

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of Midway)
Veterinary Hospital for a Major Map) ORDINANCE NO. 2009-10
Amendment from Rural Residential to)
Existing Commercial (EC))

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2009-10.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, ORS 197.610 and 197.615, and ORS 197.732.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve the Application of the Dr. Lewis Fowler and Midway Veterinary Hospital (Application No. PA 09-01/ZC 09-02) for a Comprehensive Plan and Zoning Map Amendment to allow for future clinic expansion on an approximately 2.04 acre property identified as Tax Lot 4119-030-0200 and on the west side of Highway 30 between the cities of Scappoose and St. Helens at 34453 McGary Lane. The Major Map Amendment includes a Comprehensive Plan Amendment to change the subject property from Rural Residential to Existing Commercial, a Zone Change from Rural Residential-2 (RR-2) to Existing Commercial (EC), as well as a requisite Goal Exception to Statewide Planning Goal 14.

SECTION 4. FINDINGS.

The Board of County Commissioners adopts Findings of Fact and Conclusions of Law contained in the September 30, 2009 Land Development Services Staff Report to the Board of County Commissioners, with all of its attachments, which is attached hereto collectively as Attachment 1 and incorporated herein by this reference.

SECTION 5. AMENDMENT AND AUTHORIZATION.

- A. The Columbia County Comprehensive Plan Map designation for Tax Lot 4119-030-0200 is hereby amended from from Rural Residential to Existing Commercial.

- B. The Zoning Map designation for Tax Lot 4119-030-0200 is hereby amended from Rural Residential-2 (RR-2) to Existing Commercial (EC).
- C. An Exception to Statewide Planning Goal 14 is taken and made a part of the Columbia County Comprehensive Plan for Tax Lot 4119-030-0200, based on the analysis contained in Attachment 1 and the documents incorporated therein.
- D. As part of its Approval of Application No. PA 09-01/ZC 09-02, the Board of County Commissioners hereby imposes the following conditions of approval:
 - 1. Approval of the Exception to Statewide Planning Goal 14 for Tax Lot 4119-030-0200 is specific to the size and intensity of the use of the property as a veterinary clinic. The subject property shall only be used for a veterinary clinic and accessory uses, the proposed use. Other uses listed in the Existing Commercial zone may not be located on this site without taking a new exception to the Statewide Planning Goals.

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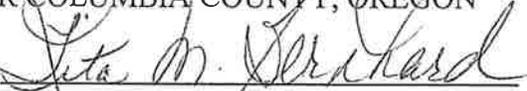
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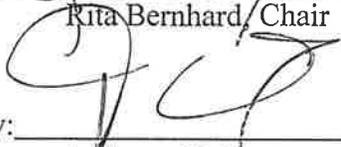
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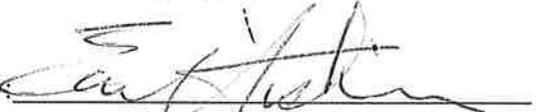
2. A Type II Site Design Review shall be approved by Columbia County prior to any further development of the subject property.

DATED this 28th day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Rita Bernhard, Chair

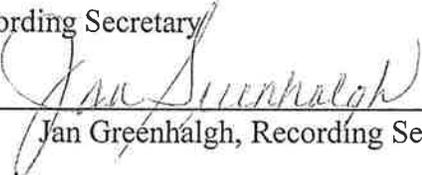
By: 
Anthony Hyde, Commissioner

By: 
Earl Fisher, Commissioner

Approved as to Form

By: 
Office of County Counsel

Recording Secretary

By: 
Jan Greenhalgh, Recording Secretary

First Reading: 10-14-09

Second Reading: 10-28-09

Effective Date: 1-26-2010

BOARD COMMUNICATION

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT
MEETING DATE: October 7, 2009

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Todd Dugdale, Director of Land Development Services

SUBJECT: PUBLIC HEARING - LAND USE
PA 09-01 Comprehensive Plan Amendment
Rural Residential(RR) to Existing Commercial(EC)
ZC 09-02 Zone Change
Rural Residential-2ac(RR-2) To Existing Commercial(EC)
34453 McGary Lane, Warren/Tax Parcel No. 4119-030-02000
Midway Veterinary Clinic, Owner/Angelo Planning Group, Applicant

DATE: September 30, 2009

SUMMARY: Angelo Planning Group, applicant, on behalf of owner, Dr. Lewis Fowler of the Midway Veterinary Clinic has requested a Comprehensive Plan and Zoning Map Amendment to rectify mapping errors that occurred with the adoption of the Comprehensive Plan and Zoning Ordinance in 1984. The subject property is approximately 2.04 acres in size and is located on the west side of Highway 30 between Scappoose and St. Helens, at 34453 McGary Lane and identified by tax lot # 4119-030-02000. Said property is currently zoned Rural Residential-2 (RR-2), but has been lawfully developed and in operation with the Midway Veterinary Clinic since (at least) 1982. Properties containing lawful commercial activities on the 1984 adoption date of the Comprehensive Plan and Zoning Ordinance should have been designated "Existing Commercial." Although legally operating prior to 1984 zoning, the subject property was not afforded the benefit of the "Existing Commercial" plan or zoning designation.

The RR-2 zoning designation has rendered the veterinary clinic a "non-conforming use," and as such, has limited the physical expansion of the clinic. Following this Plan Amendment and Zone Change, the applicant would like to expand the clinic from 3,411 square feet to 6,000 square feet to accommodate business increases that have already occurred. Said expansion of commercial structures, outside of an Urban Growth Boundary, requires an exception to Statewide Planning Goal 14: Urbanization. The exception criteria were addressed in this application, and the Department of Land Conservation and Development (DLCD) was notified of the request. DLCD had no objection to the Major Map Amendment or Goal 14 Exception. Expansion of the structure is further subject to a Type II Site Design Review and will be reviewed through a separate, succeeding application process.

Concerns regarding this application were submitted to Land Development Services and testimony presented at the August 3, 2009 Planning Commission meeting. A neighbor of the clinic expressed concerns regarding signage, speed limits and parking. Said concerns will be addressed through the Site Design Review process. A member of the Scappoose CPAC raised concerns about the care of the animals within the facility, such as the boarding of sick animals next to healthy animals. State law addresses standards for animal housing areas in veterinary clinics. As part of the clinic expansion, additional animal holding areas are proposed and will provide for more sanitary housing in compliance with State statute and rule. Finally, a kennel owner in the County expressed concerns regarding the land use review and licensing process for veterinary clinics as opposed to the land use review and licensing process for kennels. Veterinary clinics are specifically exempt from kennel licensing requirements, as

they are licensed through the Veterinary Medical Examining Board. Additionally, the intent of this application is not to allow a new use, but to recognize an existing use with the appropriate zoning.

ATTACHMENTS:

1. Board Staff Report
2. Letter from Barbara Aulbach, dated August 6, 2009
3. Testimony from Alta Lynch, dated August 3, 2009
4. Testimony from Mary Miller,
5. Application
6. Vicinity Map
7. Address Map
8. Zoning Maps (Existing and Proposed)

SUGGESTED MOTION:

I move to tentatively approve PA 09-01 and ZC 09-02 for a Comprehensive Plan Amendment from Rural Residential to Existing Commercial and a Zone Change from Rural Residential-2 (RR-2) to Existing Commercial (EC) on property identified by tax lot # 4119-030-02000; and, instruct staff to prepare an Ordinance for adoption.

COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS

Staff Report

September 30, 2009

Major Map Amendment

HEARING DATE: October 7, 2009

FILE NUMBER: PA 09-01 and ZC 09-02

APPLICANT: Serah Overbeek
Angelo Planning Group
921 SW Washington Street, Suite 486
Portland, OR 97205

OWNER: Dr. Lewis Fowler
Midway Veterinary Hospital
34453 McGary Lane
Warren, OR 97053

SITE LOCATION: The site is located on the west side of Highway 30, approximately halfway between Scappoose and St. Helens at 34453 McGary Lane, Warren.

TAX MAP NO: 4119-030-02000

ZONING: Rural Residential - 2 (RR-2)

SITE SIZE: ± 2.04 acres

REQUEST: A **Major Map Amendment** consisting of a **Comprehensive Plan Amendment** to change property designated Rural Residential to Existing Commercial and a **Zone Change** from Rural Residential - 2 (RR-2) to Existing Commercial (EC).

APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance</u>		<u>Page</u>
Section 670	Existing Commercial (EC)	6
Section 1502	Zone Changes (PA/ZC)	8
1502.1(A)(1)	Consistency with the Comprehensive Plan	9
1502.1(A)(2)	Consistency with Statewide Planning Goals	13
1502.1(A)(3)	Adequacy of Public Facilities	21
1502.3	Alternate Zones	22
Section 1600	Administration	22

BACKGROUND:

The property owner, Dr. Lewis Fowler, has requested a Major Map Amendment, consisting of a Comprehensive Plan Amendment and Zone Change, to rectify mapping errors that occurred with the adoption of Columbia County's Comprehensive Plan and Zoning Ordinance in 1984 and with amendments to the Zoning Ordinance and Map in 1996. This amendment is intended to recognize a residentially zoned (RR-2) property, that was lawfully developed and in operation with a veterinary clinic before the adoption of the 1984 Comprehensive Plan and Zoning Ordinance, as Existing Commercial; and in turn, allow for the expansion of the animal hospital existing on the property. Prior to the July adoption of this (1984) Zoning Ordinance, the subject property was zoned Rural Residential (RR) and subject to zoning regulations that were originally implemented in 1973. The (1973) Ordinance allowed "kennels, and/or animal hospitals or veterinarian" clinics to be permitted in the RR Zone with a Conditional Use Permit. Columbia County's Planning Commission approved a Conditional Use Permit request for the establishment of a veterinary clinic on the subject property on June 7, 1982. The veterinary business was initially operated from a mobile trailer that was sited on the subject property. In the early 1980s, the owner remodeled an existing farmhouse (also on the property) and moved the business from the trailer to the remodeled building. In 1984, the site was zoned RR-5 and then re-zoned in 1996 (as part of a periodic review and Comprehensive Plan update) to RR-2. Neither 1984 nor current zoning regulations allow(ed) veterinary clinics as an outright or conditionally permitted use in the RR-2 Zone.

The 1984 and 1996 zoning designations rendered the existing veterinary clinic a "legal non-conforming use." Columbia County's Zoning Ordinance (Section 1506.9) limits expansions of non-conforming uses. Section 1506.9 (CCZO) specifically states:

"A Non-Conforming Use may be expanded one time only. This expansion shall not exceed 40% of the square footage on the ground level of the existing structure, pursuant to Section 1506.5."

Movement of the clinic from the mobile trailer to the farmhouse constituted this "one-time" expansion and has prohibited further physical growth of the business. The applicant would like to expand the hospital from 3,411 square feet to 6,000 square feet to accommodate the clinic's growing client base (which, according to the applicant, has increased by approximately 5% annually since 2001). The hospital provides small animal (dogs and cats) veterinary services, as well as large farm animal (horses and cows) services. The proposed expansion is not intended to expand the scope of the business, but rather to accommodate business increases that have already occurred. The expansion is proposed to provide larger exam rooms, expanded laboratory and administrative space and a new animal holding area. Under the Existing Commercial Comprehensive Plan and Zoning designation, the veterinary clinic would no longer be considered "non-conforming" and would, therefore, be eligible for expansion. This application/report specifically and only addresses the proposed Major Map Amendment. Expansion of the structure is subject to a Type II Site Design Review and will be reviewed through a separate, succeeding application process.

Section 1502.1 of the Columbia County Zoning Ordinance requires zone changes to be consistent

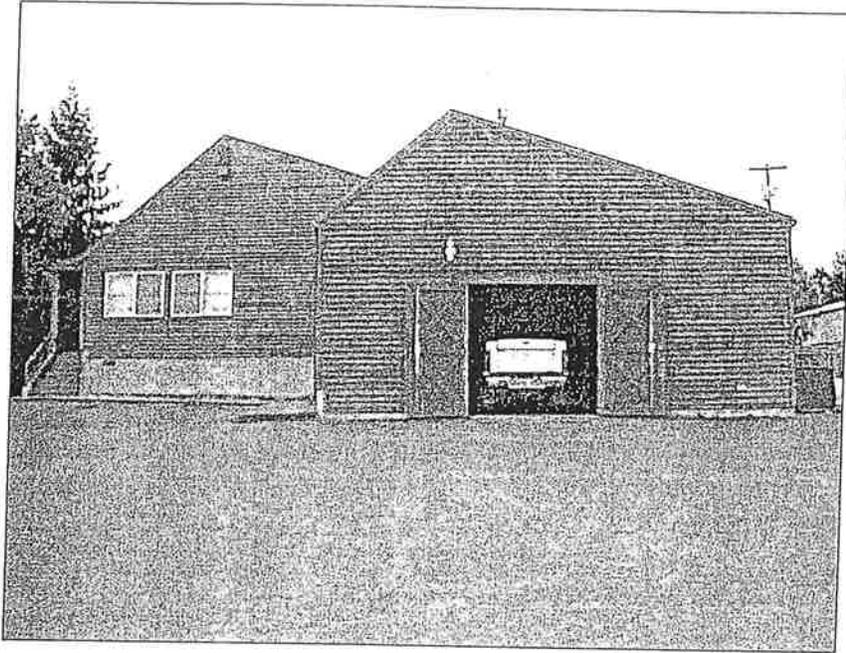
with the policies of the Comprehensive Plan and Statewide Planning Goals, and requires the property and affected area to be provided with adequate facilities, services and transportation networks to support the use, or such facilities, with services and transportation networks that are planned to be provided concurrently with the development of the property. The applicant has demonstrated consistency with the Comprehensive Plan and with all but one (Goal 14) of the Statewide Planning Goals. As stated by the applicant, "The Oregon Department of Land Conservation and Development (DLCD) manages the growth of urban areas through Statewide Planning Goal 14 - Urbanization. Goal 14 is intended to protect rural areas and provide an orderly and efficient transition from rural to urban land uses. As such, Goal 14 establishes the requirement for urban growth boundaries (UGB) and directs that urban levels of development should not take place in rural areas outside a UGB. DLCD established that any commercial development over 3,500 square feet should be considered 'urban,' and could not be permitted outside a UGB without approval of a goal exception." See Finding 1 for a detailed explanation of DLCD's interpretation of "urban." In order for the applicant to expand the veterinary clinic to 6,000 square feet, an exception to Goal 14 is required. Findings within the body of this report discuss the proposals consistency with the Comprehensive Plan and Statewide Goals, as well as address the Goal 14 exception and the adequacy of public facilities and services serving the subject property.

The subject property has frontage on the west side of Highway 30 and is accessed from the highway via a driveway easement, identified as McGary Lane. Highway 30 is a four lane, state arterial roadway and McGary Lane is a two-lane, paved driveway. The site receives water from the Warren Water District. The District was notified of the application and has no objection to the proposal as submitted. Sewage is treated and disposed of using an onsite septic system. The applicant has stated that the septic system will be relocated as part of the proposed expansion. Columbia County's Sanitarian commented that "existing septic and additional flows will be addressed at Site Design Review." Emergency services are provided to the site by the Columbia County Sheriff's Office and Columbia River Fire and Rescue.

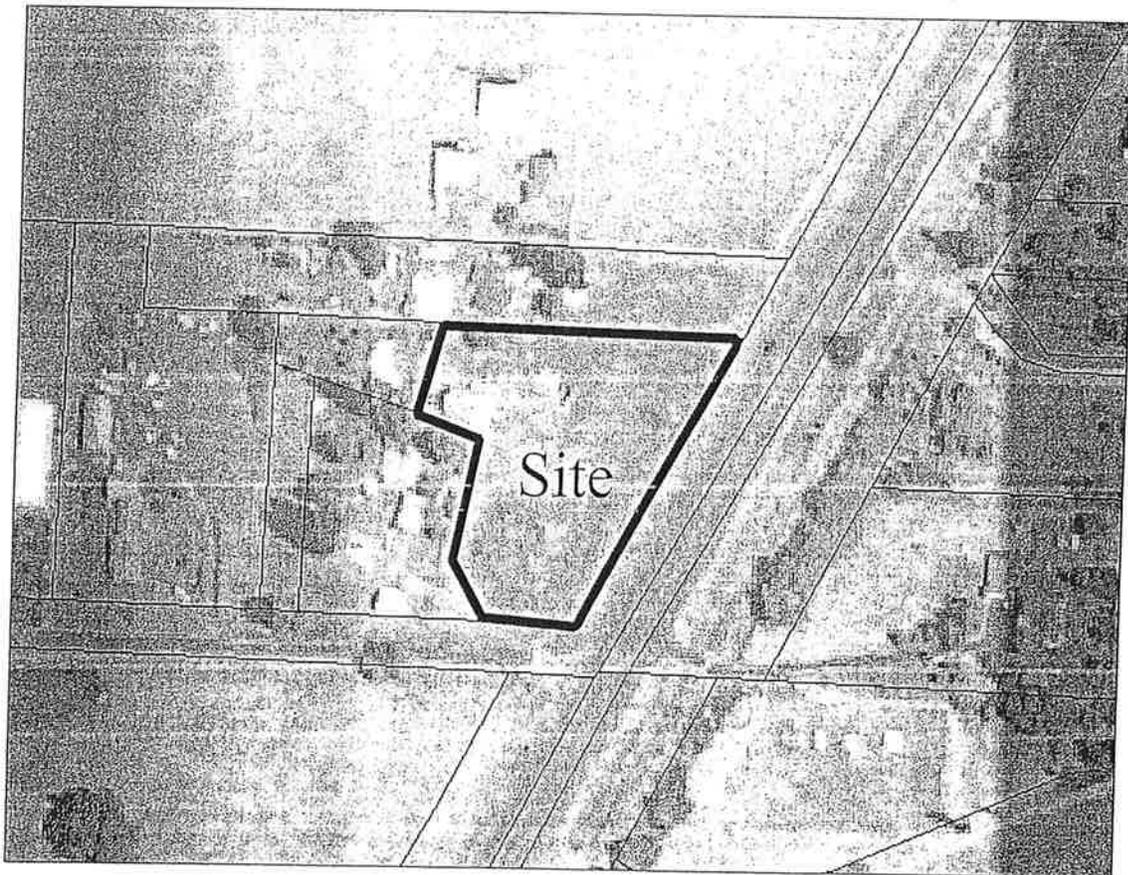
The site is surrounded (contiguous) to the north, east and west by RR-2 zoned properties and to the south by RR-5 zoned properties. The existing veterinary clinic is located in the northwest portion of the property, with a parking area and large open lawn situated between the building and Highway 30. Properties nearest the developed portion of the site are built with single-family dwellings. The general character of the area is rural residential in nature and consists primarily of two acre parcels, with larger parcels (approximately eight acres and 11 acres) south of the site. Properties in this area contain single-family residential and small farm uses.

Surrounding property owners, DLCD, the Scappoose Citizen Planning Advisory Committee and all other applicable agencies were notified of this request. All comments submitted are included under the "Comments Received" section of the report.

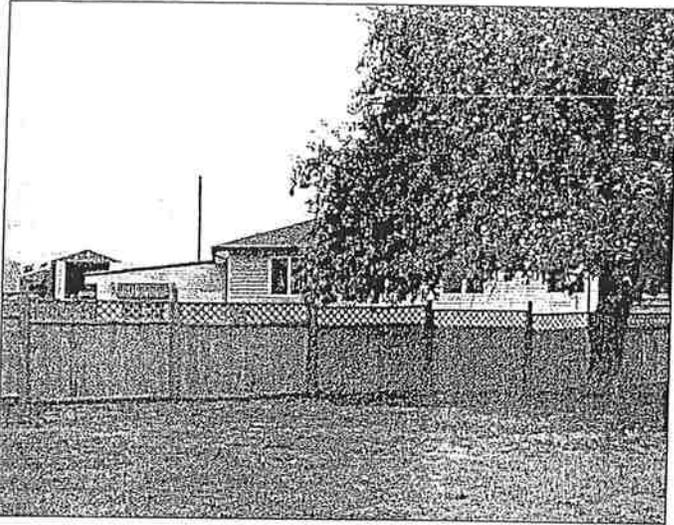
Existing Veterinary Clinic



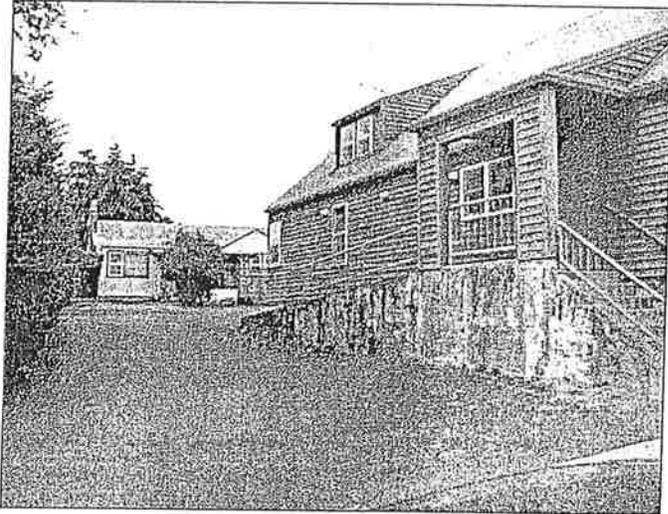
Aerial Photograph - PC Maps (2005)



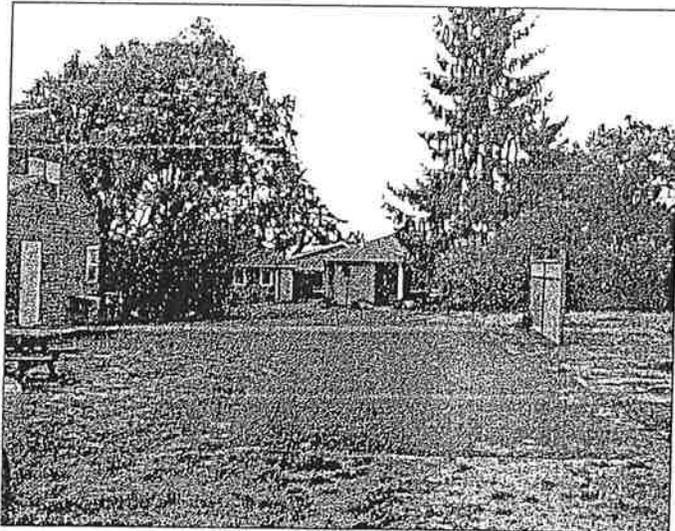
Neighboring Residential Properties



(North of Clinic)



(West of Clinic)



(South of Clinic)

REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:

Columbia County Zoning Ordinance:

Section 670 EXISTING COMMERCIAL (EC)

671 Purpose: This District is intended to assure the continuation and limited expansion of all lawful commercial activities occurring on the date of this Ordinance, regardless of type or location. This zone will be used to implement the Existing Commercial Plan designation. This zoning designation is intended to recognize the legitimacy of the existing commercial use of a parcel while not directly implying that commercial activities are appropriate for a specific area.

673 Conditional Uses:

- .1 Lawful commercial activities existing on the effective date of this Ordinance.

Finding 1: The Existing Commercial Zone was created “to assure the continuation and limited expansion of all lawful commercial activities occurring on the date of this Ordinance...” As discussed in the “Background” section above, the subject property received Conditional Use Permit approval by the Columbia County Planning Commission on June 7, 1982 for the establishment of a veterinary clinic. The veterinary business was in operation on the subject property prior to the effective date of this Zoning Ordinance (August 1, 1984). Section 673.1 (CCZO) allows “lawful commercial activities existing on the effective date of this Ordinance” as a Conditional Use in the EC Zone. Recognizing property developed with a lawfully established commercial business as Existing Commercial through the proposed Major Map Amendment satisfies the intent of this district.

As part of this application, the applicant has also identified plans to expand the 3,411 square foot clinic to approximately 6,000 square feet in size. The proposed expansion is contingent upon approval of the proposed map amendments and Goal 14 Exception. Statewide Goal 14 requires local jurisdictions to ensure that only rural uses are permitted outside urban growth boundaries. Based on an Oregon Supreme Court decision resulting from 1,000 Friends of Oregon vs. Land Conservation and Development Commission and Curry County, the Land Conservation and Development Commission (LCDC) adopted the Unincorporated Communities Rule (OAR 660, Division 22) which defines several types of communities and provides limitations on the types and sizes of uses permitted in these communities. OAR 660-022-0030 (Planning and Zoning of Unincorporated Communities) only allows “small-scale, low impact” commercial uses, defined as uses which take place in a building or buildings not exceeding 4,000 square feet floor space, in unincorporated communities not located within Urban Growth Boundaries. Although the subject property is not located in an unincorporated community as defined by OAR 660-022-0010, LCDC used the unincorporated communities’ 4,000 square foot floor space limitation as a guideline to establish the definition of an urban use at it pertains to other rural/urban exception areas. LCDC established that any commercial use exceeding 3,500 square feet in size, located outside of an unincorporated community and/or urban growth boundary, shall be considered urban and require an exception from Goal 14.

According to the applicant, the expansion is proposed to “address overcrowding in the existing building” and minimize congested conditions based on a client base that has been growing annually. The expansion will provide larger exam rooms, expanded laboratory and administrative space and a new kennel area. Kennel facilities are an accessory use to the veterinary clinic, and as stated by the applicant, are used to house “dogs and cats that are being treated at the hospital.” The applicant further states that “the hospital does not provide a true boarding service, although they will occasionally keep an animal for several nights to accommodate a client’s needs or monitor and administer medications to a sick animal.” Based on conversations with Dr. Fowler (the property owner), Midway Veterinary Clinic has provided such services to clients since its establishment in 1982. Original conditional use approval of the veterinary clinic acknowledged boarding as an accessory use to the clinic through Condition of Approval # 7, which stated, “if the residence is utilized for observance, boarding or recuperating purposes, such rooms be sound-proofed in some manner.” As previously stated, the Existing Commercial Zone allows for the “continuation and limited expansion” of lawful commercial activities. The expansion of Midway Veterinary Clinic for the uses discussed above is consistent with the purpose of the Existing Commercial Zone.

Finally, prior to the expansion of the existing structure and the issuance of any building permits, a Type II Site Design Review shall be required to address parking standards, access, circulation, limitations on lighting, landscaping, buffering, grading, drainage, stormwater and erosion control and impacts on neighboring properties, etc... Staff finds that the criterion is met subject to the findings for the required exception to Statewide Planning Goal 14 (discussed below).

Continuing with Columbia County Zoning Ordinance Section 670 (Existing Commercial):

674 Standards:

- .1 The minimum lot or parcel size for uses permitted under Sections 672 and 673 shall be five acres.
- .2 The minimum lot or parcel size for uses permitted under Section 672 and 673 shall be 2 acres when it can be shown that:
 - A. The use is served by a public or community water system;
 - B. Adequate area exists on the property to facilitate an individual subsurface sewage system; or the property is served by a public or community sewer system;
 - C. The property has direct access onto a public right-of-way; and,
 - D. The property is within, and is capable of being served, by a rural fire district.

Finding 2: The subject property is approximately 2.04 acres in size and meets the requirements of Section 674.2 (A - D) as outlined above. The site receives water from a community water system, the Warren Water District. There is an existing subsurface sewage system on the property, which will be relocated concurrent with the building expansion. Although exact placement of the septic system is contingent upon soils present on the property and an approved lot evaluation, there is adequate space on the site to relocate the system, which is proposed for the north half of the open lawn area between the parking lot and Highway 30. As previously mentioned, the property has direct access onto Highway 30, a public right-of-way, via a paved driveway (McGary Lane). Finally, the

site is located within and served by the Columbia River Fire and Rescue Rural Fire Protection District. Additional standards, not specifically stated above (such as setbacks and building height), will be addressed at the time of Site Design Review. Staff finds that the criterion is met.

Continuing with Columbia County 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 Zone Changes which require 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 2 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 are 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 are 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 3: The proposed Zone Change is a Major Map Amendment which requires a change in the Comprehensive Plan to ensure consistency between the property's zoning and comprehensive plan map designations. The Zoning and Comprehensive Plan Map designations for the ± 2.04 acre property are Rural Residential. The Comprehensive Plan Map designation will need to be changed to Existing Commercial in order to facilitate the applicant's requested change in zoning from RR-2 to EC. This Staff Report addresses the requested change below.

Continuing with Columbia County Zoning Ordinance Section 1502.1.B.1:

THE FOLLOWING POLICIES OF THE COUNTY'S COMPREHENSIVE PLAN APPLY TO THIS PROPOSAL (THOSE NOT LISTED ARE NOT APPLICABLE):

Part II (Citizen Involvement): requires opportunity for citizens to be involved in all phases of the planning process. Generally, Part II is satisfied when a local government follows the public involvement procedures set out in State statutes and in its acknowledged Comprehensive Plan and land use regulations, which has been completed for this application. This is explained further under Part III below. Additionally, (according to the applicant) the applicant mailed a flyer to all property owners within 250 feet of the site. As stated in the application, "The flyer provided a brief overview of the proposed expansion, along with a site plan and illustration of the expanded building. A list of property owners and a copy of the flyer are provided in Exhibit B. When possible, the applicant also spoke in person or over the phone with the property owners within 250 feet of the site, three were unavailable for direct contact. Generally, the neighbors contacted were supportive of the proposed expansion and expressed no concerns. One abutting neighbor (tax lot 2300) mentioned that clients of the veterinary hospital occasionally knock on their door after hours. The Applicant offered to provide better signage to address that concern."

Part III (Planning Coordination): requires coordination with affected governments and agencies. In accordance with Section 1603 of Columbia County's Zoning Ordinance, ORS 215.060 and ORS 197.610, the County provided notice of the hearing with the opportunity for comments to DLCD, ODOT Highways, the Warren Water District, Columbia River Fire and Rescue, the Scappoose CPAC and neighboring property owners. Any and all comments, received as of the date of this report, are discussed under COMMENTS RECEIVED below.

Additionally, Major Map Amendments are subject to the Quasijudicial public hearing process and are heard by the Planning Commission (for a recommendation) and by the Board of County Commissioners (for a decision). These hearings are advertised and open to the public and provide additional opportunity for public comment. The Planning Commission hearing for the Major Map Amendment is scheduled for August 3, 2009, which will be followed by a hearing of the Board of County Commissioners at a date yet undetermined. All of these requirements have and will be satisfied through the public notice process.

Part IX (Urbanization): The goal of the Urbanization section of the Comprehensive Plan is to provide for an orderly and efficient transition from rural to urban land use, consistent with

Statewide Planning Goal 14. In addition to the map amendments, the applicant is proposing an expansion of the existing veterinary clinic from 3,411 square feet to 6,000 square feet on a rurally designated property outside of an urban growth boundary. As discussed in Finding 1 above, urban scale development (interpreted by LCDC as greater than 3,500 square feet) is prohibited outside of urban growth boundaries unless an exception to the (Goal 14) Urbanization criteria is granted. The applicant has stated that "although the business will exceed the 3,500 square foot threshold, it will remain rural in character because it serves a rural clientele and uses rural levels of public facilities." A detailed discussion of the proposal's consistency with the Goal 14 exception criteria is included below.

Part X (Economy): generally regards economic strength and diversity in the County through the creation of a stable and diversified economy and the creation of new and continuous employment opportunities. Policy 10 further encourages the establishment and operations of service sectors to insure greater revenue spending locally. According to the applicant, Midway Veterinary Clinic is a locally owned business, employing three full-time veterinarians and 15 full-time and two part-time staff. Due to experienced and anticipated growth, the owner intends to increase employment opportunities, by hiring one additional veterinarian and two additional full-time staff members. As stated by the applicant, the doctors and staff are paid competitive salaries, and, with one exception, all employees reside in Columbia County. Therefore, it is likely that revenue generated from the business will be circulated locally. The proposed map amendments and expansion will continue to provide Columbia County residents with living-wage jobs, create new jobs and ensure the economic viability of a locally owned business that has provided veterinary services to County residents for more than 25 years. The proposal is in compliance with the goals of Part X.

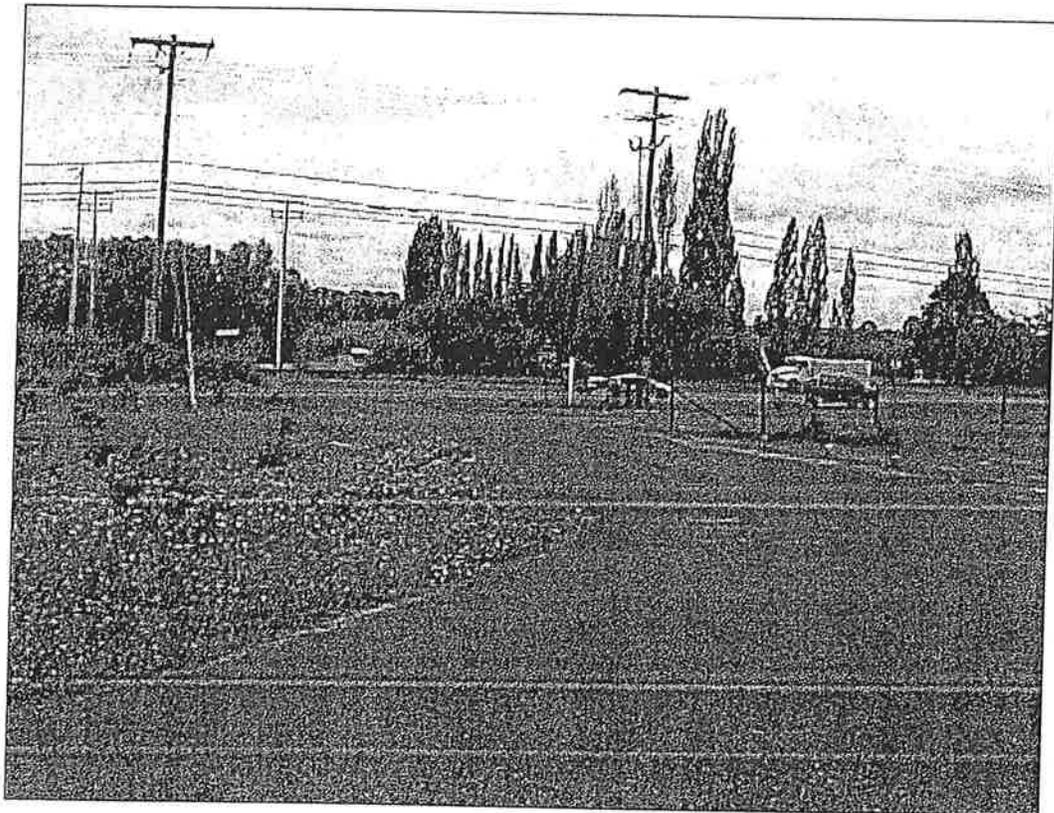
Part XI (Commercial): identifies an "Existing Commercial" plan designation to provide for the continuation and limited expansion of lawfully established commercial activities regardless of the type or location. The plan designation is implemented through an "Existing Commercial" zoning designation. Although the subject property was originally zoned Rural Residential in 1973, a Conditional Use Permit was approved for the establishment of a veterinary clinic on the property in 1982. Columbia County's first State recognized Comprehensive Plan and Zoning Ordinance were adopted in 1984. The Comprehensive Plan specifically states that the "Existing Commercial" plan designation will "be applied to all parcels currently supporting lawful commercial activities." The subject property contained a lawfully established commercial use in 1984 and, in accordance with this section of the Comprehensive Plan, should have been mapped and zoned accordingly, as Existing Commercial. Recognition of the subject property as commercial through the proposed Major Map Amendment would allow for the expansion of the existing business and is in compliance with Part XI of the Comprehensive Plan.

Part XIII (Transportation): discusses the creation of an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents. Transportation Policy 4 is most relevant to the proposed zone change and expansion. This policy limits the number of access points onto arterial roads and specifically addresses limiting direct access to Highway 30 as much as is practical. The subject property has frontage along Highway 30 and no other roadway. Therefore access from the highway, via a driveway easement (McGary Lane), is the

only reasonable option for access to the site. The applicant received a permit from the Oregon Department of Transportation (ODOT) in July of 2003, allowing the operation, maintenance, and use of the state highway approach at McGary Lane. As per OAR 734-051-0300, this permit is in effect for an indefinite period of time unless there is a change in use of the approach or there is a significant increase in the volume or character of traffic using the approach.

Although specific access criteria will be addressed through Site Design Review of the clinic expansion, the applicant stated as part of this application that the intent of the expansion is not to "increase the scope of the business (add new clients beyond typical annual increase) and therefore does not anticipate a significant change in the volume or character of traffic entering the site from Highway 30. As such, the existing ODOT approach permit will remain effective after completion of the proposed expansion. To confirm this, the applicant has contacted ODOT and submitted an updated permit application based on the proposed expansion." Confirmation of ODOT's approval of the expansion as it pertains to access shall be submitted with the Site Design Review application. As there is no other practical alternative for access to the site and because the site has an approved access permit from ODOT to access the clinic from Highway 30, the proposal is in compliance with Part XIII of the Comprehensive Plan.

McGary Lane and Highway 30



Part XIV (Public Facilities & Services): The goal of Part XIV is to plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development. Policies 1, 2 and 6 of this part of the Comprehensive Plan are relevant to the proposed Major Map Amendment. Policy 1 requires adequate types and levels of public facilities and services be provided in advance of or concurrent with development. Similarly, Policy 2 requires that the level of facilities and services provided be appropriate for, but limited to the needs and requirements of the area to be served.

Commercial use of the subject property dates back to 1982 with approval of a Conditional Use Permit for a veterinary clinic. Approval of the veterinary clinic was based (in part) on findings that there were adequate public facilities and services available to the site. Since its initial establishment, the veterinary clinic has received water from the Warren Water District and has managed sewage disposal through an onsite septic system. According to the applicant, average daily water consumption of the business is comparable to that of residential households. The applicant has stated that only a slight increase in water consumption is anticipated as a result of the proposed expansion. The Warren Water District was notified of the request and submitted comments indicating no objection to the proposal. The applicant plans to relocate the septic system concurrent with the proposed expansion. Columbia County's sanitarian will review increased flows and the proposed relocation at the time of Site Design Review.

Also, as discussed under the "Transportation" section above, access to the site is provided from Highway 30 via a paved driveway easement. The fire marshal for Columbia River Fire and Rescue supplied comments that the driveway shall comply with the Columbia County Fire Service Access and Driveway standards. Specific driveway standards will also be addressed at the time of Site Design Review. Columbia River Fire and Rescue provides emergency services to the site. Electricity and phone services are available to and utilized by the subject property as well. Finally, Policy 6 addresses the appropriate disposal of solid waste through the application of the County Solid Waste Management Ordinance. According to the applicant, Hudson Garbage Service provides service to the business for solid waste removal on a weekly basis. The applicant does not anticipate a need for increased service as a result of the hospital expansion. For the reasons stated, the proposal is in compliance with Part XIV of the Comprehensive Plan.

Part XVIII (Air, Land and Water Quality): Applicable provisions of this part of the Comprehensive Plan pertain to noise, sewage disposal, solid waste removal and surface water treatment. Goals of this section aim to "control and limit the adverse impacts of noise" and "maintain and improve land resources and the quality of the air and water of the County." The veterinary clinic was originally approved through a Conditional Use Permit with eight conditions. Condition # 7 addressed noise, stating "if the residence is utilized for observance, boarding or recuperating purposes, such rooms be sound-proofed in some manner with the standards set by the Board of Commissioners; and Condition # 8 addressed septic tank disposal, stating "the applicant shall meet all Subsurface Sewage Department requirements." It appears that the existing business is operating in conformance with this part of the Comprehensive Plan. As discussed in the information that follows, additional development of the site will maintain consistency with this section of the Comprehensive Plan through appropriate land use and

building permit requirements.

The subject property is surrounded in every direction by rural residential properties developed with single-family dwellings. The existing veterinary clinic is located on the northwest portion of the property within close proximity to three dwellings west of the site and one dwelling north of the site. Although the expansion is not specifically proposed as part of this application, preliminary plans demonstrate that new additions will be located on the north and east sides of the existing structure. As stated by the applicant, "the proposed improvements include a new kennel area that will be used to house dogs and cats that are being treated at the hospital." This kennel area is proposed to be located at the northern corner of the lot (see site plan) and without appropriate "sound-proofing" has the potential to generate noise that may adversely affect neighboring residential properties. The applicant addresses the issue of noise as follows:

"The applicant intends to use sound attenuation techniques in the kennel area . The sound attenuation will include sound barrier insulation within the outside walls of the kennel area, a spray-on sound absorption layer on the ceiling, and hanging sound absorption panels inside the kennel."

Noise prevention will be more specifically addressed through Site Design Review.

As mentioned previously in this report, the applicant intends to re-locate the existing septic system as part of the proposed expansion. Prior to the installation of said system and the issuance of any building permits, the applicant shall obtain appropriate permits from the DEQ Onsite Wastewater Program administered by Columbia County. Solid waste generated from the business is removed from the property weekly by Hudson Garbage Service of St. Helens. Finally, although the site does not contain wetland areas or water bodies, the applicant is responsible for addressing increased stormwater run-off and water quality issues that may result from the proposed increase in impervious surface area of the site. A Stormwater and Erosion Control Plan shall be required of the applicant at the time of Site Design Review. There is no evidence that this proposal will compromise the air, land and water quality of the subject or surrounding properties.

Finding 4: Staff finds that the proposed zone change is consistent with the policies of the Comprehensive Plan. The criterion has been met.

Continuing with Columbia County Zoning Ordinance Section 1502.1.B.2:

THE FOLLOWING OREGON STATEWIDE PLANNING GOALS (ORS 197) APPLY TO THIS PROPOSAL (THOSE NOT LISTED ARE NOT APPLICABLE):

Goal 1 (Citizen Involvement): Goal 1 requires opportunity for citizens to be involved in all phases of the planning process. Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in State statute and in its acknowledged Comprehensive Plan and land use regulations.

For quasi-judicial Comprehensive Plan Amendments and Zone Changes, the County's land use regulations, ORS 215.060 and ORS 197.610 require notice to the public and to the Department of Land Conservation and Development (DLCD) and public hearings before the County Planning Commission and Board of Commissioners. By complying with these regulations and statutes, the County complies with Goal 1.

The County provided (45 day) notice of the proposal to DLCD, which was mailed on June 6, 2009. Agency referrals were sent to the Scappoose CPAC, Warren Water District, Columbia River Fire and Rescue, ODOT Highways, and the County Sanitarian, Assessor, Building Official and County Counsel for this proposal. Any and all comments are under COMMENTS RECEIVED below. In addition, property owners within the required notice area were notified of the Planning Commission hearing on August 3, 2009. The hearing before the Board of County Commissioners will be scheduled after the Planning Commission has forwarded their recommendation to the Board. The requirements of Goal 1 have been satisfied.

Goal 2 (Land Use Planning), Part I: Goal 2, Part 1 requires that decisions and actions related to land use be consistent with acknowledged Comprehensive plans of affected cities and counties and based on adequate factual information. Factual information supporting this application is addressed throughout the staff report through an analysis of both County and State laws and the proposal's consistency with these laws. The Major Map Amendment's consistency with the Columbia County Comprehensive Plan is specifically addressed above.

Goal 2, Part I further requires coordination with affected governments and agencies. As stated under Goal 1 above, affected agencies have been notified of the request. The requirements of Goal 2, Part I have been satisfied.

Goal 2 (Land Use Planning), Part II: Goal 2, Part II authorizes local governments to adopt exceptions to statewide planning goals if it can be demonstrated that the following standards are met (as stated by the goal): (1) Reasons justify why the state policy embodied in the applicable goals should not apply; (2) Areas which do not require a new exception cannot reasonably accommodate the use; (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. As discussed previously in this report, the Major Map Amendment is being proposed, in part, to allow the existing veterinary clinic to be expanded from 3,411 square feet to 6,000 square feet. Statewide Planning Goal 14, addressing Urbanization, prohibits development of commercial buildings of this size in rural areas outside of urban growth boundaries. Therefore, an exception to Goal 14 is proposed as part of this application. Findings supporting the proposal's compliance with the exception criteria outlined above, as it pertains to Goal 14, are included below.

Goal 6 (Air, Water and Land Resources Quality): Goal 6 prohibits waste and process discharges (defined as solid waste, thermal, noise, atmospheric or water pollutants, contaminants,

or products therefrom), created by existing and future development, from violating state or federal environmental quality statutes, rules and/or standards. As discussed in the analysis of the proposal's compliance with Part XVIII (Air, Land and Water Quality) of the Columbia County Comprehensive Plan (above), existing development of the site was legally established and does not appear to be negatively impacting the air, land or water quality of the existing or surrounding properties. Issues related to noise, sewage disposal, solid waste removal and surface water treatment resulting from future expansion of the existing veterinary clinic will be addressed through a Type II Site Design Review. The applicant's plans to mitigate noise and handle solid waste are described above. An appropriate means and location for onsite sewage disposal will be determined by the County's Sanitarian, and a stormwater and erosion control plan shall be reviewed by the County's contracting engineer and approved by the County before any development may take place on the subject property. Existing development of the site meets the requirements of Goal 6. Future development of the site, through further land use review and appropriate development permits will also be in compliance with Goal 6.

Goal 9 (Economic Development): The intent of Statewide Planning Goal 9 is "to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." The goal further requires Comprehensive plans and policies to contribute to a stable and healthy economy. One such mechanism of Columbia County's Comprehensive Plan which "contributes to a stable and healthy" economy is the Comprehensive Plan and Zoning designation of "Existing Commercial." This designation "assures the continuation and limited expansion of all lawful commercial activities regardless of type or location...and is intended to recognize the legitimacy of the existing use while not directly implying that commercial activities are specifically appropriate for a specific area." The proposed Major Map Amendment from RR-2 to EC is consistent with the Economic Development Goal in that it would allow an existing local business to expand, increasing employment opportunities and in turn increasing spending locally. Detailed employment information is discussed under the Economy analysis (above) as it pertains to Part X of the Comprehensive Plan.

Goal 11 (Public Facilities and Services): The goal of Part XIV of Columbia County's Comprehensive Plan re-states Statewide Planning Goal 11 which advocates a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The subject property has been developed with a veterinary clinic since its approval through a Conditional Use Permit in 1982. An appropriate level of public facilities and services existed for the initial approval of a commercial business in a Rural Residential Zone. These facilities and services continue to exist today. The site receives water from the Warren Water District. Sewage is disposed of through an onsite septic system and solid waste is disposed of weekly by Hudson Garbage Services. The proposed clinic expansion is not anticipated to significantly increase the need for additional facilities or services (see Part XIV analysis above). The requirements of Goal 11 have been satisfied.

Goal 12(Transportation): The purpose of Goal 12 is "to provide and encourage a safe, convenient and economic transportation system. Part XIII of Columbia County's Comprehensive Plan addresses Goal 12 through specific policies applicable to Columbia County. The Major Map Amendment and proposed clinic expansion are in compliance with State Goal 12 as

discussed under the Transportation analysis of the Comprehensive Plan above.

Goal 14 (Urbanization): An exception to Goal 14 is necessary to approve this Major Map Amendment. This requires findings for an exception pursuant to ORS 197.732(1)© and OAR 660-014-0040(3)(a)-(e). The following is the applicant's response (in *italics*) and applicable OAR provisions (not italicized) addressing "new urban development on undeveloped rural lands."

Conformance with Goal 14 Exception Criteria (as stated by the applicant)

As established in Section II of this narrative, an exception to Statewide Planning Goal is required in order for the Applicant to expand the veterinary clinic beyond 3,500 square feet. The criteria for a Goal 14 exception are found in OAR 660, Division 14 and reference the general exceptions process identified in Goal 2, Part II. The discussion below demonstrates how the proposed expansion is consistent with the Goal 14 exception criteria.

OAR 660-014-0040

Establishment of New Urban Development on Undeveloped Rural Lands

(3) To approve an exception under section (2) of this rule, a county must also show:

(a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

There are a number of reasons why the proposed expansion cannot be reasonably accommodated in or through expansion of existing UGBs or by intensification of development in existing rural communities.

- The Midway Veterinary Hospital is located approximately 3.5 miles from the Scappoose UGB and 2.7 miles from the St. Helens UGB. Therefore, expansion of an existing UGB to accommodate the use would result in a significant amount of land being brought into the UGB and it is not a reasonable option.*
- It is reasonable for an established business with a solid client base to expand its physical space at the current location to better serve its clients and remain economically viable. The Applicant is proposing to expand the Midway Veterinary Hospital in order to address overcrowded conditions and accommodate its existing client base. The Midway Veterinary Hospital has been officially permitted to operate on the site since 1982, when the previous owner received conditional use approval of the veterinary clinic use from Columbia County. However, the business was initially established in the 1970's, prior to any requirements for land use permitting. As such, it has been operating on the site for over 30 years. Public facilities (power and water) and services (solid waste pick-up) have already been established at the site to serve the existing business and can adequately accommodate the proposed*

expansion. The business has an established clientele and it is reasonable to assume that a portion of those clients chose Midway Veterinary Hospital because its rural location was convenient for them. In order to accommodate the proposed development inside the UGB or within an existing rural community, the Applicant would have to relocate the business to a location several miles away or more. This would result in a larger financial burden for the Applicant due to the additional cost of acquiring land and constructing a new building; it may also result in loss of clients. It is more efficient, both economically and in terms of land and energy savings to expand at the existing location than to seek out new, suitable property and construct a new building with associated infrastructure and public facilities.

- The Midway Veterinary Hospital provides large animal service, both on site and off site (at the home of the client). Large animals include cows, horses, and other farm animals such as sheep and pigs. Because of the large animal service, it is more appropriate for the business to be located in a rural area, closer to the farms it serves and in an area that provides adequate space for maneuvering and handling larger animals. The proximity to surrounding farms also allows the Applicant to be more responsive to requests for home visits. There are cattle farms directly behind (west of) the site and adjacent to the site (to the north) along Highway 30. In addition, a recent site visit revealed small farms with horses, llamas, and pigs all located within approximately two miles of the site.
- A large-animal veterinary clinic is generally not considered compatible with the more urban levels of development that are found inside a UGB. For example, in the St. Helens and Scappoose development codes, where veterinary clinics are permitted, they are limited to only small animals, with the possible exception of the industrial zones (neither code specifies what types of veterinary services may be allowed in the industrial zones). If a large-animal veterinary clinic were permitted in the industrial zone, its placement on industrial land may conflict with Columbia County policies related to preserving industrial land within UGBs for labor-intensive industries or industries needing extensive public facilities (Columbia County Comprehensive Plan, Part XII, Policy 10). It may also conflict with policies in the St. Helens Comprehensive Plan related to preserving designated light industrial areas for light manufacturing, wholesaling, processing and similar operations (St. Helens Municipal Code, Section 19.12.090).

In conclusion, the Midway Veterinary Hospital is an established use that has operated for more than 30 years at this location and is appropriate for a rural area to serve rural farm uses. The proposed expansion is necessary in order for the applicant to provide adequate service for existing clientele and maintain a viable business. Relocating the business to a location inside the UGB would result in undue financial burden for the Applicant, potential loss of clientele, inefficiencies in terms of land and public facilities, and potential conflicts with urban levels of development. Therefore, the proposed expansion cannot be reasonably accommodated within the existing UGB or rural community. Expansion of an existing UGB is also not a reasonable option because the use is located several miles outside of both the Scappoose and St. Helens UGB boundaries.

(3) To approve an exception under section (2) of this rule, a county must also show:

(b) That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:

(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

As demonstrated on the Site Plan in Exhibit A, the amount of land (2.04 acres) included within the boundaries of the proposed development is appropriate. The applicable minimum lot size for the Existing Commercial Zone is two acres and the properties surrounding the site generally range from two acres to ten acres in size. Approximately half of the site is devoted to the proposed building expansion, parking and maneuvering area, driveway, and required setbacks (30-foot setbacks are required per the CCZO). The remaining half of the site will be used for the relocated septic drainfield, landscaping, and as open space to provide a buffer between the hospital and Highway 30. Upon completion of the proposed expansion, the site will be developed at a level suitable to the rural setting.

- *Environmental impacts. There are no long-term adverse environmental impacts expected to occur as a result of the proposed expansion. Stormwater will be treated on site in accordance with Columbia County standards and regulations. The Applicant will be required to submit a Stormwater and Erosion Control Plan as part of the Site Design Review process, which will be reviewed by the county Environmental Specialist to insure compliance. Sewerage will also be collected on site and managed through the use of a septic tank and drainfield as it is currently. The Applicant plans to relocate the drain field in order to accommodate the proposed expansion. Septic drain field plans will be reviewed by the county engineering department as part of the Site Design Review process to insure compliance with all applicable standards. All solid waste produced on site is removed by Hudson Garbage Services on a weekly basis.*
- *Economic impacts. There are no adverse economic impacts expected to result from the proposed expansion. The proposed expansion will allow the Midway Veterinary Hospital to continue to operate as an economically viable business and provide living-wage jobs to county residents. The business will contribute to the county tax base and revenues generated by the business will continue to circulate locally.*
- *Social impacts. Because the proposed expansion includes additional kennel space, there are potential noise impacts to the surrounding residences. To address this, the*

applicant plans to utilize a number of sound attenuation techniques in the kennel area to minimize potential noise impacts beyond the property boundaries. The existing hospital does not have any sound attenuation devices to reduce kennel noise; despite this, the Applicant has received no complaints from surrounding neighbors regarding noise impacts. As such, it is expected that the new kennel space with built-in sound barriers will not result in adverse noise impacts.

As mentioned previously, there will not be a significant increase in the amount of traffic accessing the site, and therefore, no changes to neighborhood circulation are expected to occur. The general design of the site and building will be compatible with the nearby residential uses, having similar setbacks, building heights and lot size. No other social impacts are anticipated as a result of the proposal. Since the Applicant purchased the hospital in 2001, there have been no complaints from neighbors regarding the operation of the business. Although the proposed expansion will result in a larger building on the site, it will not change the character of the site or the operation of the business. During the discussions held between the Applicant and adjacent property owners, no other potential social impacts were identified.

- *Energy impacts. There are no adverse energy impacts expected to occur as a result of the proposed expansion. In general, expansion of an existing building on a site that has existing public facilities provides an overall energy savings when compared to construction of a new building on a previously undeveloped site. Furthermore, the existing location of Midway Veterinary Hospital in a rural setting provides convenient access (shorter vehicle trips) to the rural community it serves.*

(3) To approve an exception under section (2) of this rule, a county must also show:

© That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.

Uses adjacent to the Midway Veterinary Hospital include three single-family residences (one of which is currently vacant), and a number of small farms. Because the residences are located close to the site property lines, compatibility with those uses is the greatest concern. As mentioned previously, the Applicant plans to install sound barriers within new kennel space in order to avoid noise impacts to surrounding neighbors. In addition, the Applicant intends to add some vegetation along the west and north property lines to serve as a visual barrier. As part of the Site Design Review process, the county will review screening and buffering standards to determine if additional vegetation or fencing at the property line is necessary. There will not be a significant increase in the number of vehicles

accessing the site from Highway 30 and, and no changes to the current circulation patterns are proposed as part of the expansion. McGary Lane, which is a public easement on the Applicant's property serves as a driveway to reach the parking area from the highway.

Although the expansion from 3,411 square feet to 6,000 square feet is considered urban development, the hospital will continue to use rural levels of public services. Water service is currently supplied by the Warren Water District at consumption rates comparable to residential usages. The Applicant does not expect a significant increase in water consumption as a result of the proposed expansion and will continue to use the public water service. Solid waste disposal service will also continue to be provided by Hudson Garbage Service; the Applicant does not intend to make any changes to the current service arrangement as a result of the proposed expansion. The Midway Veterinary Hospital is an established use with existing public facilities and services, and the proposed expansion will not detract from the ability of the cities to continue those services.

The Midway Veterinary Hospital provides large-animal service for the rural community, and as such, is compatible with the surrounding farm uses. The proposed expansion will include the addition of approximately 2,600 square feet of building area and on-site relocation of the septic drainfield. As discussed in the previous section, there are no adverse impacts expected to occur as a result of the expansion and the hospital will continue to operate at levels appropriate to the rural surroundings. Therefore, the resource management of land in the vicinity of the site will not be altered and will continue at present levels.

(3) To approve an exception under section (2) of this rule, a county must also show:

(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; and

The Midway Veterinary Hospital is an established use and currently has adequate levels of public facilities and services, including water, solid waste disposal, and transportation. This narrative has demonstrated that the proposed expansion will not result in a significant change in how these services are utilized. As such, appropriate levels of public facilities and services are currently available and can accommodate the proposed expansion.

(3) To approve an exception under section (2) of this rule, a county must also show:

(e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

Section III of this narrative provides a discussion of compliance with the relevant policies of the Columbia County Comprehensive Plan. As part of the Site Design Review process, the county will also review the proposed expansion for compliance with the Columbia County Zoning Ordinance. There are no other relevant plans for the site.

Finding 5: Staff generally concurs with the applicant's responses to the Goal 14 Exception criteria (as included above). The subject property is too far from both existing Urban Growth Boundaries (UGB) and Rural Communities (RC) to justify expanding these boundaries to incorporate the site or to justify moving the business to a property contained within UGB or RC boundaries. Furthermore, the only zoning designation within the County that specifically allows animal hospitals is the General Commercial Zone. Based on zoning, the amount of land available for said use is limited. Also, commercial development within the rural communities (as discussed in Finding 1) is limited to 4,000 square feet in size. Therefore, whether zoned Existing Commercial or Rural Community, the proposed expansion (from 3,411 square feet to 6,000 square feet) would require an Exception to Goal 14. For reasons stated by the applicant, including the rural nature of the business, existing clientele and costs associated with moving a lawfully established business from a property that is already committed to said development, the existing veterinary clinic cannot be reasonably accommodated in a UGB, through the expansion of a UGB, or through the intensification of development in an existing Rural Community.

Additionally, the subject property is appropriate in size and characteristics to accommodate the existing veterinary clinic and proposed expansion. The site is just over two acres in size and supports the clinic, a septic system, a large parking area and driveway easement with room to spare. The building site is relatively flat, with the property overall containing a gradual eastward slope from the clinic to Highway 30. There are no significantly limiting or sensitive environmental features (such as wetlands, creeks, endangered species habitat, etc...) on the property that could impact or be impacted by the proposed expansion. As discussed by the applicant, because the business has been in place (on this property) for over 25 years, infrastructure and services are in place to support the business. Redevelopment of an existing, buildable site will have less of an impact on air, water, energy and land resources than development of undeveloped property. Any environmental and social impacts related to noise control, buffering, landscaping, drainage and stormwater issues and traffic circulation to name a few, that may result from the proposed expansion, will be addressed through a Type II Site Design Review of the project.

Furthermore, based on a phone conversation with the Department of Land Conservation and Development (DLCD) on July 17, 2009, the applicant's discussion (as included above) is sufficient to justify an exception to Statewide Planning Goal 14 related to Urbanization. DLCD had no objection to the proposal as submitted.

The Goal 14 exception criteria has been satisfied. Staff finds that the zone change is consistent with Oregon Statewide Planning Goals. The criterion has been met.

Continuing with Columbia County Zoning Ordinance Section 1502.1.B.3:

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

Finding 6: The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the existing veterinary clinic and proposed 2,589 square foot expansion. For a detailed analysis of the proposal's consistency with the Public Facilities and

Services and Transportation sections of the Columbia County Comprehensive Plan and Oregon Statewide Planning Goals, see above. Staff finds that the criterion is met.

Continuing with Columbia County Zoning Ordinance Section 1502 Zone Changes

1502 .3 **Alternate Zones:** If the Commission determines that a zone other than the one being proposed will adequately allow the establishment of the proposed use, the Commission may substitute the alternate zone for the proposed zone in either the Major Map Amendment or the Minor Map Amendment procedures.

Finding 7: This Major Map Amendment would change the zoning designation of a ± 2.04 acre property from Rural Residential-2 (RR-2) to Existing Commercial (EC) and the Comprehensive Plan designation from Rural Residential to Existing Commercial. The Midway Animal Clinic has existed on the subject property since before the adoption of its RR-2 Zone. There are no other zoning designations (allowed outside of an Urban Growth Boundary) that would allow the existing animal clinic to expand. Staff does not recommend the substitution of another designation or zone for this Major Map Amendment request.

Continuing with Columbia County Zoning Ordinance Section 1600 Administration

1605 **Zone Change - Major Map Amendment:** The hearing for a major map amendment shall follow the procedure established in Section 1505, 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 County 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 admission of new evidence.

Finding 8: The Planning Commission needs to make a recommendation to the Board of County Commissioners for this Major Map Amendment because they have the ultimate decision making authority. At this time, Staff concludes that findings have been made to address all criteria relevant to the request. Staff, therefore, recommends that the Planning Commission recommend approval of this application for a Major Map Amendment to the Board of County Commissioners.

COMMENTS RECEIVED:

Department of Land Conservation and Development: No Objection.

Scappoose CPAC: We recommend approval of the exception as it relates to expansion of the vet clinic, but we recommend denial as it relates to allowing a boarding kennel on site, unless they were to go through the kennel license permit process. (Vote: 4 to 1 Approval)

Warren Water District: No Objection.

Columbia River Fire and Rescue: Comply with requirements of Oregon Fire Code and the Columbia County Fire Service Access and Driveway Standards.

Oregon Department of Transportation (Highways): No Comment.

Columbia County Sanitarian: No Objection. Existing septic and additional flows will be addressed at Site Design Review.

Columbia County Assessor: No Comment.

Columbia County Building Official: No Objection.

Columbia County Counsel: No Comment.

Barbara Aulbach, 27428 Gibb Road Scappoose, OR 97056: See Attached Letter dated August 6, 2009.

Mary Miller (Neighbor), 34436 McGary Lane Warren, OR: Testified at the Hearing and submitted the following comments - As a close neighbor of the Midway Veterinary Clinic, I am requesting the Columbia County Planning Commission take the following recommendations under consideration at this hearing: (1) That a speed limit sign of 20 to 25 miles an hour be posted; (2) A sign be posted on the entrance door with days & hours the clinic is open, an emergency phone number and a statement that neighbors are not associated with the clinic; (3) A sign be posted in the driveway area boldly stating "NO PARKING;" (4) A sign be posted that all dogs must be on leashes and cats in carriers; (5) Either eliminate the front parking area or install a barrier to reduce the noise.

Alta Lynch, P.O. Box 369 Scappoose, OR 97056: Testified at the Hearing - See Attached Testimony dated August 3, 2009

CONCLUSION, RECOMMENDED DECISION & CONDITIONS:

Plan Amendment 09-01/Zone Change 09-02 was heard by the Planning Commission on August 3, 2009. The Commission listened to testimony from members of the community. Staff assured the Commission that concerns raised by the neighboring property owner, Mary Miller (see Comments above) can and will be addressed at the time of Site Design Review. A Site Design Review shall be required for the physical expansion of the veterinary facility. Additional testimony submitted to the Planning Commission addressed licensing, treatment and care of the animals served by the veterinary clinic and did not pertain specifically to the proposed plan amendment and zone change. Based on the facts, findings and comments herein, the Planning Director and the Planning Commission **RECOMMEND APPROVAL** of this application for a Major Map Amendment for the re-zone of ± 2.04 acres from Rural Residential- 2 (RR-2) to Existing Commercial (EC) and for the adoption of the findings for an exception to Statewide Planning Goal 14 to allow for the expansion of the veterinary clinic outside of an Urban Growth Boundary, with the following recommended conditions of approval.

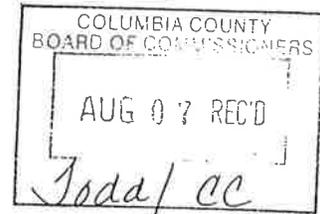
1. Approval of the exception to Statewide Planning Goal 14 is specific to the size and intensity of use of a veterinary clinic. The subject property shall only be used for a veterinary clinic and accessory uses, the proposed use. Other uses listed in the Existing Commercial zone may not be located on this site without a new exception to the Statewide Planning Goals.
2. A Type II Site Design Review shall be approved by the Planning Commission prior to any development of the site.

ATTACHMENTS:

Letter from Barbara Aulbach, dated August 6, 2009
Testimony from Alta Lynch, dated August 3, 2009
Testimony from Mary Miller
Application
Maps:
Vicinity Map
Address Map
Zoning Maps (Existing and Proposed)

August 6, 2009

Barbara Aulbach
27428 Gibb Rd.
Scappoose, Or. 97056



RECEIVED

AUG 10 2009

LAND DEVELOPMENT SERVICES

To Columbia County Commissioners,

Thank you for taking the time to read my letter concerning the expansion of Midway Veterinary Hospital:

I have no objections to the expansion of the veterinary hospital, however if the expansion includes a boarding facility, I do have several concerns.

Currently there are 3 animal boarding facilities in the immediate area which are capable of fulfilling the needs of the community.

Within the last year a person who lives within a mile of Midway Hospital applied for a permit to have a boarding kennel and the application was denied. There were neighbor objections, citing noise and highway congestion. This person owns five acres on which to site a kennel and Midway has only two acres and is very close to neighboring homes. When the hospital was originally situated on this property, it was a residence. The county allowed a one time expansion and now it is being expanded a second time with planning board approval.

At the time the hospital was expanded there was no boarding offered other than for recuperating animals. Now however there is a very active boarding service that is not part of the veterinary practice. When the planning commission asked Dr. Fowler about this, at first he said that he only boarded "special needs" animals, then amended it to say that he only boarded client dogs. What is a client dog? Any time that someone makes an appointment for boarding they immediately become a client. He stated that he doesn't board publicly, whatever that means, but his ad in the St Helens phone book lists boarding as one of his services.

If Dr. Fowler wants to offer this service he needs to meet the same criteria and fees that the other boarding kennels have to adhere to and not operate under the protection of his veterinary practice.

When the clinic closes in the evening there is no one to check on the animals until the next morning. What about a barking dog, or an animal in distress? How is that situation rectified if no one is there?

At the planning commission meeting there was a neighbor who was most upset because of the noise, inconvenience and congestion already occurring.

I have a "horse in this race" as I am a boarding kennel operator. My facility is in a rural area and is zoned RR 5. I also own an adjacent property with approximately another two acres. At the time I sought my CUP I was given approval as I had been operating the kennel since the mid 1970's, before there was land use planning, so I was grandfathered in. However I was told at that time that I could never expand. When I sell my property will I be able to sell it as a boarding facility? What works for Midway should work for everyone.

There is a task force charged with deciding where kennels can be located and although there has been no final determination at this time, the commissioners do need to make a decision soon to eliminate all of this confusion.

Sincerely,

Barbara Aulbach

August 31 2009

Attn: COLUMBIA COUNTY PLANNING COMMISSION

As an individual and as a member of the Scappoose – Spitzenberg CPAC I wanted to clarify some questions that I believe need to be addressed, and to that end here is the information that I was able to obtain.

I spoke with Laurie from the Veterinary Medical Examining Board on 8/3/09 at 11:50 a.m. regarding the rules and procedures of kennels in Veterinary Medical Facilities in the state of Oregon, and I asked her the following:

Who oversees the boarding of healthy animals in Veterinary Clinics that are not sick or injured, but just brought in by the general public for general boarding and care (being fed, watered, and exercised) while an individual may be on vacation or just away.

She responded that the Veterinary Medical Examining Board is responsible for sick/injured animals kept in the facility for care. If the facility has been issued a license by the County and or City to have a public boarding facility on site or nearby, said facility falls under the responsibility of the County or City.

It is a misperception that the State Veterinary Medical Examining Board has control over a boarding facility for healthy animals being boarded at a Veterinary Clinic. That license is separate and under local government, and said license should be issued by either the City or County in question, and inspections would apply under the local government authority and follow under said rules and regulations of said government. SHE DID SAY THAT MOST CITIES AND COUNTIES ARE UNDER THE FALSE IMPRESSION AND TRY TO PUT THIS UNDER THE JURISDICTION OF THE VETERINARY MEDICAL EXAMINERS BOARD. IT IS NOT!

I have no problem with Midway Veterinary Clinic being updated on the zoning and enlarging their facility to better accommodate their Customers. This would include enlarging their kennels for sick or injured animals. I DO HAVE A PROBLEM WITH THEM ENLARGING THE KENNEL SIZE TO BOARD OUT TO THE PUBLIC AND HAVING SAID ENTRANCE, EXERCISE AREA AND BOARDING FACILITY COMBINED WITH THAT OF SICK AND INJURED ANIMALS. THE COUNTY HAS RECENTLY TURNED DOWN AN APPLICATION FOR A VERY UPSCALE ANIMAL DAYCARE THAT WOULD HAVE BEEN LOCATED ON U.S. HWY. 30 ALONG WITH MASSIVE RESTRICTIONS AND REQUIREMENTS PLACED UPON IT FROM BOTH THE CPAC AND COUTNY PLANNING COMMISSION., WHERE THE COUNTY KNEW IT WOULD HAVE JURISDICTION OVER. TO CONSIDER ALLOWING MIDWAY VETERINARY CLINIC TO HAVE A BOARDING FACILITY WOULD MEAN THAT THEY SHOULD HAVE TO APPLY FOR A KENNEL LICENSE FROM THE COUNTY UNDER THE DEFINITION OF WHAT CONSTITUTES A KENNEL IN COLUMBIA COUNTY. IF THE COUNTY DOES AUTHORIZE MIDWAY A "KENNEL LICENSE" THEY NEED TO EXPLAIN TO THE PUBLIC WHY IT WOULD BE APPROVED FOR MIDWAY AND NOT FOR ANOTHER PARTY TO OPERATE SUCH A FACILITY.

Midway Veterinary Clinic does board out to the general public if they have enough room per Barbara at Midway Clinic. I refer you to the following:

The Oregon Administrative Rules contain OARs filed through July 15, 2009

875-015-0020

Minimum Requirements for All Veterinary Medical Facilities Each veterinary medical facility shall comply with the following:

SECTION 9 READS AS FOLLOWS:

9) Animal Housing Areas: Each veterinary medical facility confining animals must have individual cages, pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner. Animals that are hospitalized for treatment of contagious diseases must be isolated physically and procedurally so as to prevent the spread of disease.

I MIGHT ALSO POINT OUT THAT I CONTACTED COLUMBIA COUNTY PLANNING THIS AFTERNOON AT 1:20 P.M. AND SPOKE WITH JACKIE WHO CHECKED WITH PLANNING AS TO THE FOLLOWING QUESTION:

WHO HAS CONTROL OF THE LICENSE AND INSPECTION OF PUBLIC BOARDING KENNELS OF ANIMALS WHO ARE NOT SICK OR INJURED AT A VETERINARY CLINIC IN COLUMBIA COUNTY?

SHE STATED THAT THIS QUESTION HAD COME UP LAST WEEK AND WAS TOLD THAT IT IS THE STATE. I ASKED HER TO DOUBLE CHECK THAT THIS WOULD APPLY TO THE BOARDING OF HEALTHY ANIMALS BROUGHT IN BY THE GENERAL PUBLIC. SHE DID AND REPLIED AGAIN THAT IT WAS UP TO THE STATE VETERINARY MEDICAL BOARD.

AGAIN, I WOULD SAY THAT I DO NOT OPPOSE MOST OF WHAT MIDWAY HAS APPLIED FOR, HOWEVER I DO OPPOSE ALLOWING THEM TO INCREASE THEIR KENNEL OPERATION FOR THE BOARDING OF ANIMALS TO THE GENERAL PUBLIC WITHOUT HAVING GONE THROUGH THE PROPER PROCEDURES REQUIRED OF OTHERS WANTING TO OPERATE A KENNEL IN COLUMBIA COUNTY.

PERHAPS, COLUMBIA COUNTY NEEDS TO RESEARCH AS I DID AS TO WHO HAS CONTROL OVER WHAT BEFORE THEY MAKE ANY DECISIONS REGARDING BOARDING OF ANIMALS IN VETERINARY CLINICS.

Respectively,



Alta Lynch
P.O. Box 369
Scappoose, Oregon 97056

**REFERENCE: VETERINARY MEDICAL EXAMINING BOARD 800 NE OREGON SUITE 407 PORTLAND, OR 97232
TELEPHONE: 971-673-0224**

Mary Miller
34436 McGary Lane
Warren, OR
503-366-7844

As a close neighbor of the Midway Veterinary Clinic, I am requesting the Columbia County Planning Commission take the following recommendations under consideration at this hearing.

1. That a speed limit sign of 20 to 25 miles an hour be posted.
2. A sign be posted on the entrance door with days & hours the clinic is open, an emergency phone number and a statement that the neighbors are not associated with the clinic.
3. A sign be posted in the private driveway area boldly stating "NO PARKING".
4. A sign be posted that all dogs must be on leashes and cats in carriers.
5. Either eliminate the front parking area or install a barrier to reduce the noise.

PLAN MAP AMENDMENT & GOAL
EXCEPTION APPLICATION

MIDWAY VETERINARY HOSPITAL EXPANSION

Submitted to:
Columbia County
Land Development Services

Submitted on Behalf of:
Midway Veterinary Hospital

Prepared by:
Angelo
planning group

May 2009

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES

COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

General Application

File No. PA09-01 / ZC09-02

GENERAL LAND USE PERMIT APPLICATION

Application Purpose: Plan Map Amendment and Zone Change

APPLICANT: Name: Serah Overbeek, Angelo Planning Group

Mailing address: 921 SW Washington Street, Suite 486 Portland, OR 97205

Phone No.: Office 503.227.3674 Home _____

Are you the _____ property owner? owner's agent?

PROPERTY OWNER: _____ same as above, OR:

Name: Dr. Lewis Fowler Midway Veterinary Hospital

Mailing Address: 34453 McGary Lane Warren, OR 97053

PROPERTY ADDRESS (if assigned): 34453 McGary Lane Warren, OR

TAX ACCOUNT NO.: 4N19-CO-02000 Acres: 2.04 Zoning: RR2

_____ Acres: _____ Zoning: _____

_____ Acres: _____ Zoning: _____

PRESENT USES: (farm, forest, bush, residential, etc.)

Use:	Approx. Acres
<u>Large and small animal veterinary hospital and parking</u>	<u>2.04</u>
_____	_____
_____	_____
Total acres (must agree with above):	<u>2.04</u>

PROPOSED USES: Expansion of existing animal hospital

WATER SUPPLY: _____ Private well. Is the well installed? _____ Yes _____ No
 _____X_____ Community system. Name Warren public water supply

METHOD OF SEWAGE DISPOSAL: _____ Community Sewer. Name _____
 _____ Not applicable.
 _____X_____ Septic System.

If Septic, does the subject property already have a system? X Yes _____ No
 If no, is the property approved for a Septic System? _____ Yes _____ No

CONTIGUOUS PROPERTY: List all other properties you own which have boundary lines touching this property:

<u>Tax Account No.</u>	<u>Acres</u>	<u>Co-owners (if any)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

Date: _____ Signature: _____

NOTE: Please attach an accurate and detailed plot plan, including property lines, existing and proposed structures, location of septic tank and drainfield, farm - forest areas, large natural features (cliffs, streams, etc.).

+++++
Planning Department Use Only

Date Rec'd. _____ Hearing Date: _____

Receipt No. _____ Or: Administrative _____

Zoning: _____ Staff Member: _____

+++++

I. PROPOSAL SUMMARY INFORMATION

File No: 138-001

Applicant: Midway Veterinary Hospital
Dr. Lewis Fowler
34453 McGary Lane
Warren, Oregon 97053

Phone: (503) 397.6470

Applicant's Representative: Serah Overbeek
Angelo Planning Group
921 SW Washington Street, Suite 468
Portland, Oregon 97205

Phone: (503) 227-3674
Fax: (503) 227-3679
soverbeek@angeloplanning.com

Requests: 1) Zone Change & Map Amendment
2) Goal 14 Exception

Location: Oregon Highway 30 between Scappoose and St. Helens

Legal Description: Tax lot 4N19 CO 02000

Plan Designation: Rural Residential

Zoning Designation: RR-2

II. PROJECT PROPOSAL & BACKGROUND

Dr. Lewis Fowler (Applicant), the current owner of Midway Veterinary Hospital, is seeking approval from Columbia County to expand the hospital from 3,411 square feet to 6,000 square feet to provide larger exam rooms, expanded laboratory and administrative space, and a new kennel area. The intent of this expansion is to address overcrowding in the existing building and allow the business to function effectively. Since 2001, the client base at Midway Veterinary Hospital has increased an average of five percent annually. However, available space within the existing building is minimal and the congested conditions are resulting in inefficiencies and less-than-desirable client service. Clients are experiencing longer wait times for appointments and are being asked to make appointments at inconvenient times. The proposed expansion will provide the space necessary for the hospital to be a more efficient and economical business and better serve its clients. The Applicant does not intend to expand the scope of the business (i.e., add new clients beyond the typical annual increase) as part of this project. The intent of the expansion is to accommodate the business increases that have already occurred in a manner that is more convenient for his existing customer base.

The Midway Veterinary Hospital is located on a two-acre parcel along Highway 30, approximately midway between Scappoose and St. Helens in rural Columbia County. The site is zoned RR-2 which is a district established by Columbia County for rural areas with lot sizes of two acres or less at the time zoning was applied. Primary uses allowed in the RR-2 zone include residential and farm uses that require rural levels of public services. The lots surrounding Midway Veterinary Hospital are primarily zoned RR-2 and RR-5 (Rural Residential, five acres) and consist of single-family homes and farm uses. The existing building is located in the northwest portion of the site, with a parking area and large open lawn located between the building and Highway 30 (see the Site Plan in Exhibit A). There is one existing access to the site, which is taken from Highway 30 at McGary Lane.

Midway Veterinary Hospital was established in the 1970's by a previous owner before Columbia County had adopted a Comprehensive Plan. At that time, the site consisted of a mobile trailer, which was used as the animal hospital, and a farm house. In 1982, that owner received conditional use approval from Columbia County to operate a veterinary clinic on the site. The county adopted a new comprehensive plan in 1984 and the site was zoned RR (Rural Residential) at that time. In 1996, the site was re-zoned to RR-2 by the county as part of periodic review and update of the comprehensive plan. Veterinary clinics are not a permitted use in the RR-2 zone and consequently, the existing veterinary clinic became a legal non-conforming use. Per the Columbia County Zoning Ordinance (CCZO) Section 1506.6, non-conforming uses are allowed one expansion up to 40% of the original square footage. In the early 1980's, the previous owner remodeled the farmhouse to serve as a clinic and then moved the business from the trailer to the newly remodeled building. This was considered an expansion of the business and therefore, no further expansion is allowed under the current zone. In order to expand the clinic further, the county would first need to approve a zone change from RR-2 to Existing Commercial to remove the non-conforming use designation.

The Applicant seeks approval to expand the existing veterinary building in order to accommodate client demand and provide adequate space to perform veterinary services. The hospital provides small animal (dogs and cats) veterinary services as well as large farm animal services (cows, horses, etc.). While the majority of the large animal services are done at the client's location, some clients bring their large animals to the hospital for treatment.

Based on a pre-application conference held with the Columbia County Planning Director on March 12, 2009, there are a number of steps that will be required in order for the county to approve the proposed expansion. Those steps are outlined below:

- o **Plan Amendment and Zone Change.** As mentioned above, a veterinary use is considered non-conforming in the RR-2 zone. In order to expand, the applicant must receive approval for a zone change to Existing Commercial. Per CCZO 673, the Existing Commercial designation is intended to "recognize the legitimacy of existing commercial uses" and allows "lawful commercial activities existing on the effective date of this Ordinance". Under the Existing Commercial zone, the veterinary use would not be considered non-conforming and would therefore be eligible for expansion.

Per the county Planning Director, the Applicant must apply for a Major Map Amendment under CCZO 1502.1. A Major Map Amendment is defined as a zone change that requires the Comprehensive Plan Map to be amended in order for the new zone to be consistent with the Comprehensive Plan. The subject site is currently zoned RR-2, which is a Rural Residential designation in the Comprehensive Plan. The requested zone is Existing Commercial, which is a Commercial designation in the Comprehensive Plan. In order for the Existing Commercial zone to be consistent with the Comprehensive Plan, the plan designation must be amended to Commercial.

- o **Goal Exception.** The Oregon Department of Land Conservation and Development (DLCD) manages the growth of urban areas through Statewide Planning Goal 14 - Urbanization. Goal 14 is intended to protect rural areas and provide an orderly and efficient transition from rural to urban land uses. As such, Goal 14 establishes the requirement for urban growth boundaries (UGB) and directs that urban levels of development should not take place in rural areas outside a UGB. In the late 1990's, in response to a land use case in Curry County, DLCD set out to quantify the difference between "urban" and "rural" levels of development. Through that process, DLCD established that any commercial development over 3,500 square feet should be considered "urban", and could not be permitted outside a UGB without approval of a goal exception. Therefore, in order for the Applicant to expand to the veterinary clinic to 6,000 square feet, an exception to Goal 14 will be necessary.
- o **Site Design Review.** Per CCZO 1550, Site Design Review approval is required for expansion of a commercial use. Because the proposed expansion is greater than 10% of the existing building area, a Type II Site Design Review will be necessary. The Applicant will submit for Site Design Review approval under a separate application once the zone change and goal exception approval has been secured.

III. CONFORMANCE WITH COLUMBIA COUNTY ZONING ORDINANCE

Existing Commercial Zone

The Applicant is requesting a zone change from RR-2 to Existing Commercial. CCZO Section 670 outlines the purpose of the Existing Commercial zone, provides a list of uses allowed in the zone, and contains standards for development within the zone. Those standards are addressed below to demonstrate how the proposed use is consistent with the Existing Commercial designation.

671 Purpose: This District is intended to assure the continuation and limited expansion of all lawful commercial activities occurring on the date of this Ordinance, regardless of type or location. This zone will be used to implement the Existing Commercial plan designation. This zoning designation is intended to recognize the legitimacy of the existing commercial use of a parcel while not directly implying that commercial activities are appropriate for a specific area.

673 Conditional Uses:

1. Lawful commercial activities existing on the effective date of this Ordinance.

Response

The Midway Veterinary Clinic was approved as a conditional use by the county in 1982, and was thereby a lawful commercial activity on the date of the ordinance (Ordinance 98-02, effective January 11, 2000).

674 Standards:

1. The minimum lot or parcel size for uses permitted under Sections 672 and 673 shall be 5 acres.
2. The minimum lot or parcel size for uses permitted under Section 672 and 673 shall be 2 acres when it can be shown that:
 - A. The use is served by a public or community water system;
 - B. Adequate area exists on the property to facilitate an individual subsurface sewage system; or, the property is served by a public or community sewer system;
 - C. The property has direct access onto a public right-of-way; and,
 - D. The property is within, and is capable of being served by, a rural fire district.

Response

The subject parcel (tax lot 4N19 CO 02000) is served by the City of Warren public water system. As indicated on the Site Plan in Exhibit A, adequate area exists on the site to facilitate an individual subsurface sewage system. The property has direct access onto Highway 30, which is a public right-of-way. The property is located within, and served by, the Columbia River Fire & Rescue district. Therefore, the minimum two-acre lot size is applicable for the subject parcel. The parcel is 2.04 acres, which is consistent with this standard.

3. *No primary structure shall be constructed closer than 30 feet to a property line. Where the property abuts resource zoning, the setback shall be increased to 50 feet.*

Response

As demonstrated in the Site Plan in Exhibit A, no new structure will be constructed within the required 30-foot setback. A small portion of the existing building (the southwest corner) is within 30 feet of the property line and the proposed expansion will not alter the location of that corner. The site does not abut resource zoning.

4. *Unless otherwise prohibited, the maximum building height shall be 35 feet or 2-1/2 stories, whichever is less.*

5. *Unless otherwise prohibited, structures such as barns, silos, windmills, antennas, chimneys, or similar structures may exceed the height limitations to a maximum height of 50 feet.*

Response

The subject building is 24 feet high at its highest point (including both the existing and new building heights). Therefore, the maximum height requirement is met.

Zone Change

CCZO Section 1502 provides the criteria that are used to evaluate a proposed major map amendment. The discussion below demonstrates how the proposed expansion at Midway Veterinary Hospital is consistent with those criteria.

1502.1 Major Map Amendments

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

Response

Only applicable policies from the Comprehensive Plan are included in this section. Most of the following discussion focuses on the proposed expansion rather than the zone change itself. However, it's important to note that the zone change is necessary in order for the expansion to take place, and therefore, justification of the expansion inherently includes justification for the zone change.

- o Part II Citizen Involvement. As part of the major map amendment and goal exception land use process, public hearings will be held before the county Planning Commission and the Board of Commissioners. Surrounding neighbors within 250 feet of Midway Veterinary Hospital will receive official notice from the county informing them of the proposal and scheduled hearing dates. Because the proposal involves a map amendment, notice will also be provided to the Department of Land Conservation and Development 45-days prior to the public hearing. Those neighbors, and any other interested parties, will have the opportunity to comment in writing prior to the hearings, or in person at the hearings. Those comments become part of the public record.

In addition, the Applicant mailed a flyer to all property owners within 250 feet of the site. The flyer provided a brief overview of the proposed expansion, along with a site plan and illustration

of the expanded building. A list of property owners and a copy of the flyer are provided in Exhibit B. When possible, the Applicant also spoke in person or over the phone with the property owners to discuss any concerns they may have regarding the project. Of the ten property owners within 250 feet of the site, three were unavailable for direct contact. Generally, the neighbors contacted were supportive of the proposed expansion and expressed no concerns. One abutting neighbor (tax lot 2300) mentioned that clients of the veterinary hospital occasionally knock on their door after hours. The Applicant offered to provide better signage to address that concern.

- o Part IX Urbanization. The primary intent of the urbanization policy is to be consistent with Statewide Goal 14 - Urbanization by regulating the transition from rural to urban uses. As mentioned previously, DLCDC rules consider any commercial use over 3,500 square feet to be an urban use. Since the proposed expansion of the veterinary clinic to 6,000 square feet will take place in a rural area outside the UGB, an exception to Goal 14 is required. The exception criteria are addressed in the next section, which demonstrates why the urbanization goal should not apply to the proposed expansion. Although the business will exceed the 3,500 square foot threshold, it will remain rural in character because it serves a rural clientele and uses rural levels of public facilities. For a more detailed discussion of the urbanization policies, see the Goal 14 exception criteria in Section IV of this narrative.
- o Part X Economy. It is the policy of Columbia County to encourage stable and continuous employment opportunities and insure local revenue spending. The Midway Veterinary Hospital currently employs three full-time veterinarians and approximately 15 full-time and two part-time staff. Of the full-time employees, four are veterinary doctors. Within the next year, the Applicant intends to add one more veterinarian and two full-time staff members. The doctors and staff are paid competitive salaries, ranging from \$18,000 to \$85,000 annually, depending on the position. The hospital is locally owned and, with one exception, all the employees live in surrounding communities within Columbia County. As such, revenue that is generated from the business is more likely to be circulated locally. The proposed zone change and expansion will allow the business to continue to provide living-wage jobs within the county and will ensure its future economic viability.
- o Part XI Commercial. Per the Comprehensive Plan, the purpose of the Existing Commercial zone is to assure the continuation and limited expansion of all lawful commercial activities regardless of type or location. As mentioned previously, the Midway Veterinary Hospital was authorized with county approval of a conditional use permit in 1982 and is therefore a lawful activity. The site was re-zoned to RR-2 by the county, making the existing clinic a legal non-conforming use. Re-zoning the site to Existing Commercial will allow the Applicant to continue the business as a conforming use, and provide the opportunity for expansion.
- o Part XIII Transportation. The transportation policies are intended to comply with Goal 12 - Transportation in the provision of an efficient, safe, and diverse transportation system throughout the county. The policy most relevant to the proposed zone change and expansion at Midway Veterinary Hospital is Policy 4, which limits direct access onto Highway 30 to the extent possible. Because the site has frontage along Highway 30 and no other reasonable access is available, access must be taken from Highway 30 via McGary Lane, which is a public easement and serves as the driveway to the hospital.

The Applicant received a permit from the Oregon Department of Transportation (ODOT) in July 2003 allowing the operation, maintenance, and use of a state highway approach at mile point 24.62 (McGary Lane). See Exhibit C for a copy of the permit. The permit is effective for an indefinite period of time unless there is a change in use of the approach or a significant change in the volume or character of traffic using the approach. The intent of the proposed expansion is to accommodate existing client demand and relieve overcrowded conditions within the hospital. The Applicant does not intend to increase the scope of the business (add new clients beyond typical annual increases) and therefore does not anticipate a significant change in the volume or character of traffic entering the site from Highway 30. As such, the existing ODOT approach permit will remain effective after completion of the proposed expansion. To confirm this, the Applicant has contacted ODOT and submitted an updated permit application based on the proposed expansion.

- o Part XIV Public Facilities and Services. These policies require that adequate types and levels of public facilities and services be provided concurrent with development. Because Midway Veterinary Hospital is an existing business, public facilities and services have already been established. The Applicant receives water from the public water supply out of Warren and will continue to do so after the proposed expansion. Water usage at Midway Veterinary Hospital for 2007-2008 was an average of 374 gallons per day, which is comparable to typical residential water usage rates. The Applicant anticipates a slight increase in water consumption as a result of the proposed expansion, but overall water usage will continue to occur at rural levels. Solid waste removal for Midway Veterinary Hospital is provided by Hudson Garbage Service of St. Helens. The current level of service will be adequate to serve the expanded facility and therefore the Applicant does not plan to make any changes to the current arrangement with Hudson Garbage Service as a result of this proposal. Sewer is treated using an on-site septic system, which will be relocated as part of the proposed expansion. Septic plans will be finalized and reviewed during the Site Design Review process and are not required to be included with this submittal.
- o Part XVIII Air, Land, and Water Quality. Air, land, and water policies that are relevant to the proposed zone change and expansion relate to noise impacts, on-site septic treatment, and stormwater treatment. The proposed improvements include a new kennel area that will be used to house dogs and cats that are being treated at the hospital. Currently, animals are kept in various different locations throughout the hospital. The new kennel area will provide a large enough space to house all the animals in one area. The hospital does not provide a true boarding service, although they will occasionally keep an animal for several nights to accommodate a client's needs or to monitor and administer medications to a sick animal. Because the new kennel area will be located at the northern corner of the lot, there are potential noise impacts to the adjacent residential properties. To address this possibility, the Applicant intends to use sound attenuation techniques in the kennel area. The sound attenuation will include sound barrier insulation within the outside walls of the kennel area, a spray-on sound absorption layer on the ceiling, and hanging sound absorption panels inside the kennel.

As part of the proposed expansion, the Applicant intends to relocate the existing on-site septic field in order to accommodate the new building footprint. The existing septic field is located near the northwest corner of the building where part of the proposed expansion will take place. Therefore, a new septic field will be located in the area between the parking lot and Highway 30; this area is currently flat and covered with grass and some small pine trees that were planted by

the Applicant. Septic plans will be reviewed by the county as part of the Site Design Review process to ensure compliance with all applicable standards. In addition, the Applicant must address stormwater treatment for the additional impervious area that will be created with the proposed building expansion. A stormwater treatment and erosion control plan must be included with the Site Design Review application to ensure that no water quality impacts occur as part of the proposed expansion.

1502.1 Major Map Amendments (continued)

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

Response

Only applicable Statewide Planning Goals are included in this section. Because the Comprehensive Plan policies are generally based on Statewide Planning Goals, the responses below are somewhat redundant of the responses in the previous section.

- o Goal 1 Citizen Involvement. As part of the major map amendment and goal exception land use process, public hearings will be held before the county Planning Commission and the Board of Commissioners. Surrounding neighbors within 250 feet of Midway Veterinary Hospital will receive official notice from the county informing them of the proposal and scheduled hearing dates. Those neighbors, and any other interested parties, will have the opportunity to comment in writing prior to the hearings, or in person at the hearings. Those comments become part of the public record.

As mentioned previously, the Applicant mailed a flyer to all property owners within 250 feet of the site providing a brief overview of the proposed expansion, along with a site plan and illustration of the expanded building. When possible, the Applicant also spoke in person or over the phone with the property owners to discuss any concerns they may have regarding the project. Generally, the neighbors contacted were supportive of the proposed expansion and expressed no concerns.

- o Goal 2 Land Use Planning. Goal 2, Part II establishes the criteria for taking a goal exception. Because the proposed expansion of Midway Veterinary Hospital would result in a commercial building in excess of 3,500 square feet in a rural area, an exception to Goal 14 is required. The criteria that must be met in order for a local government to approve a goal exception are, briefly:
 1. Reasons justify why the state policy embodied in the applicable goal should not apply;
 2. Areas which do not require an exception cannot reasonably accommodate the use;
 3. Long term environmental, social, energy, and economic impacts are not significantly more adverse than the same use in another exception area; and
 4. The proposed use is compatible with surrounding uses.

The discussion in Section IV of this narrative demonstrates that the proposed expansion is consistent with these criteria and, therefore, Goal 2 is met.

- o Goal 6 Air, Water and Land Resource Quality. Goal 6 states that all waste and process discharges from a development (including solid waste, noise, and water pollutants) must not violate state or federal environmental standards. Relevant to the proposed expansion at Midway Veterinary Hospital are potential noise, solid waste, and stormwater/sewer treatment issues. The Applicant will address each of these elements as follows.
 - Noise. Because the expansion includes additional kennel space, there are potential noise impacts to the adjacent residential properties. As described previously, the Applicant intends to use several sound attenuation methods within the kennel space in order to address this issue.
 - Solid waste. All solid waste produced on site is picked up by Hudson Garbage Service, which is a licensed solid waste and recycling service provider in the city of St. Helens. No solid waste is treated or stored on-site (beyond storage prior to weekly pick-up).
 - Sewer and stormwater. As part of the proposed expansion, the Applicant intends to relocate the existing on-site septic field in order to accommodate the new building footprint. The existing septic field is located near the northwest corner of the building where part of the proposed expansion will take place. Therefore, the septic field will be moved to an area between the parking lot and Highway 30; this area is currently flat and covered with grass and some small pine trees that were planted by the Applicant. Septic plans will be reviewed by the county as part of the Site Design Review process to ensure compliance with all applicable standards. In addition, the Applicant must address stormwater treatment for the additional impervious area that will be created with the proposed building expansion. A stormwater treatment and erosion control plan must be included with the Site Design Review application to ensure that no water quality impacts occur as part of the proposed expansion.
- o Goal 9 Economic Development. The intent of Goal 9 is to "provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens". Midway Veterinary Hospital contributes to the local economy by providing jobs to local citizens that pay competitive salaries. The hospital currently employs three full-time veterinarians and approximately 15 full-time and two part-time staff. Within the next year, the Applicant intends to add one more veterinarian and two full-time staff members. The doctors and staff are paid competitive salaries, ranging from \$18,000 to \$85,000 annually, depending on the position. The hospital is locally owned and all but one of the employees live in surrounding communities within Columbia County. As such, revenue that is generated from the business is more likely to be circulated locally. The proposed zone change and expansion will allow the business to continue to provide living-wage jobs within the county and will ensure its future economic viability.
- o Goal 11 Public Facilities and Services. The purpose of Goal 11 is to ensure that urban and rural development is guided and supported by appropriate types and levels of urban and rural public facilities. Because Midway Veterinary Hospital is an existing business, public facilities and services have already been established. The Applicant receives water from the public water supply out of Warren and will continue to do so after the proposed expansion. Water usage at Midway Veterinary Hospital for 2007-2008 was an average of 374 gallons per day; this is comparable to typical residential water usage rates. The Applicant anticipates a slight increase in

water consumption as a result of the proposed expansion, but overall water usage will continue to occur at rural levels. Solid waste removal for Midway Veterinary Hospital is provided by Hudson Garbage Service of St. Helens. The current level of service will be adequate to serve the expanded facility and therefore the Applicant does not plan to make any changes to the current arrangement with Hudson Garbage Service as a result of this proposal. Sewer is treated using an on-site septic system, which will be relocated as part of the proposed expansion. Septic plans will be finalized and reviewed during the Site Design Review process and are not required to be included with this submittal.

- o Goal 12 Transportation. Goal 12 is intended to provide an efficient, safe, and diverse transportation system throughout the state. Goal 12 is implemented by the Transportation Planning Rule (TPR), which lists the elements that must be included in local plans and ordinances. Most relevant to the proposed expansion at Midway Veterinary Hospital is the requirement for access management, especially to state highways. Because the site has frontage along Highway 30 and no other reasonable access is available, access must be taken from Highway 30 via McGary Lane, which is a public easement and serves as the driveway to the hospital.

The Applicant received a permit from the Oregon Department of Transportation (ODOT) in July 2003 allowing the operation, maintenance, and use of a state highway approach at mile point 24.62 (McGary Lane). See Exhibit C for a copy of the permit. The permit is effective for an indefinite period of time unless there is a change in use of the approach or a significant change in the volume or character of traffic using the approach. The intent of the proposed expansion is to accommodate existing client demand and relieve overcrowded conditions within the hospital. The Applicant does not intend to increase the scope of the business (add new clients beyond typical annual increases) and therefore does not anticipate a significant change in the volume or character of traffic entering the site from Highway 30. As such, the existing ODOT approach permit will remain effective after completion of the proposed expansion. To confirm this, the Applicant has contacted ODOT and submitted an updated permit application based on the proposed expansion.

- o Goal 14 Urbanization. The intent of Goal 14 is to "ensure the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities." Goal 14 establishes the provisions for urban growth boundaries (UGBs) and requires that urban uses be developed within UGBs in order to protect outlying rural areas. As mentioned previously, DLCD has established that any commercial use over 3,500 square feet is considered urban and may not be developed in rural areas outside a UGB unless a goal exception is approved first. The Applicant plans to expand the Midway Veterinary Hospital to 6,000 square feet; because the expansion will take place in a rural area, a Goal 14 exception must be approved in order for the Applicant to move forward. Consistency with the Goal 14 exception criteria is demonstrated in Section IV of this narrative.

1502.1 Major Map Amendments (continued)

3. *The property and affected area is presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, with*

services and transportation networks are planned to be provided concurrently with the development of the property.

Response

As discussed previously, the proposed expansion will be adequately served by the existing public facilities, services, and transportation network. Midway Veterinary Hospital receives its water from the public water supply in Warren and will continue to do so after the proposed expansion. Water usage will continue to occur at rural levels. Solid waste pick-up is provided by Hudson Garbage Service in St. Helens. The Applicant does not intend to make any changes to the current arrangement with Hudson as part of the proposed expansion. The transportation facilities serving the site are McGary Lane, which is a public easement, and Highway 30, which is a state highway facility. In 2003, the Applicant received a permit from ODOT allowing the use of the state highway approach to access the site. The proposed expansion will not result in a significant increase in traffic using the approach, and therefore, the permit will remain valid.

IV. CONFORMANCE WITH GOAL 14 EXCEPTION CRITERIA

As established in Section II of this narrative, an exception to Statewide Planning Goal 14 is required in order for the Applicant to expand the veterinary clinic beyond 3,500 square feet. The criteria for a Goal 14 exception are found in OAR 660, Division 14 and reference the general exceptions process identified in Goal 2, Part II. The discussion below demonstrates how the proposed expansion is consistent with the Goal 14 exception criteria.

OAR 660-014-0040 - Establishment of New Urban Development on Undeveloped Rural Lands

(3) To approve an exception under section (2) of this rule, a county must also show:

(a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

Response

There are a number of reasons why the proposed expansion cannot be reasonably accommodated in or through expansion of existing UGBs or by intensification of development in existing rural communities.

- o The Midway Veterinary Hospital is located approximately 3.5 miles from the Scappoose UGB and 2.7 miles from the St. Helens UGB. Therefore, expansion of an existing UGB to accommodate the use would result in a significant amount of land being brought into the UGB and it not a reasonable option.
- o It is reasonable for an established business with a solid client base to expand its physical space at the current location to better serve its clients and remain economically viable. The Applicant is proposing to expand the Midway Veterinary Hospital in order to address overcrowded conditions and accommodate its existing client base. The Midway Veterinary Hospital has been officially permitted to operate on the site since 1982, when the previous owner received conditional use approval of the veterinary clinic use from Columbia County. However, the business was initially established on the site in the 1970's, prior to any requirements for land use permitting. As such, it has been operating on the site for over 30 years. Public facilities (power and water) and services (solid waste pick-up) have already been established at the site to serve the existing business and can adequately accommodate the proposed expansion. The business has an established clientele and it is reasonable to assume that a portion of those clients chose Midway Veterinary Hospital because its rural location was convenient for them. In order to accommodate the proposed development inside the UGB or within an existing rural community, the Applicant would have to relocate the business to a location several miles away or more. This would result in a larger financial burden for the Applicant due to the additional cost of acquiring land and constructing a new building; it may also result in loss of clients. It is more efficient, both economically and in terms of land and energy savings, to expand at the existing location than to seek out new, suitable property and construct a new building with associated infrastructure and public facilities.

- o The Midway Veterinary Hospital provides large animal service, both on site and off site (at the home of the client). Large animals include cows, horses, and other farm animals such as sheep and pigs. Because of the large animal service, it is more appropriate for the business to be located in a rural area, closer to the farms it serves and in an area that provides adequate space for maneuvering and handling larger animals. The proximity to surrounding farms also allows the Applicant to be more responsive to requests for home visits. There are cattle farms directly behind (west of) the site and adjacent to the site (to the north) along Highway 30. In addition, a recent site visit revealed small farms with horses, llamas, and pigs all located within approximately two miles of the site.
- o A large-animal veterinary clinic is generally not considered compatible with more the urban levels of development that are found inside a UGB. For example, in the St. Helens and Scappoose development codes, where veterinary clinics are permitted, they are limited to only small animals, with the possible exception of the industrial zones (neither code specifies what types of veterinary services may be allowed in the industrial zones). If a large-animal veterinary clinic were permitted in the industrial zone, its placement on industrial land may conflict with Columbia County policies related to preserving industrial land within UGBs for labor-intensive industries or industries needing extensive public facilities (Columbia County Comprehensive Plan, Part XII, Policy 10). It may also conflict with policies in the St. Helens comprehensive plan related to preserving designated light industrial areas for light manufacturing, wholesaling, processing and similar operations (St. Helens Municipal Code, Section 19.12.090).

In conclusion, the Midway Veterinary Hospital is an established use that has operated for more than 30 years at this location and is appropriate for a rural area to serve rural farm uses. The proposed expansion is necessary in order for the Applicant to provide adequate service for existing clientele and maintain a viable business. Relocating the business to a location inside the UGB would result in undue financial burden for the Applicant, potential loss of clientele, inefficiencies in terms of land and public facilities, and potential conflicts with urban levels of development. Therefore, the proposed expansion cannot be reasonably accommodated within the existing UGB or rural community. Expansion of an existing UGB is also not a reasonable option because the use is located several miles outside of both the Scappoose and St. Helens UGB boundaries.

(3) To approve an exception under section (2) of this rule, a county must also show:

(b) That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:

(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

Response

As demonstrated on the Site Plan in Exhibit A, the amount of land (2.04 acres) included within the boundaries of the proposed development is appropriate. The applicable minimum lot size for the Existing Commercial zone is two acres and the properties surrounding the site generally range from two acres to ten acres in size. Approximately half of the site is devoted to the proposed building expansion, parking and maneuvering area, driveway, and required setbacks (30-foot setbacks are required per the CCZO). The remaining half of the site will be used for the relocated septic drain field, landscaping, and as open space to provide a buffer between the hospital and Highway 30. Upon completion of the proposed expansion, the site will be developed at a level suitable to the rural setting.

- o Environmental impacts. There are no long-term adverse environmental impacts expected to occur as a result of the proposed expansion. Stormwater will be treated on site in accordance with Columbia County standards and regulations. The Applicant will be required to submit a Stormwater and Erosion Control Plan as part of the Site Design Review process, which will be reviewed by the county Environmental Specialist to insure compliance. Sewerage will also be collected on site and managed through the use of a septic tank and drain field as it is currently. The Applicant plans to relocate the drain field in order to accommodate the proposed expansion. Septic drain field plans will be reviewed by the county engineering department as part of the Site Design Review process to insure compliance with all applicable standards. All solid waste produced on site is removed by Hudson Garbage Service on a weekly basis.
- o Economic impacts. There are no adverse economic impacts expected to result from the proposed expansion. The proposed expansion will allow the Midway Veterinary Hospital to continue to operate as an economically viable business and provide living-wage jobs to county residents. The business will contribute to the county tax base and revenues generated by the business will continue to circulate locally.
- o Social impacts. Because the proposed expansion includes additional kennel space, there are potential noise impacts to the surrounding residences. To address this, the Applicant plans to utilize a number of sound attenuation techniques in the kennel area to minimize potential noise impacts beyond the property boundaries. The existing hospital does not have any sound attenuation devices to reduce kennel noise; despite this, the Applicant has received no complaints from surrounding neighbors regarding noise impacts. As such, it is expected that the new kennel space with built-in sound barriers will not result in adverse noise impacts.

As mentioned previously, there will be not be a significant increase in the amount of traffic accessing the site, and therefore, no changes to neighborhood circulation are expected to occur. The general design of the site and building will be compatible with the nearby residential uses, having similar setbacks, building heights, and lot size. No other social impacts are anticipated as a result of the proposal. Since the Applicant purchased the hospital in 2001, there have been no complaints from neighbors regarding the operation of the business. Although the proposed expansion will result in a larger building on the site, it will not change the character of the site or the operation of the business. During the discussions held between the Applicant and adjacent property owners, no other potential social impacts were identified.

- o Energy impacts. There are no adverse energy impacts expected to occur as a result of the proposed expansion. In general, expansion of an existing building on a site that has existing public facilities provides an overall energy savings when compared to construction of a new building on a previously undeveloped site. Furthermore, the existing location of Midway

Veterinary Hospital in a rural setting provides convenient access (shorter vehicle trips) to the rural community it serves.

(3) To approve an exception under section (2) of this rule, a county must also show:

(c) That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.

Response

Uses adjacent to the Midway Veterinary Hospital include three single-family residences (one of which is currently vacant), and a number of small farms. Because the residences are located close to the site property lines, compatibility with those uses is of greatest concern. As mentioned previously, the Applicant plans to install sound barriers within new kennel space in order to avoid noise impacts to surrounding neighbors. In addition, the Applicant intends to add some vegetation along the west and north property lines to serve as a visual barrier. As part of the Site Design Review process, the county will review the screening and buffering standards to determine if additional vegetation or fencing at the property line is necessary. There will not be a significant increase in the number of vehicles accessing the site from Highway 30, and no changes to the current circulation patterns are proposed as part of the expansion. McGary Lane, which is a public easement on the Applicant's property, serves as a driveway to reach the parking area from the highway.

Although the expansion from 3,411 square feet to 6,000 square feet is considered urban development, the hospital will continue to use rural levels of public services. Water service is currently supplied by the city of Warren at consumption rates comparable to residential usages. The Applicant does not expect a significant increase in water consumption as a result of the proposed expansion and will continue to use the public water service. Solid waste disposal service will also continue to be provided by Hudson Garbage Service; the Applicant does not intend to make any changes to the current service arrangement as a result of the proposed expansion. The Midway Veterinary Hospital is an established use with existing public facilities and services, and the proposed expansion will not detract from the ability of the cities to continue those services.

The Midway Veterinary Hospital provides a large-animal service for the rural community, and as such, is compatible with the surrounding farm uses. The proposed expansion will include the addition of approximately 2,600 square feet of building area and on-site relocation of the septic drain field. As discussed in the previous section, there are no adverse impacts expected to occur as a result of the expansion and the hospital will continue to operate at levels appropriate to the rural surroundings. Therefore, the resource management of land in the vicinity of the site will not be altered and will continue at present levels.

(3) To approve an exception under section (2) of this rule, a county must also show:

(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; and

Response

The Midway Veterinary Hospital is an established use and currently has adequate levels of public facilities and services, including water, solid waste disposal, and transportation. This narrative has demonstrated that the proposed expansion will not result in a significant change in how these services are utilized. As such, appropriate levels of public facilities and services are currently available and can accommodate the proposed expansion.

(3) To approve an exception under section (2) of this rule, a county must also show:

(e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

Response:

Section III of this narrative provides a discussion of compliance with the relevant policies of the Columbia County Comprehensive Plan. As part of the Site Design Review process, the county will also review the proposed expansion for compliance with the Columbia County Zoning Ordinance. There are no other relevant plans for the site.

EXHIBIT A - PLANS
(PROVIDED SEPARATELY)

**EXHIBIT B -
NEIGHBORHOOD FLYER
&
PROPERTY OWNERS**

MIDWAY VETERINARY HOSPITAL
PROPOSED EXPANSION FACT SHEET

To Our Neighbors,

This fact sheet is being provided to give you some basic information about a proposed expansion at the Midway Veterinary Hospital. We want to work with our neighbors to address any questions or potential concerns you might have about the expansion. Dr. Fowler will be trying to meet with each of you personally to discuss this information. However, if he does not catch you at home, please feel free to contact him at your convenience.

Thanks for your consideration.

Dr. Lewis Fowler
34453 McGary Lane
(503) 397-6470

WHAT:

The Midway Veterinary Hospital is applying to Columbia County for approval to expand our business from 3,411 square feet to 6,000 square feet.

The expansion will provide larger exam rooms, expanded laboratory and administrative space, and additional kennel space.

The expansion will include sound barriers for the kennel space to minimize noise.

See the other side for an illustration of the proposed expansion.

WHY:

The clinic is crowded! Existing space has been maximized and we can no longer function efficiently.

Our clients are being inconvenienced by longer waiting times and lack of available space.

We need to expand to accommodate our clients and be a more economical business.

HOW:

We will be applying for land use approval from Columbia County Land Development Services in May.

The application will be reviewed by the county and by the Oregon Department of Land Conservation and Development (DLCD). Two public hearings will be held before a final decision is made.

As a property owner within 250 feet of the clinic, you will receive official notification from the county about the application and the public hearings.

The application will be available for public review and comment. Comment can also be given in person at the hearings.

Midway Veterinary Hospital
Job No. 776

Neighboring Properties within 250 feet of Property Line

Map# 4N1W19C0

Tax Lot 1500
56089 Columbia River Hwy
Spencer Grabhorn
56089 Columbia River Hwy.
Scappoose, OR 97056

Tax Lot 1802
34381 McCoy Estates Drive
Arthur & Pattie Kienholz
PO Box 919
Scappoose, OR 97056

Tax Lot 1900
56081 Highway 30
Steven Cowles
PO Box 1307
Scappoose, OR 97056

Tax Lot 2100
34433 McGary Lane
Mark and Kenda Ellis
34433 McGary Lane
Warren, OR 97053

Tax Lot 2300
34436 & 34440 McGary Lane
James and Mary Miller
34436 McGary Lane
Warren, OR 97053

Map# 4N1W30B0

Tax Lot 100
No Description Listed
Randal & Michelle Potter
6228 El Rey Dr.
Camas, WA 98607

Map# 4N1W19D0

Tax Lot 2201
56080 Columbia River Hwy.
Quentin & Amy Frugia
56080 Columbia River Hwy.
Warren, OR 97053

Tax Lot 2500
55998 Columbia River Hwy.
Norman & Janice Preheim
55998 Columbia River Hwy.
Warren, OR 97053

Map# 4N1W3000

Tax Lot 201
No Description
Columbia River PUD
Agent: Rick Lugar
PO Box 1193
St. Helens, OR 97051

Tax Lot 200
55878 Columbia River Hwy.
Michael Malarkey
PO Box 1186
Scappoose, OR 97056

**EXHIBIT C -
ODOT APPROACH
PERMIT**



Oregon

Theodore R. Kulongoski, Governor

Department of Transportatio

ODOT District 02.

5440 SW Westgate Drive Suite 35

Portland OR 9722

(503) 229-500

Fax: (503)297-605

edward.j.miller@odot.state.or.1

July 25, 2003

Louis Fowler
Midway Vet. Hosp.
34453 McGary Lane
Warren, OR 97055

Subject: Notification of Satisfactory Construction and Transmittal of Permit to Operate, Maintain and Use a State Highway Approach
Highway Number 002W, ((Lower) Columbia River [92]),
at Milepoint 24.62
Application Number 3002

Your approach has been satisfactorily constructed. ODOT can now issue the *Permit to Operate, Maintain, and Use a State Highway Approach*.

Upon notice from you, ODOT has inspected the completed approach and has determined that the approach was constructed in a satisfactory manner. Thus, a *Permit to Operate, Maintain, and Use an Approach* can be issued, and is enclosed.

NOTE: The approach(es) can now be legally used.

The effective period of the *Permit to Operate Maintain and Use an Approach* is set forth in OAR 734-051-0300, as follows:

734-051-0300

Effective Period of Permit to Operate, Maintain and Use an Approach

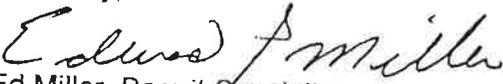
- (1) Except as otherwise provided in the Special Provisions, a Permit to Operate, Maintain and Use an Approach shall be in effect for an indefinite period of time from the date of issue of the Permit to Operate, Maintain and Use an Approach, unless:
- (a) Sooner revoked by mutual consent, or by the Region Manager for failure of the applicant to abide by the terms and conditions of the Permit to Operate, Maintain, and Use an Approach;
 - (b) There is a change in use of the approach, as set forth in OAR 734-051-0110;
 - (c) There is a significant increase in the volume of traffic using the approach, a change in the character of the traffic using the approach, or a change in the highway facility such that the approach can no longer be operated without undue conflict with other traffic, as set forth in OAR 734-051-0380;
 - (d) The highway facility is significantly improved to meet classification of the highway and the highway segment designation objectives, highway mobility standards, spacing standards and safety criteria that are inconsistent with the approach; or
 - (e) By other operation of law.

(2) The Permit to Operate, Maintain and Use an Approach, the privileges stated therein and the obligations of the applicant thereby shall be binding upon the successors and assigns of the applicant, including successors in interest to the property being served by the approach.

(3) The operation, maintenance, and use of an approach is subject to the control of the legislature over the state highway system. The Permit to Operate, Maintain, and Use an Approach shall not be deemed or construed to be beyond the power or authority of the legislature to control the state highway system. The applicant in accepting the Permit to Operate, Maintain, and Use an Approach acknowledges that the rights and privileges may be changed or relinquished by legislative action.

If you have any questions regarding the operation, maintenance or use of your approach(es), please contact me at (503) 229-5002. I welcome the opportunity to assist you.

Sincerely,


Ed Miller, Permit Specialist
ODOT District 02A, Maintenance Office

Attachments (*Permit(s) to Operate, Maintain and Use a State Highway Approach*)

PERMIT NO: 51469

PERMIT TO OPERATE, MAINTAIN AND USE A STATE HIGHWAY APPROACH

Oregon Department of Transportation

Application Id: 3002

Highway Number: 002W

MilePoint: 24.62

Reason for Request: Inventory Exist



Applicant Information

Name: **Louis Fowler**

Company: **Midway Vet. Hosp.**

Address: **34453 McGary Lane
Warren OR 97055**

Phone: **(503) 397-8470** FAX: **() -**

eMail:

Property Information

Address: **34463 McGary Lane
Warren OR 97055**

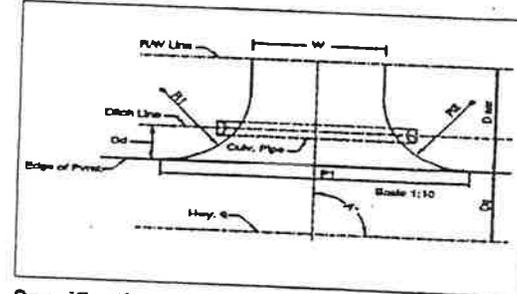
County: **Columbia** Township: **4N** Range: **1W** Section: **19**

Highway: **(Lower) Columbia Rive** Route: **US30**

MilePoint: **24.62** Engineering Station: **962+12** Side of Hwy: **L** Nat Forest?: **N**

Landmarks: **part of Gary Lane**

Plan View



Effective Period

A permit to operate, maintain and use an approach shall be in effect for an indefinite period of time unless:

- (a) revoked by mutual consent, or cancelled by the Regional Manager for failure of the applicant to abide by the terms and conditions;
- (b) there is a change in the use of the approach, as set forth in OAR 734-051-0110;
- (c) there is a current or potential safety or operational problem at the approach involving the volume of traffic using the approach, a change in the character of the traffic using the approach, or a change in the highway facility such that the approach can no longer be operated without due conflict with other traffic, as set forth in OAR 734-051-0380;
- (d) the highway facility is significantly improved to meet classification of the highway and the highway segment designation objectives, highway mobility standards, spacing standards and safety criteria that are inconsistent with the approach;
- (e) by other operation of law.

Failure of the applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit and may result in removal of the facility by the Oregon Department of Transportation.

The Permit is issued subject to the provisions of Oregon Administrative Rules 734-051-0010 through 734-051-0480, which are by reference made a part of this permit, and which are in effect at any particular time in the duration of the permit.

Specification

Width (W):	25.00ft	Angle (A):	90
Radius 1 (R1):	20.00ft	Radius 2 (R2):	20.00ft
Paving Limit (P1):	65.00ft	Paving Limit (P2):	20.00ft
Surf (Ds):	38.00ft	Ditch (Dd):	5.00ft
Culvert:	Corrugated metal	Diam:	15.00in
Sub Base Crse:		Len:	40.00ft
Base Crse:		Thickness:	
Level Crse:		Thickness:	
Wear Crse:		Thickness:	

Maintenance of Approach

Prior to performing any maintenance work on the approach, which will interfere with or interrupt traffic upon or along the highway, the applicant shall obtain approval and necessary permits from the District Office. In all cases where traffic signals have been required, signal maintenance will be performed by the Oregon Department of Transportation or as assigned by a Cooperative Cost Agreement.

Property Owner Information

Name: **Louis Fowler**

Company: **Midway Vet. Hosp.**

Address: **34453 McGary Lane
Warren OR 97055 USA**

Phone: **(503) 397-8470** FAX: **() -**

eMail:

Tax Lot Information

2000

This permit is not valid until signed by a duly authorized representative of the Oregon Department of Transportation.

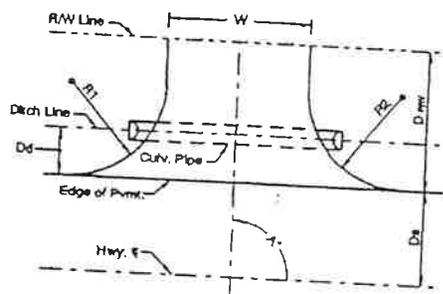
Authorized ODOT Signature

Eduard J. Miller

Date

7-25-03

Type A - Ditch Section Approach Road



Plan Drawing and Dimensions

See Page One for Approach Road Dimensions.

Pipe ends sloped at 1: _____

Note: Slope ends of culverts within the clear zone as follows:
 Posted speeds < 45 mph - 1:4
 Posted speeds > 45 mph - 1:6

Safety End Section sloped at 1: _____

Note: Culvert pipes that are parallel to the road, and in the clear zone, with diameters >600 mm require Safety End Sections with safety bars.

Standard Drawing References

Refer to the following Standard Drawings for all "Type A" Permits:

1. Standard Drawing:
RD300: Pipe Backfill/Compaction.
2. When Metal Pipes are used, refer to Standard Drawing:
RD309: Sloped Ends for Metal Pipe
RD318: Safety End Section for Metal Pipe
RD354: Coupling Bands
3. When Concrete Pipes are used, refer to Standard Drawing:
RD312: Sloped Ends for Concrete Pipe.
RD321: Safety End Section for Concrete Pipe.
4. For profile, slope, surfacing, refer to Standard Drawing:
RD715: Approaches and Non-Sidewalk Driveways.

Notes:

Concrete Culvert Pipe - Use Class V reinforced concrete pipe.

Metal Culvert Pipe - Use 2.01 mm thkn. aluminized steel pipe.

Submit Alternate Pipe Materials for review and approval, to District Manager or designated representative.

- Dc = This is an old dimension replaced by Ds
- Ds = Distance from Roadway Centerline to Edge of Pavement at approach
- Dd = Distance from EP to Ditch
- Dr/W = Distance from Edge of Pavement to Right-of-Way line
- Dd = Distance from Edge of Pavement to Centerline of driveway pipe
- Dp = This is an old dimension replace by Ds
- K = Distance from back of curb to back of driveway
- W = Width
- P1 = Paving Limit 1
- P2 = Paving Limit 2
- R1 = Radius 1
- R2 = Radius 2
- A = Angle of approach
- CL = Centerline

FERRIS HIGHWAY ASSOCIATION		PROJECT NUMBER	SHEET NO.
REGION 10	OREGON DIVISION		

PERMIT NO: 51469

PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY

Oregon Department of Transportation



Application Id: 3002 Highway Number: 002W MilePoint 24.62

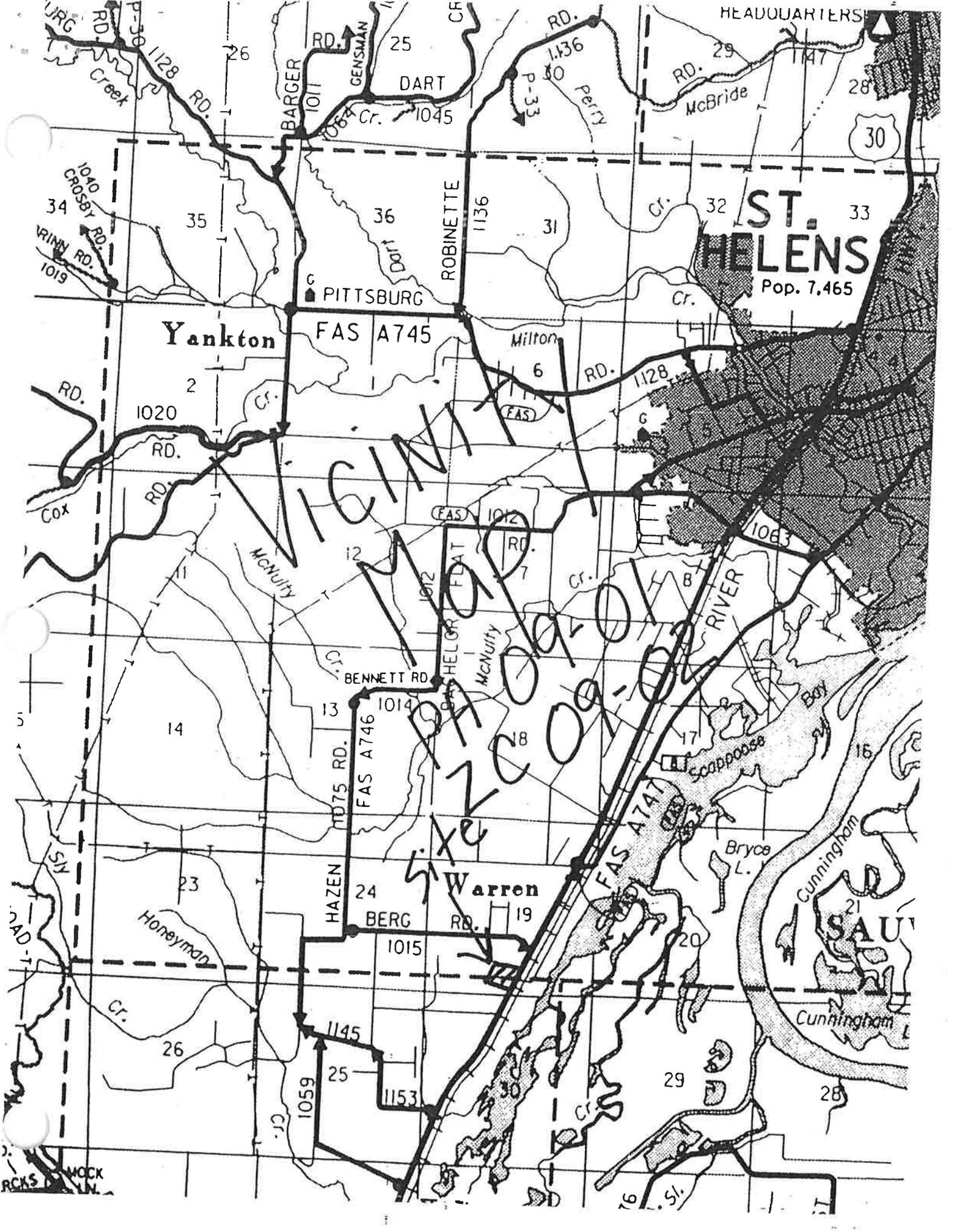
PROVISIONS

Reason for Request: Inventory Exist

Applicant: Louis Fowler

Company: Midway Vet. Hosp.

- 150.101 The permit and all specifications, details, typical drawings and standard drawings attached to the permit shall take precedence over all plans, drawings and specifications produced by the Architect or Engineer representing the Applicant or Contractor.
- 150.403 Applicant is responsible for maintaining existing structures, including fences, unless otherwise directed by the District Manager or his representative inspection.
- 150.411 Applicant (or agent) shall have on the job site, at all times, a copy of the permit and all attachments. The permit shall be readily available for inspection.
- 150.501 The permitted work is located within the Oregon Utility Notification Center (OUNC) area. The OUNC is a utilities notification system to notify owners of utilities about excavation work performed in the vicinity of their facilities. The utilities notification system telephone number is 1-800-332-2344.
- 150.701 Maintain all existing highway signs. If any signs are damaged due to Contractor's operation, replace those signs before the end of that work shift. Avoid operations whose methods, conditions, or timing may injure people or damage properties. Damage includes staining surfaces with such things as mud and asphalt. When damage occurs, the District Manager will determine if it is to be corrected by repair, replacement, or compensatory payment. If compensatory payment is required, the District Manager will determine the amount.
- 150.702 Do not park on state right-of-way unless permitted by the District Manager. Comply with ORS 810.230, 810.180.
- 150.703 Remove all dirt and debris from the highway at the end of each work shift or more frequently if a hazard to the traveling public exists or as directed by the District Manager.
- 280.101 All grass and small brush, within the work area, shall be rotary or flail mowed to ground level prior to any excavation. ORS 570.570 Necessitates the duty to thoroughly clean machinery before moving said machinery over any public road or from one farm to another. All hay, straw or other crop residue infested with noxious weeds described in ORS 570.515 to 570.600 having partially or fully formed seeds shall not be moved from the land on which grown.
- 320.401 During construction, any ground that is disturbed shall have any plants designated as noxious weeds removed or sprayed using the "best practices" as set out by the Oregon Department of Agriculture.
- 330.001 All rock shall be produced from an ODOT Certified material source.
- 330.411 Native material found to be unsatisfactory for compaction shall be disposed off of the project and Department controlled property. The site shall be shaped to drain, contoured, trimmed and seeded with native grasses in a manner satisfactory to the District Manager.
- 749.001 Construct mailbox turnouts in conformance with Standard Drawing RD 100.



ST. HELENS
Pop. 7,465

Yankton

Warren

FAS A745

FAS A746

FAS A747

BENNETT RD.

HAZEN RD.

BURG RD.

ROBINETTE

MILTON

MILTON RD.

1059

1145

1153

1015

1014

1012

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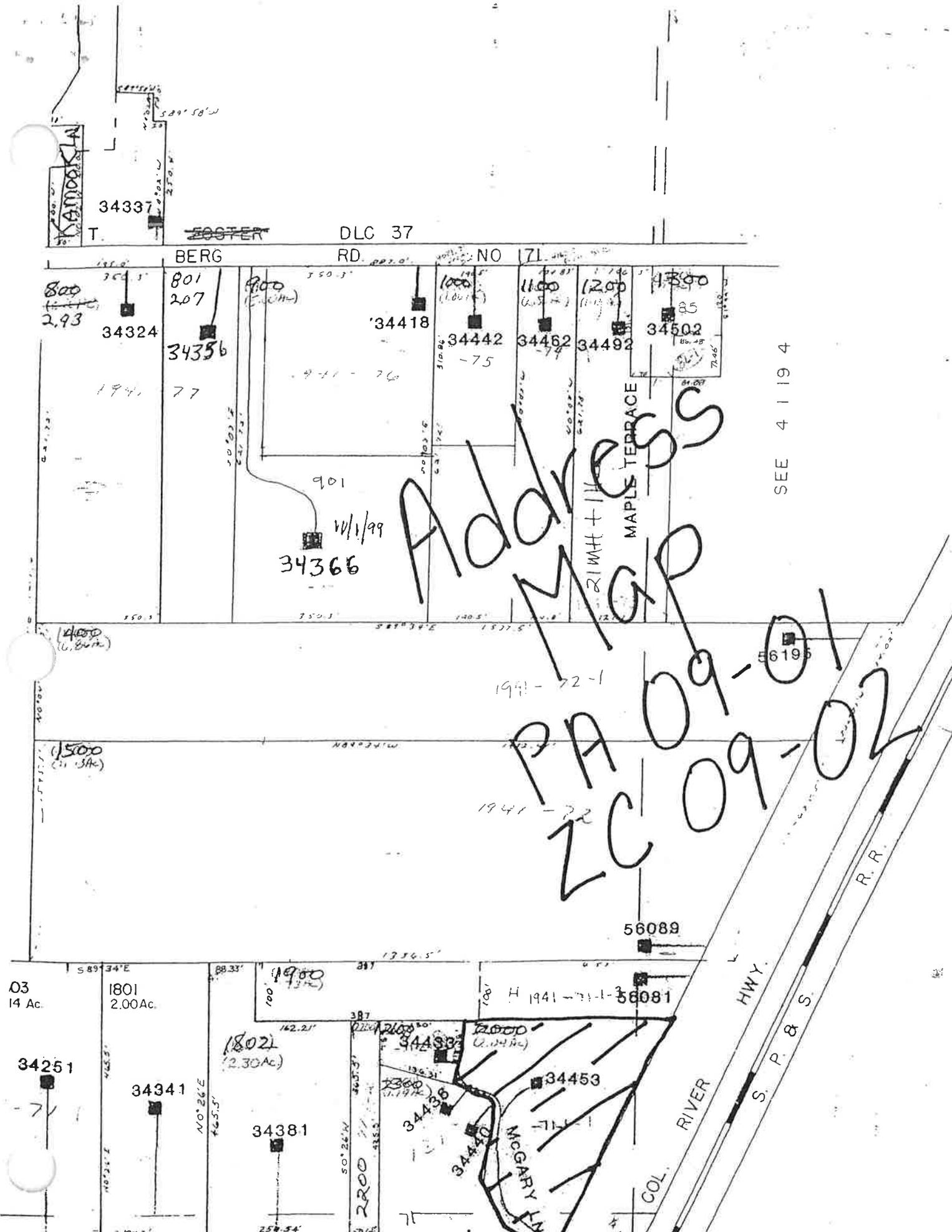
1020

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HEADQUARTERS

30

MOCK
RCKS



34337

BERG RD NO 171

800
2.93
34324

801
207
34356
77

900
34418
34442
-75
901
11/1/99
34366

1000
34462
-79

1100
34492

1200
34502

1300
85
34502

Address Map

21 W H + 11
MAPLE TERRACE

SEE 41194

PA 09-01
ZC 09-02

03
14 Ac.

1801
2.00 Ac.

34251

34341

1900
387
1802
(2.30 Ac)

34381

34433
34436
34440

34453

MCGARY LN

56089

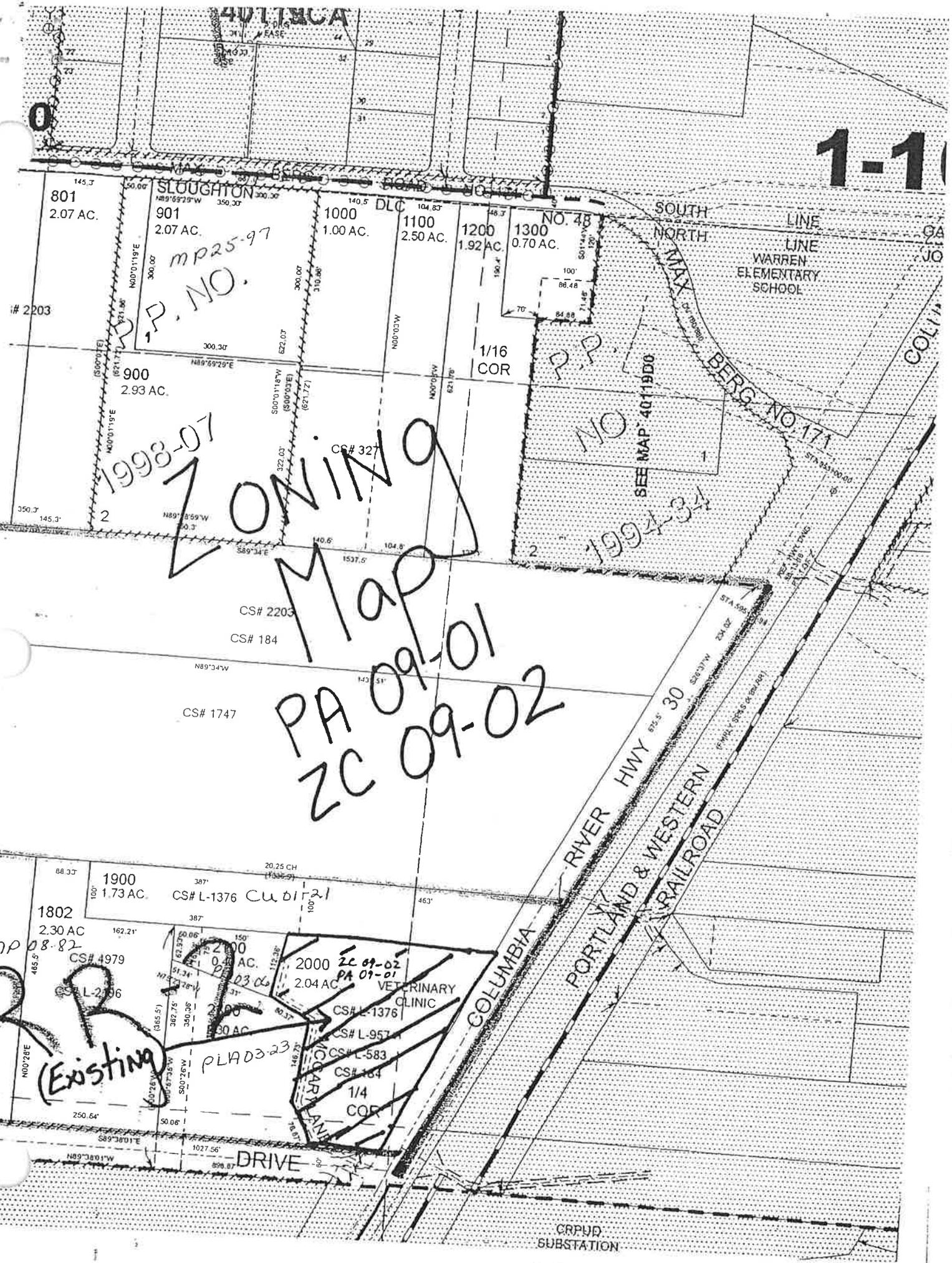
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COL. RIVER

S. P. & S. HWY.

R. R.

1-1



1-1

801
2.07 AC.

901
2.07 AC.

1000
1.00 AC.

1100
2.50 AC.

1200
1.92 AC.

1300
0.70 AC.

SOUTH
NORTH
LINE

WARREN
ELEMENTARY
SCHOOL

2203

MP 25-97
P. NO.

1998-07

ZONING
Map

PA 09-01
ZC 09-02
(Proposed)
E.C.

SEE MAP 40-1900

1994-34

CS# 2203
CS# 184

CS# 1747

1900
1.73 AC.

CS# L-1376
Cu 0121

1802
2.30 AC.

CS# 4979
L-206

2000
2.04 AC.

ZC 09-02
PA 09-01
VETERINARY
CLINIC

CS# L-1376

CS# L-957

CS# L-583

CS# 164

1/4
COR

PLH05-23

DRIVE

COLUMBIA RIVER HWY 30
PORTLAND & WESTERN
RAILROAD

CRPUD
SUBSTATION

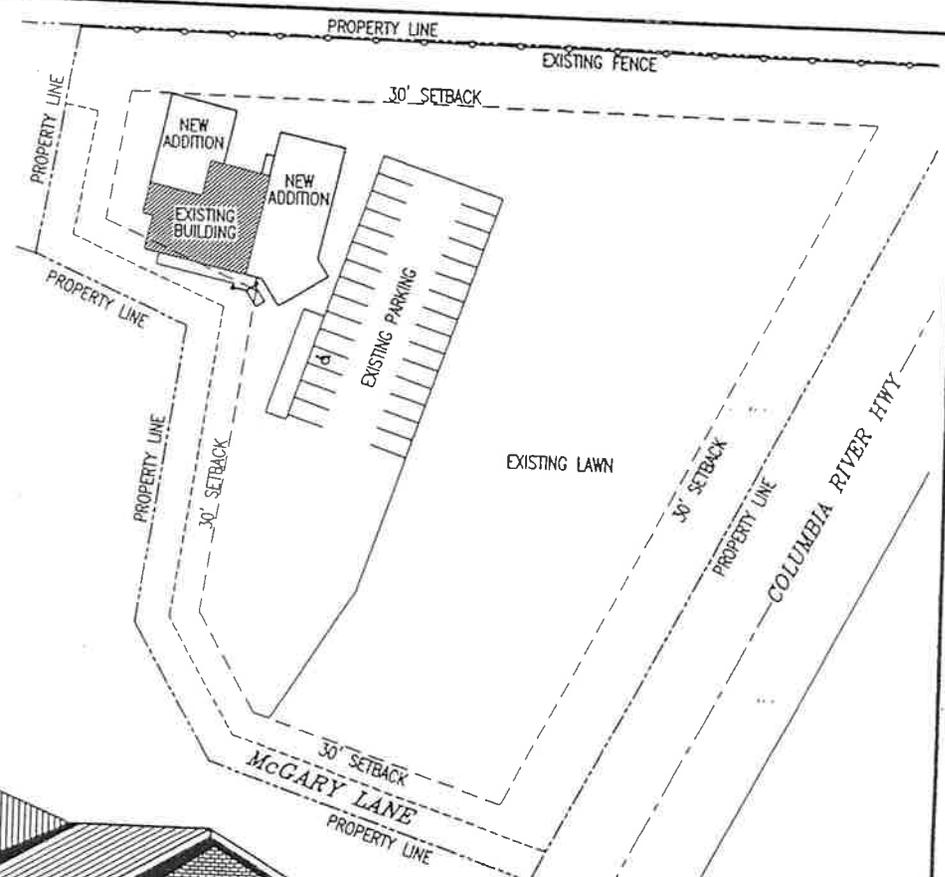
C.

mp 08-82

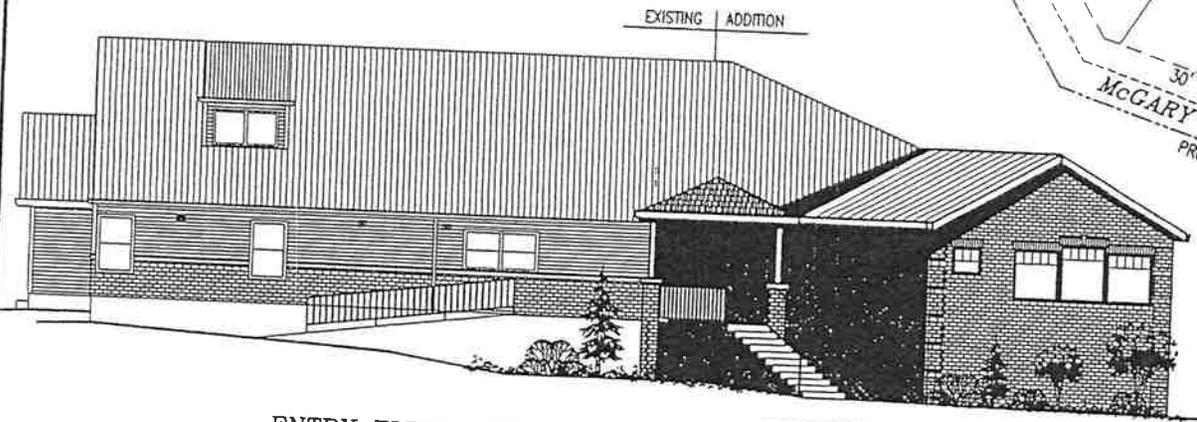
RR

S

MIDWAY VETERINARY HOSPITAL



SITE PLAN
SCALE: NOT TO SCALE



ENTRY ELEVATION
SCALE: NOT TO SCALE

Lower
Columbia
Engineering

Phone (503) 366-0399

MIDWAY VETERINARY HOSPITAL	
REMODEL/ADDITION-SITE/ELEVATION	
SCALE: NTS	DATE: 4/28/09
BY: CAR	NO. A-776-1000-01