

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application by Megan )  
Erickson for a Major Map Amendment and )  
and Zone Change for Approximately 2.58 Acres )     ORDINANCE NO. 2005-5  
and to Adopt an Exception to Goal 4     )

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

SECTION 1.            TITLE.

This ordinance shall be known as Ordinance No. 2005-5.

SECTION 2.            AUTHORITY.

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

SECTION 3.            PURPOSE.

The purpose of this Ordinance is to approve the application of Megan Erickson for a Comprehensive Plan Map Amendment from Forest Resource to Rural Residential and Zone Change from Primary Forest (PF-76) to Rural Residential (RR-2), and to adopt a Goal 4 Exception for approximately 2.58 acres having tax account # 8434-010-00400, located on Lumi Jarvi Road outside of the City of Clatskanie.

A Goal 4, Forest Lands, Exception is required because the land is zoned as forest land. The Goal 4 Exception will amend the Comprehensive Plan Text to authorize the proposed Comprehensive Plan Amendment and Zone Change.

SECTION 4.            HISTORY.

Megan Erickson applied for a Plan Amendment of the Columbia County Comprehensive Plan Map from Forest Resource to Rural Residential; and a Zone Change of the Zoning Map from Primary Forest (PF-76) to Rural Residential (RR-2) for a 2.58 acre lot in the Quincy Homes Subdivision on May 6, 2005. The Columbia County Planning Commission held a hearing on the application on August 1, 2005, to determine whether to recommend approval of the application to the Board of County Commissioners. After hearing testimony and deliberating, the Columbia County Planning Commission voted to recommend approval of the application to the Board of County Commissioners. On August 5, 2005, David Middle, Planning Commission Vice Chair, signed Final Order PA 05-04, recommending approval of the application with one condition of approval.

On October 12, 2005, the Board of County Commissioners held a hearing on the application. At that hearing, Todd Dugdale, Land Development Services Director, presented the staff report into the record which listed criteria to be considered and contained the Department's proposed findings, conclusions and recommendations. During the hearing, Legal Counsel's file was entered into the record as Exhibit "1." A list of documents included in Exhibit "1," is attached hereto as Attachment 1, and is incorporated herein by this reference. No other documents were submitted into the record. After deliberating on 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, (1) the findings of fact and conclusions of law contained in the Staff Report of the Department of Land Development Services, a copy of which is attached hereto as Attachment 2, and is incorporated herein by this reference; and (2) the Goal 4 Exception Statement and the findings of fact and conclusions of law set forth therein, submitted with the application, a copy of which is attached hereto as Attachment 3, and is incorporated herein by this reference.

SECTION 6. AMENDMENT AND AUTHORIZATION.

A. The Comprehensive Plan Map designation for the approximately 2.58 acre parcel legally described as Tract 4, in Quincy Homes, Columbia County, Oregon, is hereby changed from Forest Resource to Rural Residential.

B. The Zoning Map designation for the approximately 2.58 acre parcel legally described as Tract 4, in Quincy Homes, Columbia County, Oregon, is hereby changed from Primary Forest (PF-76) to Rural Resource (RR-2).

C. The Comprehensive Plan Text is amended to adopt and incorporate the document entitled "Goal 4 Exception Statement," a copy of which is attached hereto as Attachment 3.

D. This approval is subject to the following Conditions of Approval:

1. Prior to obtaining a building permit, the Applicant shall obtain an access permit from the Columbia County Road Department and shall pave the access off of Lumi Jarvi Road.
2. Prior to obtaining a building permit, the Applicant shall make improvements to Lumi Jarvi Road as directed by the Columbia County Public Works Director. Such improvements shall not exceed \$3000.00 in value.

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3. Prior to obtaining a building permit, the Applicant shall obtain septic system approval from the County Sanitarian.

DATED this 9<sup>th</sup> day of November, 2005.

Approved as to Form

By: Sara W. Hanson  
Office of County Counsel

Recording Secretary

By: Jan Greenhalgh  
Jan Greenhalgh, Recording Secretary

First Reading: 10/19/05  
Second Reading: 11/2/05  
Effective Date: 11/31/06

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Anthony Hyde, Chair

By: [Signature]  
Joe Corsiglia, Commissioner

By: [Signature]  
Rita Bernhard, Commissioner

## ATTACHMENT 1

### Legal Counsel's File -EXHIBIT 1

- (1) Notice of Public Hearing (Publication);
- (2) Notice of Public Hearing (Property Owner Notice);
- (3) Affidavit of Mailing;
- (4) Affidavit of Publication;
- (5) Board Communication dated October 6, 2005 with the following attachments:
  - (1) Staff report for PA 05-04;
  - (2) Erickson Exception Statement;
  - (3) Referral and Acknowledgment County Roadmaster;
  - (4) Referral and Acknowledgment Clatskanie CPAC;
  - (5) Referral and Acknowledgment Clatskanie Fire District;
  - (6) Referral and Acknowledgment Sanitarian;
  - (7) Referral and Acknowledgment Building Official;
  - (8) Application PA 05-04;
  - (9) Site Maps;
  - (10) Tax Account Maps;
  - (11) Plot plan;
  - (12) TaX Account map;
- (6) Certificate of Mailing Final Order PA 05-04;
- (7) Proposed Exception Statement;
- (8) Note to DLCD with DLCD Notice of Propose Amendment;
- (9) List of Surrounding Property with property tax records;
- (10) Letter to Megan Erickson dated June 9, 2005;
- (11) DLCD Notice of Proposed Amendment;
- (12) Referral Contact List;
- (13) Notice of Public Hearing dated May 18, 2005;
- (14) Letter to Megan Erickson dated May 17, 2005;
- (15) Certificate of Mailing May 18, 2005;
- (16) Sample Plot Plan with attached administrative rules.

ATTACHMENT 2

Forest Resource to Rural Residential; PF-76 to RR-2

PA 05-04

**COLUMBIA COUNTY BOARD OF COMMISSIONERS**

**STAFF REPORT**

October 7, 2005

**Plan Amendment & Zone Change**

HEARING DATE: 10/12/05

FILE NUMBER: PA 05-04

APPLICANT: Megan Erickson  
PO Box 1219  
Clatskanie, Oregon 97016

OWNER: Same as Above

PROPERTY LOCATION: Lumijarvi Road  
Clatskanie, Oregon 97016

REQUEST: Plan Amendment of Comprehensive Plan Map from Forest Resource to Rural Residential; and a zone change of the Official Zoning Map from Primary Forest (PF-76) to Rural Residential (RR-2).

TAX LOT: 8434-010-00400

PRESENT COMP PLAN DESIGNATIONS: Forest Resource

PROPOSED COMP PLAN DESIGNATION: Rural Residential

PRESENT ZONING: Primary Forest (PF-76)

PROPOSED ZONING: Rural Residential (RR-2)

APPLICATION DATE: 5/06/05      Submittal Date of Exception: 7/22/05

PLANNING COMMISSION:  
HEARING DATE: 8/01/05

**REVIEW CRITERIA:**

	<u>Page</u>
CCZO, Section 1605, Zone Change, Major Map Amendment	2
CCZO, Section 1502, Zone Changes	3-4
Comprehensive Plan Housing	
Policies 2 and 6	4
Comprehensive Plan Rural Residential	
Policies 2,4 and 5	4-5
Statewide Planning Goal 2 Land Use Planning & Exceptions	
OAR 660-004-0028 (1),(2),(3),and (6) Lands	7
Irrevocably Committed to Other Uses	
CCZO, Section 1608, Contents of Notice	8

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TABLE 1:	Surrounding Parcels and Uses	6
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**BACKGROUND:**

The applicant proposes to re-zone the property by amending the Official Comprehensive Plan Map designation from Forest Resource to Rural Residential and to amend the Official Zoning Ordinance Map from Primary Forest (PF-76) to Rural Residential (RR-5). The proposed acreage to be rezoned is approximately 2.58 acres.

The subject property's legal description is Lot 4 of the Quincy Homes Subdivision and is also described as tax assessor's tax lot number #400. The subject property is part of a previously platted subdivision.

**FINDINGS:**

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

1605 Zone Change - Major Map Amendment: The hearing for a major map amendment shall follow the procedure established in Sections 1502, 1502.1, 1502.1A and 1502.1B. This hearing cannot result in the approval of a major map amendment. The Commission may make a recommendation to the Board of Commissioners that such a zone change be granted. Approval by the majority of the Commission is necessary in order to make recommendation to the Board of Commissioners. The Board of Commissioners hearing on the proposed zone change - major map amendment will be on the record unless a majority of the Board votes to allow the admission of new evidence.

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

.1 Major Map Amendments are defined as a Zone Change which requires the Comprehensive Plan Map to be amended in order to allow the proposed Zone Change to conform with the Comprehensive Plan. The approval of this type of Zone Change is a two step process:

A. The Commission shall hold a hearing on the proposed Zone Change, either concurrently or following a hearing, on the proposed amendment to the Comprehensive Plan which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Commission may recommend approval of a Major Map Amendment to the Board of Commissioners provided they find adequate evidence has been presented at the hearing substantiating the following:

1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
3. The property and affected area is presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

B. Final approval of a Major Map Amendment may be given by the Board of Commissioners. The Commissioners shall hold a hearing on the proposed Zone Change either concurrently or following a hearing on the proposed Comprehensive Plan Amendment which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Board may approve a Major Map Amendment provided they find adequate evidence has been presented substantiating the following:

1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and

3. The property and affected area is presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

**Finding 1:** The proposed zone change is being processed as a Major Map Amendment, since the zone change requires the Official Comprehensive Plan Map to be amended in order for the official Zoning Map and the Comprehensive Plan to be in agreement. The Planning Commission reviewed this application at their August 1, 2005 hearing, and Vice Chairman David Middle signed the final order recommending approval to the Board of Commissioners. The Board hearing will be on the record unless a majority of the Board votes to allow new evidence to the record. Paragraph B is reviewed below.

Continuing with CCZO, Section 1502.1(B)(1) 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 Housing and Rural Residential.

#### HOUSING

**GOAL:** To provide for the housing needs of the citizens of the County by allowing adequate flexibility in housing location, type, and density.

**POLICIES:** It shall be a policy of the County to:

2. Develop land use designations that provide for a wide range of housing units.
6. Insure there is an adequate supply of zoned land available in areas accessible to employment and public services to provide a choice of type, location, density, and cost of housing units commensurate to the needs of County residents.

#### RURAL RESIDENTIAL

**GOAL:** It is the goal of the County to provide for the continuation and needed expansion of rural residential uses on those resource lands where a valid exception can be, or has been shown to be, justified.

**POLICIES:** It shall be a policy of the County to:



2. Designate as Rural Residential in the implementing ordinances those lands which:
  - B. Do not meet the criteria for being included in the Rural Center Designation.
4. Establish a Rural Residential Zone with a 2 acre minimum lot or parcel size, where such lands will not create "spot zoning" and, as determined by the County;
  - A. Are within an existing public or community water district providing adequate domestic and fire flow water.
  - B. Have soils capable of accommodating a subsurface septic system.
  - C. Have access onto a public right-of-way meeting applicable County Road Standards.
  - D. Are within, and can be served by a rural fire protection district.
  - E. A 2-acre minimum parcel size is appropriate to maintain the rural character of the area.
  - F. The conversion complies with the Oregon Administrative Rule requirements for an exception to Goal 14.
5. Encourage the in-filling of existing built and committed lands for new residential development.

**Finding 2:** The subject property was allowed to remain zoned PF-76 instead of RR-2 when the go-below provision was removed for RR-5 lands and the former RR-5 zoned lands were rezoned to RR-2 in the Quincy area under Ordinance 98-4. The reason this small parcel retained the PF-76 zoning was because it was part of a larger ownership, and the whole tract, by rule, remained PF-76. Now the subject parcel is in distinct separate ownership from contiguous parcels. The Rural Residential Designation is appropriate because of the property's existence as a 2.58 acre lot in the Quincy Homes Subdivision that fits the definition of Rural Residential designation and the RR-2 zone. The re-zoning of this property would not create a spot zone because there is other connecting RR-2 zoning adjacent to the subject property. The subject property remained in the PF-76 zone because, even though it was a separate 2.58 acre lot in the subdivision, it was part of a larger tax lot already zoned PF-76, therefore it was not changed to

RR-2 when other properties nearby were changed. The subject property is within and can be served by the Quincy Water District. Soils in the area of the subject property have approved septic systems therefore it is very likely that the soils of the subject property will support a sub-surface septic system. The approval of this Plan Amendment and Zone Change will comply with exception requirements of Goal 14. An Exception Statement was submitted with the application which determines that the parcel is committed to other uses, i.e. residential. The subject property when allowed to be rezoned to RR-2 will provide an excellent buffer zone and transition between the Primary Forest, PF-76 zoned forest lands and the more urban like, Rural Community, and RC zoned lands of Quincy. This transition is desirable to provide a buffer between more urbanizing Rural Community RC lands and the rural character of the Forest Resource, PF-76 zoned lands. The subject property known as Lot 4 of the Quincy Homes Subdivision, at 2.58 acres, is surrounded on three sides by other lots in the subdivision which are also zoned either RC or RR-2 with similar lot sizes. The property has public roads on two of its four sides and has excellent access via Lumi Jarvi Road. The rezoning of this property to RR-2 is the perfect example of in-fill of built and committed lands since the subject property was "committed" when it was subdivided and the Rural Community of Quincy 'built' up around it in the pattern that exists today. Staff find that for the above stated reasons these criteria are met.

**FIGURE 1: SURROUNDING PARCELS AND USES**

<i>TAX ID NUMBER</i>	<i>ACRES</i>	<i>ZONE</i>	<i>USE/ADDRESS</i>	<i>LOT NO.</i>	<i>TAX CODE</i>
8427-043-01200	2.78	RC	79046 Quincy Mayger Rd.	Lot 11	NA
8434-010-00100	38.00	PF-76	NA	Part of Govt Lots 9 & 11	6
8434-010-00200	1.41	RC	19771 Lumijarvi Rd.	Part of Lot 3	NA
8434-010-00300	1.00	RC	19733 Lumijarvi Rd.	Part of Lot 3	NA
8434-010-00500	2.05	RC	NA	Lot 10	6
8434-010-00600	3.30	RC	78924 Quincy Mayger Rd.	Lot 9	NA
8434-010-00700	1.73	RC	78872 Quincy Mayger Rd.	Part of Lot 8	NA
8434-010-00800	1.64	RC	78846 Quincy Mayger Rd.	Part of Lot 8	NA

Tax Code 6 = Designated Forest Lands (Reforestation)

Continuing with Section 1502.1(B)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.

Administrative Rules implement Goal 2 Land Use Planning Part II, Exceptions;  
For lands that are irrevocably committed to other uses:

- OAR 660-004-0028 (1) and (2)
- OAR 660-004-0028(6) (a), (b), (c) A, B & C
- OAR 660-004-0028 (3)

These Rules and Findings are presented and attached to the Application, ERICKSON  
EXCEPTION STATEMENT TO STATEWIDE PLANNING GOAL 4 FOREST LANDS

**Finding 3:** The subject land use action utilizes the process and policy framework as described in Statewide Planning Goal 2. An exception to Statewide Planning Goals was prepared and submitted to DLCD on July 21, 2005. Staff accepts this Exception Statement as a complete, factual set of reasons why Goal 4 Forest Lands should not apply to this property. DLCD has not commented on the exception document within 45 days and therefore we have full expectation that DLCD has no objections.

The subject property of the exception is a 2.58 acre lot in Quincy Homes Subdivision which is mainly developed with other dwellings, except for this lot. This small lot should be zoned appropriately with other lots of the subdivision and not as a forest land unit with contiguous large parcels to the east. See the factual data in the Exception document.

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 4:** The immediate area of the subject property is served by Lumi Jarvi Road which has access to Quincy Mayger Road, a major collector. Telephone and power are provided to the property. Quincy Water District provides domestic water to the lot. The Clatskanie Rural Fire

Protection District provides fire suppression services to the property. There are fire hydrants in the immediate area. The Columbia County Sheriff provides police protection. The soil type is Multnomah Variant loam with very few limitations for homesite and septic system. The local Lumijarvi Road has been identified by the County Roadmaster as needing some improvements. These improvements to the road are expected to be provided in conjunction with development. For these reasons this criteria is met.

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 5:** All of the above information has been included in the Notice of Public Hearing published twice, once for the Planning Commission hearing and again for the Board of Commissioners hearing, in the Chronicle and Spotlight newspapers not less than 10 days prior to the hearings.

**COMMENTS:**

1. The County Sanitarian has reviewed the application and states, "An approved Lot Eval should be a condition of approval."
2. The County Building Official has reviewed the application and has no objection to its approval as submitted.
3. The Clatskanie Fire District has reviewed the application and has no objection to its approval as submitted.

4. The roadmaster had no objection to approval of this application but “will require \$3000.00 of Road Improvements to Lumijarvi Road as a condition of the access permit when applied for.”
5. The Clatskanie CPAC has no objection to its approval as submitted but commented, “We feel that this parcel should never have been zoned other than Rural Residential and was part of the Quincy Homes Subdivision. We further recommend that the fees for this request be waived in light of the miszoning.”

No other comments have been received from adjacent or nearby property owners or government agencies as of the date of this staff report (October 7, 2005).

## CONCLUSIONS AND RECOMMENDATIONS

Planning Staff and the Planning Commission recommended **approval** of this proposal to the Board of County Commissioners for a Plan Amendment from Forest Resource to Rural Residential and a Zone Change from PF-76 to RR-2 specifically that:

1. The Official Comprehensive Plan Designation shall be changed from Forest Resource to Rural Residential.
2. The Official Zoning Map shall be changed from Primary Forest (PF-76) to Rural Residential (RR-2).
3. The Planning Commission recommended that application fees for this plan amendment proposal be waived and the application paid fees be refunded back to the applicant.

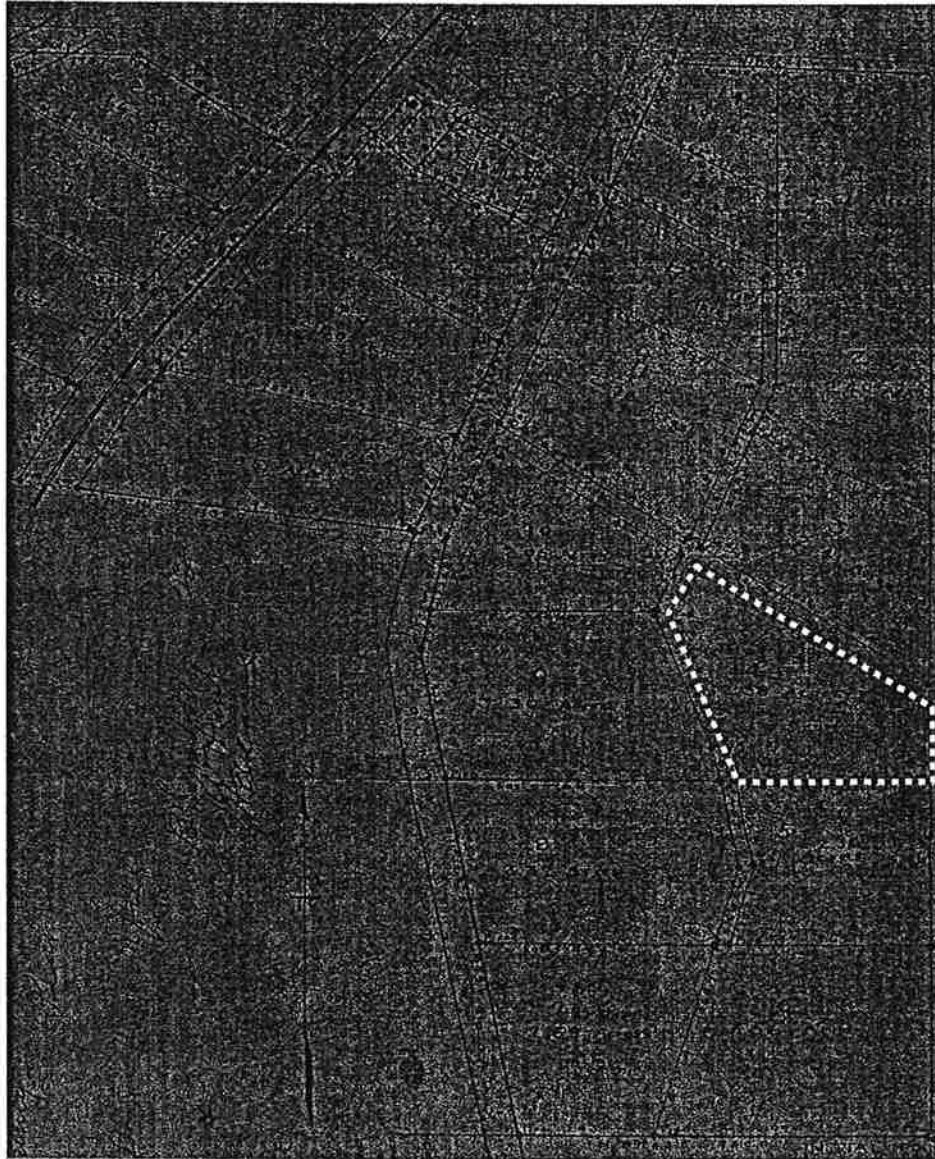
### With the Following Conditions:

- 1) A County Road Access permit is required, and Lumijarvi Road shall be improved before a residential building permit may be issued as per county road department recommendation. Said road improvements shall not be exceed \$3,000.
- 2) A Lot Evaluation be applied for and a septic system approved by the County Sanitarian before a building permit is issued.

**Attachments:** Application  
Erickson Exception Statement to Goal 4 Forest Lands  
Location Map  
Zoning Map  
Address Map

ERICKSON EXCEPTION STATEMENT  
TO  
STATEWIDE PLANNING GOAL 4: FOREST LANDS

The following exception statement was created to support Columbia County Land Development Services file number PA 05-04; for Megan Erickson to amend the Comprehensive Plan from Forest Resource to Rural Residential; and amend the County Zoning Ordinance with a Zone Change from Primary Forest (PF-76) to Rural Residential (RR-2).



**FIGURE 1: QUINCY HOMES SUBDIVISION**  
(A Portion of the Subdivision Originally Platted in 1923 including the Subject Property, Lot 4)

## **FINDINGS**

The following provisions found in Statewide Planning Goal 2, Part II exception requirements for an Exception to Goal 4 Forest Lands is found in Oregon Administrative Rule, OAR 660-004-0028 as follows:

OAR 660-004-0028

Exception Requirements for Land Irrevocably Committed to Other Uses

(1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

(a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;

(b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;

(c) An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.

(2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

(a) The characteristics of the exception area;

**FINDING 1:** The characteristics of the exception area are as follows:

- a. The subject property is described as Lot 4 of the Quincy Homes Subdivision which was platted in 1923.
- b. The subject property is 2.58 acres in size.
- c. The subject property is logically a part of the Rural Community of Quincy, Oregon and seems to be inappropriately zoned.
- d. The subject property has excellent public road access on two of its four sides. Lumi Jarvi Road on its northern boundary and Hermo Road on its western boundary. These roads are part of the layout of the Quincy Homes Subdivision, whose lots make up the Rural Community of Quincy, Oregon.

OAR 660-004-0028(2) Cont.

(b) The characteristics of the adjacent lands;



**FINDING 2:** The characteristics of adjacent lands are as follows:

- a. The subject property is located immediately adjacent to the Rural Community of Quincy, Oregon.
- b. Land immediately to the west of the subject property is zoned Rural Community (RC) and is comprised of Lot 9 of the Quincy Homes Subdivision. Lot 9 is also known as tax lot 600 and has a dwelling located on it at 78924 Quincy Mayger Road. Tax lot 600 is 3.30 acres.
- c. Land immediately to the north of the subject property is comprised of Lot 3 of the Quincy Homes Subdivision. Lot 3 has two tax lots. There is a dwelling on each tax lot; T.L. 200, 1.41 acres, 19771 Lumi Jarvi Road; and T.L. 300, 1.00 acres, 19733 Lumi Jarvi Road. Tax lot 300 also has a Temporary Hardship dwelling with an address of 19723 Lumi Jarvi Road.
- d. Land immediately to the east of the subject property is zoned Primary Forest land (PF-76), is 38 acres in size, and has no dwelling located on it.
- e. Land immediately to the south of the subject property is known as lot 5 of the Quincy Homes Subdivision, and it a part of tax lot 1100 which is 8.22 acres, and is comprised of Lots 5, 6, and 7 of the Quincy Homes Subdivision. This tax lot 1100 has a dwelling located on it at 78756 Quincy Mayger Road.
- f. All surrounding property with the exception of the PF-76 zoned property to the east is thought of by the Clatskanie-Quincy CPAC of the area as being logically a part of the rural community of Quincy Oregon.

OAR 660-004-0028(2) Cont.

(c) The relationship between the exception area and the lands adjacent to it; and

**FINDING 3:** The subject property is inextricably linked to the Rural Community of Quincy, Oregon by its proximity, logical connection, layout in the community, original creation as Lot 4 of the Quincy Homes Subdivision, size of 2.58 acres, and access by two public roads; Hermo Road and Lumi Jarvi Road bordering the property on 2 of its 4 sides. The property is more logically connected to the rural community of Quincy because it is bordered on 3 sides by similar lots or the community of Quincy itself; rather than a the Primary forest land to its east. The exception area would better serve the Rural Community of Quincy by being rezoned to RR-2 to act as a buffer between the Rural Community of Quincy and the Primary Forestlands to the east. The transition zone of RR-2 between the RC and PF-76 zones would also provide an opportunity for increased public safety by reducing the direct contact between a more urban RC zone and a definitely more rural PF-76 zone.

OAR 660-004-0028(2) Cont.

(d) The other relevant factors set forth in OAR 660-004-0028(6).

Following with OAR 660-004-0028(6) provisions:

(6) Findings of fact for a committed exception shall address the following factors:

(a) Existing adjacent uses;

**FINDING 4:** The adjacent existing uses allowed by the zoning districts in which they are located include: to the north, Rural Community (RC) with single-family Dwellings and accessory structures; to the south, Rural Residential (RR-2) with a single-family dwelling and accessory structures; to the east, Primary Forest (PF-76) growing trees with no structures; and to the west, Rural Community (RC) with single-family dwellings and accessory structures.

OAR 660-004-0028(6) Cont.

(b) Existing public facilities and services (water and sewer lines, etc.);

**FINDING 5:** The existing public facilities and services to the area include water provided by the Quincy Water District, and public road access provided by Lumi Jarvi Road which forms the northern boundary of the subject property; and Hermo Road which forms the western boundary of the subject property. The Clatskanie Fire District provides fire protection service to the property while the Columbia County Sheriff's Office provides police protection. Quincy is an unincorporated rural community which does not provide public sewer.

OAR 660-004-0028(6) Cont.

(c) Parcel size and ownership patterns of the exception area and adjacent lands:

(A) Consideration of parcel size and ownership patterns under subsection (6)© of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;

**FINDING 6:** The subject property, Lot 4 of the Quincy Homes Subdivision was platted in 1923 as depicted in Figure 1 on page 1 of this exception statement. In 1923 there were no Statewide Planning Goals of which findings were made to create the subdivision. In 1923 there was no zoning and there was no zoning of the Quincy community area until 1984 when the County adopted its first County wide zoning ordinance.

In 1984 all property now zoned RR-2 or RC adjacent to the subject property or in the area of the subject property and noted in Table 1 on the next page were then zoned RR-5, while the subject property was inappropriately zoned PF-76. Other property to the east of the subject property was zoned Primary Forest (PF-80). The RR-5 zone at that time included a provision to allow the minimum parcel size to be 2 acres if the property was served by a community or public water system and adequate area existed for a septic system. Ordinance 98-4 adopted in 1998 and effective in February 2000 removed the go-below provision in the RR-5 zone; and replaced the zoning in the Quincy area that was formerly zoned RR-5 with RR-2 zone. The Rural Community designation was also given to Quincy properties.

The size of the exception area is 2.58 acres. Property sizes vary on lots and parcels surrounding the subject property. The largest parcel size of the surrounding properties is 38 acres on PF-76 zoned property immediately to the east of the subject property. There are two parcels of 1.00 acre and 1.41 acres zoned RC immediately to the north of the subject property. There are two parcels of 2.05 acres and 3.30 acres zoned RC immediately to the west of the subject property.

A review of County Tax Assessor records indicates that there are not any lots or parcels, as depicted in Table 1 below, that are owned by the same person or persons considering the exception area and adjacent property. This means that no two lots or parcels are owned by the same person.

**FIGURE 1: SURROUNDING PARCELS AND USES**

<i>TAX ID NUMBER</i>	<i>ACRES</i>	<i>ZONE</i>	<i>USE/ADDRESS</i>	<i>LOT NO.</i>	<i>TAX CODE</i>
8427-043-01200	2.78	RC	79046 Quincy Mayger Rd.	Lot 11	NA
8434-010-00100	38.00	PF-76	NA	Part of Govt Lots 9 & 11	6
8434-010-00200	1.41	RC	19771 Lumijarvi Rd.	Part of Lot 3	NA
8434-010-00300	1.00	RC	19733 Lumijarvi Rd.	Part of Lot 3	NA
8434-010-00500	2.05	RC	NA	Lot 10	6
8434-010-00600	3.30	RC	78924 Quincy Mayger Rd.	Lot 9	NA
8434-010-00700	1.73	RC	78872 Quincy Mayger Rd.	Part of Lot 8	NA
8434-010-00800	1.64	RC	78846 Quincy Mayger Rd.	Part of Lot 8	NA

Tax Code 6 = Designated Forest Lands (Reforestation)

OAR 660-004-0028(6)(c)(B)

(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.

(d) Neighborhood and regional characteristics;

(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;

(f) Physical development according to OAR 660-004-0025; and

(g) Other relevant factors.

**FINDING 7:** The subject property has existed as Lot #4 of the Quincy Homes Subdivision since 1923. The existing roads and road right-of-ways for both Lumijarvi and Hermo Roads serve the subject property and were originally platted to serve the subject lot and other lots in the Quincy Homes Subdivision. The subject lot is owned individually by Megan Erickson. The lot is not part of a larger landholding. The fact that the subdivision was platted in 1923 and that all surrounding parcels on three sides are already irrevocably committed and developed with residential units, zoned Rural Center or Rural Residential-2 are significant factors which lead to a rational conclusion that the subject property was inappropriately zoned forest land at the time of zoning. In 1984, at the time of original zoning the Lot 4 was under the same ownership as the larger 38 acre parcel to the east, so, according to rules at the time zoning was based on ownership tracts.

Continuing with OAR 660-004-0028

(3) Whether uses or activities allowed by the applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local government demonstrate that

every use allowed by the goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:

- (a) Farm use as defined in ORS 215.203;
- (b) Propagation or harvesting of a forest product as specified in OAR 660-331-0020; and
- ©) Forest operations or forest practices as specified in OAR 660-060-0025(2)(a).

**Finding 8:** The subject property is a 2.58 acre lot in Quincy Homes Subdivision which is mainly developed with other dwellings except for this lot. Uses typically allowed in the Forest Zone PF-76, such as commercial forest management, fish & wild life management, primary wood processing facilities and commercial farm use, are impractical uses in this residential development considering noise, dust and herbicide applications in such close proximity to homes. The timber production quantity on the subject property is less than a couple hundred cu. ft. per year, if it were stocked to it's highest capability per Oregon Forest Practices. A very negligible amount of wood fiber is lost to timber production. The fact is that any timber on the property would most likely not be commercially harvested due to it's proximity to and in the residential subdivision. Shade trees and residential amenities are a better use than commercial harvest of any trees on this property.

**Conclusions:** The subject property of this exception, Lot 4 of the Quincy Homes Subdivision, is located adjacent to the Rural Community of Quincy. Quincy is located along Mayger Road, designated as a major collector county road in the County Transportation Plan. The ODOT main rail line to Astoria is immediately adjacent to Quincy along the northern boundary. Quincy is approximately 4 miles northeast of the City of Clatskanie on the route to the Port Westward Industrial site which contains PGE Beaver Generating Plant and other gas fired generating plants in construction. Quincy has a general store, plant nursery and marine sales shop along with approximately 55 acres of fairly dense settled homes on lots ranging from 0.19 acres to 3.3 acres. Just down the street is the Quincy grade school and a Clatskanie Fire District substation. Quincy Water district serves all of the residential lots in the area and has several fire hydrants in the Quincy area. The subject property is part of the original 1923 Quincy Homes Subdivision and also, a part of this long standing rural community which recently is being economically revived through recent construction activities in the close-by, deep water industrial area, Port Westward. This land is logically committed to uses other than forest lands as substantiated by the above findings.