

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending)
Section 1505 of the Columbia)
County Zoning Ordinance)
_____)
ORDINANCE NO. 90-4
(Temporary Storage)

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. 90-4.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend Section 1505 of the Columbia County Zoning Ordinance to allow the temporary storage of structures or equipment on property for a period not to exceed six (6) months.

SECTION 4. AMENDMENT.

Section 1505 of the Columbia County Zoning Ordinance is amended to read as shown in the attached Exhibit "A" which is incorporated herein by this reference.

SECTION 5. FINDINGS.

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

SECTION 6. SEVERABILITY.

If any portion of this ordinance, including Exhibit "A", 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: John K. Long
Office of County Counsel

By: John R. Peterson
Chairman

Attest:

By: Max W. Dillard
Commissioner

Roberta Robinson
Recording Secretary

By: Michael J. Lyle
Commissioner

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

1505

Temporary Permits:

- .1 Use Not Allowed in District: The Planning Commission may allow a temporary permit for a period not to exceed one (1) year, for a use not otherwise allowed in the zoning district. The temporary permit may be allowed only after a hearing conducted pursuant to Section 1603 and provided that the applicant provides evidence substantiating the following, unless otherwise provided for in this Ordinance:
- A. There is no reasonable alternative to the temporary use;
 - B. The permit will be necessary for a limited time or will allow an occasional use, such as housing for seasonal farm labor;
 - C. The temporary use does not involve the erection of a substantial structure or require any other permanent commitment of the land;
 - D. The temporary use will not be detrimental to the area or to adjacent properties; and,
 - E. The temporary use will comply with the Comprehensive Plan.
- .2 Temporary Residence while Building: The Director may approve a temporary permit for a period not to exceed one (1) year for the use of a mobile home or trailer house as a residence, while a permanent dwelling is being constructed on the subject property, provided the applicant submits evidence substantiating the following, unless otherwise provided for in this Ordinance:
- A. A building permit for a permanent residence on the subject property has been acquired;
 - B. There exists no reasonable housing alternative, such as nearby rental housing;
 - C. Within thirty (30) days of the issuance of the occupancy permit, the mobile home shall be removed or made to conform with zoning and building regulations; and
 - D. Failure to maintain a valid building permit will result in immediate revocation of any permit granted pursuant to the provisions of subsection 1505.2.
- .3 Care of a Relative: The Director may approve a temporary permit according to the procedure stated in subsection 1601, and for a period not to exceed one (1) year, for the use of a mobile home or trailer house as a residence for the care of a relative who requires special attention because of age or poor health, provided the applicant provides evidence sub-

stantiating the following, unless otherwise provided for in this Ordinance:

- A. There exists a need for special attention (a doctor's statement establishing this need is appropriate and suggested evidence); and
 - B. There exists no reasonable housing alternative, such as nearby rental housing or adequate housing on the subject property.
- .4 Emergency Shelter: The Director may approve a temporary permit for the use of a mobile home or trailer house for emergency shelter needed as a result of destruction or substantial damage to a residence or business due to fire or other natural disaster. The emergency permit may be granted for an initial period not to exceed sixty (60) days provided the applicant submits a written statement:
- A. Indicating the nature and extent of the damage or destruction incurred; and
 - B. Agreeing to make application for the appropriate permit(s) within the sixty (60) day period.

Emergency permits shall automatically be extended to the date of the final decision on the permit application(s). Failure to make application for the appropriate permit(s) within the sixty (60) day period will result in immediate revocation of the emergency permit.

- .5 Conditions of Approval: The Director may subject approvals granted pursuant to subsection 1505.4 to such conditions as will safeguard the public health, safety, convenience, and general welfare. Such conditions may include, but are not limited to:
- A. Landscaping of the mobile home site;
 - B. County approval of a subsurface sewage disposal system;
 - C. Placement of manufactured skirting in those areas around the mobile home which are not developed with a foundation;
 - D. Removal of the mobile home when the need for which a temporary permit was granted ceases.
- .6 Storage of Structures or Equipment: The Director may approve a temporary permit according to the procedure stated in subsection 1601, and for a period not to exceed six (6) months, for the storage of structures, including mobile homes, or equipment, provided the applicant submits evidence substantiating the following, unless otherwise provided for in this Ordinance:

- A. There is no reasonable alternative to the storage of the structure or equipment;
 - B. The temporary use does not require any permanent commitment of the land; and
 - C. The temporary storage site shall meet all required setbacks of the district for primary structures.
- .7 Renewal of a Temporary Permit: The Director may renew a temporary permit, for a period not to exceed one (1) year, except as provided in subsection 1505.6, according to the procedure stated in subsection 1601, provided the applicant provides evidence substantiating the following, unless otherwise provided for in this ordinance:
- A. The circumstances under which the original permit was granted remain substantially similar;
 - B. The use will not be detrimental to the area or to adjacent properties; and
 - C. The use will comply with the Comprehensive Plan.

1506

Non-Conforming Use:

- .1 Continuation of Non-Conforming Uses or Structures: Except as provided in this section, a Non-Conforming Use or structure may be continued, even though it is not in conformity with the use, height, area, and all other regulations for the district in which it is located.
- .2 Normal Maintenance and Repairs: Normal maintenance of a Non-Conforming Use is permitted, including structural alterations to the bearing walls, foundation, columns, beams, or girders, provided that:
 - A. No change in the basic use of the building occurs that would make the use less conforming to the district.
- .3 A Non-Conforming Use may be changed to a use allowable under the underlying district. After a Non-Conforming Use changes to a conforming use, it shall not thereafter be changed back to a Non-Conforming Use.
- .4 Reinstatement of a Discontinued Use: A Non-Conforming Use may be resumed if the discontinuation is for a period less than one (1) year. If the discontinuance is for a period greater than one (1) year, the building or land shall thereafter be occupied and used only for a conforming use.
- .5 Rebuilding, Change, Moving, or Use Expansion: A Non-Conforming building or use may be rebuilt, moved, or changed in use to a use of the same restrictive classification or expanded,

subject to the provisions outlined herein, if upon public hearing the Board of Adjustment finds all the following to exist:

- A. That such modifications are necessary because of practical difficulties or public need;
 - B. That such modifications are not greater than are necessary to overcome the practical difficulties or meet the public need;
 - C. That such modifications will not significantly interfere with the use and enjoyment of other land in the vicinity, nor detract from the property value thereof; and
 - D. That such modifications will not endanger the public health, safety, and general welfare.
- .6 Rebuilding: When a building or structure is damaged by fire or any other cause beyond the control of the owner, it may be rebuilt.
- .7 Change of Use: A Non-Conforming Use may be changed to a use of the same or a more restrictive classification but not to a use of a less restrictive classification, pursuant to subsection 1506.5.
- .8 Moving: A Non-Conforming Use may be moved to another location on its lot provided the height and yard requirements of the district in which it is located are met, pursuant to Section 1506.5.
- .9 Expansion: A Non-Conforming Use may be expanded one (1) time only. This expansion shall not exceed twenty-five (25) percent of the floor area of the existing structure or ten (10) percent of the land area of the existing use, pursuant to Section 1506.5.

EXHIBIT "B"

COLUMBIA COUNTY PLANNING COMMISSION
Staff Report

January 8, 1990

FILE NUMBER: TA 5-89

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 allow for the temporary storage of structures or equipment, including mobile homes, on property. The proposed amendment shall be incorporated into Section 1505 of the Zoning Ordinance, which addresses "Temporary Permits". Currently the Zoning Ordinance does not specify such a use, although there is a section that allows for temporary permits for uses "not allowed in district". However, this requires a public hearing, and can therefore take considerable time before the permit can be issued. This proposed amendment is intended to allow the issuance of these types of temporary permits in a more timely manner.

The verbage is proposed to read:

"6 Storage of Structures or Equipment: The Director may approve a temporary permit according to the procedure stated in subsection 1601, and for a period not to exceed six (6) months, for the storage of structures, including mobile homes, or equipment, provided the applicant submits evidence substantiating the following, unless otherwise provided for in this Ordinance:

- A. There is no reasonable alternative to the storage of the structure or equipment;
- B. The temporary use does not require any permanent commitment of the land; and
- C. The temporary storage site shall meet all required setbacks of the district for primary structures.

- .7 Renewal of a Temporary Permit: The Director may renew a temporary permit, for a period not to exceed one (1) year, except as provided in subsection 1505.6, ..."

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 there is no specific property involved, no notice to individual property owners is to be mailed.

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. It is consistent with the Comprehensive Plan.

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

III. CONCLUSION AND RECOMMENDATION

Approval of this request will provide an orderly and timely framework to issue temporary permits for storage of structures or equipment. This is something the public does request on an infrequent basis.

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