

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Correcting Scrivener's Errors)
in Ordinance No. 2010-11, Amending the) ORDER No. 78-2010
Columbia County Zoning Ordinance)

WHEREAS, Ordinance No. 2010-11 was adopted by the Board of County Commissioners on November 10, 2010, and becomes effective on January 5, 2011; and

WHEREAS, Ordinance No. 2010-11 amended the Columbia County Zoning Ordinance (CCZO) and Comprehensive Plan to be consistent with provisions of State law that have applied to Forest and Agriculture zones since 1993; and

WHEREAS, Exhibit B of Ordinance No. 2010-11 contained the text amendments to the CCZO; and

WHEREAS, Exhibit B contained the following scrivener's errors:

- (1) Typographical errors in the PA-80 zone Table of Authorized Uses & Development, Section 305.1C, and Section 306 for Utilities and Solid Waste Disposal Facilities; and
- (2) An inadvertently omitted word from Section 309.6B.3 that is currently applicable in the PA-80 zone through ORS 215.263(10)(b)(C); and
- (3) An inadvertently omitted provision from Section 506.2 that is currently applicable in the PF-80 zone through OAR 660-006-0027(1)(e); and
- (4) An error in transcribing a currently applicable requirement of OAR 660-006-0027 to Section 506.4A.2; and
- (5) An inadvertently omitted provision from Section 506.5 that is currently applicable in the PF-80 zone through OAR 660-006-0027(3)(a); and
- (6) A formatting error in transcribing the requirements of OAR 660-006-0026 to Section 511.2.

WHEREAS, Section 7 of Ordinance No. 2010-11 provides that scrivener's errors may be corrected by order of the Board of County Commissioners.

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NOW, THEREFORE, IT IS HEREBY ORDERED that the scrivener's errors in Exhibit B of Ordinance 2010-11, identified above, be corrected as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

Dated this 15th day of December, 2010.

Approved as to form

By: [Signature]

Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON:

By: [Signature]

Anthony Hyde, Chair

By: [Signature]

Earl Fisher, Commissioner

By: [Signature]

Rita Bernhard, Commissioner

EXHIBIT 1

The following text is amended to correct scrivener's errors with additions show in **bold**, and deletions shown in ~~strickethrough~~.

PRIMARY AGRICULTURE USE ZONE
(PA-80)

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TABLE OF AUTHORIZED USES & DEVELOPMENT			
Reconstruction or modification of public roads involving the removal or displacement of buildings, but no new parcels	CUP/PC	CUP/PC	306.7, 307, 308
Temporary public road detours that will be abandoned and restored to original condition or use at such time as no longer needed	P	P	304.8
Minor improvements to existing road and highway-related facilities within right-of-way	P	P	304.9
Improvement to public highway related facilities, new weigh stations, rest areas etc	CUP/PC	CUP/PC	306.8, 307, 308
Roads, highways and other transportation facilities, requiring an exception	CUP/PC	CUP/PC	306.9, 307, 308
UTILITIES AND SOLID WASTE DISPOSAL FACILITIES	HV	NHV	PA - 80 SECTION
Utility facilities necessary for public service, excepting commercial power generating facilities and transmission towers	CUP/PC	CUP/PC	306.10, 307, 308
Transmission Towers / Communication Facilities	CUP/PC	CUP/PC	306.11, 307, 308
Utility facilities service lines	P	P	304.10
Rural fire protection facilities	AR	AR	305.15
Solid Waste Disposal Sites granted under ORS 459.245 by the Department of Environmental Quality	NP	CUP/PC	306.12, 307, 308
Composting Facilities exempt from DEQ permits under OAR 340-093-0050(3)	AR	AR	305.16, 307, 308
Commercial Power Generating Facilities	CUP/PC	CUP/PC	306.13.4, 307, 308
Commercial Wind Power Generating Facilities	CUP/PC	CUP/PC	306.143(2), 307

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SINGLE FAMILY RESIDENCES – 305 AR

- .1 Dwelling for the Farm Operator on High Value Farmland. A farm dwelling may be authorized on a tract of land classified as High Value Farmland where the tract meets the following criteria:

* * * * *

- C. The dwelling will be occupied by the person(s) that produced the commodities which provided the income under Subsection 305.1(+)A. above.

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UTILITIES AND SOLID WASTE DISPOSAL FACILITIES – 3056 CUP

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- 309 Land Division Requirements [ORS 215.263].

* * * * *

- .6 New parcel for Public Parks or Open Space or Non-Profit Land Conservation Uses. A new parcel may be approved for a provider of a public park or open space, or for a non-profit land conservation organization to permit the purchase of at least one of the resulting parcels subject to the following:

* * * * *

- B. The parcel not containing the dwelling:

* * * * *

3. Shall not be considered in approving a redesignation or rezoning **except** to allow a public park, open space or other natural resource use; and

PRIMARY FOREST ZONE
(PF-80)

* * * * *

- 506 Standards for Dwellings. Dwellings are authorized in the Primary Forest Zone subject to standards found in Sections 507, 508, 509, 510 and documentation of

meeting either the Small Tract, Large/Multi-Tract, or Template Dwelling criteria as follows.

* * * * *

.2 Large Tract or Multi-Tract Forest Land Dwelling. A dwelling may be authorized on a tract **that does not include a dwelling and** that meets the following criteria:

- A. The tract is at least 160 acres in size; or
- B. The tract is part of one ownership, at least 200 acres in size, that may be composed of separate vacant tracts of designated forest land in Columbia County or its adjacent counties."

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.4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

- A. The tract is composed of soils that meets one of the following:

* * * * *

- 2. Soils that are capable of annually producing ~~more than~~ 50 to 85 cubic feet per acre of wood fibre if:
 - a. All or part of at least seven (7) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. (Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.); and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

* * * * *

.5 Template Dwelling for Tract of 60 Acres or Larger [Rectangular Template]. A dwelling may be authorized on a tract that meets the following criteria:

- A. If a tract is 60 acres or larger described under Subsection 506.4A. above and abuts a road that existed on January 1, 1993, or a perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream, **provided one of the three required dwellings is on the same**

side of the road or stream as the tract, and

1. Is located within a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
2. Is within 1/4 mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.”

* * * * *

511 Land Division Requirements. No land(s) located within the Primary Forest Zone shall be divided without the expressed approval of Columbia County under the provisions set forth in the Columbia County Subdivision and Partitioning Ordinance. A plat shall be prepared by a registered surveyor to document the land partition. Upon final approval of the plat, the survey shall be recorded by the Columbia County Clerk. Parcels greater than 40 acres do not require a survey. No land division shall result in the creation of a new split-zoned parcel. Parcels resulting from a foreclosure action are exempted from the partitioning process. A deed or instrument conveying land in lieu of foreclosure shall not constitute a foreclosure action.

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- .2 Partitioning Parcels Less Than 80 Acres. The following standards apply to all proposed land divisions on primary forest parcels where the proposed parcel is to be less than 80 acres and the parcel created is the minimum size necessary for the approved use according to subsections 503 and 504.

{A}. Land divisions of parcels less than the minimum lot size may be approved for any of the following uses:

* * * * *

D. A division of a lot or parcel zoned for mixed farm/forest may be allowed if all of the following criteria are met:

1. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 503.11 of this Ordinance;
3. Except for one lot or parcel, each lot or parcel created under this subsection is between two and five acres in size;
4. At least one dwelling is located on each lot or parcel created under this subsection; and
5. The landowner of a lot or parcel created under this subsection provides evidence that a restriction prohibiting the landowner and

the landowner's successors in interest from further dividing the lot or parcel has been recorded with the County Clerk. This restriction shall be irrevocable unless subsequently authorized by law.

- 6E. The proposed use of the division will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
- 7F. A waiver of remonstrance is recorded with the deed certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm and forest lands to modify the conduct of legal and accepted farm & forest operations; and
- 8G. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming of forest practices nor will the division materially alter the stability of the forest enterprise in the area; and
- 9H. The forest enterprise or other authorized use is appropriate for the subject property considering soils, productivity, topography, and any other forest or agricultural activities located within 1/4 mile to determine if there are potential conflicts; and
- 40I. The resulting parcels are configured such that they are efficient for existing or future forest use(s) employing accepted forest management practices; and
- 44J. The new parcels will not significantly impact identified sensitive fish and wildlife habitat; and
- 42K. The division is consistent with Oregon Revised Statutes, Chapter 92.