

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Request by the)	
Port of St. Helens for Waiver of Condition)	
No. 4 to their Conditional)	ORDER NO. 47-00
Use Permit to Site a Caretaker)	
Apartment on Property Zoned Marine)	Findings and Conclusions
Commercial (C-2))	
_____)	

WHEREAS, on May 25, 1999, the Port of St. Helens filed an application for a Conditional Use Permit to construct a single family dwelling in conjunction with a business on 12.56 acres in the Marine Commercial (C-2) zone; and

WHEREAS, on July 12, 1999, the Columbia County Planning Commission held a hearing at which all proponents and opponents present were allowed to speak; and the Planning Commission voted to approve the Permit subject to four conditions; and on July 5, 1999, the Chair of the Planning Commission signed Final Order (CU 99-60) approving the application; and

WHEREAS, Condition No. 4 of Final Order CU 99-60 required as follows: "The applicant shall sign and record a Waiver of Remonstrance against the formation of a future Local Improvement District (LID) that will provide improvements for street lighting, sewer, curbs, gutters, sidewalks, road improvements to Old Portland Road, and other like improvements when development warrants inside the City of St. Helens Urban Growth Boundary (UGB;" and

WHEREAS, on February 7, 2000, the Columbia County Planning Commission held a public hearing to consider a request by the Port of St. Helens for waiver of Condition No. 4; and the Planning Commission heard testimony from the applicant and all interested parties, and considered all written material submitted and the Planning Commission staff report; and after deliberation on the matter, the Planning Commission found that the applicant failed to show how the requirement of a waiver of remonstrance towards the formation of a local improvement district is incompatible with the standards of the Columbia County Zoning Ordinance and Comprehensive Plan, and ordered the permit review request to be denied; and the Chair of the Planning Commission signed Final Order (PR 00-02) on February 11, 2000, denying the request; and

WHEREAS, on February 11, 2000, Harold Olsen, Attorney for Port of St. Helens filed an appeal of Planning Commission Final Order PR 00-22 with the Columbia County Department of Land Development Services requesting waiver of Condition No. 4 of Conditional Use Permit No. CU99-60; and on February 17, 2000, Harold Olsen, Attorney for Port of St. Helens filed an amended appeal of Planning Commission Final Order PR 00-22 with the Columbia County Department of Land Development Services requesting waiver of Condition No. 4 of Conditional Use Permit No.

CU 99-60; and the amended appeal was filed and recorded with the Columbia County Clerk's Office on February 17, 2000; and

WHEREAS, on March 15, 2000, the Board of County Commissioners held a public hearing to consider the Port's appeal from the Planning Commission's denial of its request for waiver of Condition No. 4; and the Board immediately recessed the hearing and rescheduled it for April 5, 2000; and

WHEREAS, on April 5, 2000, the Board of County Commissioners held a public hearing to consider the Port's appeal from the Planning Commission's denial of its request for waiver of Condition No. 4; each of the Board members declared they hadn't had any ex parte contacts and didn't have any conflicts of interest; John K. Knight, County Counsel, gave the pre-hearing statement as required by OR 197.763; Glen Higgins, Chief Planner, read the March 5, 2000, staff report into the record and noted the contents; Harold Olsen, Attorney for Port of St. Helens, read a written statement prepared by Pete Williamson, Port Manager, into the record; Von Smith, 57826 Old Portland Road, Warren, testified in opposition to the waiver; Harold Olsen spoke in rebuttal; and after deliberation the Board voted unanimously to deny the appeal of Condition No. 4; and

WHEREAS, the following exhibits were received during the proceedings:

- Exhibit 1 - County Counsel's Hearing File;
- Exhibit 2 - Board Communication dated 4/5/00;
- Exhibit 3- Statement of Fact prepared and signed by Peter Williamson; and

NOW THEREFORE, IT IS HEREBY ORDERED that the request by the Port of St. Helens for waiver of Condition No. 4 of their Conditional Use application to place a dwelling as a caretaker apartment on property zoned Marine Commercial (C-2), is denied.

DATED this 17th day of May, 2000.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Joseph R. Olsen
Chair

By: John D. Verhard
Commissioner

By: Not Present
Commissioner

Approved as to form

By: Joseph K. Knight
Office of County Counsel