

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Establishing)
a Fee for Appeal Hearings)
on Surface Mining Renewals)

ORDER NO. 29-01

WHEREAS, on March 14, 2001, the Board of County Commissioners for Columbia County, Oregon, adopted Ordinance No. 2001-03, which added a new Section 2.9 to the ordinance; and

WHEREAS, the new Section 2.9 adopts the limited land use decision process for operating permit and limited exemption certificate renewals consistent with Oregon land use law; and

WHEREAS, the limited land use decision process provides for an initial notice and comment hearing prior to making a decision whether to renew surface mining operating permits or limited exemption certificates; and

WHEREAS, any person who submits written comments in the initial notice and comment hearing may request an appeal hearing of the Board's decision on renewal; and

WHEREAS, Section 2.9(4) provides that the appeal fee for appeal hearings shall be in an amount as established by order or resolution of the Board; and

WHEREAS, on February 5, 2001, the Columbia County Planning Commission recommended that the Board establish an appeal fee in the amount of \$250.00; and

WHEREAS, in establishing the fee for appeal hearings, the Board has considered the following criteria:

a. The appeal fee should at least partially cover the County's costs in conducting the appeal hearing; and

b. The appeal fee should not be too low as to encourage frivolous appeals; and

c. The appeal fee shouldn't be so high as to discourage legitimate appeals; and

d. The appeal fee for other land use decisions to the Board of County Commissioners is \$200; and

WHEREAS, the Board finds that an appeal fee in the amount of \$200.00 meets the criteria in subparagraphs a, b and c above, and has the advantage of being consistent with appeal fees for other land use actions;

NOW, THEREFORE, IT IS HEREBY ORDERED that a fee for appeal hearings held under Section 2.9 of the Columbia County Surface Mining Ordinance is established in the amount of \$200.00.

DATED this 14th day of March, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

Approved as to form

By: _____
Commissioner

By: 
Office of County Counsel
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By: 
Commissioner