrounding parcels (See Figure 1). This 28.78 average means that the predominant parcel size is less than 38 acres which meets forest land policy. The subject property as indicated in the Soil Survey of Columbia County Oregon has cubic foot site class for Douglas-fir production capability of II, however, it is staff's position that the soil horizon for the overburden of the mining site, before the overburden was removed, was the cubic foot site class of II referred to in the Soil Survey of Columbia County, Oregon and that, after the overburden was removed and rock was mined from the site, the resultant soil was then incorrect as represented in the Soil Survey, which means the reclaimed soil now on the property is of a lower productive capability with probable predominant cubic-foot site classes of 3 or 4.

Findings on Policies of the Comprehensive plan follow:

GOAL 5: OPEN SPACE, SCENIC, AND HISTORIC AREAS, AND NATURAL AREAS; ARTICLE X. WATER RESOURCES; E WATER RESOURCES GOALS AND POLICIES; POLICY #5: Protect areas significant for the recharge of groundwater resources such as wetlands and riparian areas; POLICY #9: Protect riparian vegetation along streams and lakes by requiring appropriate setbacks for nonwater-dependent uses and standards for removal of riparian vegetation. POLICY #17: Protect water quality by applying Riparian Corridor and Wetland Overlay zones which discourage development in sensitive areas that affect the water resource

Finding 4: The *Goal 5* policies as noted above are addressed as follows. The proposed plan amendment and zone-change will help to protect area on the property which is significant for groundwater recharge by allowing forest uses to re-establish themselves after re-zoning to FA-19 and its allowed uses. Groundwater recharge areas will be improved because the area that was mined on the property has been reclaimed and re-planted with trees and because the trees and other natural organic succession taking place on the property has taken root and has been re-establishing a forest ecosystem on the property. This forest eco-system with its capillary action will help to hold groundwater in the soil which will in turn adds to groundwater supplies.

There are several water bodies on the subject property including Palmer Creek and an existing pond. Which are both classified as wetlands and have riparian areas associated with them. This policy will be met if riparian setbacks are adhered to. A condition for approval of this application shall be that all structures and development areas on the property shall meet riparian corridor standards, including 50' riparian setbacks.

Findings on Policies of the Comprehensive plan follow:

SURFACE MINING: POLICY #5: Designate as Surface Mining (SM) those sites with current active mining and land reclamation permits as of January 20, 1984... Change, upon completion of mining activities, those sites that will revert to uses as indicated in the reclamation plan or to uses compatible with surrounding lands.

Finding 5: *Surface Mining* (SM) policies as noted above is addressed as follows. The subject property was zoned SM on the county's original Zoning Map because the Sutter quarry operated on the site at the time. The original County's Comprehensive Plan listed under 'Active Aggregate Sites with Active Mining & Land Reclamation Permits' dated January 20, 1984 on page 217, #22 the Fred Sutter site. This quarry was listed in the June 7, 1995 Columbia County Goal 5: Mineral and Aggregate Inventory by H. G. Schlicker & Associates, Inc. as having a Previous Periodic Review (PPR) significance. The reason that it was previously listed as having

significance is because the quarry was in operation at the time it was listed. No present day significance test has been proven for the site, i.e. 2 million tons of rock that meet ODOT specifications for hardness and durability. The applicant have previously stated that, "the Lost Creek Quarry was closed in response to objections from neighboring interests." The Statutory Warranty Deed conveying interest from Morse Brothers, Inc. to the to the applicants states under encumbrance #21 that,

"In consideration of the conveyance of the property from Grantor to Grantee, Grantee and its successors in interest to title to such real property agree that no portion of the property may be used for the developing, mining, processing or sale of rock, aggregate, sand, gravel, or aggregates, including but not limited to asphalt, concrete, cement, treated base aggregate or concrete."

The Sutter Quarry a.k.a. Lost Creek Quarry was established before the north County was zoned. In 1984 when County-wide zoning was instituted the subject property had current active mining and land reclamation permits as of January 20, 1984 and was therefore designated Surface Mining in the County Comprehensive Plan and was zoned Surface Mining (SM). Morse Bros. Inc. was the owner of the property in 1998 when mining ceased on the property. Morse Bros. Inc. performed reclamation of the property through 2000 and subsequently sold the property to the current owners who are now the applicants. The County Surface Mining Administrator has determined that the reclamation plan is achieve and the Reclamation Bond may be released. Approval of this proposal to allow the property to revert to forest use and be compatible with surrounding lands.

<i>TAX ID NUMBER</i>	<i>ACREAGE</i>	<i>ZONE</i>	<i>USE/ADDRESS</i>	<i>TAX CODE</i>
7318-000-01301 Subject Property	33.10 Acres	SM	Vacant	6
7318-000-01000	9.00 Acres	FA-19/SM	22530 Lindberg Rd.	6
7318-000-01101	20.00 Acres	FA-19	22560 Lindberg Rd.	6
7318-000-01200	11.56 Acres	FA-19	22824 Lindberg Rd.	6
7318-000-01300	80.16 Acres	FA-19/PF-76	Vacant	6
7318-000-01401	23.20 Acres	PF-76	22930 Lindberg Rd.	6

Tax Code 6 = Designated Forest Lands (Reforestation)

FIGURE 1: SURROUNDING PARCELS AND USES

Continuing with Section 1502.1(A)2 which requires the Board of Commissioners to find that:

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

Applicable Statewide Planning Goals include:

Goal 2: Land Use Planning - To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding 6: The subject land use action utilizes the process and policy framework as described in Statewide Planning Goal 2. For this application, the application review process and decision is made only after following criteria for Plan Amendments in Columbia County acknowledge land use ordinances, presented throughout this staff report. An exception to Statewide Planning Goals is not needed because both the currently existing SM zone and the proposed FA-19 zone are both identified in the Comprehensive Plan as resource designations. Staff finds that an exception to Statewide Forest Goal 4 to take the subject property out of the Forest Lands designation is inappropriate and not needed. The general overall resource use of this property will not change. The specific type of resource use will change from aggregate extraction to forest production but overall will remain in resource use therefore an exception is not necessary.

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 7: The immediate area of the subject properties is served by Lindberg Road, a county maintained public road, which has immediate access to State Highway 30. Telephone and power are also provided close to the property. The Clatskanie Rural Fire Protection District provides fire suppression services to the property. Domestic water will be provided by a private well and sewage will be treated by an individual private septic system. The applicants have stated that if this application is approved they will extend necessary facilities, and transportation networks onto the subject property when it is developed.

Continuing with Zoning Ordinance;

"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 8: All of the above shall have been included in the Notice of Public Hearing sent to surrounding property owners on July 19, 2005 and notice was published in the newspaper of record in the July 27, 2005 issue.

COMMENTS:

1. The District 18 Watermaster has reviewed the application and has no objection to its approval as submitted
2. The County Sanitarian has reviewed the application and has no objection to its approval as submitted
3. The County Roadmaster has reviewed the application and has no objection to its approval as submitted.
4. The County Building Official has reviewed the application and has no objection to its approval as submitted.
5. The Rainier CPAC commented, "We have no objection to approval upon the recommendations fo the Planning Commission to approve and the Board of Commissioners approval."

6. The Oregon Department of Geology and Mineral Industries commented by letter dated June 8, 2005 that, "The approved reclamation plan for the site states the secondary use will be forestry. However, the current landowner, Mr. Yarbor, plans on developing the property for home sites. Based on the stability of the reclaimed slopes and ongoing natural vegetation the site is sufficiently reclaimed to be closed and the bond may be released to MBI."

No other comments have been received from adjacent or nearby property owners or government agencies as of the date of this staff report (August 3, 2005).

CONCLUSIONS AND RECOMMENDATIONS

Planning Staff and the Planning Commission forward their recommendation of approval to the Board of County Commissioners for a Plan Amendment and recommend that:

1. The Official Comprehensive Plan Designation shall be changed from Surface Mining to Forest Resource.
2. The Official Zoning Map shall be changed from Surface Mining (SM) to Forest Agriculture (FA-19).

...with the following conditions:

1. The applicant shall facilitate Morse Bros. Request to release the Surface Mining Reclamation Bond on the site, before this Plan Amendment is considered complete.
2. The applicant shall provide evidence that an easement for ingress/egress and utilities is provided for the subject property.

Attachments: Application
Location Map
Zoning Map
Address Map
Aerial Photo

ATTACHMENT B

RECEIVED

JUL 27 2005

LAND DEVELOPMENT SERVICES

LEGAL DESCRIPTION

A parcel of land situated in the South half of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Commencing at the East Quarter corner of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North $89^{\circ} 08' 59''$ West a distance of 443.05 feet along the North line of the Southeast quarter of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, to the point of beginning; thence South $00^{\circ} 51' 01''$ West a distance of 990.00 feet; thence North $89^{\circ} 08' 59''$ West a distance of 1363.64 feet; thence North $00^{\circ} 53' 48''$ West a distance of 625.62 feet; thence South $89^{\circ} 06' 22''$ West a distance of 207.06 feet; thence North $00^{\circ} 53' 13''$ East a distance of 225.00 feet; thence North $05^{\circ} 39' 54''$ West a distance of 147.02 feet; thence South $89^{\circ} 08' 59''$ East a distance of 1613.18 feet to the point of beginning.

TOGETHER WITH a nonexclusive easement for ingress/egress road and utilities situated in the Northeast and the Southeast quarter of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, as disclosed by reservation in Warranty Deed recorded February 8, 2001 as Fee Number 01-01182 and described as follows:

A 50 foot wide nonexclusive easement for ingress/egress, road and utilities 25 feet parallel and perpendicular to each side of the following described centerline:

Commencing at the East quarter corner of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North $13^{\circ} 35' 45''$ East a distance of 873.30 feet to the point of beginning of said centerline; thence South $47^{\circ} 23' 26''$ West a distance of 200 feet; thence South $50^{\circ} 23' 26''$ West a distance of 400 feet; thence South $51^{\circ} 23' 26''$ West a distance of 200 feet; thence South $56^{\circ} 23' 26''$ West a distance of 200 feet; thence South $58^{\circ} 23' 26''$ West a distance of 200 feet; thence South $41^{\circ} 23' 26''$ West a distance of 297 feet; thence South $30^{\circ} 23' 26''$ West a distance of 200 feet; thence South $37^{\circ} 23' 26''$ West a distance of 200 feet; thence South $48^{\circ} 33' 18''$ West a distance of 200 feet; thence South $52^{\circ} 23' 26''$ West a distance of 143 feet, said point being South $65^{\circ} 19' 41''$ West a distance of 1565.98 feet from said East quarter corner of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, and the terminus of said centerline.

ATTACHMENT A

Surface Mining to Forest Resource; SM to FA-19

PA 05-03

COLUMBIA COUNTY BOARD OF COMMISSIONERS

08/03/05

STAFF REPORT

Plan Amendment & Zone Change

HEARING DATE: 08/10/05

FILE NUMBER: PA 05-03

APPLICANTS: Jeff Yarbor, Joel Yarbor, Bud Hickey
% Century 21 Elite Reality
58147 Columbia River Highway
St. Helens, Oregon 97051

OWNER: Same as Above

PROPERTY LOCATION: Off Lindberg Road, 4.5 miles east of Clatskanie

REQUEST: Plan Amendment of Comprehensive Plan Map from Surface Mining to Forest Resource; and a zone change of the Official Zoning Map from Surface Mining (SM) to Forest Agriculture (FA-19).

TAX LOTS: 7318-000-01301

PRESENT COMP PLAN DESIGNATIONS: Surface Mining

PROPOSED COMP PLAN DESIGNATION: Forest Resource

PRESENT ZONING: Surface Mining (SM)

PROPOSED ZONING: Forest Agriculture (FA-19)

REVIEW CRITERIA:		<u>Page</u>
CCZO, Section 1605,	Zone Change, Major Map Amendment	2
CCZO, Section 1502,	Zone Changes	3
TABLE 1:	Surrounding Parcels and Uses	6
CCZO, Section 1608,	Contents of Notice	8

BACKGROUND:

The applicants, hereinafter referred to as the applicant, propose to rezone the property by amending the Official Comprehensive Plan Map designation from Surface Mining to Forest Resource and to change the Official Zoning Ordinance Map from Surface Mining (SM) to Forest Agriculture (FA-19). The proposed acreage to be rezoned from SM to FA-19 is approximately 33.1 acres.

The subject property is described as tax lot #1301 and was formerly owned by Fred Sutter who operated a pit mine that was subsequently owned and operated by Morse Brothers, Inc. as the Lost Creek Quarry. The County's Comprehensive Plan listed this site under 'Active Aggregate Sites with Active Mining & Land Reclamation Permits' dated January 20, 1984 on page 217, #22 the Fred Sutter site. This quarry was listed in the June 7, 1995 Columbia County Goal 5: Mineral and Aggregate Inventory by H. G. Schlicker & Associates, Inc. as having a Previous Periodic Review (PPR) significance. The quarry has been closed for years. The applicant has stated that, "the Lost Creek Quarry was closed in response to objections from neighboring interests." The Statutory Warranty Deed conveying interest from Morse Brothers, Inc. to the applicants states under encumbrance #21 that,

"In consideration of the conveyance of the property from Grantor to Grantee, Grantee and its successors in interest to title to such real property agree that no portion of the property may be used for the developing, mining, processing or sale of rock, aggregate, sand, gravel, or aggregates, including but not limited to asphalt, concrete, cement, treated base aggregate or concrete."

The applicant propose this plan amendment and zone change to utilize the land as a different use in response to the above deed restriction.

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.

Finding 1: The Planning Commission heard this request at their June 20, 2005 public hearing and made recommendation for approval with conditions. The Board of Commissioners have scheduled August 10, 2005 as the date they will review this application. This request will be on the record unless the Board votes to allow testimony through conducting a public hearing.

Continuing with the Zoning Ordinance:

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:

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 2: The proposed zone change was heard by the Planning Commission on June 20, 2005, and a tentative decision was made to Recommend Approval of this request. The Final

Order was signed by the Chairman on 06/23/05. The Board of Commissioners shall review this either by review of the record, or if they choose my open a public hearing to submitted new evidence into the record.

Continuing with CCZO, Section 1502.1.B: which requires that the Board of Commissioners 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 Forest Lands; Goal 5: Open Space, Scenic and Historic Areas, and Natural Resources; and Surface Mining.

FOREST LANDS: POLICY # 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.

Finding 3: *Forest Land* policies as noted above are as follows. The subject property known as tax lot #1301 is in private non-industrial ownership where the existing ownership pattern in the area is, for the most part, predominantly small parcel size ownership patterns. The subject 33.1 acre parcel when rezoned to FA-19 will provide only minimal benefit to watershed and wildlife and fisheries habitat areas because of the previous mining activity and smaller parcel size. The predominant parcel size for surrounding property adjacent to the subject property averages 28.78 acres for the five surrounding parcels (See Figure 1). This 28.78 average means that the predominant parcel size is less than 38 acres which meets forest land policy. The subject property as indicated in the Soil Survey of Columbia County Oregon has cubic foot site class for Douglas-fir production capability of II, however, it is staff's position that the soil horizon for the overburden of the mining site, before the overburden was removed, was the cubic foot site class of II referred to in the Soil Survey of Columbia County, Oregon and that, after the overburden was removed and rock was mined from the site, the resultant soil was then incorrect as represented in the Soil Survey, which means the reclaimed soil now on the property is of a lower productive capability with probable predominant cubic-foot site classes of 3 or 4.

Findings on Policies of the Comprehensive plan follow:

GOAL 5: OPEN SPACE, SCENIC, AND HISTORIC AREAS, AND NATURAL AREAS; ARTICLE X. WATER RESOURCES; E WATER RESOURCES GOALS AND POLICIES; POLICY #5: Protect areas significant for the recharge of groundwater resources such as wetlands and riparian areas; POLICY #9: Protect riparian vegetation along streams and lakes by requiring appropriate setbacks for nonwater-dependent uses and standards for removal of riparian vegetation. POLICY #17: Protect water quality by applying Riparian Corridor and Wetland Overlay zones which discourage development in sensitive areas that affect the water resource

Finding 4: The *Goal 5* policies as noted above are addressed as follows. The proposed plan amendment and zone-change will help to protect area on the property which is significant for groundwater recharge by allowing forest uses to re-establish themselves after re-zoning to FA-19 and its allowed uses. Groundwater recharge areas will be improved because the area that was mined on the property has been reclaimed and re-planted with trees and because the trees and other natural organic succession taking place on the property has taken root and has been re-establishing a forest ecosystem on the property. This forest eco-system with its capillary action will help to hold groundwater in the soil which will in turn adds to groundwater supplies.

There are several water bodies on the subject property including Palmer Creek and an existing pond. Which are both classified as wetlands and have riparian areas associated with them. This policy will be met if riparian setbacks are adhered to. A condition for approval of this application shall be that all structures and development areas on the property shall meet riparian corridor standards, including 50' riparian setbacks.

Findings on Policies of the Comprehensive plan follow:

SURFACE MINING: POLICY #5: Designate as Surface Mining (SM) those sites with current active mining and land reclamation permits as of January 20, 1984... Change, upon completion of mining activities, those sites that will revert to uses as indicated in the reclamation plan or to uses compatible with surrounding lands.

Finding 5: *Surface Mining* (SM) policies as noted above is addressed as follows. The subject property was zoned SM on the county's original Zoning Map because the Sutter quarry operated on the site at the time. The original County's Comprehensive Plan listed under 'Active Aggregate Sites with Active Mining & Land Reclamation Permits' dated January 20, 1984 on page 217, #22 the Fred Sutter site. This quarry was listed in the June 7, 1995 Columbia County Goal 5: Mineral and Aggregate Inventory by H. G. Schlicker & Associates, Inc. as having a Previous Periodic Review (PPR) significance. The reason that it was previously listed as having

significance is because the quarry was in operation at the time it was listed. No present day significance test has been proven for the site, i.e. 2 million tons of rock that meet ODOT specifications for hardness and durability. The applicant have previously stated that, "the Lost Creek Quarry was closed in response to objections from neighboring interests." The Statutory Warranty Deed conveying interest from Morse Brothers, Inc. to the to the applicants states under encumbrance #21 that,

"In consideration of the conveyance of the property from Grantor to Grantee, Grantee and its successors in interest to title to such real property agree that no portion of the property may be used for the developing, mining, processing or sale of rock, aggregate, sand, gravel, or aggregates, including but not limited to asphalt, concrete, cement, treated base aggregate or concrete."

The Sutter Quarry a.k.a. Lost Creek Quarry was established before the north County was zoned. In 1984 when County-wide zoning was instituted the subject property had current active mining and land reclamation permits as of January 20, 1984 and was therefore designated Surface Mining in the County Comprehensive Plan and was zoned Surface Mining (SM). Morse Bros. Inc. was the owner of the property in 1998 when mining ceased on the property. Morse Bros. Inc. performed reclamation of the property through 2000 and subsequently sold the property to the current owners who are now the applicants. The County Surface Mining Administrator has determined that the reclamation plan is achieve and the Reclamation Bond may be released. Approval of this proposal to allow the property to revert to forest use and be compatible with surrounding lands.

<i>TAX ID NUMBER</i>	<i>ACREAGE</i>	<i>ZONE</i>	<i>USE/ADDRESS</i>	<i>TAX CODE</i>
7318-000-01301 Subject Property	33.10 Acres	SM	Vacant	6
7318-000-01000	9.00 Acres	FA-19/SM	22530 Lindberg Rd.	6
7318-000-01101	20.00 Acres	FA-19	22560 Lindberg Rd.	6
7318-000-01200	11.56 Acres	FA-19	22824 Lindberg Rd.	6
7318-000-01300	80.16 Acres	FA-19/PF-76	Vacant	6
7318-000-01401	23.20 Acres	PF-76	22930 Lindberg Rd.	6

Tax Code 6 = Designated Forest Lands (Reforestation)

FIGURE 1: SURROUNDING PARCELS AND USES

Continuing with Section 1502.1(A)2 which requires the Board of Commissioners to find that:

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

Applicable Statewide Planning Goals include:

Goal 2: Land Use Planning - To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding 6: The subject land use action utilizes the process and policy framework as described in Statewide Planning Goal 2. For this application, the application review process and decision is made only after following criteria for Plan Amendments in Columbia County acknowledge land use ordinances, presented throughout this staff report. An exception to Statewide Planning Goals is not needed because both the currently existing SM zone and the proposed FA-19 zone are both identified in the Comprehensive Plan as resource designations. Staff finds that an exception to Statewide Forest Goal 4 to take the subject property out of the Forest Lands designation is inappropriate and not needed. The general overall resource use of this property will not change. The specific type of resource use will change from aggregate extraction to forest production but overall will remain in resource use therefore an exception is not necessary.

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 7: The immediate area of the subject properties is served by Lindberg Road, a county maintained public road, which has immediate access to State Highway 30. Telephone and power are also provided close to the property. The Clatskanie Rural Fire Protection District provides fire suppression services to the property. Domestic water will be provided by a private well and sewage will be treated by an individual private septic system. The applicants have stated that if this application is approved they will extend necessary facilities, and transportation networks onto the subject property when it is developed.

Continuing with Zoning Ordinance;

"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 8: All of the above shall have been included in the Notice of Public Hearing sent to surrounding property owners on July 19, 2005 and notice was published in the newspaper of record in the July 27, 2005 issue.

COMMENTS:

1. The District 18 Watermaster has reviewed the application and has no objection to its approval as submitted
2. The County Sanitarian has reviewed the application and has no objection to its approval as submitted
3. The County Roadmaster has reviewed the application and has no objection to its approval as submitted.
4. The County Building Official has reviewed the application and has no objection to its approval as submitted.
5. The Rainier CPAC commented, "We have no objection to approval upon the recommendations fo the Planning Commission to approve and the Board of Commissioners approval."

6. The Oregon Department of Geology and Mineral Industries commented by letter dated June 8, 2005 that, "The approved reclamation plan for the site states the secondary use will be forestry. However, the current landowner, Mr. Yarbor, plans on developing the property for home sites. Based on the stability of the reclaimed slopes and ongoing natural vegetation the site is sufficiently reclaimed to be closed and the bond may be released to MBI."

No other comments have been received from adjacent or nearby property owners or government agencies as of the date of this staff report (August 3, 2005).

CONCLUSIONS AND RECOMMENDATIONS

Planning Staff and the Planning Commission forward their recommendation of approval to the Board of County Commissioners for a Plan Amendment and recommend that:

1. The Official Comprehensive Plan Designation shall be changed from Surface Mining to Forest Resource.
2. The Official Zoning Map shall be changed from Surface Mining (SM) to Forest Agriculture (FA-19).

...with the following conditions:

1. The applicant shall facilitate Morse Bros. Request to release the Surface Mining Reclamation Bond on the site, before this Plan Amendment is considered complete.
2. The applicant shall provide evidence that an easement for ingress/egress and utilities is provided for the subject property.

Attachments: Application
Location Map
Zoning Map
Address Map
Aerial Photo

ATTACHMENT B

RECEIVED

JUL 27 2005

LEGAL DESCRIPTION

LAND DEVELOPMENT SERVICES

A parcel of land situated in the South half of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Commencing at the East Quarter corner of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North $89^{\circ} 08' 59''$ West a distance of 443.05 feet along the North line of the Southeast quarter of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, to the point of beginning; thence South $00^{\circ} 51' 01''$ West a distance of 990.00 feet; thence North $89^{\circ} 08' 59''$ West a distance of 1363.64 feet; thence North $00^{\circ} 53' 48''$ West a distance of 625.62 feet; thence South $89^{\circ} 06' 22''$ West a distance of 207.06 feet; thence North $00^{\circ} 53' 13''$ East a distance of 225.00 feet; thence North $05^{\circ} 39' 54''$ West a distance of 147.02 feet; thence South $89^{\circ} 08' 59''$ East a distance of 1613.18 feet to the point of beginning.

TOGETHER WITH a nonexclusive easement for ingress/egress road and utilities situated in the Northeast and the Southeast quarter of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, as disclosed by reservation in Warranty Deed recorded February 8, 2001 as Fee Number 01-01182 and described as follows:

A 50 foot wide nonexclusive easement for ingress/egress, road and utilities 25 feet parallel and perpendicular to each side of the following described centerline:

Commencing at the East quarter corner of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon; thence North $13^{\circ} 35' 45''$ East a distance of 873.30 feet to the point of beginning of said centerline; thence South $47^{\circ} 23' 26''$ West a distance of 200 feet, thence South $50^{\circ} 23' 26''$ West a distance of 400 feet; thence South $51^{\circ} 23' 26''$ West a distance of 200 feet; thence South $56^{\circ} 23' 26''$ West a distance of 200 feet; thence South $58^{\circ} 23' 26''$ West a distance of 200 feet; thence South $41^{\circ} 23' 26''$ West a distance of 297 feet; thence South $30^{\circ} 23' 26''$ West a distance of 200 feet; thence South $37^{\circ} 23' 26''$ West a distance of 200 feet; thence South $48^{\circ} 33' 18''$ West a distance of 200 feet; thence South $52^{\circ} 23' 26''$ West a distance of 143 feet, said point being South $65^{\circ} 19' 41''$ West a distance of 1565.98 feet from said East quarter corner of Section 18, Township 7 North, Range 3 West, Willamette Meridian, Columbia County, Oregon, and the terminus of said centerline.
