

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending)
Section 506.1 of the)
Columbia County Zoning)
Ordinance)
_____)

ORDINANCE NO. 90-2
(Standards)

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

SECTION 1. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035, 215.050 and 215.223.

SECTION 2. TITLE.

This ordinance shall be known as Ordinance No. 90-2.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend Section 506.1 of the Columbia County Zoning Ordinance, "Standards", to clarify the intent of the section.

SECTION 4. AMENDMENT.

Section 506.1 of the Columbia County Zoning Ordinance is amended to read as follows:

"506 Standards:

".1 The minimum lot size for new land divisions shall be seventy-six (76) acres. New land divisions of less than seventy-six (76) acres shall be allowed only for uses permitted under Sections 502.5 through 502.9, 503.1 through 503.8, and 503.10. New land divisions for the uses permitted under these sections shall be limited to the minimum size necessary to accommodate the proposed use."

SECTION 5. FINDINGS.

Findings of fact and conclusions of law in support of this amendment are attached hereto, labeled Exhibit "A" and incorporated herein by this reference.

SECTION 6. SEVERABILITY.

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

SECTION 7. EMERGENCY.

This ordinance being immediately necessary to maintain the public welfare, health and safety, an emergency is declared to exist and this ordinance takes effect immediately upon its adoption.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 14th DAY OF February, 1990.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

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

Attest:

[Signature]
Recording Secretary

First Reading: 2/14/90
Second Reading: 2/14/90
Effective Date: 2/14/90

By: [Signature]
Chairman

By: [Signature]
Commissioner

By: [Signature]
Commissioner

EXHIBIT "A"

COLUMBIA COUNTY PLANNING COMMISSION
Staff Report

January 8, 1990

FILE NUMBER: TA 3-89
APPLICANT: Columbia County/Land Development Services
St. Helens, OR 97051
REQUEST: Text Amendment to the Zoning Ordinance

I. BACKGROUND

The purpose of this amendment is to change the text of Section 506.1 of the Zoning Ordinance, which reads:

506 Standards:

- .1 The minimum lot size for structures and facilities necessary for and accessory to commercial forest management and commercial agriculture shall be seventy-six (76) acres. The minimum lot size for all other permitted uses shall be 20,000 square feet;

Strict interpretation of this section would mean that on any contiguously owned acreage of less than 76 acres one could not apply for a dwelling necessary for and accessory to commercial forest management. Generally speaking, the standards section of a zoning ordinance governs dimensional requirements of a zone (i.e. minimum lot sizes, setbacks, etc.), and nothing more. Therefore, the amendment to this section is proposed to read:

506 Standards:

- .1 The minimum lot size for new land divisions shall be seventy-six (76) acres. New land divisions of less than seventy-six (76) acres shall be allowed only for uses permitted under Sections 502.5 through 502.9, 503.1 through 503.8, and 503.10. New land divisions for the uses permitted under these sections shall be limited to the minimum size necessary to accommodate the proposed use.

II. FINDINGS

- A. Section 1606 of the Zoning Ordinance states:

1606 Legislative Hearing: A request to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.
- .2 Notice of a Legislative Hearing shall be published at least twice, one (1) week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than ten (10) calendar days prior to the Legislative Hearing. The mailing of notice to individual property owners is not required but shall be done if ordered by the Board of Commissioners.

Finding 1. This request is being conducted in accordance with the procedures as listed above. As a great deal of property in Columbia County is zoned Primary Forest, individual notice to property owners is not feasible.

B. Section 1608 of the Zoning Ordinance states:

1608 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 hearing will require notice in the manner outlined in Section 1612.

Finding 2. The proposed amendment is applicable only to the Zoning Ordinance text, and not to any maps. The proposed amendment is consistent with the

applicable Comprehensive Plan policies 6 and 8 pertaining to Forest Lands. Nowhere in this section of the Comprehensive Plan does it require dwellings necessary to and accessory for forest use be placed on no less than 76 acres.

The Board of Commissioner shall hold a hearing on this request on February 14, 1990.

III. CONCLUSION AND RECOMMENDATION

Approval of this request will enable dwellings necessary for and accessory to commercial forest management to be placed on less than 76 contiguously owned acres.

Based upon this conclusion and the findings noted above, Staff recommends approval of this request.