

UGB

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

|   |   |                      |
|---|---|----------------------|
| In the Matter of an Application by Columbia | ) |                      |
| City for a Major Map Amendment to Expand    | ) | ORDINANCE No. 2010-9 |
| the City's Urban Growth Boundary by         | ) |                      |
| Approximately 6.04 Acres                    | ) |                      |

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2010-9.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 201.035, ORS 203.045, and ORS 197.175.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve application PA 10-01 by Columbia City for a Comprehensive Plan and Zoning Map Amendment to allow for an approximately 6-acre expansion of Columbia City's Urban Growth Boundary. Specifically, this Ordinance changes the Comprehensive Plan Map designation of 1.6 acres of Forest Conservation and 4.4 acres of Surface Mining to UGB. This Ordinance also changes the Zoning Map designation of the approximately 1.8-acre buildable portion of parcels to Single Family Residential (R-10) and the remainder to Community Service Recreation (CS-R) until those parcels are annexed into the City.

SECTION 4. HISTORY.

Following proper notice, this matter came before the Columbia County Planning Commission (Planning Commission) for a public hearing on August 16, 2010 and before the Board of County Commissioners (Board) on October 6, 2010. Following the October 6, 2010 hearing, the Board closed the record for submittal of new evidence and testimony. The Board then deliberated and voted to tentatively approve the application. The Board continued the matter to October 13, 2010 and then to October 20, 2010 for the first reading of this Ordinance.

SECTION 5. FINDINGS AND CONCLUSIONS.

The Board of County Commissioners adopts the findings of facts and conclusions of law in the Staff Report dated September 29, 2010, attached hereto as Attachment A, and incorporated herein by this reference.

///

SECTION 6. AMENDMENT AND AUTHORIZATION.

1. The Columbia County Comprehensive Plan Map designation for the approximately 1.6-acre property (Tax Lot 5121-000-00417) is hereby amended from Forest Conservation to Urban Growth Boundary.
2. The Columbia County Comprehensive Plan Map designation for the approximately 4.4-acre property (Tax Lot 5121-000-00200) is hereby amended from Surface Mining to Urban Growth Boundary.
3. As part of its approval of PA 10-01, the Board of County Commissioners hereby imposes the following conditions:
  - (a) The applicant shall submit a surveyed map to the County indicating the  $\pm$  1.8 acres of buildable land and the remaining  $\pm$  4.2 acres of unbuildable land; and
  - (b) The buildable land shall be zoned Single-Family Residential (R-10) and the remainder shall be zoned Community Service-Recreational (CS-R).

SECTION 9. SEVERABILITY.

If any portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent portion, and such holdings shall not affect the validity of the remaining portion of this ordinance.

SECTION 10. EMERGENCY CLAUSE.

This Ordinance, being immediately necessary for the health, safety and welfare of the citizens of Columbia County, an emergency is declared to exist, and it shall become effective upon adoption.

DATED this 20<sup>th</sup> day of October, 2010.

Approved as to Form  
By: [Signature]  
Office of County Counsel

Recording Secretary  
By: [Signature]  
Jan Greenhalgh, Recording Secretary

First Reading: 10-20, 2010  
Second Reading: 10-20, 2010  
Effective Date: 10-20, 2010

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: [Signature]  
Anthony Hyde, Chair

By: [Signature]  
Earl Fisher, Commissioner

By: [Signature]  
Rita Bernhard, Commissioner

## Attachment A

### COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS STAFF REPORT September 29, 2010

#### Comprehensive Plan Map Amendment City of Columbia City UGB Expansion

**HEARING DATE:** October 6, 2010

**FILE NUMBER:** PA 10-01

**APPLICANT:** City of Columbia City  
P.O. Box 189  
Columbia City, OR 97018

**OWNER:** Wayne and Judith Weigandt  
365 South Columbia River Highway  
St. Helens, OR 97051

**PROPERTY LOCATION:** The (two) subject properties consist of ± 6.04 acres and are located at the north end of Columbia City, directly west of the city limits, and accessed from both 6<sup>th</sup> Street, at its intersection with Lincoln Street, and Yakima Court.

**REQUEST:** A post acknowledgment plan amendment (PAPA) to expand the City of Columbia City's Urban Growth Boundary (UGB) by approximately 6.04 acres. This request will amend the County's Comprehensive Plan Map from Surface Mining (SM) and Forest Conservation to the City of Columbia City's Urban Growth Boundary (UGB) and the County's Zoning Map from Surface Mining (SM) and Forest-Agriculture (FA-19) to Single-Family Residential (R-10) and Community Service-Recreation (CS-R).

**TAX LOTS:** 5121-000-00200 and 5121-000-00417

**PRESENT COMPREHENSIVE PLAN DESIGNATION:** Surface Mining (Tax Lot 200)  
Forest Conservation (Tax Lot 417)

**PROPOSED COMPREHENSIVE PLAN DESIGNATION:** Urban Growth Boundary (UGB)

**PRESENT ZONING:** Surface Mining (SM) (Tax Lot 200)  
Forest Agriculture (FA-19) (Tax Lot 417)

**PROPOSED ZONING:** Until Future Annexation Into the City  
Interim Zoning: Single-Family Residential (R-10) (1.8 acres of identified buildable area) and Community Service-Recreation (CS-R) (remaining ± 4.2 acres)

| <b>APPLICABLE REVIEW CRITERIA:</b>  |   | <u>Page</u> |
|---|---|-------------|
| <u>Columbia County Zoning Ordinance</u>   |   |             |
| Section 1502  | Zone Changes (Map Amendments)                                       | 5           |
| Section 1603  | Quasi-judicial Public Hearings                                      | 7           |
| Section 1605  | Zone Change - Major Map Amendment                                   | 8           |
| Section 1607  | Consistency with the Comprehensive Plan                             | 9           |
| Section 1608  | Notice of Quasi-judicial Hearing                                    | 9           |
| <u>Columbia County Comprehensive Plan Policies</u>                                |   |             |
| Part II   | Citizen Involvement   | 10          |
| Part III  | Planning Coordination   | 10          |
| Part IV   | Forest Lands  | 10          |
| Part V  | Agriculture   | 10          |
| Part VI   | Housing   | 11          |
| Part IX   | Urbanization  | 13          |
| Part XIV  | Public Facilities and Services                                      | 29          |
| Part XVI  | Goal 5: Open Space, Scenic and Historic Areas and Natural Resources | 31          |
| Part XVII   | Recreation Needs  | 34          |
| Part XVIII  | Air, Land, and Water Resources                                      | 35          |
| Part XIX  | Natural Disasters and Hazards                                       | 35          |
| <u>Oregon Administrative Rule Division 8 - Interpretation of Goal 10: Housing</u> |   |             |
| OAR 660-008-0010  | Allocation of Buildable Lands                                       | 38          |
| <u>Oregon Revised Statute</u>   |   |             |
| ORS 197.307   | Effect of need for certain housing in urban growth areas            | 38          |
| <u>Oregon Administrative Rules Division 24 - Urban Growth Boundaries</u>          |   |             |
| OAR 660-024-0040  | Land Need   | 40          |
| OAR 660-024-0050  | Land Inventory and Response to Deficiency                           | 41          |
| OAR 660-024-0060  | Boundary Location Alternative Analysis                              | 42          |
| <u>Oregon Revised Statutes</u>  |   |             |
| ORS 197.298   | Priority of Land to be included<br>within Urban Growth Boundaries   | 46          |
| Oregon's Statewide Planning Goals   |   | 48          |
| Comments  |   | 52          |
| Conclusions and Recommendations   |   | 53          |

## **BACKGROUND & SUMMARY:**

The City of Columbia City proposes a County Comprehensive Plan Map Amendment for approximately six acres of land from Forest Conservation and Surface Mining to Urban Growth Boundary (UGB). The six acre site consists of a  $\pm$  1.6 acre Forest Agriculture (FA-19) zoned property and a  $\pm$  4.4 acre Surface Mining (SM) zoned property. Currently, the FA-19 property is vacant and the SM property is developed with one single-family residence.

This Urban Growth Boundary expansion is requested to accommodate Columbia City's projected 2030 housing needs based on 2030 population projections prepared by the Portland State University Population Research Center and adopted by both Columbia County and the City. Between 2010 and 2030, it is anticipated that Columbia City will need an additional 183 dwelling units. Based on the City's Housing Needs Analysis and Buildable Lands Inventory, the City has determined that they can accommodate all but five single-family residential units within the existing city limits and urban growth boundary. As such, an urban growth boundary expansion, consistent with Goal 14 and all other applicable State criteria, is necessary to meet the City's projected housing needs. The six acres proposed for inclusion within the urban growth boundary can accommodate four of the five needed units.

The subject property is located adjacent to the northwest corner of the city limits and has access to both Yakima Court and 6<sup>th</sup> Street (paved, city streets). The site is relatively flat near said roadways, but slopes significantly westward toward McBride Creek along the sites northwest and west property lines. Due to topographic constraints associated with the site, ELD Engineering has determined that only  $\pm$  1.8 acres of the site are buildable. The property owner, Wayne Weigandt, intends to dedicate the  $\pm$  4.2 acres of land not suited for development to the City for use as a park/open space and for development of a recreational trail along McBride Creek.

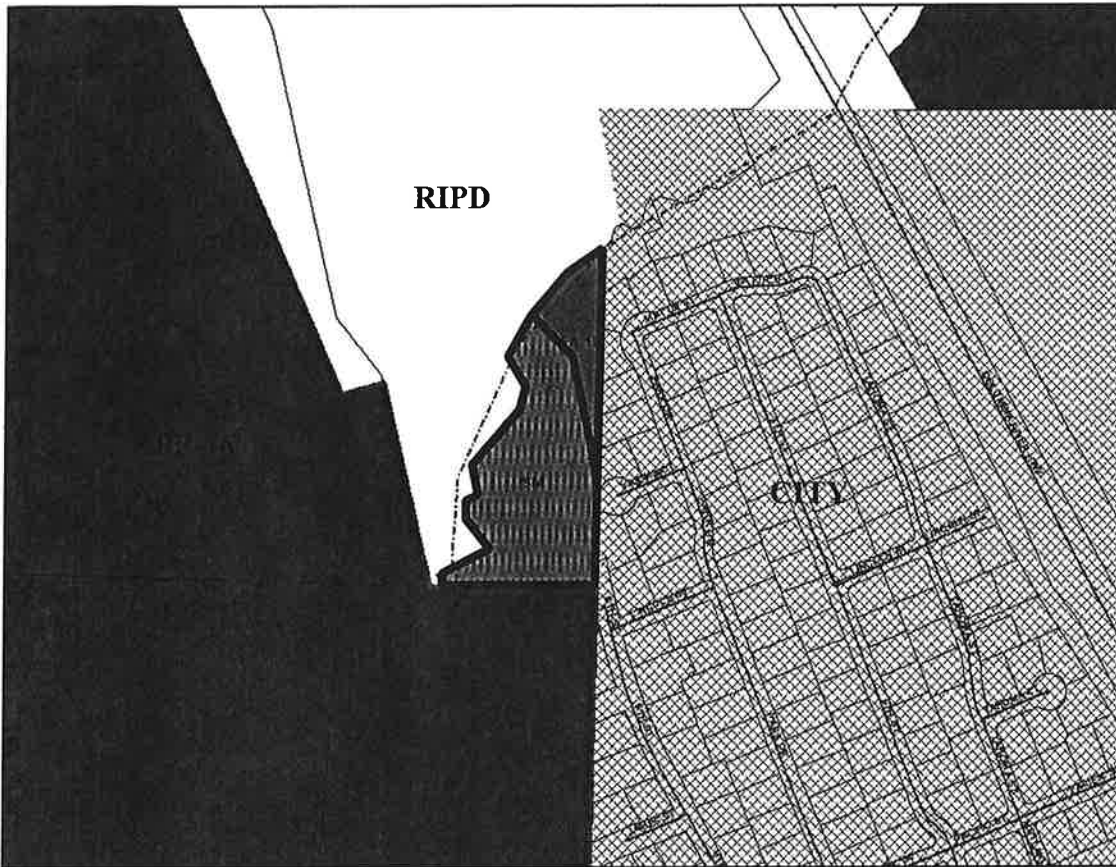
Upon annexation, the City plans to zone the buildable (approximate) 1.8 acres Low Density Residential (R-1) and the remaining  $\pm$  4.2 acres as Public Land (PL). Consistent with the City's plans, the County proposes the following interim zoning for the site:  $\pm$ 1.8 acres as Single-Family Residential (R-10) and  $\pm$  4.2 acres as Community Service-Recreation (CS-R).

Through an analysis of the properties surrounding the existing Columbia City Urban Growth Boundary, the City has determined that the subject properties are the only properties within the vicinity eligible for development. Properties north of Columbia City are zoned Resource Industrial Planned Development and are separated from the City by McBride Creek and significant slopes, properties south of the City are within the City of St. Helens, or separated from the City by wetlands, properties west of the City are topographically constrained by significant slopes, and the eastern city limits coincide with the Columbia River. A more detailed evaluation concerning the Boundary Location Analysis will be discussed later in this report.

UGB expansions are authorized by the State of Oregon's Planning Goal 14 related to Urbanization, Oregon Administrative Rules and Oregon Revised Statutes. Planning Goal 14 requires cities and counties to jointly establish and maintain urban growth boundaries to provide for an 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



## Zoning Map - PC Maps (2010)



Beginning with the Columbia County Zoning Ordinance:

### **Section 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 is presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
- B. Final approval of a Major Map Amendment may be given by the Board of Commissioners. The Commissioners shall hold a hearing on the proposed Zone Change either concurrently or following a hearing on the proposed Comprehensive Plan Amendment which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Board may approve a Major Map Amendment provided they find adequate evidence has been presented substantiating the following:
1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
  2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
  3. The property and affected area is presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

**Finding 1:** The applicant is requesting approval of a Post Acknowledgment Plan Amendment (PAPA) application which will change the Comprehensive Plan Map from Surface Mining and Forest Conservation to Urban Growth Boundary (UGB). Resource zoning designations (FA-19 and SM) are not appropriate within the UGB. Therefore, interim County zoning is proposed to reflect Columbia City's plans for the subject property. Approximately 1.8 acres identified by the applicant as buildable is proposed to be zoned Single-Family Residential (R-10), and the remaining ± 4.2 acres is proposed to be zoned Community Service Recreation (CS-R). The City of Columbia City has stated that they have plans to rezone the property once the site is annexed into the city limits. If annexation is approved by the City of Columbia City, approximately 1.8 acres of the site will be rezoned to Low Density Residential (R-1) and approximately 4.2 acres rezoned to Public Land (PL). The proposed UGB expansion will be processed as a Major Map Amendment because the request will require the official Comprehensive Plan Map to be amended to reflect the proposed new UGB. Major Map Amendments are first heard by the Planning Commission, where a recommendation is made and then forwarded on to the Board of County Commissioners. The Planning Commission heard the matter at their August 16, 2010 meeting and voted unanimously to recommend approval of the proposed UGB expansion. The Board will review all testimony and make a decision to approve, approve with conditions, or deny the application at their October 6, 2010 Board meeting.

Consistency with the policies of the Comprehensive Plan and the Oregon Statewide Planning Goals are reviewed throughout this report. The goals and policies of the Comprehensive Plan are addressed



in Findings 6 - 34 and the Statewide Planning Goals are addressed in Finding 45.

Likewise, the availability and adequacy of facilities and services necessary to support the proposed urban growth boundary expansion are discussed through the analyses of the proposal's consistency with the County's Comprehensive Plan and Oregon Statewide Planning Goals. In summary, however, Staff finds that adequate facilities and services are within the general vicinity of the site and are planned to be extended to the site at the time of development. City water is already provided to the existing residence on tax lot 5121-000-00200. New development of the site will include the extension of existing sewer and water lines, located at the ends of 6<sup>th</sup> Street and Yakima Court, the installation of a fire hydrant on 6<sup>th</sup> Street, and extensions of underground utilities, including but not limited to power and communication lines. Yakima Court and 6<sup>th</sup> Street, both City streets, provide direct access to the subject properties. As per the Columbia City Transportation System Plan (TSP), these roadways are operating at an acceptable level of service and are anticipated to operate as such at least through the year 2016. Utilities are provided to the site by the People's Utility District (PUD) and emergency services are provided to the site by Columbia River Fire and rescue and (upon annexation) the City of Columbia City's Police Department. The St. Helens School District provides educational services to those residing in Columbia City. Comments from said agencies indicate that public facilities and services are sufficient to accommodate the urban growth boundary expansion.

Continuing with Columbia County Zoning Ordinance:

**Section 1603 Quasi-judicial Hearing** As provided elsewhere in this ordinance, the Hearings Officer, Planning Commission, or Board of Commissioners may approve certain actions which are in conformance with the provisions of this ordinance. Zone Changes, Conditional Use Permits, Major Variances, and Temporary Use Permits shall be reviewed by the appropriate body and may be approved using the following procedures:

- .1 The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Planning Department. The application shall be reviewed for completeness and the applicant notified in writing of any deficiencies. The application shall be deemed complete upon receipt of all pertinent information. If an application for a permit or zone change is incomplete, the Planning Department shall notify the applicant of exactly what information is missing within 5 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of this section upon receipt by the Planning Department of the missing information.  
[effective 7-15-97]
- .2 Once an application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission or Hearings Officer. The Director will publish a notice of the request in a paper of general circulation not less than 10 calendar days prior to the scheduled public hearing. Notices will also be mailed to adjacent individual property owners in accordance with ORS 197.763.  
[effective 7-15-97]

[**Note:** ORS 197.763 requires 20 days notice (or 10 days before the first hearing if there will be 2 or more hearings), and that notice be provided to property owners within 100' (inside UGBs), 250' (outside UGBs), or 500' (in farm or forest zones).]

- .3 At the public hearing, the staff, applicant, and interested parties may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved, or what modifications are necessary for approval. [effective 7-15-97]
- .4 Approval of any action by the Planning Commission at the public hearing shall be by procedure outlined in Ordinance 91-2. [effective 7-15-97]

**Finding 2:** Columbia City submitted an application for the subject urban growth boundary expansion on May 26, 2010. The application was deemed complete on June 16, 2010 and scheduled to be heard at the Planning Commission's August 2, 2010 meeting. The 45-day notice was also mailed to the Department of Land Conservation and Development (DLCD) on June 16, 2010. Notice of this application was mailed to surrounding property owners within 100 feet of the subject site on July 1, 2010. Finally, notice of the application and public hearing was published in the *Spotlight*, *Chronicle*, and *Daily News* on July 21, 2010 and July 28, 2010. The first notice was published at least 10 calendar days prior to the August 2, 2010 public hearing date. Based on comments received from the State (DLCD) and the need for additional information from the applicant, Staff requested a continuance of the case from the August 2<sup>nd</sup> Planning Commission meeting to the August 16, 2010 meeting. The Planning Commission approved the continuance and heard the case at their August 16, 2010 meeting, where they forwarded a recommendation of approval (of the application) to the Board of County Commissioners. Notification of the October 6, 2010 Board Hearing date was published in the *Chronicle* on September 22, 2010. Likewise, notification of said hearing was mailed to surrounding property owners on September 22, 2010. Public notification and hearing procedures as outlined by Section 1603 for Quasi-judicial hearings and Ordinance 91-2 were followed for this proposal.

Continuing with Columbia County Zoning Ordinance:

**Section 1605            Zone Change - Major Map Amendment:**

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

**Finding 3:** The hearing for this PAPA application is a Major Map Amendment and will follow the previously mentioned procedures. The Planning Commission held a public hearing and made a recommendation to the Board of Commissioners. The Board of Commissioners is scheduled to hold a hearing and make a formal decision to allow, allow with conditions, or prohibit the UGB expansion.

Continuing with Columbia County Zoning Ordinance:

**Section 1607**            **Consistency with the Comprehensive Plan:**

All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1     The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

**Finding 4:** The scope of review for a PAPA application is specifically limited by state law and OAR Chapter 660, Division 04. The applicant proposes to amend the Comprehensive Plan Map's designation of the site to UGB to allow the site to be annexed into the City of Columbia City for future residential and recreational development. Until annexation, interim County zoning designations will be applied to the site. The 1.8 acre buildable area as identified by the applicant will be zoned R-10 and the remaining ± 4.2 acres will be zoned CS-R. Notice of the Planning Commission hearing followed the procedures set forth in Sections 1603 and 1608 of the County's Zoning Ordinance. Notice of the Board of Commissioners hearing will also follow the procedures of Section 1608.

Continuing with Columbia County Zoning Ordinance:

**1608**   **Contents of Notice:** Notice of a quasijudicial hearing shall contain the following information:

- .1     The date, time, and place of the hearing;
- .2     A description of the subject property, reasonably calculated to give notice as to the actual location, including but not limited to the tax account number assigned to the lot or parcel by the Columbia County Tax Assessor;
- .3     Nature of the proposed action;
- .4     Interested parties may appear and be heard;
- .5     Hearing to be held according to the procedures established in the Zoning Ordinance.

**Finding 5:** Notice of the Planning Commission's public hearing was published in the *Spotlight, Chronicle*, and *Daily News* on July 21, 2010 and July 28, 2010, and contained all information required by Section 1608 of the Columbia County Zoning Ordinance. Notice of the Board of Commissioners' public hearing was published in the *Chronicle* on September 22, 2010 and also contained all information required by Section 1608 of the County's Zoning Ordinance.

Continuing with the Columbia County Comprehensive Plan:

**PART II      CITIZEN INVOLVEMENT**

The Goals and Policies of Part II of the Comprehensive Plan require opportunity for citizens to be involved in all phases of the planning process.

**Finding 6:** 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 in Findings 2 and 5 above and under Part III of the Comprehensive Plan discussions. Additionally, the St. Helens-Columbia City Citizen Planning Advisory Committee was notified of the proposed urban growth boundary expansion. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan:

**PART III      PLANNING COORDINATION**

Part III of the Comprehensive Plan requires coordination with affected governments and agencies.

**Finding 7:** 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 DLCDC, the St. Helens-Columbia City CPAC members, affected property owners, and other relevant governmental entities. Any and all comments, received as of the date of this report, are discussed under COMMENTS RECEIVED below.

Additionally, this Comprehensive Plan Map Amendment is subject to the Quasi-judicial public hearing process and is 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 took place on August 16, 2010, and the Board of County Commissioners are scheduled to hear the case at their October 6, 2010 meeting. All of these requirements have been satisfied through the public notice process.

Continuing with the Columbia County Comprehensive Plan:

**PART IV      FOREST LANDS**

GOAL:            To conserve forest lands for forest uses.

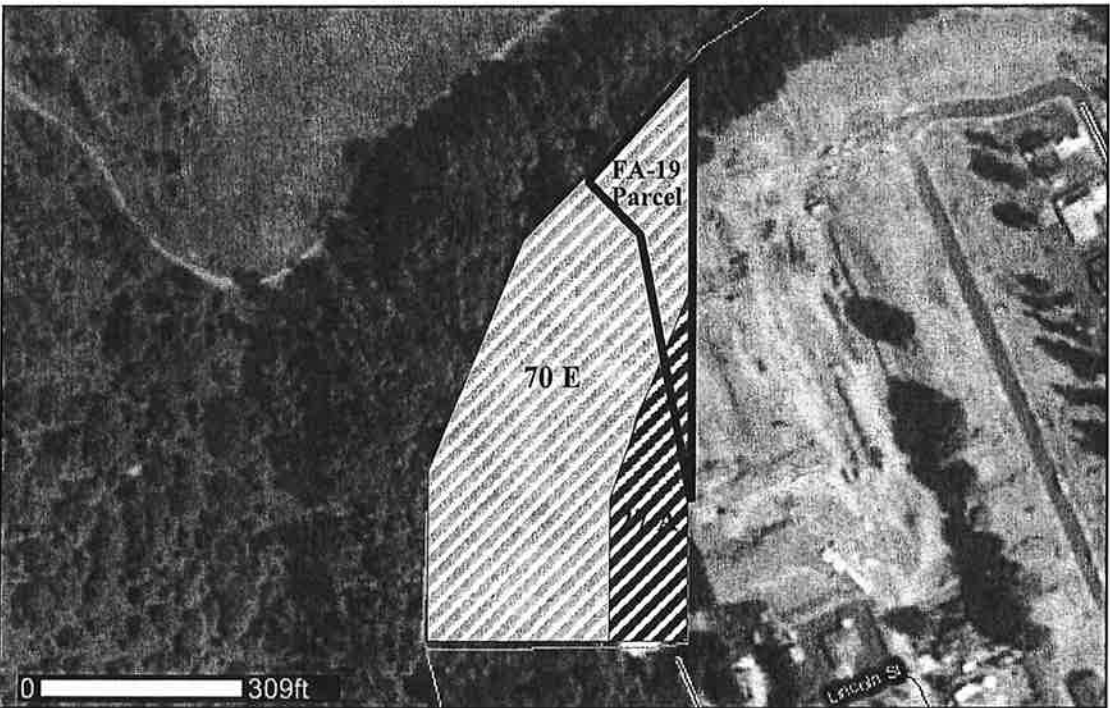
**PART V      AGRICULTURE**

GOAL:            To preserve agricultural land for agricultural uses.

**Finding 8:** The requested urban growth boundary expansion proposes inclusion of a ± 4.4 acre SM zoned property and a ± 1.6 acre FA-19 zoned property. The FA-19 zoned property consists of Latourell silt loam, 0 to 3 percent slopes (27A) and Xerochrepts, steep (70E) soils (see map below).

According to the Soil Survey of Columbia County, Latourell silt loam soils are not particularly suited to Douglas Fir production, but are identified as prime agricultural soils, and Xerochrepts soils have a variable index for Douglas Fir production. Due to the soil types, the FA-19 parcel is not suited for forestry use, nor is it suited for agricultural use due to the presence of steep slopes down to McBride Creek and the small 1.6 acre parcel size. Management of this property for forest or agricultural production is not feasible. As the subject property is not used for forest and/or agricultural operations and is not anticipated to be used as such in the future, adding the ± 1.6 acre property to the Urban Growth Boundary does not contradict the Forest Lands or Agriculture Goals of the Comprehensive Plan. The appropriateness of including the SM zoned property in the UGB is discussed in Finding 30. Staff finds that the criteria is met.

**Soil Map - Natural Resources Soil Conservation Service (NRCS)**



Continuing with the Columbia County Comprehensive Plan:

**Part VI                      HOUSING**

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

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

- 3.                      Provide adequate land inside the urban growth boundaries to meet housing needs and to provide for a wide range of urban housing choices.

**Finding 9:** The proposed plan amendment removes approximately 6.0 acres of land from County resource zoning (FA-19 and SM) and includes it in the City of Columbia City's Urban Growth Boundary (UGB). As determined by ELD Engineering, approximately 1.8 acres of the subject six acre site are buildable. The remaining approximate 4.2 acres contain steep (45%) slopes and are not suitable for development. Interim County zoning for the buildable portion of the site is proposed as Single-Family Residential (R-10) and the remaining 4.2 acres is proposed as Community Service-Recreation (CS-R). As discussed in Finding 8 of this report, the City of Columbia City is in need of land to accommodate the housing needs of the City's projected population through the year 2030. The Housing Needs Analysis submitted by the City as part of this application indicates the need for five additional single-family/duplex units. It is the County's assumption that the City considered the planning guidelines as outlined by Goal 10: Housing when preparing their housing needs analysis. Based on the City's Housing Needs Analysis, the number of multi-family units necessary for 2030 population growth is already accounted for within the city limits and current Urban Growth Boundary.

DLCD submitted concerns pertaining to the City's need to accommodate "medium density affordable housing - multi-family housing and manufactured home parks." With the revised Buildable Lands Inventory and Housing Needs Analysis, it is anticipated that many of DLCD's concerns will be alleviated. However, based on comments from DLCD that the City should consider emerging development trends of "infill development, urbanizing suburbs and transit oriented development" to support people seeking "greater convenience, reduced energy bills, and shorter commutes," it is appropriate to include the applicants response in support of utilizing the subject property for single-family residential development as opposed to multi-family. As stated by the applicant:

"With regard to DLCD's reference to studies such as the *Emerging Trends in Real Estate 2010*, I would respectfully submit that the entire city of Columbia City is the "suburban edge" referred to in these studies to the City of St. Helens and the City of Portland. Historically, this community has been a bedroom community in the region. The entire commercial development in this community is limited to a mini-mart convenience store on Highway 30, a pizza shop that also houses a small community library, and the Columbia City Recreation Center. The industrial property is limited to a partially occupied area owned by the Port of St. Helens and the biggest provider of employment is the St. Helens School District. Because jobs are limited and there are no grocery stores or other commonly desired services in the community and minimal public transportation, it would be very difficult to find that persons who are seeking greater convenience, reduced energy bills, and shorter commutes would desire housing in Columbia City."

The R-10 interim zoning designation would allow the subject property (zoned as such) to be divided into 10,000 square foot lots if served by both public water and sewer. Without public water and sewer the site is limited to one acre lot sizes, and therefore would only be eligible for one single-family residence. The City has plans to annex the subject property. Upon annexation, the City has stated that the buildable portion of the site would be zoned R-1 (Low Density Residential). The R-1 Zone also allows 10,000 square foot lots, which would accommodate the property owners plan to divide the site into four separate single-family residential lots. The City plans to zone the remaining acreage Public Lands (PL). Adding the subject property to the City of Columbia City's Urban Growth Boundary, increases the development potential of the site from one unit in the County to four units once annexed into the City. Said annexation is necessary for the City to meet their forecasted

2030 housing demands. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan:

**Part IX**                      **URBANIZATION**

**GOAL:**                      To create and maintain the urban growth boundaries based upon Statewide Planning Goal 14, ORS 197.298, OAR 660, Division 24 and other relevant state laws as provided in the Background section.

Applicable sections of the Background Section state:

**BACKGROUND**

Urban growth boundary changes or expansions are guided by OAR 660, Division 24, which identifies rules regarding the adoption or amendment of an urban growth boundary; ORS 197.298, which establishes priorities of land to be included within urban growth boundaries; and Goal 14:Urbanization. Goal 14 requires Urban Growth Boundary amendments to be based on land need criteria and boundary location factors.

**Land Need**

Establishment and change of urban growth boundaries shall be based on the following:

1. Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and

**Finding 10:** Staff from Columbia County and its incorporated cities, in coordination with Staff from the Portland State University Population Research Center, completed an update to the county's population forecast for the county as a whole, the unincorporated county, and for individual cities within the county in February of 2009. This forecast projected population growth through the next 20 years, between 2010 and 2030. Columbia County adopted the revised forecast on September 9, 2009 and Columbia City adopted the same forecast on May 20, 2010.

The 2010 to 2030 Population Forecast report, prepared by the Portland State University Population Research Center, identified Columbia City's total population in 2000 as 1,571. The projected population for 2010 was 1,979; for 2020, 2,292; and for 2030, 2,532. Columbia City is anticipated to grow by 313 residents between 2010 and 2020 (1.4% population increase) and by 240 residents between 2020 and 2030 (1.0% population increase). This growth accounts for an addition of 513 residents to Columbia City over the next 20 years. As discussed in Finding 7 that follows, and as stated by the applicant, "The City has concluded that land within the existing urban growth boundary is not projected to provide needed housing for the projected 20-year growth period."

**Historical & Medium Growth Forecast: Total Population  
Columbia County Cities & Unincorporated Area**

(Table 4: Columbia County Oregon Population Forecasts 2010 - 2030 as adopted by Columbia County and Columbia City)

|                                   | Clatskanie | Columbia City | Prescott | Rainier | St. Helens | Scappoose | Vernonia | Unincorp. | County-wide |
|-----------------------------------|------------|---------------|----------|---------|------------|-----------|----------|-----------|-------------|
| 1990: Total Population            | 1,708      | 1,003         | 63       | 1,674   | 7,535      | 3,529     | 1,808    | 20,237    | 37,557      |
| 2000:                             |            |               |          |         |            |           |          |           |             |
| Total Population                  | 1,675      | 1,571         | 72       | 1,687   | 10,019     | 4,976     | 2,292    | 21,268    | 43,560      |
| <i>Numeric change</i>             | -33        | 568           | 9        | 13      | 2,484      | 1,447     | 484      | 1,031     | 6,003       |
| <i>Average Annual Growth Rate</i> | -0.2%      | 4.6%          | 1.3%     | 0.1%    | 2.9%       | 3.5%      | 2.4%     | 0.5%      | 1.5%        |
| 2010:                             |            |               |          |         |            |           |          |           |             |
| Total Population                  | 1,795      | 1,979         | 75       | 1,844   | 12,847     | 6,601     | 2,405    | 21,149    | 48,695      |
| <i>Numeric change</i>             | 120        | 408           | 3        | 157     | 2,828      | 1,625     | 113      | -119      | 5,135       |
| <i>Average Annual Growth Rate</i> | 0.7%       | 2.3%          | 0.4%     | 0.9%    | 2.5%       | 2.8%      | 0.5%     | -0.1%     | 1.1%        |
| 2020:                             |            |               |          |         |            |           |          |           |             |
| Total Population                  | 1,948      | 2,292         | 75       | 2,060   | 15,591     | 8,234     | 2,605    | 21,220    | 54,025      |
| <i>Numeric change</i>             | 153        | 313           | 0        | 216     | 2,744      | 1,633     | 200      | 71        | 5,330       |
| <i>Average Annual Growth Rate</i> | 0.8%       | 1.4%          | 0.0%     | 1.1%    | 1.9%       | 2.2%      | 0.8%     | 0.0%      | 1.0%        |
| 2030:                             |            |               |          |         |            |           |          |           |             |
| Total Population                  | 2,058      | 2,532         | 75       | 2,210   | 17,842     | 10,022    | 2,700    | 21,066    | 58,505      |
| <i>Numeric change</i>             | 110        | 240           | 0        | 150     | 2,251      | 1,788     | 95       | -154      | 4,480       |
| <i>Average Annual Growth Rate</i> | 0.5%       | 1.0%          | 0.0%     | 0.7%    | 1.3%       | 1.9%      | 0.4%     | -0.1%     | 0.8%        |

- Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection.

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

**Finding 11:** The applicant, Columbia City, has demonstrated the need for additional single-family housing units and recreational development through an analysis of their Buildable Lands Inventory, projected housing needs (based on population projections and average household size) and the City’s Parks Master Plan. As proposed, approximately 6.04 acres of Surface Mining and Forest Conservation Lands would be designated as Urban Growth Boundary, to allow the City to annex said properties and rezone approximately 1.8 acres of land to R-1 (Low Density Residential) and approximately 4.2 acres to PL (Public Lands). The City plans for the buildable area to be developed into four single-family residential lots (two 18,000 square foot lots, a 21,000 square foot lot and a 21,600 square foot lot). The remaining approximate 4.8 acres would be developed with a public trail providing access to McBride Creek and left as open space.



As part of the original application, the City submitted a housing needs analysis based on their 2001 Buildable Lands Inventory. Comments from DLCD indicated the need for an updated Buildable Lands Inventory to justify the proposed urban growth boundary expansion. As part of a revised application, Columbia City submitted an updated Buildable Lands Inventory and, in turn, an updated Housing Needs Analysis. The City used Table 26 from the 2001 Buildable Lands Inventory, which identified the buildable lands and potential housing units for vacant and under-utilized parcels in the City, as a basis for the revised inventory. As stated by the City, "Using Table 26 as a basis, staff has reviewed all building permits issued from 2000 to 2010 and updated Table 26 based on the construction that has actually occurred in the community." Both the 2001 and revised 2010 Columbia City Buildable Lands Inventories are included as attachments to this report.

Information from the City indicates that there were 611 existing dwelling units within the City's city limits as of 1999. (*Note: The City assumed that the data in the 2001 Buildable Lands Inventory was gathered in 2000 and was complete through 1999.*) Based on a review of actual construction and the Housing Unit and Population Questionnaire, submitted annually to Portland State University, the City determined that 219 single-family/duplex units were built within the city limits between 2000 and 2010. Therefore, there are currently a total of 830 dwelling units in Columbia City. Of these 830 units, 772 units are single-family/duplex (93%), 16 units are multi-family (2%) and 42 units are manufactured homes in parks (5%).

Based on the City's 2030 population projection (as discussed in Finding 7) of 2,532 people and average household size of 2.5 persons per dwelling, the City has calculated that they will need a total of 1,013 dwelling units by the year 2030. With 830 existing units, the City needs an additional 183 units to accommodate the forecasted population growth. Of these 183 units, the City provided an analysis indicating the need for 170 single-family/duplex units, four multi-family units and nine manufactured units in parks. In 2003, the City completed an Urban Growth Boundary Expansion, adding acreage to their UGB to accommodate an additional 104 single-family/duplex units. Multi-family and manufactured housing in parks were not addressed through the 2003 expansion.

The City considered the updated Buildable Lands Inventory in conjunction with the 2003 UGB expansion to revise their Housing Needs Analysis. Based on existing development and the potential for development within the city limits and the City's UGB, Columbia City determined that they can accommodate an additional 165 single-family/duplex units within the City and UGB, 10 multi-family units, and nine manufactured units in parks (through a zone change of a vacant property adjacent to an existing mobile home park). The existing four unit housing deficit of multi-family dwellings can not only be met, but exceeded, within the current city limits and urban growth boundary, and there is a 3.02 acre commercially zoned property adjacent to an existing mobile home park within the city limits that, through a zone change, could provide land to meet the nine unit deficit of manufactured dwellings in mobile home parks. As per the Buildable Lands Inventory, all other properties within the city limits or within the City's UGB are already 100% developed or limited for development by steep and/or significant slopes, a lack of road access, or prohibitions of water/sewer extension due to McBride Creek. Therefore, to meet the housing needs for projected 2030 populations, the City is only in need of land to accommodate five additional single-family/duplex units.

**Estimated Needed Housing Types**  
(As submitted by Columbia City)

| Type of Housing             | Percent of All Units | Total Units | Average Density | Acreage for Residences | Acreage for Roads/ Utilities | Total acreage needed |
|-----------------------------|----------------------|-------------|-----------------|------------------------|------------------------------|----------------------|
| Single Family/Duplex*       | 93%                  | 170         | 5 du/acre       | 34                     | 6.8                          | 40.8                 |
| Multi Family                | 2%                   | 4           | 10 du/acre      | .5                     | .1                           | .6                   |
| Manufactured Homes in Parks | 5%                   | 9           | 8 du/acre       | 1.13                   | .23                          | 1.36                 |
| <b>Total</b>                | <b>100%</b>          | <b>183</b>  |                 | <b>35.63</b>           | <b>7.13</b>                  | <b>42.76</b>         |

\*Includes manufactured homes on individual lots and single family attached.

**Projected Additional Dwelling Units Needed**  
(As submitted by Columbia City)

| Type of Housing             | Percent of All Units | Total Units Needed | Inside Current UGB | Units Needed |
|-----------------------------|----------------------|--------------------|--------------------|--------------|
| Single Family/Duplex*       | 93                   | 170                | 165**              | <u>5</u>     |
| Multi Family                | 2                    | 4                  | 10***              | 0            |
| Manufactured Homes in Parks | 5                    | 9                  | 9****              | 0            |
| <b>Total</b>                | <b>100%</b>          | <b>183</b>         |                    |              |

\*Includes manufactured homes on individual lots and single family attached.

\*\* 61 remaining single family/duplex per review of 2001 Buildable Lands Inventory + 104 remaining estimated single family/duplex units added in 2003 UGB Expansion = 165

\*\*\*10 remaining multi family per review of 2001 Buildable Lands Inventory.

\*\*\*\*Requires re-zoning of a portion of commercially zoned property immediately adjacent to existing manufactured home park.

Additionally, the Department of Land Conservation and Development submitted concerns that the proposed urban growth boundary expansion would not fully meet the City's 20-year land need for residential development. DLCDC's comment is as follows:

(1) Residential land for the city's entire 20-year need. When land is determined for the 20-year planning period, Goals 10 and 14, OAR 660, division 008, and ORS 197.307(3)(a) require that all of the residential land need that cannot be accommodated within the existing UGB be added to the UGB at that time. When Columbia City legislatively amended its UGB in 2003, it did not add enough land to provide the entire 20-year need. The current UGB amendment proposal to add land owned by the Weigandts also does not address the full 20-year land need. Normally, a city may approve an application from a private landowner such as the Weigandts to add less than the full 20-year land need. In this situation, however, Columbia City's outstanding legislative land deficit from 2003 must be met.

As discussed throughout this finding, the City has revised their Buildable Lands Inventory and Housing Needs Analysis. Based on their revised findings, the only type of development unable to be accounted for within the existing city limits and/or urban growth boundary is single-family residential/duplex development (specifically five units). The proposed urban growth boundary expansion will accommodate the need for four additional single-family residential units, resulting in an outstanding deficit of only one unit. In addition to topographic constraints, the site is only capable of accommodating four units due to limited road frontage. The City's Unified Development Code requires all newly created parcels to have a minimum of 45 feet of frontage on a City street. The subject properties have frontage on Yakima Court and 6<sup>th</sup> Street. However, the site only has enough frontage for the creation of two flag lots on 6<sup>th</sup> Street and only one lot (without the benefit of a variance) on Yakima Court. Yakima Court provides 60' of road frontage to the site. The City approved a variance to the 45' minimum road frontage standard to allow two lots with 30' of frontage (each) to access Yakima Court. Without additional variances to the road frontage standards on both 6<sup>th</sup> Street and Yakima Court, the subject property is limited to four dwelling units.

In addition to housing, the City is in need of additional open space to meet the recreational needs of a growing population. Currently, Columbia City has a total of 4.66 acres of public park and open space land dispersed throughout the city. Approximately 0.39 acres are developed and the remaining 4.27 acres are undeveloped. The City's Parks Master Plan identifies the city's needs for parks and open space based on a standard of 10 acres per 1,000 residents. At the time the Parks Master Plan was prepared in 2001, the Plan identified a total land need of 29 acres based on population projections through the year 2020. Population projections have since been revised through the year 2030 and are lower than previous forecasts. Therefore, based on the City's goal of 10 acres per 1,000 residents, the City will need approximately 25 acres of park and open space land by the year 2030. To meet this demand, the City needs to acquire an additional 20 acres to be dedicated for public use. As stated on Page 14 of the Parks Master Plan, "The greatest challenges the City faces is keeping up with the rapid development that has occurred in the Columbia City area during the last

10 years, as well as addressing the 20 year projected growth rate. Acquiring additional park land and open space area will be the number one priority for the Parks Commission.”

The property proposed to be brought into the Urban Growth Boundary abuts McBride Creek, and is proposed by the City to be used as open space and for a recreational trail along the creek. As a result of public input from Columbia City residents, the City’s Parks Master Plan identifies both the protection of riparian buffers along McBride Creek and other streams and the creation of greenways with pedestrian and bicycle paths along streams as “guiding principles for the City’s parks, greenways and recreational system. The Plan more specifically identifies the need to obtain easements and land donations along the length of McBride Creek. Section 7 (Page 19) of the Parks Master Plan identifies “Priorities for Further Action.” As stated by the Plan:

“The priorities of the Parks Commission are both proactive as well as in response to Columbia City’s significant growth in the last 10 years. The list of priorities will create a balance between proactively obtaining more park land before it is developed, as well as developing existing City property.

The second priority for the Parks Commission to consider is to reevaluate the riparian buffer width along the length of McBride Creek. To protect the integrity of the natural stream system, it would be beneficial for the required buffer to be expanded to 50 feet as indicated by the State of Oregon Goal 5 Rule. It is also important that the City begins to obtain easements and or land donations along the length of McBride Creek. It is critical to begin the process of procuring easements along the creek as a function of planning for development adjacent to the riparian corridor.”

*Note: Priority No. 1 is no longer applicable. Therefore, development of the McBride Creek Trail corridor is now the City’s first priority.*

Approximately 4.2 acres of land proposed to be brought into the Urban Growth Boundary are not buildable due to steep (45%) slopes that extend from the buildable portion of the site west to McBride Creek. Comments from the State indicate that data and findings need to demonstrate “that both types of public park or open space needs may be met only by adding land to the current UGB.” As continued by the State, “Park uses are permitted on rural land outside the UGB. Goal 14 and OAR 660, division 24 require a demonstration that urban land needs may not be reasonably accommodated within the UGB before the City looks for land outside the UGB.” Although the FA-19 portion of the site, as stated by the State, could be used as park/open space outside of the Urban Growth Boundary, the proposed location and use is consistent with the City’s needs as adopted by the Parks Master Plan - for a recreational trail and preservation of the natural habitat. Specifically, as stated in the application, “Approximately 1,800 feet of that trail is located on these two parcels. Developing the property for single-family residential use would include provisions for extension of the recreational trail. In addition to 1,800 feet of creek frontage on the site, there is also an existing access to the proposed trail site on the south edge of TL 5121-000-00200. Including these two

properties in the Columbia City Urban Growth Boundary is a significant step in completion of the McBride Creek Trail System.” The City has adequately demonstrated the need for a trail along McBride Creek through information set forth by the City’s Parks Master Plan. Therefore, if property along the creek (to meet the trail need) and property adjacent to the city (to meet the housing need) were brought into the Urban Growth Boundary, without the property between the buildable area and creek, there would be an unusual island of land outside of the UGB, surrounded by Columbia City’s UGB on three sides. Furthermore, this land is necessary for access to the creek. McBride Creek is inaccessible from any portion of the subject property without crossing the portion of the property not being used for housing or the trail. Finally, a natural area within the Urban Growth Boundary is an asset to the City. Ideas for a trail along McBride Creek, as discussed in the Parks Master Plan include, but are not limited to, educational signage to inform residents and visitors about their riparian surroundings.

Through information provided in the Columbia City Parks Master Plan and the revised 2010 Buildable Lands Inventory, Columbia City is in need of additional lands for housing and park/open space to accommodate their 2030 population projections. Said needs cannot be reasonably accommodated on land inside the existing UGB. Staff finds that the criterion is met.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

1. Efficient accommodation of identified land needs;
2. Orderly and economic provision of public facilities and services;
3. Comparative environmental, energy, economic, and social consequences and;
4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

**Finding 12:** The applicant (Columbia City) completed an evaluation of alternative boundary locations and determined that “the only parcels of land adjacent to the current urban growth boundary that are appropriate for urban development where municipal services can be provided are TL 5121-000-00200 and TL 5121-000-00417,” the subject properties. Details of the alternative boundary location analysis are discussed in Findings 38 - 44, which address the proposal’s consistency with ORS 197.298. The City describes its limitations for expanding the Urban Growth Boundary as follows:

“On the north side, the Columbia City Urban Growth Boundary abuts Columbia County properties with existing mining and industrial uses. The south urban growth boundary line is shared with the City of St. Helens. The east urban growth boundary is formed by the Columbia River. On the west, there are significant topographical constraints. The USDA soil conservation service map, sheet 31, indicates a band of soil type 70E. According to the soil legend, 70E is Xerochrepts, steep. This band runs parallel with Columbia City on the west side of McBride Creek. Xerochrepts are very deep, somewhat poorly drained to well drained soils on short terrace escarpments. Slope is 20 to 50 percent. The soil capability classification is VI (6). Further, the attached GIS overview map of potential rapidly moving landslide hazards in Western Oregon appears to include these properties. These properties were not suited to development at urban densities in 2003 and there has been no change.

In 2003, there were approximately 33 acres of exception (non-resource) land adjacent to the Columbia City UGB. 21 of these acres were added to the urban growth boundary. At that time, the remaining 12 acres were determined unsuitable for urban development due to slopes greater than 25%, indications of previous earth movement, and cost prohibitions and technical limitations to the provision of municipal services. Today, those 12 acres remain as exception (non-resource) land adjacent to the Columbia City UGB. They are located west of the UGB and west of Ninth Street and they continue to be unsuited for development at urban densities due to the slopes greater than 25%, visual indications of previous earth movements, and cost prohibitions and technical limitations to the provision of municipal services.”

The same soil, topographic and locational factors precluding urban development on surrounding properties, limits recreational development as well. Columbia County concurs with the City’s analysis of said constraints.

The properties proposed to be included in Columbia City’s Urban Growth Boundary are adjacent to the west side of Columbia City’s municipal boundary. Tax lot 5121-000-00200 is a ± 4.4 acre parcel located near the end of Sixth Street, and tax lot 5121-000-0417 is a ± 1.64 acre parcel located directly west of Yakima Court. Tax lot 5121-000-00200 is developed with one single-family residence and is zoned Surface Mining (SM). Historically, this property was used for the sale of top soil, and at the time of zoning, was designated SM per the request of the property owner. This site is not designated by the County as a significant aggregate site and has never been mined for aggregate. Tax lot 5121-000-00417 is vacant and zoned Forest Agriculture (FA-19).

As discussed in Finding 11 previously, Columbia City is in need of land to accommodate five additional single-family dwellings. Upon expansion of the urban growth boundary, the city plans to annex the subject properties and apply a R-1 zoning designation to the buildable lands and a PL zoning designation to the lands not suitable for development. The subject properties abut McBride Creek along their west property lines and contain steep slopes, 45% and greater, limiting their development potential. In an analysis conducted by ELS Engineering, it was determined that approximately 1.8 acres of the six acre site was suitable for development. This 1.8 acres is proposed to be divided into four single-family residential lots.

The Department of Land Conservation and Development submitted concerns regarding the City's plan to utilize "urbanizable land for suburban or rural residential-style development." There comment is as follows:

(2) Residential density. The proposed development plan for the expansion area is not consistent with Statewide Planning Goals 10 and 14 and the city's housing needs analysis. Three of the lots are almost one acre in size (41,591, 44,586, and 40,271 square feet), and the fourth is 4.35 acres, of which 1.8 acres is for housing. Planning urbanizable land for suburban or rural residential-style development is contrary to efficient urban development under Goal 14 efficiency provisions. In addition, the city's identified housing needs don't include housing at this extremely low density. Although the city's R-1 zone does not have a maximum lot size standard, it is apparently intended for 10,000 square foot lots.

The applicant and property owner have revised the development plan to include four lots 18,000, 18,000, 21,000 and 21,600 square feet in size. As stated by the applicant, "This is the maximum number of lots that could be created due to the shape of the site, the limits of the buildable area identified by the engineers, limits on access due to road frontage availability and existing development, 45% slopes from the west edge of the buildable area sloping down to the McBride Creek flood plain, and Development Code requirements for a minimum 85' lot width." Based on development constraints associated with the subject property, the site is not an appropriate location for medium or high density residential development, and is proposed to be developed to the greatest extent possible considering its physical limitations. Additionally, the portions of the site not eligible for development contain access to McBride Creek. The City's Parks Master Plan identifies acquiring land and easements along McBride Creek for a public trail as their first priority for recreational development.

Due to constraints discussed throughout this finding, there are no lands, other than the subject properties, that could be included in the urban growth boundary expansion to meet the City's 2030 projected housing and recreational needs. Through this expansion, the City will be able to meet all but one of their single-family/duplex housing needs and significantly reduce the amount of land needing to be acquired for recreational development. Maximizing the use of physically limited properties adjacent to the city limits, when no other properties are available or suitable for development, is "efficient accommodation of identified land needs."

Additionally, public facilities and services are already available to the site. Municipal water and sewer are adjacent to both parcels, and the existing dwelling on tax lot 5121-000-00200 already receives city water. Sixth Street and Yakima Court (city streets) provide direct access to the subject property. Although these roadways have more than sufficient capacity to handle higher density residential development (than is proposed), County and City road frontage requirements limit the number of new lots that can be created on said roadways. The County's Zoning Ordinance requires all newly created lots to have a minimum of 50 feet of frontage on a constructed, public right-of-way

and the City's Unified Development Code requires all newly created lots to have a minimum of 45 feet of frontage on a City street. The subject properties have frontage on Yakima Court and 6<sup>th</sup> Street. However, the site only has enough frontage for the creation of two flag lots on 6<sup>th</sup> Street and only one lot (without the benefit of a variance) on Yakima Court. Yakima Court provides 60' of road frontage to the site. The City approved a variance to the 45' minimum road frontage standard to allow two lots with 30' of frontage (each) to access Yakima Court. Without additional variances to the road frontage standards on both 6<sup>th</sup> Street and Yakima Court, the subject property is limited to four dwelling units. Fire services are currently provided and will continue to be provided by Columbia River Fire and Rescue. A more detailed discussion of the availability of public facilities and services is included in Finding 28 of this report.

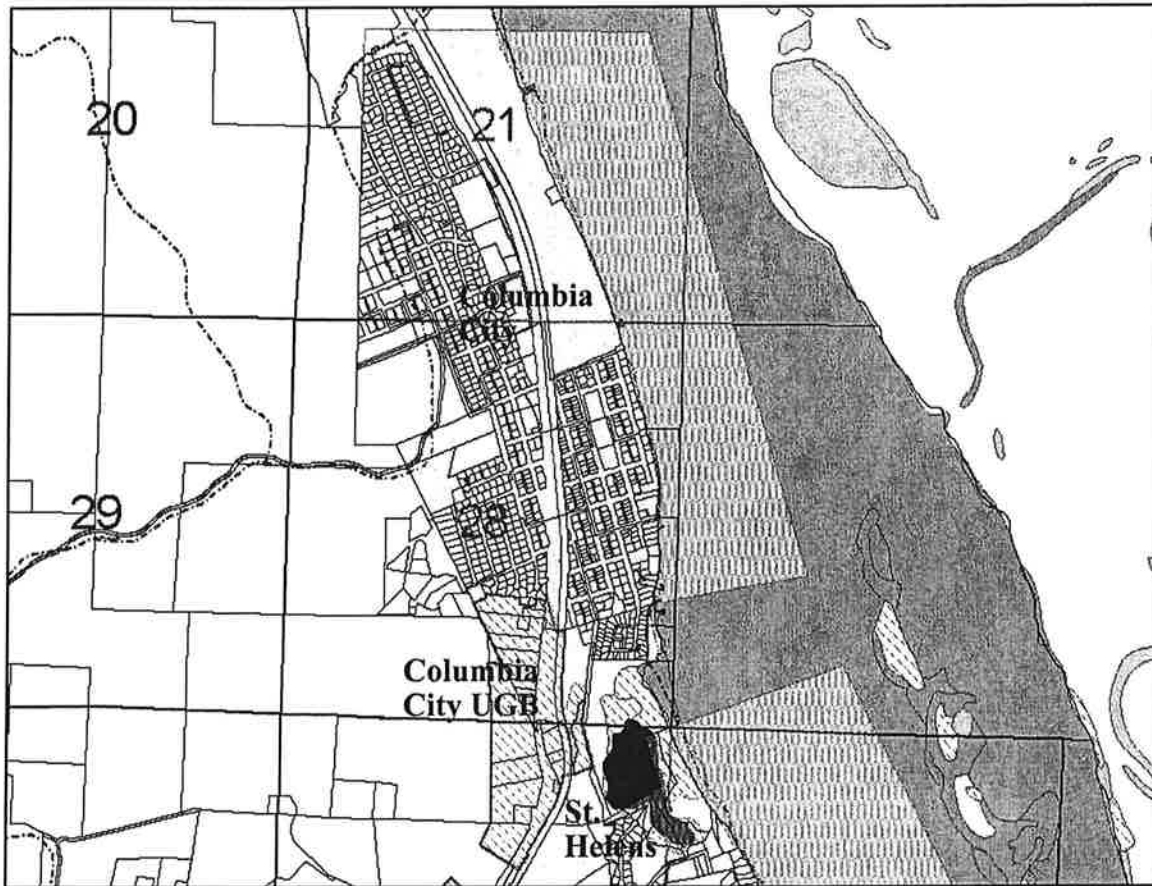
Due to the size and scale of the proposed urban growth boundary expansion, the environmental, energy, economic, and social consequences of said expansion will be minimal. As stated by the applicant, "Including these properties in the Columbia City Urban Growth Boundary results in a loss to the County of a single 1.64 acre parcel currently zoned FA-19 and a single 4.4 acre parcel currently zoned SM. Development consistent with the uses in the FA-19 zone and SM zone is not supported by the small size of these parcels, particularly when considered in conjunction with adjacent urban development including single-family residences, existing access provided by city streets, existing availability of municipal utilities at each site and a significant wetland riparian corridor." Due to said constraints, the feasibility and economic viability of using said properties for their intended (resource zoned) use is unlikely. Furthermore, when compared to other properties included in the alternative boundary location analysis, the subject site was the most suitable for residential and recreational development. Other properties were either larger in size and better suited to resource type uses, located in areas where the creek made the extension of municipal services either impossible or cost prohibitive, and/or contained natural features entirely unsuited for development. The environmental, energy, economic and social consequences of bringing any other surrounding properties into the UGB are greater than those of the subject property.

Finally, both the FA-19 and SM zoned properties are located adjacent to the existing city limits and fully developed single-family residential subdivisions. Therefore, if the subject properties were employed for forest or mining activities, the potential for conflict between said uses and the adjacent residential uses exists. By expanding the urban growth boundary, to include these properties, the potential for existing incompatibilities is eliminated. Additionally, the potential for new incompatibilities between the newly urbanized area and its surrounding resource zoned properties will be minimal due to physical characteristics of the area. McBride Creek travels along the west property lines of the subject properties, effectively separating resource zoned land west of the site from the proposed urban land east of the creek. The buildable portion of the six acre property is located at the southeast end of the property. The remainder of the site will be preserved as public land for open space and recreational development and acts as an additional buffer between the proposed residential use of the site and resource uses west and north of the property. Finally, steep



terrain of the subject and surrounding properties will limit any incompatibilities between the proposed urban uses and forest or agricultural activities occurring on farm and forest land outside the UGB. Staff finds that the criterion is met.

**City Limits and Urban Growth Boundaries - PC Maps (2010)**



Continuing with the Columbia County Comprehensive Plan:

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

1. Provide an orderly and efficient transition from rural to urban land use.

**Finding 13:** In accordance with Goal 14 and ORS 197.298, the applicant completed a boundary location analysis to determine the most appropriate lands to include within the City's Urban Growth Boundary. Through this analysis, the City determined that the only properties suitable for residential development were tax lots 5121-000-00200 and 5121-000-00417. These properties are the subject of the proposed UGB expansion. They are located adjacent to the city limits and to municipal city services (water, sewer, and streets). The site has enough buildable land to meet all but one of the

City's projected 20-year single-family housing needs and provides direct access to and frontage on McBride Creek, which the City has identified in their Parks Master Plan as a priority for recreational trail development. Due to the site's small parcel sizes, their location adjacent to single-family residential subdivisions, the availability of city services adjacent to the site and the presence of sensitive environmental characteristics associated with McBride Creek, the subject properties may be more suitable for residential and recreational development than forest and mining activities (see Finding 12). Moreover, McBride Creek provides a natural boundary between the rural and urban lands. The proposed urban growth boundary expansion is an efficient transition from rural to urban land use. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

2. Accommodate urban population and urban employment inside urban growth boundaries, ensure efficient use of land, and provide for livable communities.

**Finding 14:** Columbia City's population is forecasted (by the Portland State University Population Research Center) to grow from 1,979 persons in 2010 to 2,532 persons in 2030. Based on an average of 2.5 persons per dwelling unit, Columbia City has determined that they will need an additional 183 units to accommodate said population growth. As discussed throughout this report, all units, with the exception of five single-family/duplex units, can be provided for within the existing city limits and/or urban growth boundary. The proposed urban growth boundary expansion would alleviate the City's single-family residential deficit and provide opportunities for recreational development to serve the City's growing population. The properties proposed for inclusion within the UGB are adjacent to City water, sewer and streets. A discussion of the proposals efficient use of land is included in Finding 12. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

3. Minimize the number of new special districts inside the urban growth boundaries.

**Finding 15:** This application for this UGB expansion does not propose any new special districts and none are anticipated to be needed. Staff finds that this application will minimize the creation of new special districts.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

4. Accommodate the growth projected for urban areas to the year 2030.

**Finding 16:** As discussed in Finding 7 of this report, Columbia City's population projection for the year 2030, as forecasted by the Portland State University Population Research Center, and adopted by both Columbia County and the City, is 2,532 persons. The City has determined a housing need based on an estimated average household size of 2.5 persons per dwelling and a recreational lands

need of 10 acres per 1,000 persons. A detailed discussion of said needs is included in Finding 8. In summary, however, the City is in need of a total of 1,013 dwelling units by the year 2030. Currently (as of 2010) 830 of these units have been constructed, and the City has land within its current urban growth boundary and city limits to accommodate all but five of the additional 183 units needed. An analysis of the types of housing units needed is detailed in Finding 11. From this analysis, the City has concluded that their housing deficit consists of five single-family residential units. Similarly, as per the City's Parks Master Plan, the City is in need of a total of 25 acres of park land by the year 2030. Therefore, the City needs to acquire approximately 20 additional acres of recreational/open space lands. The proposed urban growth boundary expansion provides land to meet all but one of the City's single-family housing needs (four provided by the subject property, five needed) and adds approximately four acres to the City's inventory of park lands. This expansion is a significant step in accommodating the growth projected for Columbia City through the year 2030. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

5. Minimize the conflicts between urban and rural land uses.

**Finding 17:** The subject property is surrounded to the south by Primary Forest (PF-76) zoned lands, to the north and west by Resource Industrial Planned Development (RIPD) zoned land, and to the east by the City of Columbia City. Properties north and west of the site are dedicated to future industrial use and property south of the site is forested. Properties directly adjacent to the site, to the east, within the city limits are fully developed with single-family residential subdivisions. McBride Creek travels along the subject properties' northwest and west property lines and effectively separates the site from industrial activities to the north and industrial and forestry activities to the west. Extending the urban growth boundary to McBride Creek to include the subject resource zoned properties creates a natural, physical separation between the urban uses existing in Columbia City and the rural uses on County resource lands west of McBride Creek. Additionally, the buildable portion of the site is located at the southeast end of the property and does not extend to the creek or to neighboring resource lands north, west, or (for the most part) south of the site. The portion of the site not suitable for development is proposed to be designated as open space/park land and will provide an additional buffer between neighboring resource (industrial and forest) uses and the proposed residential use of the property.

Currently, the FA-19 and SM zoned subject properties abut urban residential development. Due to the proximity of the resource zoned parcels to the residential parcels, it is likely that conflicts (due to noise, truck traffic, etc...) would exist if the FA-19 and SM zoned properties were developed for their intended use. By extending the UGB to the creek, the potential for conflicts between the residential and resource uses east of the creek is minimized. Conflicts between the new urbanizable land (the subject property if included in the urban growth boundary) and adjacent resource lands are minimized due to natural characteristics of the site (topography and the creek). Staff finds that the

criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

6. Control development within the limitation of the public's ability to provide services.

**Finding 18:** As discussed in Finding 28, public facilities and services are available to the site. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

7. Develop managing techniques with the incorporated cities.

**Finding 19:** Columbia County has Urban Growth Management Agreements with all of its incorporated cities, including Columbia City. Staff finds that the criterion is met.

Continuing with the Comprehensive Plan - Urbanization Policies:

9. Provide direction for developers to utilize land within the boundary in the most efficient manner.

**Finding 20:** As per OAR 660-024-0050(1) and (4), prior to the expansion of an urban growth boundary, the applicant (City) shall consider and provide verification of the following:

OAR 660-024-0050 (1): When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to that statute... (4) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.298 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and OAR 660-024-0060.

The proposal's consistency with applicable State law, as referenced above, is addressed throughout findings in this report. An urban growth boundary expansion is not permitted unless land within the

existing urban growth boundary is being utilized in an efficient manner. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

10. Review the supply of buildable lands within the urban growth boundaries in cooperation with the cities, during each major review of the County's plan. The process of expanding the urban growth areas may begin when there is less than a five (5) year supply of residential land or when 75% of the industrial or commercial lands are built upon.

**Finding 21:** The applicant submitted an up-to-date Buildable Lands Inventory as part of this application that justifies the need for additional single-family residential land. Said inventory is included as an attachment to this report. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

11. Not to form new special districts within the urban growth boundaries unless the services are compatible with the plans of the cities for the provision of services within the urban growth boundaries.

**Finding 22:** Staff finds that no special districts are proposed or anticipated with this application to expand the Columbia City UGB.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

12. Have mutually agreed upon land use designations with each city.

**Finding 23:** Both the City and County agree that the subject properties should be designated as Urban Growth Boundary. Tax lot 5121-000-00200 has a County Comprehensive Plan designation of Surface Mining and a zoning designation of Surface Mining (SM). Tax lot 5121-000-00417 has a County Comprehensive Plan designation of Forest Conservation and a zoning designation of Forest Agriculture (FA-19). Upon a Comprehensive Plan Map amendment to Urban Growth Boundary, interim zoning of Single-Family Residential (R-10) is proposed for the ± 1.8 acres of designated buildable area (of the site), and interim zoning of Community Service-Recreation (CS-R) is proposed for the remaining ± 4.2 acres of the site. The County's interim zoning proposal is consistent with the City's plan (upon annexation of the property into the city limits) to zone the buildable portion of the site Low Density Residential (R-1) and the remaining area not suited for development, Public Lands (PL). Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

13. Review all subdivision plats in the urban growth boundaries to insure the establishment of a safe and efficient road system.
14. Support the annexation by cities in accordance with the State statutes.
15. Support the development of Local Improvement Districts (LIDs) to develop local services.
16. Coordinate the development of facilities by existing special districts to insure coordination with city plans.

**Finding 24:** Although the property owner does have a development plan for the subject property, this application does not propose a land division, does not annex land into the city limits, and does not propose the development of a Local Improvement District. Therefore, the above criteria are not applicable to this request at this time. Staff finds, however, that if the subject properties are developed within the County or if the properties are annexed into the City, coordination for either action shall be required between the County and Columbia City. This application is limited in scope only to the UGB expansion and does not address specific development of the site.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

17. Adopt the urban growth boundaries, and those portions of the adopted comprehensive plans relating to the unincorporated urban growth areas, for the municipalities of Clatskanie, Columbia City, Rainier, Scappoose, St. Helens, and Vernonia.

**Finding 25:** The City of Columbia City has requested an urban growth boundary expansion. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

18. Periodically update coordinated 20-year population forecasts for each city's urban growth boundary and for the unincorporated areas, based upon the projections of a regionally accepted population forecast, such as the studies prepared by the Portland State University and the BPA. The County's projection will be within 10% of the regionally accepted projection and the incorporated cities' projections will be allocated on a jurisdiction by jurisdiction basis.
19. Existing population projections for the unincorporated areas will not be used as a basis for residential needs exception.

**Finding 26:** As discussed in Finding 10 of this report, Staff from Columbia County and its incorporated cities, in coordination with Staff from the Portland State University Population Research Center, completed an update to the county's population forecast for the county as a whole, the unincorporated county, and for individual cities within the county in February of 2009. This forecast projected population growth through the next 20 years, between 2010 and 2030. Columbia County adopted the revised forecast on September 9, 2009 and Columbia City adopted the same forecast on May 20, 2010. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan - Urbanization Policies:

20. Limit development outside of urban growth boundaries to densities which do not require an urban level of public facilities or services and are consistent with Goal 14 and OAR 660, Division 4.

**Finding 27:** This application requests an expansion of Columbia City's Urban Growth Boundary to accommodate their 20-year projected housing and recreational needs. The proposal's consistency with Goal 14 and OAR 660, Division 4 are addressed throughout this report. As the proposed UGB expansion accommodates the City's entire housing deficit (with the exception of one single-family unit) forecasted through the year 2030, said expansion reduces the potential for the City's forecasted population growth to expand onto County resource zoned lands. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan:

**PART XIV PUBLIC FACILITIES AND SERVICES**

**PUBLIC FACILITIES AND SERVICES: GOALS AND POLICIES**

**GOAL:**

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

**POLICIES:**

1. Require that adequate types and levels of public facilities and services be provided in advance of or concurrent with development.
4. Encourage new development on lands within urban growth boundaries or built and committed exception areas.
5. Coordinate public facilities and services planning with affected service districts and/or agencies.

9. Direct new development into areas where services exist or are proposed within a reasonable time frame.
  
13. Support a level of fire safety and service in all areas of the County sufficient to minimize the risk of fire damage to life and property.

**Finding 28:** The proposed urban growth boundary expansion is supported by existing public facilities and services. Currently, municipal water and sewer are located adjacent to the subject properties. Specifically, there is an 8-inch waterline on Yakima Court and a 10-inch water line at the end of 6<sup>th</sup> Street. As stated by the applicant:

“Per the City’s water and sewer master plans, there is sufficient sewer and water system capacity to serve all net buildable lands inside the City at the maximum allowed density...If approved as proposed, this application would result in the addition of four single-family residences to the municipal water and sewer system. At an average of 2.5 persons per household, approximately 10 additional persons would be served. Per the City Engineer, there is sufficient sewer and water system capacity to adequately serve an additional 10persons.”

The application does state that the City’s Comprehensive Water System Master Plan and Comprehensive Plan discuss the need for additional water storage and water supply to accommodate full build out of the City’s UGB. As stated by the City, an additional 200,000 gallon Water Storage Reservoir Project is included in the City’s Five-Year Capital Improvement Program and is anticipated to accommodate full build out potential of the City’s UGB (including the proposed expansion). In response to the need for additional water supply, the City states that a well project was completed in 2009 to address the supply need. According to the City, “Water from the well, coupled with the City of St. Helens supply, is projected to meet the City’s current and future supply demands within the existing City limits and the UGB.”

Next, the subject properties have direct access to City streets (6<sup>th</sup> Street and Yakima Court). Sixth Street is a paved street, but does not have sidewalks, curbs, or gutters. Yakima Court is a paved, fully improved cul-de-sac. Any improvements required for said roadways to accommodate development of the site will be addressed at the time of development. In regard to roadway capacity, the application states:

“The Columbia City Transportation System Plan (TSP), Section 5.3 Future (Year 2016) Transportation Needs, states, ‘...The level of service analysis for Columbia City indicates that there are no roadways or intersections that will be operating at unacceptable levels in the future [2016]...’ All drainage resulting from any construction is required to be addressed in the infrastructure and building permit process.”

Fire services are currently provided to the subject property by Columbia River Fire and Rescue. Columbia River Fire and Rescue will continue to serve the site if included in the UGB. The Columbia City Police Department was notified of the proposal and had no objection to its approval



as submitted. Also, the Columbia River People's Utility District was notified of the request and had no objection to its approval as submitted.

Finally, educational services are provided to the area through the St. Helens School District. As stated by the applicant:

Schools are funded by a per-capita based state formula and are a component of property tax revenues. Any increase in population resulting from construction on this site would be consistent with the City's planned land use density for the subject property, which is also the appropriate basis for the school district's enrollment forecasting and planning. As a result, although the proposed annexation may eventually result in increased school enrollment, the increase will be consistent with predicted population growth and will be accompanied by increases in property tax and per-capita revenues to schools. The St. Helens School District was notified of the request and had no objection to its approval as submitted.

Based on the adequacy of urban services and facilities available to the site, the proposed UGB expansion is timely and efficiently utilizes vacant lands already served by or capable of being served by said services and facilities. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan:

**PART XVI**                    **GOAL 5: OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES**

**OPEN SPACE**

**GOAL:**

To conserve open space in Columbia County.

**POLICIES:** It is the policy of the County to:

2. Encourage the design of residential development to include park areas and corridors of open space along streams, waterways, cliffs, and other special features by using clustering and other development techniques.
3. Recognize the need for public access to the Columbia River and other scenic and recreational features. The County will work with commercial, industrial, and residential developers to promote public use and provide public access to these features whenever possible.

**Finding 29:** The proposed urban growth boundary expansion includes approximately six acres of land, of which  $\pm 1.8$  acres will be dedicated to residential development and the remaining  $\pm 4.2$  acres will be left as open space/park land. The subject property (proposed for expansion) contains 45%

slopes that descend in a westerly direction toward McBride Creek. McBride Creek runs approximately 1,800 feet along the site's west property line. To avoid steep slopes and impacts to the creek, development is proposed to be clustered at the southeast end of the property, near the existing city limits and developed roadways. The County proposes to zone this area R-10, and upon annexation, the City proposes a R-1 zoning designation. The remainder of the site will be zoned CS-R by the County, and upon annexation, PL by the City. These zoning designations allow parks as outright permitted uses.

As discussed in Finding 8 of this report, the City has plans to develop a recreational trail corridor along McBride Creek. Access to the creek, as determined by the City's Engineer, may be possible via an existing road grade that runs along the south end of the lots from 6<sup>th</sup> Street to the creek. The property owner proposes to dedicate an access trail connecting SE 6<sup>th</sup> Street and the four acres of unbuildable property adjacent to McBride Creek to the City as part of this application. Including the subject property in Columbia City's UGB is a step toward securing 1,800 linear feet along the creek to be developed as a trail. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan:

**SURFACE MINING**

**GOAL:**

To protect and utilize appropriately the mineral and aggregate resources of Columbia County.

**Finding 30:** The requested urban growth boundary expansion proposes inclusion of a ± 4.4 acre SM zoned property. Said property is not identified in the County's Surface Mining Inventory as a significant aggregate site. Furthermore, the site has never been used for the mining of aggregate. At the time of zoning, said property was employed for the removal and sale of top soil, and zoned SM per the request of the property owner. The site has been developed with a single-wide mobile home since 1980, and used as a residential property since 1980 to the present. Due to the size and location of the subject property, it is unlikely that it could or would be used for commercial mining activities. Use of the site is limited due to its proximity to single-family residential subdivisions and McBride Creek. Significant setbacks are required between mining activities and residential and riparian areas. Additionally, the only access to the site is via residential city streets, which may not be suitable for industrial-type traffic. For the reasons discussed in this finding, using the subject ± 4.4 acres for surface mining is not feasible. Therefore, including said property in the City of Columbia City's Urban Growth Boundary does not contradict the Comprehensive Plan's Surface Mining Goal. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan:

**FISH AND WILDLIFE HABITAT GOALS AND POLICIES**

**GOAL:**

To protect and maintain important habitat areas for fish and wildlife in Columbia County.

**POLICIES:** It is the policy of the County to:

1. Encourage the provision and acquisition of public access both to and along rivers, streams, and lakes for the release of fish and recreational enjoyment of County residents.

**WATER RESOURCES**

**GOAL:**

To protect and maintain the quality of water resources in Columbia County.

**Finding 31:** McBride Creek runs along the northwest and west property lines of the subject properties. This creek is identified by the Deer Island, Oregon, Oregon Department of Forestry Stream Classification Maps as a fish bearing stream. Also, according to the Deer Island National Wetland Inventory (NWI) Map, there are Riverine, Upper Perennial, Unconsolidated Bottom, Permanently Flooded (R3UBH) wetlands associated with McBride Creek, and as per FEMA Flood Insurance Rate Map (FIRM) No. 41009C0340 C, 100-year flood plain (Flood Zone A) extends eastward onto the subject property from the creek. There are no stand alone wetlands on the subject property, and any residential development of the site will take place a significant distance from McBride Creek and the 100-year flood hazard areas. Never-the-less, protections are afforded to the water quality and fish and wildlife habitat of said creek in the County through provisions of Sections 1100 (Flood Hazard Overlay), 1170 (Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone), and 1182 (Wetland Area Overlay) of the Columbia County Zoning Ordinance and in the City through provisions in Chapters 7.106 (Protection of Natural Features) and 7.75 (Flood Hazard Overlay) of the Columbia City Unified Development Code. Both ordinances require a 50' riparian corridor buffer along the creek. In the County, this buffer is measured from the top bank of the creek, or where wetlands are present from the upland edge of the wetlands. The 50' riparian buffer protects water bodies from being encroached upon by development, but allows for the maintenance of walkways and trails.

As discussed in Findings 11 and 29 of this report, the City of Columbia City plans to develop a public trail along McBride Creek. As part of this application, the property owner proposes dedicating access to the creek from 6<sup>th</sup> Street and four acres of land not suited for development to

the City, to be used as park/open space, and in turn as a means for the preservation of McBride Creek. Staff finds that the above criteria are met.

**Flood Hazard Overlay Zone - PC Maps (2010)**



Continuing with the Columbia County Comprehensive Plan:

**PART XVII**            **RECREATION NEEDS**

GOAL:

To satisfy the recreational needs of the citizens of Columbia County and its visitors.

**Finding 32:** Columbia County is not losing lands dedicated to recreational use as part of the urban growth boundary expansion. As proposed, approximately 4.2 acres of the site will be given a Comprehensive Plan designation of UGB and an interim County zoning of Community Service-Recreation (CS-R). Upon annexation, this portion of the property is proposed to be zoned Public Lands (PL). It is the City’s intent to use this area for park/open space and for a recreational trail along McBride Creek. Comments from the State indicate that park uses may be allowed on rural land outside of the UGB. As presently zoned, only the ± 1.64 acre FA-19 zoned property is eligible for recreational development. Parks are not a permitted use in the SM zone. Furthermore, the property owner plans to dedicate approximately 4.2 acres to the City of Columbia City for public recreational use as part of the UGB expansion. The recreational needs of Columbia City residents are discussed in depth in Finding 11 of this report. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan:

**Part XVIII                    AIR, LAND, AND WATER RESOURCES**

**GOAL:**

To maintain and improve land resources and the quality of the air and water of the County.

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

1.     Work with the appropriate State and Federal agencies to insure that State and Federal water, air, and land resource quality standards are met.

**Finding 33:** Sensitive land and water resources of the subject properties are proposed to be reserved as open space for purposes of natural preservation and recreational development. Specifically, the applicant proposes construction of a trail along McBride Creek. Any work in or near the creek shall be in accordance with City, County and State requirements. Sections of the County's Zoning Ordinance and Chapters of the City's Unified Development Code applicable to protection of the creek are identified in Finding 31 of this report. Staff finds that the criterion is met.

Continuing with the Columbia County Comprehensive Plan:

**PART XIX    NATURAL DISASTERS AND HAZARDS**

**FLOOD PLAIN**

**GOAL:**

Eliminate or reduce the economic and social costs created by flood-caused damages.

**POLICIES:**

1.     Columbia County will participate in the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA).
2.     Any new development within the flood plain shall be designed to avoid damage from flooding and to minimize the damage potential to other developments or properties.
3.     Open space uses such as recreation or agriculture shall be encouraged within identified flood plain areas.
4.     Subdivisions proposed to be located within an identified flood plain area shall be encouraged to use lands outside of the flood plain through use of P.U.D.s and clustering.

5. Development in areas subject to flooding shall be permitted only in accordance with the provisions of the Flood Hazard (FH) Overlay Zone. The FH Overlay Zone shall be applied to all areas subject to periodic flooding at a frequency estimated to occur once every hundred years or more, as shown on FEMA's most recent Flood Hazard Boundary Maps for Columbia County. Columbia County's Flood Hazard Overlay Zone shall be based on and consistent with the applicable portions of Section 60.3 of FEMA regulations governing the National Flood Insurance Program.
6. Retain and restore natural or other suitable vegetation adjacent to waterways.

### **HAZARDOUS AREAS**

#### **GOAL:**

To protect life and property from natural disasters and hazards.

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

1. Require compliance with Chapter 70 of the Uniform Building Code for all construction:
  - A. Proposed on land with slopes exceeding 20%; or
  - B. On lands mapped, otherwise noted in this element, as having severe limitations for building; or
  - C. On any land suspected of being unable to physically support the proposed structure.
  - D. In known slide hazard areas.
4. Encourage the retention of as much vegetative cover as possible in critical mass movement areas, areas with over 20% slope, and in other slide or erosion prone areas.
5. Encourage "P.D." or cluster type development for projects proposed in areas identified as having limitations due to soil characteristics or excessive slope, so as to maximize the use of the most suitable building sites.

**Finding 34:** The approximate six acre site contains  $\pm$  1.8 acres of relatively flat, buildable lands. The remaining  $\pm$  4.2 acres contain steep slopes, descending westerly toward McBride Creek and its associated 100-year flood plain, along the site's northwest and west property lines. As proposed, all development of the site will occur on the flat, uphill portion of the property near the existing city limits and a significant distance from McBride Creek. Therefore, Comprehensive Plan policies

pertaining to development in the flood plain are not applicable to this request. Flood Plain Policies 3 and 6, however, are directly supported by the proposed UGB expansion. As part of this application, a recreational trail is proposed along McBride Creek. No other development is proposed within the vicinity of the waterway, and as such, natural vegetation will be preserved along the waterway.

Although, residential development is proposed on a relatively flat portion of the site, there are steep slopes present on much of the property that have the potential to present hazardous conditions in the form of land slides, soil erosion, etc...To protect life and property from such hazards, development on properties with slopes exceeding 20% are subject to specific provisions of the State's Uniform Building Code. Additionally, if developed in the County, development of the site is subject to this part of the Comprehensive Plan. If developed in the City, Chapter 7.106.030 (Hill Sides), Chapter 7.106.060 (Standards for Earth Movement Hazard Areas), and Chapter 7.106.070 (Standards for Soil Hazard Areas) of the City's Unified Development Code may apply to the subject property.

In regard to slope hazards present on the site, the City's Engineer provided the following comments:

"The subject properties may include areas with slopes greater than 15% and 20%. According to the City of Columbia City's Development Code these are considered "slope hazard areas" and shall be evaluated as such. Application for development in these areas shall include and engineering geotechnical study that demonstrates the site is stable for the proposed use and development. The developer shall provide a topographic survey of the properties so the grade of the lots can be evaluated. Slope hazard requirements shall be met once building envelopes are determined and prior to issuing building permits."

Also, for trail development, the City Engineer states that the slope of the land of Tract A will need to be verified for future park trail connection. Further comments are as follows:

"The proposed tract may need to be wider or re-oriented in order to develop switchbacks in the trail within the area of steep grade...Provide contours to allow for assessment of existing grade relative to the proposed trail access."

Through applicable development provisions, as outlined in this Finding, flood and slope hazards should not be prohibitive for residential or recreational development of the site, nor should the proposed UGB expansion contradict the goals or policies set forth by the County's Comprehensive Plan. Staff finds that the above criteria are met.

Continuing with the Oregon Administrative Rules and Oregon Revised Statutes:

**DIVISION 8: INTERPRETATION OF GOAL 10 HOUSING**

**660-008-0000**

Purpose

(1) The purpose of this rule is to assure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs. This rule is intended to define standards for compliance with Goal 10 "Housing" and to implement ORS 197.303 through 197.307.

**Oregon Revised Statute:**

197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(3)(a) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

**660-008-0010**

Allocation of Buildable Land

The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

**Finding 35:** As stated in Finding 11 of this report, as part of the original application, the City submitted a housing needs analysis based on their 2001 Buildable Lands Inventory. Comments from DLCD indicated the need for an updated Buildable Lands Inventory to justify the proposed urban growth boundary expansion. As part of a revised application, Columbia City submitted an updated Buildable Lands Inventory and, in turn, an updated Housing Needs Analysis. The City used Table 26 from the 2001 Buildable Lands Inventory, which identified the buildable lands and potential housing units for vacant and under-utilized parcels in the City, as a basis for the revised inventory. As stated by the City, "Using Table 26 as a basis, staff has reviewed all building permits issued from



2000 to 2010 and updated Table 26 based on the construction that has actually occurred in the community.” Both the 2001 and revised 2010 Columbia City Buildable Lands Inventories are included as attachments to this report.

Information from the City indicates that there were 611 existing dwelling units within the City’s city limits as of 1999. *(Note: The City assumed that the data in the 2001 Buildable Lands Inventory was gathered in 2000 and was complete through 1999.)* Based on a review of actual construction and the Housing Unit and Population Questionnaire, submitted annually to Portland State University, the City determined that 219 single-family/duplex units were built within the city limits between 2000 and 2010. Therefore, there are currently a total of 830 dwelling units in Columbia City. Of these 830 units, 772 units are single-family/duplex (93%), 16 units are multi-family (2%) and 42 units are manufactured homes in parks (5%).

Based on the City’s 2030 population projection (as discussed in Finding ) of 2,532 people and average household size of 2.5 persons per dwelling, the City has calculated that they will need a total of 1,013 dwelling units by the year 2030. With 830 existing units, the City needs an additional 183 units to accommodate the forecasted population growth. Of these 183 units, the City provided an analysis indicating the need for 170 single-family/duplex units, four multi-family units and nine manufactured units in parks. In 2003, the City completed an Urban Growth Boundary Expansion, adding acreage to their UGB to accommodate an additional 104 single-family/duplex units. Multi-family and manufactured housing in parks were not addressed through the 2003 expansion.

The City considered the updated Buildable Lands Inventory in conjunction with the 2003 UGB expansion to revise their Housing Needs Analysis. Based on existing development and the potential for development within the city limits and the City’s UGB, Columbia City determined that they can accommodate an additional 165 single-family/duplex units within the City and UGB, 10 multi-family units, and nine manufactured units in parks (through a zone change of a vacant property adjacent to an existing mobile home park). The existing four unit housing deficit of multi-family dwellings can not only be met, but exceeded, within the current city limits and urban growth boundary, and there is a 3.02 acre commercially zoned property adjacent to an existing mobile home park within the city limits that, through a zone change, could provide land to meet the nine unit deficit of manufactured dwellings in mobile home parks. As per the Buildable Lands Inventory, all other properties within the city limits or within the City’s UGB are already 100% developed or limited for development by steep and/or significant slopes, a lack of road access, or prohibitions of water/sewer extension due to McBride Creek. Therefore, to meet the housing needs for projected 2030 populations, the City is only in need of land to accommodate five additional single-family/duplex units.

*(Note: See charts in Finding 8)*

DLCD submitted concerns pertaining to the City’s need to accommodate “medium density affordable

housing - multi-family housing and manufactured home parks.” With the revised Buildable Lands Inventory and Housing Needs Analysis, it is anticipated that many of DLCD’s concerns will be alleviated. Never-the-less, it is important to note that the subject site is not an appropriate location for medium density housing. Topographic constraints, as discussed throughout this report, are limiting for development, and as stated by the applicant, the site is “located at the northwest edge of the existing urban growth boundary and is not in close proximity to public services, transportation and other conveniences.” The appropriateness of multi-family development at this location is discussed further in Finding 9 of this report.

Finally, as discussed in Finding 11, the State suggests that the entire 20-year land need shall be included as part of this urban growth boundary expansion in accordance with ORS 197.307(3)(a). Due to development constraints associated with all other properties reviewed for inclusion in the City’s Urban Growth Boundary, the subject site is the only property available for development. The City has demonstrated that multi-family housing needs can be accommodated within the existing UGB and city limits and indicated a possible plan for expanding the an existing mobile home park to meet the manufactured home (in parks) deficit. Therefore, the remaining deficit is for five single-family dwellings, of which four can be accommodated by the subject expansion. A deficit of one single-family unit is negligible considering the City’s constraints for UGB expansions. Staff finds that the criterion is met.

Continuing with the Oregon Administrative Rules:

**DIVISION 24: URBAN GROWTH BOUNDARIES**

**660-024-0040 - Land Need**

(1) The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.

(3) A local government may review and amend the UGB in consideration of one category of land need (for example, housing need) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need).

(4) The determination of 20-year residential land needs for an urban area must be consistent with the adopted 20-year coordinated population forecast for the urban area, and with the requirements for determining housing needs in Goals 10 and 14, OAR chapter 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.

**Finding 36:** This urban growth boundary expansion is proposed to provide land for the housing and recreational (park and open space) needs of Columbia City's 20-year projected population. 20-year land needs are consistent with the City's 20-year population forecast. A discussion of the City's population growth is included in Finding 10, and an analysis of the City's land needs, consistent with this OAR, is included in Finding 11. Staff finds that the criterion is met.

Continuing with the Oregon Administrative Rules:

**660-024-0050**

**Land Inventory and Response to Deficiency**

(1) When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045 or 660-008-0010, whichever is applicable, and ORS 197.298 for local governments subject to that statute. For employment land, the inventory must include suitable vacant and developed land designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015.

(4) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and OAR 660-024-0060.

**Finding 37:** The City of Columbia City updated their Buildable Lands Inventory (originally prepared in 2001) as part of this application. The City's methodology for said update is described in Finding 31 and appears to be consistent with OAR 660-024-0050(1). Based on the revised inventory, the City concluded that the capacity of land within the existing UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040. The City's Housing Needs Analysis identifies the need for 170 single-family/duplex units, four multi-family units and nine manufactured units in parks. The current city limits and UGB can accommodate 165 single-family/duplex units and 10 multi-family units. In order to meet the need for nine additional manufactured home units in parks, the City has proposed the possibility of re-zoning a portion of an approximate three acre site (commercially zoned) that is located adjacent to an existing mobile home park to accommodate said need. Therefore, the only remaining housing deficit is for five single-family/duplex units. The majority of this need can be met through the proposed UGB expansion. Changes to the UGB were

determined following an evaluation of alternative boundary locations as discussed in Findings 38 - 44. Staff finds that the criterion is met.

Continuing with the Oregon Administrative Rules:

**660-024-0060**

**Boundary Location Alternatives Analysis**

(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under OAR 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.

(c) If the amount of suitable land in the first priority category is not adequate to satisfy the identified need deficiency, a local government must determine which land in the next priority is suitable to accommodate the remaining need, and proceed using the same method specified in subsections (a) and (b) of this section until the land need is accommodated.

(d) Notwithstanding subsection (a) to (c) of this section, a local government may consider land of lower priority as specified in ORS 197.298(3).

(e) For purposes of this rule, the determination of suitable land to accommodate land needs must include consideration of any suitability characteristics specified under section (5) of this rule, as well as other provisions of law applicable in determining whether land is buildable or suitable.

**Finding 38:** The applicant submitted an Alternative Boundary Location Analysis as part of this request. Evaluations of individual properties considered through the analysis are included as an attachment to this report. The City describes limitations for expanding their UGB as follows:

“In 2003, the City analyzed all properties surrounding the urban growth boundary. Based on that analysis, the City expanded the urban growth boundary to include what was believed to be all of the remaining properties adjacent to the existing urban growth boundary where topography and natural features would permit efficient and economic provision of municipal services.

In 2009, the City was made aware that those two small parcels adjacent to the northwest corner of the urban growth boundary were appropriate for a limited number of single-family dwellings and for a significant extension of the McBride Creek Recreational Trail. The first parcel,

identified on the Columbia County Tax Map 5121 as Tax Lot 200, contains approximately 4.4 acres and is currently zoned Surface Mining (SM). The second parcel, identified on Columbia County Tax Map 5121 as Tax Lot 417, contains approximately 1.6 acres and is currently zoned Forest Agriculture (FA-19).

The SM Parcel is not identified as a resource in the Columbia County surface mining inventory and is too small to be economically useful in accordance with the zone. The FA-19 parcel is too small to be economically useful in accordance with the zone. Further, both properties are located between McBride Creek and the existing urban growth boundary. Neither of the properties are separated from the urban growth boundary by steep slopes. Two City streets provide direct, existing access to the properties. Municipal water service had previously been provided to a mobile home located on the SM property.

Columbia County and the City of Columbia City adopted the revised population forecast and the City determined that a need existed for additional single-family dwelling units. The City finds that the addition of these properties to the urban growth boundary addresses the need for single-family dwelling units. Further, the addition of this property provides 1,800 feet of the McBride Creek Recreational Trail and approximately 4 acres of park and open space benefitting the citizens of Columbia City.

There are 12 acres of non-resource land adjacent to the Columbia City UGB. They are located west of the existing UGB and west of Ninth Street and they continue to be unsatisfactory for development at urban densities due to the slopes greater than 25%, visual indications of previous earth movements, and cost prohibitions and technical limitations to the provision of municipal services. Further, the GIS overview map of potential rapidly moving landslide hazards in Western Oregon appears to include these properties. There are no other non-resource lands adjacent to the Columbia City UGB. Therefore, it is necessary to consider resource lands in this expansion of the urban growth boundary.

The City finds that, with the expansion of the urban growth boundary to include Tax Lot 5121-000-00200 and 5121-000-00417, there will be no other properties adjacent to the Columbia City Urban Growth Boundary where the topography and natural features permit efficient and economic provision of municipal services. On the north side, the Columbia City Urban Growth Boundary abuts Columbia County properties with existing mining and industrial uses. The south urban growth boundary line is separated from the City of St. Helens by a marshy wetland. The east urban growth boundary is formed by the Columbia River. On the west, there are significant topographical constraints. The USDA soil conservation service map, sheet 31, indicates a band of soil type 70E. According to the soil legend, 70E is Xerochrepts, steep. This band runs parallel with Columbia City on the west side of McBride Creek. Xerochrepts are very deep, somewhat poorly drained to well drained soils on short terrace escarpments. Slope is 20 to 50 percent. Further, the GIS overview map of potential rapidly moving landslide hazards in western Oregon appears to include these properties. These properties were not suited to development at urban densities in 2003 and there has been no change.”

The County concurs with the City’s analysis. Findings throughout this report demonstrate the

proposal's consistency with ORS 197.298 and Goal 14. Staff finds that the criterion is met.

Continuing with the Oregon Administrative Rule 660-024-0060:

(2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during periodic review or other legislative review of the UGB, a local government may approve an application under ORS 197.610 to 197.625 for a UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

**Finding 39:** The City's Buildable Lands Inventory and Housing Needs Analysis indicates a surplus supply of multi-family residential units within the City's existing city limits and UGB, but indicates a deficit of nine manufactured home units in parks and five single-family/duplex units. The City has indicated that there is land adjacent to an existing mobile home park within the city limits, that through a zone change, could accommodate the expansion of the park and an additional nine spaces. The City was unable to identify land within the existing city limits or UGB to accommodate five additional single-family/duplex units. The proposed expansion will provide land for four of the five needed single-family dwellings. In accordance with OAR 660-024-0060(3), the City and County may approve an urban growth boundary expansion which adds an amount of land less than necessary to satisfy the land need deficiency, if consistent with all other applicable requirements. Findings throughout this report analyze the proposal's consistency with applicable state law and local ordinances. Furthermore, the City has identified a plan to accommodate mobile home park units, and with the proposed urban growth boundary expansion, the City will only be short one single-family residential unit to accommodate the City's entire projected 20-year population growth. A deficit of one unit is negligible. Staff finds that the criterion is met.

Continuing with the Oregon Administrative Rule 660-024-0060:

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.

**Finding 40:** The boundary location factors of Goal 14 are discussed in Finding 12. Said finding demonstrates that all factors were considered and balanced. Efficient accommodation of identified land needs; orderly and economic provision of public facilities and services; comparative environmental, energy, economic, and social consequences; and compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB were considered and found to be consistent with the proposal as submitted. See Finding 12 for a detailed analysis of the boundary location factors. Staff finds that the criterion is met.

Continuing with the Oregon Administrative Rule 660-024-0060:

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

**Finding 41:** Columbia City's Urban Growth Boundary Expansion is limited to one property that abuts the City's city limits. Based on the City's analysis of surrounding properties, there are no other lands abutting the UGB, or within the vicinity available to be urbanized. As discussed in Finding 38, properties to the north of the City are zoned Resource Industrial Planned Development and planned for industrial type uses. Properties south of the City abut the city limits of St. Helens or are separated from St. Helens by wetlands. The City of Columbia City abuts the Columbia River to the east, and finally, properties west of the city are not buildable due to significant topographic constraints. Based on said limitations, Staff finds, that with the exception of the subject properties, the City cannot expand its UGB to other land within the vicinity or adjacent to the existing UGB.

Continuing with the Oregon Administrative Rule 660-024-0060:

(5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

**Finding 42:** The City did not specifically identify characteristics necessary for land to be suitable for residential and recreational needs. However, the City's plan for development of a trail along McBride Creek is subject to being able to acquire easements and/or land along the creek. The subject property has 1,800 linear feet of frontage along said waterway.

Continuing with the Oregon Administrative Rule 660-024-0060:

(6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the

Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

- (a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;
- (b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and
- (c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

**Finding 43:** The City conducted an analysis of properties surrounding the existing city limits and UGB to determine their appropriateness for inclusion within the UGB. This analysis evaluates the costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services and the site's suitability for development based on physical/topographic constraints. The analysis includes a two page table and two maps, and is included as an attachment to this report. Staff finds that the criterion is met.

Continuing with Oregon Revised Statute:

**197.298 Priority of land to be included within urban growth boundary.**

(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

- (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.
- (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.
- (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).
- (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.



(2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.

(3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:

(a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;

(b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or

(c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

**Finding 44:** According to Oregon statutory requirements for proposed UGB expansions, first priority is given to land that is designated urban reserve land; the City of Columbia City has no such designated land. Second priority shall be given to land that is adjacent to an urban growth boundary that is acknowledged in a Comprehensive Plan as an exception area. As part of the initial adoption of the Comprehensive Plan in 1984, Columbia County took “built and committed” exceptions to Goals 3 and 4 for all lands designated Rural Residential. There are two properties, tax lot 5128-031-04700 and tax lot 5128-031-04900 adjacent to the existing urban growth boundary that are zoned Rural Residential (RR-2). These properties encompass approximately 3.71 acres of land, but were determined to be unsuitable for development at urban densities due to their location on a terrace of Multnomah loam surrounded by Xerochrepts soils, which physically limit and economically prohibit the provision of municipal services. Additionally, as stated by the applicant, there are indications of ground movement visible from the access road to the sites. Also, there are Resource Industrial Planned Development (RIPD) zoned exception lands west and north of the City’s existing city limits/urban growth boundary. These properties, are separated from the city by McBride Creek and its canyon-like topography. Said features create a natural barrier between the city limits/UGB and the industrial property, limiting the expansion of municipal services to the site. The only connection to the City would be via Highway 30. Although most second priority lands adjacent to the City limits are not suitable for residential and recreational development, the City proposes to include tax lot 5121-000-00200, a ± 4.4 acre SM zoned property, in the UGB. This property alone, however, is not capable of meeting the City’s housing and recreational needs.

ORS 197.298(3)(a) and (b) state that land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section, because if specific types of identified land needs cannot be reasonably accommodated on higher priority lands or if future

urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints. As higher priority exception lands in this area, with the exception of the SM zoned property, are not suitable for development, as discussed above, the applicant considered resource zoned (forest and farm) land for inclusion in the urban growth boundary.

Specifically, the subject urban growth boundary expansion proposes inclusion of a ± 1.6 acre FA-19 zoned property. The County's Comprehensive Plan identifies forest-agriculture lands as resource lands. In accordance with ORS 197.298(1)(d), resource zoned lands shall be given fourth priority consideration for urban growth boundary expansions. Further, as per ORS 197.298(2), higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use. The subject FA-19 zoned property contains Latourell silt loam, 0 to 3 percent slopes (27A) and Xerochrepts, steep (70E) soils. According to the Soil Survey of Columbia County, Latourell silt loam soils are not particularly suited to Douglas Fir production, but are identified as prime agricultural soils. Xerochrepts soils have a variable index for Douglas Fir production. Due to the soil types, the FA-19 parcel is not suited for forestry use, nor is it suited for agricultural use due to the presence of steep slopes down to McBride Creek. Seven other Forest Agriculture (FA-19) and Primary Forest (PF-76) properties were analyzed as part of this request. All of these properties were determined to be unsuitable for urban development. See the attached table and maps for details regarding said analysis. Staff finds that the criterion is met.

Continuing with the Oregon Statewide Planning Goals:

Because OAR 660-024-0020 requires all UGB amendments to be consistent with the Statewide Planning Goals, applicable Goals will be now be presented and evaluated.

Goal 1: Citizen Involvement, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

The County finds that this goal is met through compliance with the land use hearing procedures in the County's acknowledged land use regulations. The intent of Statewide Planning Goal 1 is met.

Goal 2: Land Use Planning, "To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions." Further, as summarized by the Department of Land Conservation and Development, Goal 2 requires coordination with affected governmental entities, consistency with acknowledged plans, and periodic review and revisions (as needed) to those plans. "Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation."

The County finds that this proposal complies with Goal 2's coordination requirement. The City of Columbia City solicited comments from the County for the proposed Urban Growth Boundary Expansion prior to the City's adoption of said expansion. The City further coordinated with the County prior to submittal of their application to the County. The County notified (45-Day Notice) the Department of Land Conservation and Development of the request on June 16, 2010 and received comments from DLCD on July 2, 2010. The State's comments were forwarded to the applicant (the City), who provided a response to the County. The State's concerns are addressed in findings throughout this report. Other governmental entities, including Columbia River Fire and Rescue and the Columbia County Roadmaster were also notified of the request for comments. Neither the Fire District, nor the Road Department submitted objections to the proposal as submitted. Finally, findings throughout this report demonstrate the proposal's consistency with the County's Comprehensive Plan, the Statewide Planning Goals and all applicable State rule and statute. As such, goal exceptions were not required for the proposed urban growth boundary expansion. The intent of Statewide Planning Goal 2 is met.

Goal 3: Not Applicable

Goal 4: An exception to Goal 4 is not required by OAR 660-004-0010(1) (c)(B). Never-the-less, as discussed in Finding 8, inclusion of the subject properties into the Urban Growth Boundary, will not remove commercially viable forest land from use as such. Due to the soil types, the FA-19 parcel is not suited for forestry use, nor is it suited for agricultural use due to the presence of steep slopes down to McBride Creek and the small 1.6 acre parcel size. Management of this property for forest or agricultural production is not feasible.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces, "To protect natural resources and conserve scenic and historic areas and open spaces." Goal 5 further requires that local governments inventory scenic, historic and open space resources and adopt programs that will conserve these resources for present and future generations. Said resources include, but are not limited to, riparian corridors, including water and riparian areas and fish habitat, wetlands, wildlife habitat, approved Oregon Recreation Trails, natural areas, and wilderness areas. Planning Guidelines as established by Goal 5 specifically state that "the need for open space in the planning area should be determined and standards developed for the amount, distribution and type of open space." Planning Guidelines also encourage the development of open space in urban areas.

The County finds that the properties proposed for inclusion within the City's Urban Growth boundary contain natural resources that need to be protected in accordance with Goal 5. Specifically, McBride Creek, a fish bearing stream, travels along the northwest and west property lines of the subject properties. Due to topographic limitations of the site, all residential development will take place a significant distance from said creek. Finding 31 provides a detailed discussion of both the City's and County's development provisions that afford protections to the creek, its wetlands, and

riparian area. Additionally, only approximately 1.8 acres of the site are proposed to be developed for residential use. The remaining (approximate) 4.2 acres are proposed to be used for park/open space and will include a recreational trail along McBride Creek. Due to riparian corridor provisions, as discussed previously, impacts to McBride Creek from the proposed urban growth boundary expansion should be minimal. Said proposal encourages both the development of open space in urban areas and the preservation of sensitive natural resources, such as the creek. The intent of Statewide Planning Goal 5 is met.

Goal 6: Not applicable.

Goal 7: Areas subject to Natural Hazards, “To protect people and property from natural hazards.” As summarized by DLCD, “Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply ‘appropriate safeguards’ (flood plain zoning, for example) when planning for development there.”

Slope hazard was considered by the City when they decided on which lands to include in this UGB amendment. Most properties in the area contained significant slopes and were not appropriate for urban levels of development. The subject property does contain 100-year flood plain and 45% slopes, but also contains approximately 1.8 acres of relatively flat buildable land. Finding 34 provides an analysis of the development potential of the subject properties and outlines provisions in both the County’s and City’s development/building codes that protect development from such hazards as floods and/or landslides. The intent of Statewide Planning Goal 7 is met.

Goal 8: Recreational Needs, “To satisfy the recreational needs of the citizens of the state and visitors...” As summarized by DLCD, “This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.”

The County finds that the subject proposal directly supports Goal 8. See Findings 11 and 32 for a discussion on recreational needs. The intent of Statewide Planning Goal 8 is met.

Goal 9: Not applicable.

Goal 10: Housing, “To provide for the housing needs of citizens of the state. DLCD, in summary, states that “This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.”

The County finds that the proposal is consistent with Goal 10 (Housing). Findings 9 - 11 of this report address Columbia City’s housing needs and their plans to meet said needs. In summary, however, the City considered the updated Buildable Lands Inventory in conjunction with the 2003

UGB expansion to revise their Housing Needs Analysis. Based on existing development and the potential for development within the city limits and the City's UGB, Columbia City determined that they can accommodate an additional 165 single-family/duplex units within the City and UGB, 10 multi-family units, and nine manufactured units in parks (through a zone change of a vacant property adjacent to an existing mobile home park). The existing four unit housing deficit of multi-family dwellings can not only be met, but exceeded, within the current city limits and urban growth boundary, and there is a 3.02 acre commercially zoned property adjacent to an existing mobile home park within the city limits that, through a zone change, could provide land to meet the nine unit deficit of manufactured dwellings in mobile home parks. As per the Buildable Lands Inventory, all other properties within the city limits or within the City's UGB are already 100% developed or limited for development by steep and/or significant slopes, a lack of road access, or prohibitions of water/sewer extension due to McBride Creek. Therefore, to meet the housing needs for projected 2030 populations, the City is only in need of land to accommodate five additional single-family/duplex units. The proposed UGB expansion will accommodate four of the five needed single-family units. A deficit of one single-family unit is negligible considering the City's constraints for UGB expansions. The intent of Statewide Planning Goal 10 is met.

Goal 11: Public Facilities and Services, "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." Planning Guideline # 1 for Goal 11 states, "Plans providing for public facilities and services should be coordinated with plans for designation of urban boundaries, urbanizable land, rural uses and for the transition of rural land to urban uses."

The County finds that public facilities and services are available to the site. Municipal water and sewer are adjacent to both parcels, and the existing dwelling on tax lot 5121-000-00200 already receives city water. Sixth Street and Yakima Court (city streets) provide direct access to the subject property. Although these roadways have more than sufficient capacity to handle higher density residential development (than is proposed), County and City road frontage requirements limit the number of new lots that can be created on said roadways. Fire services are currently provided and will continue to be provided by Columbia River Fire and Rescue. A more detailed discussion of the availability of public facilities and services is included in Finding 28 of this report. The intent of Statewide Planning Goal 11 is met.

Goal 12: Transportation, "To provide and encourage a safe, convenient and economic transportation system."

The County Finds that the proposed area of inclusion in the City's UGB is adequately served by interior city streets. The subject properties have direct access to City streets (6<sup>th</sup> Street and Yakima Court). Sixth Street is a paved street, but does not have sidewalks, curbs, or gutters. Yakima Court is a paved, fully improved cul-de-sac. Any improvements required for said roadways to

accommodate development of the site will be addressed at the time of development. Additionally, according to the City's Transportation System Plan (TSP), the level of service of both Yakima Court and 6<sup>th</sup> Street is adequate, and can sufficiently handle the addition of four single-family residential units. The intent of Statewide Planning Goal 12 is met.

Goal 13: Not applicable

Goal 14: Urbanization, "To provide for an 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."

Statewide Planning Goal 14 (Urbanization) is addressed in Findings 10 and 11 of this report. Columbia County's Urbanization Goal in the Comprehensive Plan was updated in 2009 and directly references the criteria of Goal 14. Statewide Planning Goal 14 is met.

Goal 15-19: Not applicable."

**Finding 45:** The request to expand the City of Columbia City's Urban Growth Boundary is consistent with all applicable Statewide Planning Goals (as discussed above). Staff finds that the criterion is met.

**COMMENTS:**

**Department of Land Conservation and Development:** See Attached Letter Dated July 2, 2010

**St. Helens - Columbia City CPAC:** No Comment

**Columbia River Fire and Rescue:** No Objection

**Columbia County Roadmaster:** No Objection

**Columbia County Assessor:** No Objection

**Columbia County Surveyor:** No Objection

No other comments have been received from adjacent or nearby property owners or government agencies as of the date of this staff report (August 6, 2010).

**PLANNING COMMISSION RECOMMENDATION:**

Based on the facts, findings and comments herein (as presented by Staff), the Planning Commission recommends **APPROVAL** of this Comprehensive Plan Map Amendment (PA 10-01) to change a ± 1.6 acre Forest Conservation property (tax lot 5121-000-00417) and a ± 4.4 acre Surface Mining property (tax lot 5121-000-00200) to Urban Growth Boundary (UGB), subject to the following conditions:

1. The Official Comprehensive Plan Map designation of the two subject properties shall be changed from Forest Conservation and Surface Mining to Urban Growth Boundary.
2. The Official Zoning Map designation shall be changed from Forest Agriculture (FA-19) and Surface Mining (SM) to Single-Family Residential (R-10) and Community Service-Recreation (CS-R). The applicant shall submit a surveyed map to the County indicating the ± 1.8 acres of buildable land and the remaining ± 4.2 acres of unbuildable land. The buildable land shall be zoned R-10 and the remainder shall be zoned CS-R.

**Attachments:**

Application from the City of Columbia City  
Columbia City Staff Report Presented to City Council by the City  
Ordinance Amending the City's Comprehensive Plan  
Ordinance Annexing Property to the City of Columbia City  
Letter from DLCD, dated July 2, 2010  
City's Response to DLCD's letter, dated July 12, 2010  
Letter from the City addressing County Concerns, dated July 27, 2010  
2010 Housing Needs Analysis  
2010 Buildable Lands Inventory  
2001 Buildable Lands Inventory  
Canyon Creek Existing Parcel Map (identifying buildable area of the site)  
Zoning Map  
Address Map  
Vicinity Map

**Available Upon Request:**

Columbia City Parks Master Plan