

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Application No. PA 18-01 and
ZC 18-02 by Scott Winegar for Warren
Community Fellowship to Amend the
Comprehensive Plan Map and Zoning Map of
7.4-Acres to Relocate the Columbia County
Christian School

ORDINANCE NO. 2019-4

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

SECTION 1. TITLE

This Ordinance shall be known as Ordinance No. 2019-4.

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to ORS 203.035, ORS 203.045, and ORS 197.175.

SECTION 3. PURPOSE

The purpose of this Ordinance is to amend the Columbia County Comprehensive Plan Map ("Comprehensive Plan Map") designation from Rural Residential to Community Service and the Columbia County Zoning Map ("Zoning Map") designation from Rural Residential - 2 Acre (RR-2) to Community Service - Institutional (CS-I) for a 7.4-acre property located at 34740 Church Road (Tax Map Number 4119-AC-00700) in Warren, Oregon, to allow for the relocation of the Columbia County Christian School, which is currently located on the parcel to the south in conjunction with the Warren Community Fellowship Church.

SECTION 4. PROCEDURAL HISTORY

Planning staff deemed Application No. PA 18-01 and ZC 18-02 complete on April 12, 2018. Following public notice, this matter came before the Columbia County Planning Commission ("Planning Commission") for a public hearing on June 4, 2018. The Planning Commission recommended denial of the proposed application based on findings that the subject property did not have a proven method of wastewater disposal.

Following public notice, this matter came before the Board of Commissioners ("Board") for a public hearing on July 25, 2018. At the hearing, the applicant introduced a Preliminary Septic Report intended to show that a wastewater disposal system could be installed at the subject property to adequately support the proposed uses. To allow staff an opportunity to review the

newly introduced evidence, the Board continued the hearing to August 29, 2018. On August 1, the County Planning Manager informed the applicant that the report did not adequately address the wastewater disposal system issue. On August 22, 2018 the applicant requested the Board postpone the August 29, 2018 hearing in order to allow him more time to submit the necessary information. On August 29, 2018, the Board continued the hearing to December 5, 2018. At the December 5, 2018 hearing, the Board heard testimony, deliberated and voted to tentatively approve the application without conditions.

SECTION 5. AMENDMENT AND AUTHORIZATION

1. The Board hereby approves Application No. PA 18-01 and ZC 18-02.
2. The Board hereby amends the Comprehensive Plan Map to change the designation from Rural Residential to Community Service for the property at 34740 Church Road (Tax Map Number 4119-AC-00700) in Warren, Oregon.
3. The Board hereby amends the Zoning Map to change the designation from Rural Residential - 2 Acre (RR-2) to Community Service - Institutional (CS-I) for the property at 34740 Church Road (Tax Map Number 4119-AC-00700) in Warren, Oregon.

SECTION 6. FINDINGS

The Board adopts the Findings of Fact and Conclusions of Law in the Supplemental Staff Report dated November 28, 2018, attached hereto and incorporated herein as Exhibit A, and the Staff Report dated July 18, 2018, attached hereto and incorporated herein as Exhibit B, to the extent those findings and conclusions are consistent with the Board's decision.

SECTION 7. SEVERABILITY

If for any reason a court of competent jurisdiction holds any portion of this Ordinance, including its attachments or any portion therein, to be invalid, and such holding is upheld on appeal, that portion shall be deemed a separate, distinct and independent portion. The court's holding shall not affect the validity of the remaining portions.

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SECTION 8. SCRIVENER'S ERRORS

Scrivener's errors in any portion of this Ordinance may be corrected by order of the Board of County Commissioners.

DATED this 13th day of March, 2019.

Approved as to Form

By: _____

Office of County Counsel

Recording Secretary

By: _____

Jan Greenhalgh

First Reading: _____

Second Reading: _____

Effective Date: _____

2-20-19

3-13-19

6-11-19

BOARD FOR COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Henry Heimuller, Chair

By: _____

Margaret Magruder, Commissioner

By: _____

Alex Tardif, Commissioner

**COLUMBIA COUNTY BOARD OF COMMISSIONERS
SUPPLEMENTAL STAFF REPORT**

November 28, 2018

Zone Change and Comprehensive Plan Map Amendment

HEARING DATE: December 5, 2018

FILE NUMBER: PA 18-01 & ZC 18-02

APPLICANT: Scott Winegar, 56523 Columbia River Highway, St. Helens, OR 97051

OWNER: Warren Community Fellowship Church, 56523 Columbia River Highway, St. Helens, OR 97051

SITE LOCATION: The site is located on Church Road, bordering the Warren Community Fellowship Church property in back, to the west.

TAX MAP No: 4119-AC-00700

**PRESENT COMPREHENSIVE
PLAN DESIGNATION:** Rural Residential

**PROPOSED COMPREHENSIVE
PLAN DESIGNATION:** Community Service

PRESENT ZONING: Rural Residential - 2 (RR-2)

PROPOSED ZONING: Community Service-Institutional (CS-I)

SITE SIZE: ± 7.4 Acres

REQUEST: To amend the County's Comprehensive Plan Map from Rural Residential to Community Service and the County's Zoning Map from Rural Residential-2 (RR-2) to Community Service-Institutional (CS-I) to allow for the relocation of the Columbia County Christian School (CCCS)

SUMMARY:

On April 12, 2018, the application for a Comprehensive Plan Map Amendment and Zone Change was accepted as complete from Scott Winegar, who represents the Columbia County Christian School. This Comprehensive Plan Map Amendment proposes to change the zoning designation of a 7.4 acre parcel that is currently zoned Rural Residential, to Community Service Institutional in order to relocate the existing Columbia County Christian School from the Warren Community Fellowship property to the south.

The Columbia County Planning Commission heard this proposal on June 4, 2018 along with the

Staff Report dated May 25, 2018 and testimony for and against from neighboring property owners. The Planning Commission recommended that the Board of County Commissioners deny the request for a Comprehensive Plan Map Amendment based on the findings that the subject parcel did not have a proven method of waste water disposal.

On July 25, 2018 the Columbia County Board of Commissioners heard the Staff Report dated July 18, 2018 as well as testimony from the applicant and neighbors for and against the proposed Comprehensive Plan Map Amendment. The Board voted to postpone the hearing until August 29, 2018 so that Staff would have adequate time to review the recently submitted "Preliminary Site Evaluation", prepared by Environmental management Systems, Inc. (EMS). Both the State DEQ and Columbia County Sanitarian determined that the EMS report was not adequate to determine if the site is suitable for a septic system which would support a design flow of 2,725 gallons per day. Staff recommended that the applicant apply for a septic lot evaluation through either DEQ or the county to demonstrate that a suitable area is available, including test pits for localized soil evaluations.

On August 22, 2018, the applicant requested a postponement to allow for more time to gather the necessary information for the septic lot evaluation. On August 29, 2018, the Board granted a continuance of the hearing until December 5, 2018 to allow adequate time for the applicant to prepare the necessary measures to prove that an on-site waste water disposal system is feasible for the subject property with the intended use as a school.

Through communications between the Department of Environmental Quality and the Columbia County Sanitarian, DEQ made the determination that the daily flow rate can be based on historical water usage data for the existing school. This authorized the county to review the proposal of a septic lot evaluation rather than seeking approval of a Water Pollution Control Facility (See attached communications). On October 16, 2018, the applicant submitted a septic lot evaluation (192-18-00301-EVAL) to the county which included a staked out plan of how the septic drainfield would be laid out. The County Sanitarian reviewed the drainfield layout as well as test holes on the subject property and concluded that a septic system could be approved for the proposed use.

The remainder of this report will amend affected findings in the July 18, 2018 Board of County Commissioners Staff Report based on supplemental information received from the applicant, addressing the feasibility of on-site waste water disposal for the proposed school.

Finding 1:

Columbia County Comprehensive Plan Part XIV (Public Facilities & Services) & Statewide Planning Goal 11 (Public Facilities and Services): The goal of Part XIV is to plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development. Policy 2 of the Public Facilities and Services section states, "Require that the level of facilities and provided be appropriate for, but limited to, the needs and requirements of the area(s) to be served. The types and level of public facilities allowed within Rural Residential, Rural Center, Existing Commercial, and Rural Industrial areas are: A. Public or community

water systems. B. Public or community sewage systems. C. Collector and/or arterial street systems. D. Fire protection by a rural fire protection district, or an equivalent level of service". Also, Goal 11 requires local governments "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." While this area is not a part of any incorporated city or within an urban growth boundary, it does provide some types of public facilities and services.

The subject property is approximately 7.4 acres and located in an area of relatively high density rural, single-family developments. The area is served by Warren Water Association and the applicants propose to utilize their services for future development. The applicant has not submitted any documentation stating that Warren Water is willing and able to serve this intended new use, however on May 18, 2018 Warren Water submitted comments stating that they have reviewed the requested Zone Change and Comprehensive Plan Map Amendment and have no objections to its approval as submitted.

There are no public stormwater facilities in the vicinity. The subject property is within a natural drainage area including Warren Creek basin. Staff notes that a private engineered stormwater and erosion control plan will be required at the time of Site Design Review.

The subject property is served by the Columbia County Sheriff as well as Columbia River Fire and Rescue. No comments were received by either as part of this proposal, however prior to the approval of the Site Design Review, setbacks, access and fire flow for the planned school shall be reviewed and approved by Columbia River Fire and Rescue.

There are no public sewage disposal facilities located within the vicinity of this site. However, since the initial Board of Commissioners hearing (July 25, 2018), the applicant has submitted an approved Septic Lot Evaluation (192-18-00301-EVAL) that shows the proposed school can be supported by an approved on-site septic system based on the historic water usage data provided to the county.

With this new information and an approved septic lot evaluation for the subject property, Staff finds that Part XIV of the Comprehensive Plan as well as Goal 11 of the Statewide Planning Goals have been satisfied.

Columbia County Zoning Ordinance:

Section 1502.1(A)(3) Adequate Facilities, Services and Transportation Networks

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

Finding 2: The subject property is currently provided with adequate facilities in terms of water, transportation networks, and emergency services to support the proposed map amendment and zone change for the relocation of the private Christian School. Neither the County Road

Department nor Oregon Department of Transportation requested a transportation impact analysis because the use is already existing and the access will not change with this proposal. On-site wastewater facilities have been proven to be feasible based on the septic lot evaluation 192-18-000301-EVAL which takes into account the historic water usage data of the existing school with extrapolation for higher usage in the future. Staff finds that with this approved lot evaluation, the applicant has shown that the proposed use of the property can be properly supported by an authorized wastewater disposal system. With this documentation, staff finds that this criteria is met.

CONCLUSION, & RECOMMENDED DECISION & CONDITIONS:

Based on the facts, findings and comments herein, of the original staff report dated July 18, 2018 and the supplemental staff report dated November 28, 2018, the Planning Director recommends **APPROVAL** of this Major Map Amendment (PA 18-01 & ZC 18-02) to change the Comprehensive Plan Map designation from Rural Residential to Community Service and the Zoning Map designation from Rural Residential-2 (RR-2) to Community Service-Institutional (CS-I) for the ± 7.4 acre subject property, identified by tax map # 4119-AC-00700, subject to the following condition:

1. Prior to obtaining any development permits, the applicant shall apply for Site Design Review in accordance with the Columbia County Zoning Ordinance.

Attachment: September 18, 2018 Communication between sanitarian and DEQ

**COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

July 18, 2018

Zone Change and Comprehensive Plan Map Amendment

HEARING DATE: July 25, 2018

FILE NUMBER: PA 18-01 & ZC 18-02

APPLICANT: Scott Winegar, 56523 Columbia River Highway, St. Helens, OR 97051

OWNER: Warren Community Fellowship Church, 56523 Columbia River Highway, St. Helens, OR 97051

SITE LOCATION: The site is located on Church Road, bordering the Warren Community Fellowship Church property in back, to the west.

TAX MAP No: 4119-AC-00700

**PRESENT COMPREHENSIVE
PLAN DESIGNATION:** Rural Residential

**PROPOSED COMPREHENSIVE
PLAN DESIGNATION:** Community Service

PRESENT ZONING: Rural Residential - 2 (RR-2)

PROPOSED ZONING: Community Service-Institutional (CS-I)

SITE SIZE: ± 7.4 Acres

REQUEST: To amend the County's Comprehensive Plan Map from Rural Residential to Community Service and the County's Zoning Map from Rural Residential-2 (RR-2) to Community Service-Institutional (CS-I) to allow for the relocation of the Columbia County Christian School (CCCS)

APPLICABLE REVIEW CRITERIA:

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Columbia County Zoning Ordinance

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APPLICATION COMPLETE: 4/12/18

150-DAY DEADLINE: Not Applicable
(ORS 215.427(7))

BACKGROUND:

The applicant, Scott Winegar for Warren Community Fellowship Church, proposes a County Comprehensive Plan Map Amendment and Zone Change for an approximate 7.4 acre property located near the intersection of Highway 30 and Church Road. Currently, the subject property has a comprehensive plan map designation of Rural Residential and a zoning designation of Rural Residential - 2 (RR-2). The request is to amend the comprehensive plan map from Rural Residential to Community Service and the zoning from RR-5 to Community Service - Institutional (CS-I) to allow for the relocation of the Columbia County Christian School, which is currently located on the parcel to the south in conjunction with the Warren Community Fellowship Church.

Need

The Property Owner and Applicant is requesting a Zone Change and Comprehensive Plan

Amendment in order to change the zoning of the subject 7.4 acre property from Rural Residential - 2 (RR-2) to Community Service - Institutional (CS-I). This Zone Change/Plan Amendment is necessary to facilitate the relocation of the Columbia County Christian School (CCCS) which is currently occupying a portion of the Warren Community Fellowship Church property (Tax Lot 4119-AC-00701). The school is a private, faith based organization that offers an accredited education program for students pre-kindergarten through middle school. The school currently enrolls approximately 60-70 students annually.

History

The subject property is located in very close proximity to the historic "center" of Warren, Oregon. Located directly to the east of Highway 30 from the intersection of Church Road and Highway 30 was the original Post Office location. It was once considered to be the Warren town hall. This location was also a station for locomotive travel, both passenger and agricultural products. This area surrounding the intersection of Church Road and Highway 30 has been a central gathering location for the community members of Warren in the past. This "town center" area included commercial establishments, restaurants, churches, and school facilities with residential uses toward the peripheral of this center, further west of Highway 30. The Warren Community Inn was previously located on the southern corner of Church Road and Highway 30, the Warren Baptist Church is located on the northern corner of this intersection, and the Warren Elementary is sited on the corner of Berg Road and Highway 30. This central location of Warren has historically been used as a meeting place for the citizens of Warren and a general place for community services such as schools, churches, post offices, and restaurants.

In 2008, the current facilities used by Columbia County Christian School were reviewed and approved by Land Development Services through a Site Design Review (DR 07-08). This allowed the siting of the current portable classrooms and the use of the Warren Community Fellowship property as a private school. The subject property for which the zone change is requested has been owned by the Warren Community Fellowship Church since approximately 1999 and has been zoned Rural Residential since 1984. This zone change is the first step to siting the existing private school onto the subject property in order for the Warren Community Fellowship congregation to utilize the space where the current school exists.

Site Characteristics

The subject property has frontage along the north property line on Church Road which is a County right of way. Access to the site is obtained from Church Road via a paved driveway. This access is currently being used for the existing school located on Tax Lot 4119-AC-00701, however the church also has access off of Highway 30 which is currently being used for the school traffic as well. Fire services are provided to the site by Columbia River Fire and Rescue.

Currently, the subject parcel contains no improvements other than the existing paved driveway that is used to access the current Christian School. This property does not contain any Big Game Habitat, Threatened Species, or Natural Areas according to the Scappoose-Spitzenberg Area Beak Map. Although, the southern portion of the property contains Warren Creek, which is a fish bearing creek. According to FEMA FIRM Panel 41009C0453D, the southern portion of this

property is located within the floodplain associated with Warren Creek. Also, the property has natural low areas in the central portion which causes pooling throughout the rainy season. According to neighboring property owners, this pooling is very substantial and is a main topic of concern.

The site is surrounded to the north, east, and west by Rural Residential (RR-2) zoned properties and to the south by the existing church and school which is zoned CS-I. RR-2 zoned properties in this area are developed with single-family residential dwellings at fairly high density, with parcels ranging in size from 0.5 acres to approximately 5 acres. A number of neighbors have expressed concerns regarding this proposed Zone Change and Plan Amendment. Land Development Services has received comments from Jessica and Ryan Jaconsen, John Costic, Linda Bolen, Michael Burr, and Steve Pfeiffer. These concerns will be addressed in findings throughout this report.

On June 4, 2018, the requested PA 18-01 & ZC 18-02 was heard and reviewed by the Planning Commission. During this public hearing, the Planning Commission heard testimony in opposition from a number of neighboring property owners and found that the application does not adequately address neighbors' concerns which relate to a number of review criteria. Some of these concerns relate to septic feasibility to support the proposed use, traffic impacts on Church Road, poor drainage on the subject property, protection of the Warren Creek riparian corridor, and noise concerns.

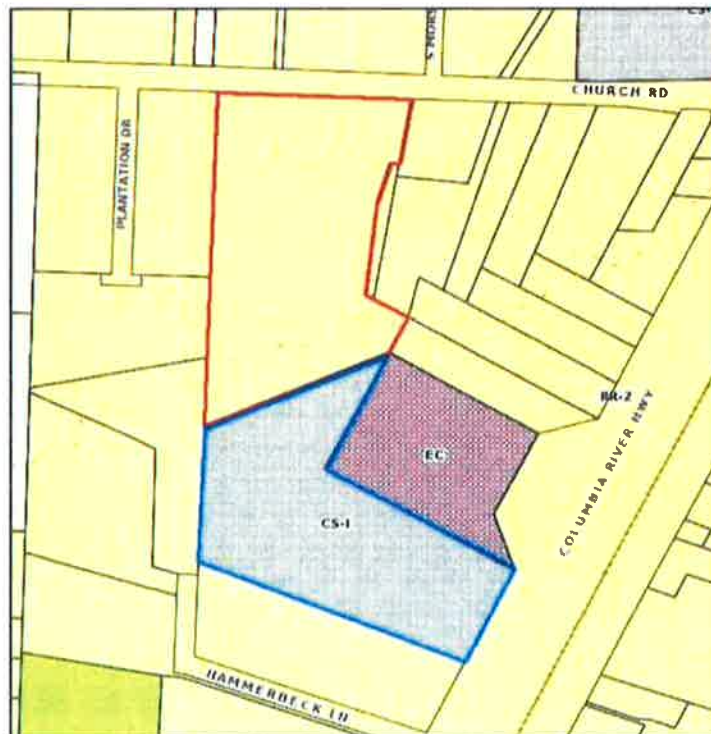
Contents of Report

The remainder of this report will analyze and evaluate the extent to which the proposed map amendment and zone change comply with the applicable provisions of the Columbia County Zoning Ordinance and Comprehensive Plan and Oregon Statewide Planning Goals.

Aerial Photograph



Existing Zoning Map



Subject Parcel. Looking from Church Road



REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:

Zoning Ordinance Section 1010 Community Service-Utility

Section 1000 COMMUNITY SERVICE - INSTITUTIONAL CS - I

1001 Purpose: The purpose of this section is to provide for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, and unusual character or effect on the neighborhood, may not be suitable for listing with the other sections of this Ordinance. The CS-I district is intended to provide a mechanism for the establishment of public and private facilities necessary to meet the demand for the various types of public assemblies and public and private institutional facilities. This district is intended to function as a regular district within the Community Service designation.

1002 Permitted Uses:

- .1 Schools, public or private, and their accompanying sports facilities.

Finding 1: The applicant requests approval of a Comprehensive Plan Map amendment and Zone change to allow for the relocation of a private Christian school on a 7.4 acre property that is currently zoned for Rural Residential. With its current zoning of Rural Residential (RR-2), the subject property can not be developed as a private school. As per Section 1002 of the Columbia County Zoning Ordinance, the Community Service-Institutional zone allows "Schools, public or private, and their accompanying sports facilities." as permitted uses, and is therefore, an

appropriate zoning designation for the proposed use. The appropriateness of the subject property for the proposed land use district and use is reviewed through the proposal's consistency with the Zoning Ordinance, Comprehensive Plan and Statewide Planning Goals. Additionally, prior to development, a Site Design Review will be required to address design standards intended to mitigate potential adverse impacts on surrounding properties of different uses. Staff finds that the intended use for the site is consistent with the purpose and permitted uses of the CS-I Zone.

Continuing with the Columbia County Zoning Ordinance Section 1003

- 1003 **Restrictions and Conditions:** These public facilities have a direct impact upon adjoining properties. The Commission shall study each request to establish a new CS-I use and shall attach adequate conditions to the approval of a CS-I use to insure the adverse impact of the institutional use upon the adjoining land uses have been mitigated.

Conditions shall include:

- .1 Landscaping, berming, fencing, or screening.
- 2 Increased off street parking.
- .3 Limitations on the type and amount of external lighting.
- .4 Limitations on the number and location of access points which connect with County roads or public ways.
- .5 The Commission may attach as many conditions, such as setbacks, screening, off-street parking and unloading, construction standards, maintenance and landscaping requirements, as it deems necessary to protect the public health, safety, welfare, the adjoining property owners, and the public interest.

Finding 2: Factors as listed in Section 1003 (above) of the Columbia County Zoning Ordinance will be addressed through the Site Design Review process, and conditions necessary to mitigate impacts of the proposed use implemented at that time. Some, but not all, conditions that will be required at the time of Site Design Review will be discussed throughout later findings of this report. Staff finds that the criterion will be met through a subsequent Site Design Review.

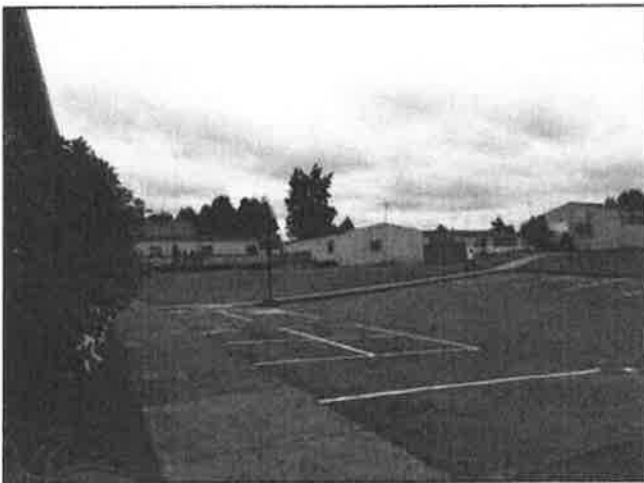
- .6 Within an Urban Growth Boundary, a new CS-I use shall be served by public water and public sewer. The Commission may waive the requirement for the connection to public sewer if it can be shown that the proposed use can be safely served in another manner. In this case, the Commission will require the CS-I use be connected to public sewer when it becomes available to the site.

Finding 3: The subject property is not located within an Urban Growth Boundary, and is therefore not required to be connected to public water or sewer. The criterion does not apply.

- .7 Day care centers and private kindergartens shall provide not less than 100 square feet per child of outdoor play area. This area shall not be located in the required front yard unless approved by the Commission.

Finding 4: Although this Zone Change and Plan Amendment does not address the site specific development, the applicant will be required, at the time of development, to identify the amount of outdoor play area based on children attending the private school. Staff finds that the criterion will be met through a future Site Design Review for any proposed development.

Existing School Facilities on Tax Lot 4119-AC-00701



- .9 Churches may not be approved on a lot or parcel which has an area of less than 15,000 square feet.

Finding 5: The proposed new use, after the zone change of the subject parcel, would be for a private, faith based school. A church is not being proposed, although the subject parcel is well over the required 15,000 square foot requirement. Staff finds that this criterion does not apply.

- .10 Off-street parking shall be provided as required in Section 1400.

Finding 6: Off-street parking and any other site specific development will be required to be reviewed and approved through the Site Design Review process following this Zone Change and Plan Amendment. Staff finds this criterion can be met with the submittal of a future Site Design Review.

Continuing with the Columbia County Zoning Ordinance Section 1004

1004 Before a new Community Service - Institutional use is approved outside an Urban Growth Boundary, the Commission must find that the CS-I use:

- .1 Is consistent with the character of the area.
- .2 Will not adversely affect natural resources in the area.
- .3 Will not conflict with farm or forest use in the area.
- .4 Will not create any traffic hazards.

Finding 7: According to the application for PA 18-01 and ZC 18-02 this zone change is necessary in order for the property owners to relocate the Columbia County Christian School from Tax Lot 4119-AC-00701 to the subject parcel (Tax Lot 7119-AC-00700). As discussed in the Summary as well as previous findings, the surrounding area is predominantly zoned Rural Residential with three other parcels zoned CS-I and one zoned EC within approximately 1,000 feet of the subject parcel. Two of the three CS-I zoned properties are currently being used as churches (Warren Community Fellowship and Warren Baptist Church) and the other is being used as an elementary school (Warren Elementary).

This proposal will not adversely affect any farm or forest uses since there are no commercial farm or forest operations in the surrounding area. A significant natural resource, Warren Creek, runs through the subject property on the southern portion. The protections of this natural resource will be discussed in detail in subsequent Findings.

During the Pre-Application meeting that was held on March 23, 2017, it was determined by the County Road Department that this proposed Plan Amendment and Zone Change would not require a Traffic Impact Statement. This is because the current school already uses the proposed access off of Church Road and this relocation will not directly result in more students attending the private school. The relocation of the school alone may not result in changes of traffic counts onto Church Road, but if the school were to expand or if another activity is proposed to be conducted on the property, a Traffic Impact Statement may be required at that time. Although, the County Roads Department deemed it unnecessary, comments from neighboring property owners indicate that Church Road is already over burdened by traffic and if the school is moved to the subject property then all traffic would come and go from Church Road rather than the Highway 30 access. Staff received comments from Oregon Department of Transportation on May 17, 2018 which stated that they have no concerns of traffic implications regarding this proposal. Staff finds that this requested Zone Change and Comprehensive Plan Map Amendment will not create any traffic hazards.

Staff finds that the criterion will be met through a subsequent Site Design Review.

Continuing with the Columbia County Zoning Ordinance Section 1015

1005 Standards:

- .1 There is no designated minimum lot or parcel size. The Commission shall review each proposal on a case by case basis and determine if the site is adequate for the proposed use. The site plan shall be reviewed and determined if the site meets all the provisions of this Ordinance, including the off-street parking requirements listed in Section 1400.
- .2 There are no designated minimum setbacks in this district. The applicant shall submit a letter from the Fire Marshall concerning the necessary setbacks for safety. After reviewing the letter and the adjacent land uses, the Commission shall establish setback requirements for each individual site.

Finding 8: The subject property is approximately 7.4 acres in size which is sufficient to accommodate the Christian School and the off-street parking requirements of Section 1400 of the County's Zoning Ordinance. The current school is located on the parcel to the south and takes up approximately 3 acres of the Warren Community Fellowship lot. Parking standards will be addressed through the Site Design Review process.

As discussed in previous findings, any site specific design standards will be reviewed and addressed through the Site Design Review process following approval of the proposed Zone Change and Plan Amendment. The site characteristics of the subject property are suitable for the proposed use. Staff finds that the criterion will be met with a Site Design Review.

Continuing with the Columbia County Zoning Ordinance Section 1450 Trans. Impact Analysis

1450 Transportation Impact Analysis Transportation Impact Analysis (TIA) must be submitted with a land use application if the proposal is expected to involve one or more of the conditions in 1450.1 (below) in order to minimize impacts on and protect transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

- .1 Applicability — A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of the following:
 - A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.

Finding 9: This request is for a Zone Change and Major Comprehensive Plan Map Amendment for the subject 7.4 acre property which is currently zoned RR-2. In comments received on 4/12/18 from the Columbia County Roads Department, they state that the County Road Department is not requiring a Traffic Impact Study. As discussed at the Pre-Application meeting, this activity/development will not change the traffic counts. This is because the school is already

in existence on the adjacent parcel and already utilizes the existing access. However, the Road Department states if the school/church is to expand its operations, or if another activity is to be conducted on the property, a Traffic Impact Study may be required at that time. Also, the Oregon Department of Transportation commented on the proposed Zone Change and Comprehensive Plan Map Amendment and stated that they have no concern over traffic implications regarding this proposal. Staff finds that this criteria has been met.

- B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.

Finding 10: The County Road Department does not anticipate an increase in trip generation because the proposal as requested is intended to relocate the existing school facility on the Warren Community Fellowship Church parcel, to the subject parcel. The Road Department stated if the school/church is to expand its operations, or if another activity is to be conducted on the property, a Traffic Impact Study may be required at that time. Staff finds that this criteria is met.

- C. Potential impacts to intersection operations.

Finding 11: As stated in previous Findings, this proposal is for the relocation of the existing Columbia County Christian School facility to the neighboring property. The anticipated development would utilize existing accesses off of Highway 30 and Church Road and would not have further impact on intersections in the surrounding area. Staff finds that this criteria is met.

- D. Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.

Finding 12: This proposal is for the Zone Change and Comprehensive Plan Map amendment, to change the subject property from Rural Residential (RR-2) to Community Service (CS-I). The area to the west of the subject property is predominantly residential, however the subject property is in close proximity to the Highway 30 corridor and located on the fringes of the residential areas of Warren. There are no expansions of the school as a result of this zone change therefore it will not create any new impacts to residential or local roadways. It will also not generate any additional traffic through a residential zone. Staff finds that this criteria is met.

- E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.

Finding 13: Church Road currently does not have any existing pedestrian facilities or bicycle routes, nor is it identified for multimodal roadway improvements in the Columbia County Transportation Plan. As stated previously, the intended relocation of the school will not create

further impacts to existing systems. However, at the time of Site Design Review, the applicants may be required to install frontage improvements on Church Road as well as multimodal facilities and infrastructure to support the intended use.

- F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.

Finding 14: The intended use of the subject property is already occurring on the Warren Community Fellowship Church Property to the south. The existing school is utilizing the existing access, which will not change as a result of this zone change and map amendment. Although, if at the time of Site Design Review, there are expansions to the school facilities, there may be improvements required to support the future school. The County Road Department commented on the proposal and stated that the future, intended development will not change the traffic counts.

- G. A change in internal traffic patterns may cause safety concerns.

Finding 15: This proposal is for the zone change and plan amendment for the subject property and the approval of this zone change does not authorize any site specific development. At the time of development, the internal traffic patterns will be reviewed and approved by the County Road Department. Staff finds this criteria is met.

- H. A TIA is required by ODOT pursuant with OAR 734-051

Finding 16: The application materials were sent to Oregon Department of Transportation on April 16, 2018. ODOT submitted comments for the proposed Zone Change and Comprehensive Plan Map Amendment and stated that they have no concerns over traffic implications for this proposal. Staff finds that this criteria has been met.

- I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.

Finding 17: As stated previously, there is no development being proposed with ZC 18-02 and PA 18-01. Because the intended, future use of the subject property is an existing private school that currently utilizes the existing accesses, there will be no change in traffic patterns including vehicles exceeding 26,000 pounds. Staff finds that this criteria is met.

Church Road, North Property Line



Existing Access from Church Road



Continuing with the Columbia County Zoning Ordinance Section 1502 Zone Changes

- .1 Major map Amendments are defined as Zone Changes which require the Comprehensive Plan Map to be amended in order to allow the proposed Zone Change to conform with the Comprehensive Plan. The approval of this type of Zone Change is a 2 step process:
 - A. The Commission shall hold a hearing on the proposed Zone Change, either concurrently or following a hearing on the proposed amendment to the Comprehensive Plan which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Commission may recommend approval of a Major Map Amendment to the Board of Commissioners provided they find adequate evidence has been presented at the hearing substantiating the following:
 1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
 2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
 3. The property and affected area are presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation

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

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

Finding 10: The subject application is being processed as a Major Map Amendment because a Comprehensive Plan Map Amendment is necessary to allow the Zone Change, from Rural Residential-2 (RR-2) to Community Service-Institutional (CS-I), to conform with the Comprehensive Plan. In order for the zoning to be changed as described, the Comprehensive Plan Map shall be changed from Rural Residential to Community Service. The Planning Commission will hear the matter and make a recommendation to the Board of Commissioners. The Board of Commissioners will review all testimony and make a decision to approve, approve with conditions, or deny the application.

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 15-25 and the Statewide Planning Goals are addressed in Findings 26-33. Likewise, the availability and adequacy of public facilities and services necessary to support the proposed use are discussed through the analyses of the proposal's consistency with the Comprehensive Plan and Planning Goals, and specifically, Findings 34, 20 and 32 of this report.

Continuing with Columbia County Zoning Ordinance Section 1603

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 11: Warren Community Fellowship submitted an application for a Major Map Amendment on April 2, 2018. The application was deemed complete on April 12, 2018 and scheduled to be heard at the Planning Commission's June 4, 2018 meeting. The 35-day notice was mailed to the Department of Land Conservation and Development (DLCD) on April 13, 2018. Notice of this application was mailed to surrounding property owners within 250 feet of

the subject site on April 16, 2018. Finally, notice of the application and public hearing has been published in the *Chronicle* and the *Columbia County Spotlight* on May 23 and May 25, 2018. This notice was published at least 10 calendar days prior to the June 4, 2018 public hearing date. Public notification procedures as outlined by Section 1603 for Quasi-judicial hearings were followed for this proposal. Public hearing procedures will be followed in accordance with this Section and Ordinance 91-2. For the Board hearing, notice was provided to local papers for publication and sent to neighboring property owners on June 28, 2018. News paper publication was on July 6, 2018.

Continuing with Columbia County Zoning Ordinance Section 1605

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 12: The hearing for this application is a Major Map Amendment and will follow the procedures established in Sections 1502, 1502.1 (A and B) as described in previous Findings. The Planning Commission will hold a public hearing and make a recommendation to the Board of Commissioners. The Board of Commissioners will then hold a hearing and make a formal decision to allow, allow with conditions, or prohibit the proposed Comprehensive Plan Map Amendment and Zone Change.

Continuing with Columbia County Zoning Ordinance Section 1607

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 13: As discussed in previous Findings, the request to change the Zoning Ordinance Map from RR-2 to CS-I also requires a Comprehensive Plan Map Amendment from Rural Residential to Community Service. This application is being processed as a Major Map Amendment, involving amendments to both the Comprehensive Plan Map and Zoning Map. The zone changes' consistency with the Comprehensive Plan is discussed in the findings that follow.

The Planning Commission public hearing was held on the proposed amendments on June 4, 2018. They made a recommendation, with regard to the amendments, to the Board of Commissioners, which is scheduled to be heard on July 25, 2018. This is a quasijudicial hearing. 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 also followed the procedures of Section 1608. Staff finds that the criterion is met.

Continuing with Columbia County Zoning Ordinance Section 1608

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 14: Notice of the Planning Commission's public hearing was published in the *Chronicle* and the *Spotlight* on May 23, 2018 and May 25, 2018, and contained all information required by Section 1608 of the Columbia County Zoning Ordinance. For the second public hearing by the Board of Commissioners, a similar notice, containing all applicable information as outlined in Section 1608, and published in the *Spotlight* on July 6, 2018.

Section 1502.1(A)(1) Consistency with the Comprehensive Plan

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

Finding 15:

Part II (Citizen Involvement): requires opportunity for citizens to be involved in all phases of the planning process. Generally, Part II is satisfied when a local government follows the public involvement procedures set out in State statutes and in its acknowledged Comprehensive Plan and land use regulations, which has been completed for this application. Additionally, the Scappoose-Spitzenberg Citizen Planning Advisory Committee was notified of the proposed Comprehensive Plan Map Amendment and Zone Change. While this CPAC does not frequently hold meetings, there are discussions within the CPAC members through a telephone survey conducted by the Chair, Michael Sheehan. Land Development Services received comments on April 24, 2018 from the CPAC which voted 6-0 in favor of approval with certain concerns. These concerns consist of increased traffic should lead to lower speed limits on Church Road, the applicant should be required to show that adequate water facilities are available, and the applicant shall show the feasibility of onsite sewage disposal facilities.

Land Development Services also has received comments from a number of neighboring property owners regarding this proposal. These property owners include Jessica and Ryan Jacobsen, John Costic, Linda Bolen, Michael Burr, and Steve Pfeiffer. The comments, which are attached, outline shared concerns including; traffic congestion onto Church Road, increased noise and light pollution into a rural neighborhood, water drainage, septic capacity, decreased home values, and the lack of transparency from the applicant to the neighboring community. The email received on May 7, 2018 from Ryan Jacobsen outlines the attempts that neighbors have made to be a part of this zone change process and the lack of information given.

In the application, the applicant's response to Part II - Citizen Involvement relied heavily on the county's process of public notification and the procedural requirements for two separate public hearings including the Planning Commission and the Board of Commissioners. Since the June 4, 2018 Planning Commission meeting, staff has received communication from a neighboring property owner which shows that the applicant has set up a survey that was sent out to neighbors regarding this proposal. Staff does not have any information on who it was sent out to, or the information that was gathered as a result of this survey.

Based on County government notifications, the opportunity for two public hearings (Planning Commission and Board of Commissioners), and Citizen Planning Advisory Committee comments and recommendations. Staff finds that Part II (Citizen Involvement) of the Comprehensive Plan has been satisfied.

Continuing with Columbia County Comprehensive Plan (Planning Coordination)

Finding 16:

Part III (Planning Coordination): requires coordination with affected governments and agencies. In accordance with Section 1603 of Columbia County's Zoning Ordinance, ORS 215.060 and ORS 197.610, the County provided notice of the hearing with the opportunity for comments to DLCD, the Scappoose-Spitzenberg 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 is scheduled for June 4, 2018 which will be followed by a hearing of the Board of County Commissioners that has yet to be scheduled. All of these requirements have and will be satisfied through the public notice process. Staff finds that the criterion is met.

Continuing with Columbia County Comprehensive Plan (Housing)

Finding 17:

Part VI (Housing): The housing goal is to provide for the housing needs of the citizens of Columbia County by allowing adequate flexibility in housing location, type and density. The subject property is currently vacant and has been owned by the Warren Fellowship Church since the late 1990's. It is currently zoned RR-2 which would allow 2-3 additional dwellings to be developed on the subject property depending on the availability of private facilities to support this residential use. In the application, the applicant states that the proposed Zone Change and Plan Amendment from Rural Residential to Community Service will result in nominal reduction in the amount of buildable land available for residential construction. Given the zoning and current development pattern in the vicinity of the subject property, there appears to be a number of vacant residential parcels that have yet to be developed. Also, the subject property has had at least six lot evaluations conducted in different locations on the property since 2005. Of these lot evaluations only one was approved, located in the southern portion of the property on the high area. Although there is enough acreage for three potential homesites, the onsite facilities required to support three homes would be a limiting factor for development even if the property were to maintain its Rural Residential zoning designation.

Although the request does not provide additional housing for the County, the request also does not contradict the housing goal to "allow adequate flexibility in housing type, location and

density." Staff finds that the proposed map amendment and zone change is not inconsistent with Part VI (Housing) of the Comprehensive Plan and that said section has been satisfied.

Continuing with Columbia County Comprehensive Plan (Rural Residential)

Finding 18:

Part VII (Rural Residential): The rural residential goal is to provide for the continuation and needed expansion of rural residential uses on those lands where a valid exception to forest goals has been justified. Columbia County has a pattern of rural residential uses where rural homesites are located along or close to public roads or clustered near intersections and have an average density of one unit per ten acres or less. Lands that were "built and committed" to non-resource use at the time of zoning (1984), and that were generally developed for residential purposes, were zoned Rural Residential (RR-5 or RR-2). Although the subject property has never been a residential site, it is located amongst other residential properties and was zoned accordingly.

As discussed in Finding 20, Policy 18 of the Public Facilities and Services section of the Comprehensive Plan is to "designate parcels supporting public and private facilities and services as Community Service in the Comprehensive Plan and implement this plan designation through three zoning designations: (A) Community Service Utility - CSU, (B) Community Service Institutional - CSI, and C) Community Service Recreation - CSR." Policy 19 goes on to state, "Designate as Community Service Institutional (CSI) those lands that: (A) Support various types of public and private institutional facilities existing as of the date of this ordinance; or (B) Are needed to support public and private institutional facilities which can be shown to satisfy the minimum standards set out in the implementing ordinances."

As discussed in the previous Finding, pertaining to Housing, the subject property has never been used as a residential property and, most likely, will not be used residentially in the future due to limitations with the onsite septic systems, which will be discussed in later findings. Changing the site's zoning from RR-5 to CS-I will not prohibit the continuation of an existing rural residential use, as the property has never been developed residentially. Finally, the proposed map amendment and zone change will likely not interfere with the expansion of rural residential uses on lands where a valid exception to forest goals has been justified because the site is only eligible for 1-3 single-family dwellings based on the two acre minimum lot size of the RR-2 Zone and the ± 7.4 acre parcel size of the subject property. The loss of approximately 7.4 acres of Rural Residential land is not detrimental to the continuation and needed expansion of Rural Residential uses in the County. Staff finds that Part VII (Rural Residential) of the Comprehensive Plan has been satisfied.

Continuing with Columbia County Comprehensive Plan (Transportation)

Finding 19:

Part XIII (Transportation): The goal of part XIII is the creation of an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents. The subject property has frontage on Church Road, which is a county right-of-way, and gains access to the site from this roadway. However, there is another access off of Highway 30 which has been used by the Warren Community Fellowship Church. Church Road is a paved, two lane roadway with a 60 foot right-of-way. This proposal requests the relocation of the Columbia County Christian School from the Warren Community Fellowship property to the subject property, which should not generate additional traffic. This is because there is no proposed increase of students or activities that will utilize the existing access.

Policy 2 of the Transportation section of the Comprehensive Plan is applicable to this project. Policy 2 requires the dedication of adequate right-of-way to meet the standards set in the Transportation Plan if a zone change is requested. Although this map amendment and zone change is specific to tax lot 4119-AC-00700, the school is already operating on the adjacent parcel 4119-AC-00701 and is currently utilizing the access onto Church Road for the existing school facilities. In the submitted application, the applicant states that the property also has a secondary access from Highway 30 via the property that is occupied by Warren Community Fellowship Church. During the Pre-Application meeting, it was determined by the County Roads Department that this project would not require a TIA due to the fact that the access was already being used by the existing school facilities and the number of students and activities would not be increasing. Oregon Department of Transportation also submitted comments on May 17, 2018 and stated that they have no concerns on the traffic implications for this requested zone change. Although numerous comments received from neighboring property owners regarding traffic concerns. They state, in part, that Church Road is already overburdened by the traffic increase occurring with homes being built in the area and relocating the school facilities will only increase the traffic congestion over time.

As stated in previous Findings throughout this report, the Zone Change and Comprehensive Plan Amendment is requested in order to move the existing private school facilities from the Warren Community Fellowship Church property to the subject property, utilizing the same accesses that are currently in use. The safety and efficiency of the transportation network in the area, including that of Church Road, should not be compromised as a result of this proposal. Staff finds that Part XIII of the Comprehensive Plan has been satisfied.

Continuing with Columbia County Comprehensive Plan (Public Facilities and Services)

Finding 20:

Part XIV (Public Facilities & Services): The goal of Part XIV is to plan and develop a timely, orderly, and efficient arrangement of public services as a framework for urban and rural development. Policy 2 of the Public Facilities and Services section states, "Require that the level of facilities and provided be appropriate for, but limited to, the needs and requirements of the area(s) to be served. The types and level of public facilities allowed within Rural Residential, Rural Center, Existing Commercial, and Rural Industrial areas are: A. Public or community water systems. B. Public or community sewage systems. C. Collector and/or arterial street systems. D. Fire protection by a rural fire protection district, or an equivalent level of service". While this area is not a part of any incorporated city or within an urban growth boundary, it does provide some types of public facilities and services.

The subject property is approximately 7.4 acres and located in an area of relatively high density rural, single-family developments. The area is served by Warren Water Association and the applicants propose to utilize their services for future development. The applicant has not submitted any documentation stating that Warren Water is willing and able to serve this intended new use, however on May 18, 2018 Warren Water submitted comments stating that they have reviewed the requested Zone Change and Comprehensive Plan Map Amendment and have no objections to its approval as submitted.

There are no public stormwater facilities in the vicinity. The subject property is within a natural drainage area including Warren Creek basin. Staff notes that a private engineered stormwater and erosion control plan will be required at the time of Site Design Review. An email from Ryan Jacobsen dated May 6, 2018 shows pictures of the subject parcel from 2015 and 2017 with a large pond in the central portion of the property, described as a "lake". The neighbors also question, if a school is sited in the portion of the parcel where there is poor drainage, what is going to happen to all of the water.

There are no public sewage disposal facilities located within the vicinity of this site. The property does have an approved lot evaluation (LOV 07-065) for an alternative sand filter septic system, however this septic system would only provide enough flow for a four-bedroom residence. The County Sanitarian commented on this proposal and stated, "detailed septic feasibility will be required for subsequent site design review process". The applicant has not shown that the proposed use of the subject property is able to be supported by an approved method of waste water disposal. Also, comments received from neighbors are very skeptical that a system that can handle this proposed private school is able to be approved on the subject property.

The subject property is served by the Columbia County Sheriff as well as Columbia River Fire and Rescue. No comments were received by either as part of this proposal, however prior to the approval of the Site Design Review, setbacks, access and fire flow for the planned school shall be reviewed and approved by Columbia River Fire and Rescue.

With no evidence showing that a septic system can be designed to handle the proposed use for this Zone Change and Comprehensive Plan Map Amendment, Staff finds that this criteria has not been met. Staff finds that Part XIV of the Comprehensive Plan has not been satisfied.

Continuing with Columbia County Comprehensive Plan (Energy Conservation)

Finding 21:

Part XV (Energy Conservation): The purpose of this Part of the Comprehensive Plan is to strive for an energy efficient land use pattern base upon sound economic principles. Policy 6 states, "Commercial will be encouraged to locate within or adjacent to residential areas to limit the energy consumed by travel between residential and shopping areas". As stated in previous findings, the existing school is located on the adjacent parcel with the Warren Community Fellowship Church. The applicant states, given that the school is already existing, the relocation to adjacent property is not expected to result in any increase in energy consumption. By allowing the school to relocate to the adjacent property, it will keep the school in close proximity to the residential area where the students reside. Staff finds that this request will not result in an increase of energy consumption.

Continuing with Columbia County Comprehensive Plan (Open Space, Scenic, Historic and Natural Areas)

Finding 22:

Part XVI (Goal 5: Open Space, Scenic and Historic Areas, and Natural Areas): The purpose of this Part of the Comprehensive Plan is to conserve open space and protect the identified natural and scenic resources in Columbia County as defined by Statewide Planning Goal 5 and the related administrative rule. In order to meet the requirements of Statewide Planning Goal 5, the proposal's impacts on Fish and Wildlife Habitat and Water Resources shall be evaluated. Other resources identified by Goal 5 that are not listed, are not applicable to this request.

The purpose of this Part of the Comprehensive Plan is to conserve open space and protect the identified natural and scenic resources in Columbia County as defined by Statewide Planning Goal 5 and the related administrative rule.

Article VIII. Fish and Wildlife Habitat: The Goal of Article VIII is to protect and maintain important habitat areas for fish and wildlife in Columbia County. The County's Comprehensive Plan discusses Big Game, Columbian White-Tailed Deer, Fish, Furbearer, Waterfowl, Non-Game Wildlife and Upland Game Habitats. According to the Oregon Department of Forestry's Stream Classification Maps, Warren Creek, which runs through the southern portion of the

subject property is a fish bearing stream. In the submitted application, the applicant responded to this criteria, *"It is important to note any future development of this property will require conformance to the County's Zoning Code (i.e. Section 1170, Riparian Corridors, Wetlands, water Quality and Fish/Wildlife habitat Protection Overlay and Section 1185, Natural Features Overlay) as well as State and Federal Regulations"*. In addition to the conformance with the mentioned Sections of the Zoning Ordinance, all development shall be reviewed with Section 1100 Flood Hazard Overlay to ensure all development is located outside of the floodplain associated with Warren Creek. Based on the proposed site plan, all development will be located in the northern portion of the property, away from the riparian corridor. The application also states that the riparian corridor is considered a valuable environmental and educational resource to the school. The presence of this resource on the subject property offers many opportunities for environmental education as well as ecology. These development standards also apply to Article X - Wetlands. Section B of Article X states that riparian boundaries for fish-bearing streams and rivers with an average annual stream flow of less than 1,000 cubic feet per second shall be 50-feet from the top-of-bank. Staff finds that the future development of the property shall not encroach nor threaten the 50' riparian corridor for this fish bearing stream. This proposal is found to be consistent with Part XVI of the Comprehensive Plan, with conditions of Site Design Review.

Driveway from Church Road with Warren Creek Riparian Area



Continuing with Columbia County Comprehensive Plan (Recreation Needs)

Finding 23:

Part XVII (Recreation Needs): The Goal of the Recreation Needs section is to satisfy the recreational needs of the citizens of Columbia County and its visitors. Although this proposal will not include the establishment of a public park, the applicant states that if the property were to be partitioned for residential use, creating three additional homesites to the area, that would create more of a need for additional parks in the vicinity. The proposed Zone Change and Comprehensive Plan Map Amendment will not directly affect the need for a park within the vicinity as no development is being proposed. However, the amount of available recreation land will increase in the vicinity due to the development of playgrounds, athletic fields and indoor gymnasium space. The school will be private, but could potentially be used by the general public through agreements with the Columbia County Christian School. With this possible increase of recreational opportunities, staff finds that this proposal would potentially help satisfy the overall goal of Part XVII of the Comprehensive Plan.

Continuing with Columbia County Comprehensive Plan (Air, Land and Water)

Finding 24:

Part XVIII (Air, Land and Water): The Goal of this Section of the Comprehensive Plan is to maintain and improve land resources and the quality of the air and water of the County. Policy 1 of this Part aims to work with the appropriate State and Federal agencies to ensure that State and Federal water, air, and land resource quality standards are met. As discussed in previous findings, the applicant states that any future development that is proposed on the subject property will be required to be in conformance to the County's Zoning Code as well as State and Federal regulations that protect the quality of air, water and land resources. Staff finds that this proposal will comply with this Section of the Comprehensive Plan, with conditions for Site Design review.

Continuing with Columbia County Comprehensive Plan (Natural Disasters and Hazards)

Finding 25:

Part XIX (Natural Disasters and Hazards): The Floodplain section of Part XIX is applicable to this application. The Goal of the Floodplain section is to eliminate or reduce the economic and social costs created by flood caused damages. Policies 2 and 3 are relevant to this proposal as Policy 2 states, "Any new development with the flood plain shall be designed to avoid damage from flooding and to minimize the damage potential to other developments or properties". Policy 3 states, "Open space uses such as recreation or agriculture shall be encouraged within identified

flood plain areas". As stated in previous findings, according to FEMA FIRM 41009C0453D, the southern portion of the property contains identified floodplains that are associated with Warren Creek. There is no development proposed as apart of this request, however the applicant states that all structures will be site outside of this floodplain area. Also, according to the submitted proposed site plan, the proposed school will be located in the northern portion of the subject property and the recreational, multi-use field will be located closer to this identified floodplain. As such, the proposed map and amendment and zone change are consistent with Part XIX of the Comprehensive Plan.

Section 1502.1(A)(2) Consistency with the Statewide Planning Goals

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

Finding 26:

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

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

Scott Winegar submitted an application for the property owners, Warren Community Fellowship Church, for a Major Map Amendment on April 2, 2018. The application was deemed complete on April 12, 2018 and scheduled to be heard at the Planning Commission's June 4, 2018 meeting. The 35-day notice was mailed to the Department of Land Conservation and Development (DLCD) on April 13, 2018. Notice of this application was mailed to surrounding property owners within 250 feet of the subject site on April 16, 2018. Additionally, the Scappoose-Spitzenberg CPAC (Citizen Planning Advisory Committee) was notified of the proposed Comprehensive Plan Map Amendment and Zone Change. While this CPAC does not frequently hold meetings, there are discussions within the CPAC members through a telephone survey conducted by the Chair, Michael Sheehan. Land Development Services received comments on April 24, 2018 from the CPAC which voted 6-0 in favor of approval with certain concerns. These concerns consist of increased traffic should lead to lower speed limits on Church Road, the applicant should be required to show that adequate water facilities are available, and

the applicant shall show the feasibility of onsite sewage disposal facilities. Also, Staff has received numerous comments from neighboring property owners, which are included in this Staff Report as attachments. Public hearing procedures will be followed in accordance with the Zoning Ordinance Sections and Ordinance 91-2. The hearing before the Board of County Commissioners is scheduled for July 25, 2018. The Planning Commission has forwarded their recommendation on to the Board. Staff finds that Goal 1 has been satisfied.

Continuing with the Oregon Statewide Planning Goals (Goal 2)

Finding 27:

Goal 2 (Land Use Planning): The purpose of Goal 2 is, "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. No exception to Statewide Goals are proposed for this application.

As discussed in the previous Findings, the County has complied with Goal 2's coordination requirement. The County notified the Department of Land Conservation and Development of the request on April 12, 2018. This proposal was sent out to a number of governmental entities, including the Scappoose Bay Water Shed Council, Columbia River Fire and Rescue, ODOT Highways, DLCD, the County Sanitarian, Transportation Planner, Building Official, and Assessor. All comments received from affected governmental entities support the application as long as impacts to neighboring properties are mitigated through the design of the site and its proposed development.

Findings throughout this report demonstrate the proposal's consistency with the County's Comprehensive Plan and Zoning Ordinance and with Oregon's Statewide Planning Goals. Exceptions to Planning Goals were not necessary for this proposal as the proposal involves the conversion of Rural Residential land to Community Service-Institutional land. As described by Columbia County's Comprehensive Plan, "The statewide planning goals require that resource lands be protected unless the land is 'Built and Committed' to non-resource uses (a Type I Exception), or 'needed' to support a non-resource use (a Type II Exception). As discussed in Finding 17, the subject property was found, at the time of zoning, to be "built and committed" to a non-resource use, and as such, was granted a Type I exception to Goals 3 (Agriculture) and 4 (Forest Lands) with the adoption of its RR-5 zoning designation. No resource lands are being lost as a result of this application. Staff finds that Goal 2 has been satisfied.

Continuing with the Oregon Statewide Planning Goals (Goal 5)

Finding 28:

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces): This goal is intended "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, riparian areas and fish habitat, wetlands, wildlife habitat, approved Oregon Recreation Trails, natural areas, wilderness areas and cultural areas. Part XVI of the Comprehensive Plan addresses Goal 5. As such, previous Findings of this report provide a more detailed discussion of the Goal 5 resources on or near the subject property.

The Warren Creek is the only protected resource located on the property that has the potential to be impacted by construction of the new Christian School. Because Warren Creek is a fish-bearing creek there is a required 50 foot setback from the topbank. As stated by the applicant, "These areas will not be affected by any proposed change in zoning, as no physical development is proposed. It is important to note that any future development of this property will require conformance to the County's Zoning Code (i.e. Section 1170, Riparian Corridors, Wetlands, Water Quality and Fish/Wildlife Habitat Protection Overlay and Section 1185) as well as state and federal regulations." Impacts to said riparian corridor will be further analyzed through the Site Design Review process, and conditions imposed for permitting or mitigation of impacts if applicable. Section 1170 of the Columbia County Zoning Ordinance regulates permitted and prohibited uses within designated riparian areas. Development of the subject property shall comply with this Section of the Zoning Ordinance. Therefore, the request is consistent with Statewide Planning Goal 5. Staff finds that the criterion will be satisfied.

Continuing with the Oregon Statewide Planning Goals (Goal 6)

Finding 29:

Goal 6 (Air, Water and Land Resources Quality): Goal 6 addresses the quality of air, water and land resources. In the context of comprehensive plan amendments/zone changes, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards. As specifically stated in Goal 6, "All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate or violate applicable state or federal environmental quality statutes, rules and standards." Waste and process discharge refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom.

The proposed plan amendment and zone change would allow the relocation of Columbia County Christian School onto the subject property. As stated in previous findings, the approval of this requested Zone Change and Comprehensive Plan Map Amendment does not authorize any type of development on the subject property. The proposed Christian School will require an onsite septic system that will be reviewed and approved by the Department of Environmental Quality so that it does not pollute or contaminate natural resources located on the subject property. Air, Water and Land Resource Quality will be further analyzed through the Site Design Review process and conditions imposed for compliance with local, state and federal environmental regulations if applicable. Staff finds that Goal 6 has been satisfied.

Continuing with the Oregon Statewide Planning Goals (Goal 7)

Finding 30:

Goal 7 (Areas Subject to Natural Disasters and Hazards): The purpose of Goal 7 is, "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." As discussed in previous Findings, (as stated by the applicant) "The purpose of the proposed project is to relocate the Columbia County Christian School from the adjoining property." As per FEMA Flood Insurance Rate Map (FIRM) No. 41009C0453D, the southern portion of the subject property is located within the 100 year floodplain. If the comprehensive plan map amendment and zone change are approved, the applicants will be able to submit a Site Design Review for the proposed school, which will review and approve and development in or around the floodplain. Staff finds that Goal 7 has been satisfied.

Continuing with the Oregon Statewide Planning Goals (Goal 10)

Finding 31:

Goal 10 (Housing): The purpose of Goal 10 is "to provide for the housing needs of citizens of the State." Goal 10 applies primarily to lands within urban growth boundaries, but is included for discussion based on the potential reduction in housing stock (of one to three units) resulting from the proposed map amendment and zone change. As presented verbatim in Finding 16: The subject property is currently vacant and has been owned by the Warren Fellowship Church since the late 1990's. It is currently zoned RR-2 which would allow 2-3 additional dwellings to be developed on the subject property depending on the availability of private facilities to support this residential use. In the application, the applicant states that the proposed Zone Change and Plan Amendment from Rural Residential to Community Service will result in nominal reduction in the amount of buildable land available for residential construction. Given the zoning and

current development pattern in the vicinity of the subject property, there appears to be a number of vacant residential parcels that have yet to be developed. Also, the subject property has had at least six lot evaluations conducted in different locations on the property since 2005. Of these lot evaluations only one was approved, located in the southern portion of the property on the high area. Although there is enough acreage for three potential homesites, the onsite facilities required to support three homes would be a limiting factor for development even if the property were to maintain its Rural Residential zoning designation.

Although the request does not provide additional housing for the County, the request also does not contradict Goal 10. Staff finds that the criterion has been met.

Continuing with the Oregon Statewide Planning Goals (Goal 11)

Finding 32:

Goal 11 (Public Facilities and Services): Goal 11 requires local governments "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." The intent of the proposed map amendment and zone change is to allow for the relocation of the Columbia County Christian School from the adjacent parcel to the south. The subject property is approximately 7.4 acres and located in an area of relatively high density rural, single-family developments. The area is served by Warren Water Association and the applicants propose to utilize their services for future development. On May 18, 2018 Warren Water submitted comments stating that they have reviewed the requested Zone Change and Comprehensive Plan Map Amendment and have no objections to its approval as submitted. Also, at the time of application the County Road Department deemed the existing transportation facilities adequate for the proposed Zone Change and Comprehensive Plan Map Amendment. Comments received from Oregon Department of Transportation stated that they have no concerns over traffic implications regarding this request.

The subject property is served by the Columbia County Sheriff as well as Columbia River Fire and Rescue. No comments were received by either as part of this proposal, however prior to the approval of the Site Design Review, setbacks, access and fire flow for the planned school shall be reviewed and approved by Columbia River Fire and Rescue.

As stated in Finding 20 and throughout this report, the subject property has been approved for an alternative septic system that can support a residence up to four-bedrooms. The applicant has not shown that the proposed use of a private school is able to be supported by an onsite sewage disposal system. For reasons discussed in this Finding and in previous Finding 20, Staff finds that Goal 11 has not been satisfied.

Continuing with the Oregon Statewide Planning Goals (Goal 12)

Finding 33:

Goal 12 (Transportation): Goal 12 requires local governments to "provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through LCDC's Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility.

As discussed previously in previous Findings, the proposed map amendment/zone change and relocation of the existing private Christian school will not increase vehicle traffic to and from the site along Highway 30 or Church Road.

The Oregon Department of Transportation was notified of the request and submitted comments stating that they have no concerns regarding traffic implications for this request. Staff finds that Goal 12 has been satisfied.

Continuing with the Columbia County Zoning Ordinance

Section 1502.1(A)(3) Adequate Facilities, Services and Transportation Networks

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

Finding 34: The subject property is currently provided with adequate facilities, in terms of water, transportation networks and emergency services to support the propose map amendment/zone change for relocation of the private Christian School. Wastewater facilities on site could be an issue and has not been addressed. Currently, the site has been approved for an alternative septic system for a residential use. Although, as discussed in Finding 20, the applicant has not shown that a waste water disposal system that can handle the occupancy of the private school is feasible for the subject property. The County Sanitarian commented on this proposal and stated that the applicant shall be required to show detailed septic feasibility for subsequent site design review process. ODOT was notified of the request and has no objection to its approval. Public Facilities and Services are addressed in further detail in previous Findings 20 and 32 of this report. Staff finds that without any evidence of a plan and study for an approved septic feasibility, this criterion has not been met.

Continuing with Columbia County Zoning Ordinance Section 1502 Zone Changes

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

Finding 35: The proposed Comprehensive Plan designation and Zoning designation are the most appropriate for the proposed use. Staff does not recommend the substitution of another plan designation or zone for this Major Map Amendment request.

COMMENTS RECEIVED

Columbia River Fire and Rescue: No comments received as of the date of this report

Oregon Department of Transportation: We have no concerns on the traffic implications for this zone change.

Department of Land Conservation and Development: No comments received as of the date of this report.

County Sanitarian: Detailed Septic Feasibility will be required for subsequent Site Design Review process.

County Building Official: No Objection

Columbia River PUD: No Objection

Scappoose-Spitzenberg CPAC: Voted 6-0 to recommend approval. Comments regarding traffic, water supply, and septic feasibility are attached.

Comments from neighboring property owners and the applicant are attached.

No further comments from agencies, citizens or otherwise have been received regarding this proposal as of the date of this staff report.

CONCLUSION, & RECOMMENDED DECISION & CONDITIONS:

Planning Commission: On June 4, 2018, the requested PA 18-01 & ZC 18-02 was heard and reviewed by the Planning Commission. During this public hearing, the Planning Commission heard testimony in opposition from a number of neighboring property owners and found that the application does not adequately address neighbors' concerns which relate to a number of review criteria. Some of these concerns relate to septic feasibility to support the proposed use, traffic impacts on Church Road, poor drainage on the subject property, protection of the Warren Creek riparian corridor, and noise concerns. After due consideration regarding the proposed application for PA 18-01 and ZC 18-02, the **Planning Commission** voted to recommend that the Columbia County Board of Commissioners **DENY** PA 18-01 and ZC 18-02.

Planning Staff: Based on the facts, findings and comments herein, Planning Staff can not recommend approval of this application.

Options for the Board:

- 1) **DENIAL** of this Comprehensive Plan Map Amendment and Zone Change (PA18-01 & ZC 18-02) due to the lack of evidence showing that the proposed use is able to be supported by the current or planned facilities on the subject property.
- 2) **CONTINUE** the hearing to a date certain, to accept new information into the record, allowing the applicant additional time to provide evidence that an on-site waste water facility, that is adequate for anticipated sewage flow, can be developed.

ATTACHMENTS: Application and maps

Scappoose-Spitzenberg CPAC Comments

Comments from neighboring property owners

Comments from applicant

CC:

Steve Pfeiffer, 34555 Church Road, Warren, OR 97053

John and Robin Costic, 56725 Plantation Dr., Warren, OR 97053

Ryan and Jessica Jacobsen, 34603 Church Road, Warren, OR 97053

Michael Burr, 56652 Plantation Dr., Warren, OR 97053