

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

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

ORDINANCE NO. 92-7

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. 92-7.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend the Columbia County Zoning Ordinance. The purposes of individual amendments to the Zoning Ordinance are discussed in Exhibit "A".

SECTION 4. AMENDMENT.

The Columbia County Zoning Ordinance is amended 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 "A" and incorporated herein by this reference.

SECTION 6. SEVERABILITY.

If any portion of this ordinance, including Exhibit "A" hereto, 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 health, safety and welfare, 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 29th DAY OF July, 1992.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Michael J. Sykes
Chairman

By: not available for signature
Commissioner

By: J. B. Peterson
Commissioner

Approved as to form
By: John K. Lang
Office of County Counsel

Attest:
By: Jan Sunkalch
Recording Secretary

First Reading: 7/29/92
Second Reading: 7/29/92
Effective Date: 7/29/92

COLUMBIA COUNTY BOARD OF COMMISSIONERS
Recommended Amendments to the
COLUMBIA COUNTY ZONING ORDINANCE
Staff Report - File TA 1-92
May 22, 1992
Revised July 15, 1992

Note: additions are in CAPS, deletions are in [brackets].

These Zoning Ordinance amendments were recommended by the Columbia County Planning Commission at a special meeting and hearing April 20, 1992.

GENERAL:

1. Change "Design Review Board" to "Design Review Board OR PLANNING COMMISSION" throughout the ordinance, except in Section 1619.

2. Delete the written out numbers and the parentheses around the numbers throughout the ordinance (e.g. "twenty (20)"). Use numbers only ("20").

3. Add to Section 1500 DISCRETIONARY PERMITS:

"1507 HOME OCCUPATIONS (FROM ORS 215.448):

- .1 THE COMMISSION MAY ALLOW THE ESTABLISHMENT OF A HOME OCCUPATION AS A CONDITIONAL USE IN ANY ZONE THAT ALLOWS RESIDENTIAL USES, IF THE HOME OCCUPATION:
 - A. WILL BE OPERATED BY A RESIDENT OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED;
 - B. WILL EMPLOY NO MORE THAN FIVE FULL OR PART-TIME PERSONS;
 - C. WILL BE OPERATED IN:
 1. THE DWELLING; OR
 2. OTHER BUILDINGS NORMALLY ASSOCIATED WITH USES PERMITTED IN THE ZONE IN WHICH THE PROPERTY IS LOCATED; AND
 - D. WILL NOT INTERFERE WITH EXISTING USES ON NEARBY LAND OR WITH OTHER USES PERMITTED IN THE ZONE IN WHICH THE PROPERTY IS LOCATED.
- .2 THE COMMISSION MAY ESTABLISH ADDITIONAL REASONABLE CONDITIONS OF APPROVAL FOR THE ESTABLISHMENT OF A HOME OCCUPATION UNDER THIS SECTION.

- .3 NOTHING IN THIS SECTION AUTHORIZES THE COMMISSION TO PERMIT CONSTRUCTION OF ANY STRUCTURE THAT WOULD NOT OTHERWISE BE ALLOWED IN THE ZONE IN WHICH THE HOME OCCUPATION IS TO BE ESTABLISHED.
- .4 THE EXISTENCE OF HOME OCCUPATIONS SHALL NOT BE USED AS JUSTIFICATION FOR A ZONE CHANGE.
- .5 THE DIRECTOR OF THE DEPARTMENT OF LAND DEVELOPMENT SERVICES SHALL REVIEW A PERMIT ALLOWING A HOME OCCUPATION EVERY 12 MONTHS FOLLOWING THE DATE THE PERMIT WAS ISSUED, AND MAY CONTINUE THE PERMIT IF THE HOME OCCUPATION CONTINUES TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION, UNLESS A COMPLAINT HAS BEEN RECEIVED. ANNUAL REVIEW SHALL INCLUDE AN INSPECTION OF THE HOME OCCUPATION AND CONTACT WITH THE OPERATOR. THE DIRECTOR SHALL SEND A LETTER GRANTING RE-APPROVAL OF THE HOME OCCUPATION FOR THE NEXT YEAR, OR STATING THE ACTIONS WHICH MUST BE TAKEN BEFORE RE-APPROVAL MAY BE GIVEN, OR ANNOUNCING THAT A HEARING WILL BE SCHEDULED BEFORE THE PLANNING COMMISSION.
- .6 THE COMMISSION SHALL HOLD A HEARING, ACCORDING TO SECTION 1603 OF THIS ORDINANCE, AT ANY TIME DURING THE YEAR, REGARDING THE RENEWAL OR REVOCATION OF A HOME OCCUPATION, IF ANY OF THE FOLLOWING OCCUR:
- A. A WRITTEN COMPLAINT IS RECEIVED FROM A NEARBY PROPERTY OWNER REGARDING THE OPERATION OF THE HOME OCCUPATION.
 - B. THE DIRECTOR CONSIDERS REVOKING THE PERMIT.
 - C. THE APPLICANT, OR A NEARBY PROPERTY OWNER, OR THE DIRECTOR WISHES THE PLANNING COMMISSION TO CHANGE OR RECONSIDER ANY OF THE CONDITIONS OF APPROVAL OF THE HOME OCCUPATION.
- .7 AFTER A HEARING PURSUANT TO 1507.6 ABOVE, THE COMMISSION MAY RE-APPROVE THE HOME OCCUPATION UNTIL THE NEXT ANNUAL REVIEW, OR STATE THE ACTIONS WHICH MUST BE TAKEN BEFORE RE-APPROVAL MAY BE GIVEN, OR ALTER THE CONDITIONS ATTACHED TO THE PERMIT, OR REVOKE THE CONDITIONAL USE PERMIT.

GENERAL DEFINITIONS:

4. Section 100.18 reads: "Dwelling, One-Family or Single Family: A detached building designed for occupancy by 1 family." This conflicts with Sections 802.2, 813.1, 822.2 and 834.1. These should be in agreement, or this definition should be more general.
Change to: "A STRUCTURE DESIGNED FOR OCCUPANCY BY 1 FAMILY."

5. Section 100.24, Definition of Farm Use: add "AND ANIMAL USE" after "...raised on such land for human use..." to agree with ORS 215.203(2)(a) and Statewide Goal 3.

6. Add to Definitions:

"100.15.A DIRECTOR: THE COLUMBIA COUNTY PLANNING DIRECTOR OR THE DIRECTOR OF THE DEPARTMENT OF LAND DEVELOPMENT SERVICES, OR HIS DELEGATE.

"100.69.A PUBLIC RIGHT-OF-WAY: A ROAD LEGALLY DESCRIBED, SURVEYED, RECORDED, DEDICATED TO THE PUBLIC OR TO THE COUNTY, AND ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS AS A PUBLIC ROAD OR COUNTY ROAD; OR A ROAD DECLARED BY THE COUNTY COMMISSIONERS TO BE A PUBLIC OR COUNTY ROAD BECAUSE OF LONG TERM USE OR BY ADOPTION INTO THE COUNTY ROAD MAINTENANCE SYSTEM.

Several zones require that all lots have frontage on a "Public right-of-way," which was not defined.

GENERAL PROVISIONS:

7. Section 211.1: appears to conflict with Sections 605, 655, 675, 706, 716, 726, 736, 807, and 816. Section 211.1 permits development of a lot of record subject to all regulations except lot WIDTH, DEPTH or AREA. The other sections exempt the "minimum lot provisions." It is unclear what is included in the phrase "minimum lot provisions"; this may be only the lot area or it may also include lot width and depth, and it may also include "Adequate area exists on the property to facilitate an individual subsurface sewage system..." (Section 604.2.B).

The Commission recommends changing Sections 605, 655, 675, 706, 716, 726, 736, 807 and 816 to:

"Lots of Record: Lots lawfully created..., if such permit would have been issued otherwise but for [the minimum lot provisions of Section XXX] THE LOT WIDTH, DEPTH, OR AREA, BUT SUBJECT TO ALL OTHER REGULATIONS OF THIS ZONE.

8. Add to Section 212.1: "Lot line adjustments may be allowed between undersized lots, OR BETWEEN AN UNDERSIZED LOT AND A COMPLYING LOT, in any district..."

9. Section 213.3 restricts additions to some nonconforming structures to 40% of the ground level floor area, but Section 1506.9 restricts expansion of all nonconforming uses to 25% of the floor area or 10% of the land area.

The Commission recommends changing Section 1506.9 to:

"1506.9 Expansion: A Non-conforming Use may be expanded 1 time only. This expansion shall not exceed [25% of the floor area of the existing structure or 10% of the land area] 40% OF THE SQUARE FOOTAGE ON THE GROUND LEVEL OF THE EXISTING STRUCTURE, pursuant to Section 1506.5."

10. Section 213.6: Conflicts with Sections 304.7, 407.5; 604.8, 654.7, 674.5, 684.4, 705.5, 715.5, 725.5, 735.5, 805.11, 815.3, 913.3, 923.2, and 933.2. Are these structures exempt from height limitations or aren't they? The Commission recommends deleting Section 213.6, and leaving in the 50' limit in each zone.

PA-38 ZONE:

11. Add to 304.1: "The permitted lot size for all other permitted AND CONDITIONAL uses shall be 20,000 square feet."

12. Add to 305.1: "Any proposed partition of land that would result in the creation of a FARM OR FOREST parcel smaller than 38 acres..."

13. Change 309.1: "A farm OR FOREST parcel smaller than [76] 38 acres..."

FA-19 ZONE:

14. Add to 407.1: "The minimum lot sizes for all permitted AND CONDITIONAL uses, except farm or forest uses, shall be 20,000 square feet."

15. Change 408: "Homestead Lot: The purpose of this section is to encourage the retention of FARM [forest] and forest land..."

PF-76 ZONE

16. Change 507.6: "The dwelling meets the standards for residential structures set forth in section [505.1,] 504.1, 504.2, 504.3 and 504.6 of this ordinance." Dwellings on homestead lots are pre-existing; you cannot require that they be "on land that is generally unsuitable for commercial forestry or agriculture..." This implies that the County could require the demolition of someone's longstanding home if it happens to be on Agricultural Capability Class I-IV or Forest Site Class I-3 soils, etc.

Suggested changes 17, 18, 19 and 20 were deleted by the Planning Commission.

RIPD ZONE:

21. Change Section 683.1.C.2: "Sewage will BE TREATED BY [accommodated through use of] a subsurface sewage system, or..."

22. Change Section 683.2.B.: "If detached FROM THE MAIN BUILDING, THEY MUST BE [and] located behind the main building [,] or a minimum of 50 feet from the front [of] lot line, whichever is greater." The original has no verb.

23. Section 684.2: Delete ["based upon a recommendation by the Design Review Board,"]

R-10 ZONE:

24. Delete 704.1: ["The use shall be located on a collector or arterial street."] The Commission felt that we do not need a distinction between home occupations in zones PA-38, FA-19, PF-76, RR-5, RC, EC and RIPD, and those permitted in the residential zones (R-10, R-7, MFR and MH). If home occupations meet all the requirements of ORS 215.448, they should be inconspicuous enough to be permitted on residential streets in all the zones.

25. Delete 704.4: ["The use shall be reviewed by the Design Review Committee and shall comply with any and all conditions found necessary to protect adjacent property owners from incompatible uses."] This criterion is covered under Conditional Uses, Section 1503.5, especially 1503.5.E. Also it implies that a Site Design Review is required, as well as the Conditional Use Permit, but doesn't say so.

26. Section 705.1.A.: Change to "The minimum lot size without public water [and/] or public sewer shall be 1 acre" to agree with Section 705.1.B.

27. Section 705.7.C.: Add: "ALL OTHER detached accessory buildings shall have a minimum setback of 5 feet from the rear and [/or] side lot lineS."

R-7 ZONE:

28. Delete 714.1: ["The use shall be located on a collector or arterial street."] See 24. above.

29. Delete 714.4: ["The use shall be reviewed by the Design Review Committee and shall comply with any and all conditions found necessary to protect adjacent property owners from incompatible uses."] See 25. above.

30. Section 715.1.A.: Change to "The minimum lot size without public water [and/] or public sewer shall be 1 acre for single-family dwellings and 1-1/2 acres for two-family dwellings" to agree with Section 715.1.B.

31. Section 715.7.C.: Add: "ALL OTHER detached accessory buildings shall have a minimum setback of 5 feet from the

rear and [/or] side lot lines."

MFR ZONE:

32. Delete 724.1: ["The use shall be located on a collector or arterial street."] See 24. above.

33. Delete 724.4: ["The use shall be reviewed by the Design Review Committee and shall comply with any and all conditions found necessary to protect adjacent property owners from incompatible uses."] See 25. above.

34. Section 725.1.A.: Change to "The minimum lot size without public water [and/] or public sewer shall be 1 acre for single-family dwellings, 1-1/2 acres for two-family dwellings, and 2-1/2 acres for multiple-family dwellings." This needs to agree with Section 725.1.B.

35. Section 725.2.B.: Change to "The minimum average lot DEPTH [width] shall be 80 feet. Width is in 725.2.A.

36. Section 725.7.C.: Add: "ALL OTHER detached accessory buildings shall have a minimum setback of 5 feet from the rear and [/or] side lot lines."

MH ZONE:

37. Delete 734.1: ["The use shall be located on a collector or arterial street."] See 24 above.

38. Delete 734.4: ["The use shall be reviewed by the Design Review Committee and shall comply with any and all conditions found necessary to protect adjacent property owners from incompatible uses."] See 25. above.

39. Section 735.1.A.: Change to "The minimum lot size without public water [and/] or public sewer shall be 1 acre for single-family dwellings. Mobile home parks shall not be allowed without public sewer and water." This needs to agree with Section 735.1.B.

40. Section 735.7.C.: Add: "ALL OTHER detached accessory buildings shall have a minimum setback of 5 feet from the rear and [/or] side lot lines."

C-5 ZONE:

41. Sections 802.1 and 802.2: Change Section 802.1 to "Any PERMITTED OR CONDITIONAL use [permitted] in a C-4 District." Delete 802.2 [Single-family dwelling accessory to a permitted use and contained in the main building.] These are now included in 802.1 if the above change is made.

C-4 ZONE:

42. Change 814: "Criteria for Approval of ALL PERMITTED AND Conditional Uses" Requiring only the conditional uses to meet these criteria makes no sense, since the only conditional uses allowed are dwellings in conjunction with permitted uses. Strict application of these sections would permit a self-service laundry to be on a well and septic system, but require the apartment upstairs to be on public sewer and water.

43. Deleted - was the same as 42 above.

44. Sections 814.1 and 814.2: delete "conditional" for above reasons.

CS-I ZONE:

45. Section 1003: This section requires that "the Commission shall study each request to establish a new CS-I use and shall attach adequate conditions to the approval of a CS-I use to insure the adverse impact of the institutional use upon the adjoining land uses have been mitigated. Conditions shall include..." However, all uses in this zone are Permitted Uses, and Section 1003 doesn't actually require a Conditional Use Permit or a Site Design Review. So the Planning Commission must "study each request" and "attach adequate conditions" but no application fee will be collected, neighboring property owners won't be notified, and no formal hearing will be held. Note that most uses in the CS-I zone could be large scale developments with substantial impacts on the neighbors.

The Planning Commission recommends the following change: Add to "Section 1550 Site Design Review: The Site Design Review process shall apply to all new development, redevelopment, expansion, or improvement of ALL COMMUNITY, GOVERNMENTAL, INSTITUTIONAL, commercial and industrial uses in the County."

CS-U ZONE;

46. Section 1013: Same comments as Section 1003 above.

CS-R ZONE:

47. Section 1024: Same comments as Section 1003 above.

48. 1023 Conditional Uses: Uses in this zone require both a Conditional Use Permit and a Site Design Review. The Commission recommends the following change:

Add to Section 1024: "A SITE DESIGN REVIEW FOR A CONDITIONAL USE IN THIS ZONE MAY BE PROCESSED CONCURRENTLY WITH THE CONDITIONAL USE PERMIT WITH A SINGLE HEARING AND A SINGLE FEE WHICH WILL BE THE HIGHER OF THE 2 PERMIT FEES."

SM ZONE:

49. Section 1042.8 " Parks." Delete, since these are covered under Section 1043.3.

50. Same comments as for Section 1023 above.
The Commission recommends the following change:

Add to Section 1045: "A SITE DESIGN REVIEW FOR A CONDITIONAL USE IN THIS ZONE MAY BE PROCESSED CONCURRENTLY WITH THE CONDITIONAL USE PERMIT WITH A SINGLE HEARING AND A SINGLE FEE WHICH WILL BE THE HIGHER OF THE 2 PERMIT FEES."

PD PLANNED DEVELOPMENT OVERLAY ZONE:

51. There is some confusion in this zone as to approval points, and when a required hearing is in fact the zone change hearing. Section 1201.1.B. requires a zone change on the property, but there is also reference to Planning Commission review of the Preliminary Development Plan and Program (1201.1.C.).

1201.2.A. permits the Planning Commission to recommend approval of the GENERAL Development Plan and Program, but it appears that they are considering the PRELIMINARY Development Plan at this point in the process, and the GENERAL Development Plan is not considered until later. It is not clear that the hearing referred to in 1201.2.C. is the zone change hearing or another. After all this, it seems unnecessary to require another Planning Commission hearing (1201.3.A.).

The Commission recommends an analysis of this whole section to simplify the process and clarify what happens when, and suggests moving this whole section to the Subdivision and Partitioning Ordinance.

The Commission also recommends eliminating the requirement for a zone change; instead, the area should be delineated on the zoning map and be marked with the file number and "Planned Unit Development" after all the conditions of approval have been met and the final plat has been recorded. These changes will be implemented separately later.

1504.1 MAJOR VARIANCES:

52. Deleted and processed as TA 5-91.

53. Change 1504.1.B.: "A variance so authorized shall

become void after the expiration of 1 year if [no substantial construction has taken place] THE NEXT STEP IN THE DEVELOPMENT PROCESS HAS NOT BEEN APPLIED FOR."

1504.3 MINOR VARIANCES:

54. Add "1504.3.F. A VARIANCE SO AUTHORIZED SHALL BECOME VOID AFTER THE EXPIRATION OF 1 YEAR IF THE NEXT STEP IN THE DEVELOPMENT PROCESS HAS NOT BEEN APPLIED FOR."
The current ordinance has no 1 year time limit for action on Minor Variances.

1505 TEMPORARY PERMITS:

55. Change 1505.2: "Temporary Residence While Building: The Director may approve a temporary permit for a period not to exceed 1 year for the use of AN EXISTING HOUSE, a mobile home or A 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.] B. Within 30 days of the issuance of the occupancy permit, the PREVIOUS HOUSE OR mobile home shall be removed or made to conform with zoning and building regulations.
- [D.] C. Failure..."

To require an applicant to "submit evidence" that there's no "reasonable housing alternative, such as nearby rental housing" seems to unnecessarily harass an applicant for a temporary permit. All they usually want to do is stay in their present home until the new one is built.

1600 ADMINISTRATION:

56. Change 1601: "Staff Approval: As provided elsewhere in this ordinance, the Director or his delegate may approve requested actions which are in conformance with the provisions of this ordinance. FARM AND FOREST MANAGEMENT PLANS, minor variances, expansions or changes of non-conforming uses, temporary permits...may be approved by the Director using the following procedures. [; the Design Review Board shall use these same procedures.]"

57. Change 1612 "AN "ADMINISTRATIVE ACTION": Means a proceeding [in which the legal rights, duties, or privileges of specific parties under general rules or policies provided

under ORS 215.010 to 215.233 and 215.402 to 215.422 or any ordinance, rule or regulation adopted pursuant thereto, are required to be determined only after a hearing at which specific parties are entitled to appear and be heard; or .1 D] designated as AN Administrative Action by rule or order of the Board of County Commissioners."

This section doesn't make much sense, and refers to ORS sections which don't require hearings. It is the beginning of sections authorizing a Hearing Officer to make decisions regarding "administrative actions" but doesn't seem to relate to that either. The Planning Commission recommends changing the section as above.

1619 DESIGN REVIEW BOARD

58. Change Section 1619.1 to: "The Board of Commissioners [shall] MAY appoint a 5 member Design Review Board. [The Commission may sit as an interim Design Review Board until such a Board has been formed.] THE PLANNING COMMISSION SHALL SIT AS THE DESIGN REVIEW BOARD IN THE ABSENCE OF A SEPARATE DESIGN REVIEW BOARD."

GENERAL PROVISIONS:

59. Add to Article II, Section 200:
"221 ONE PRINCIPAL USE PER LOT: ONLY ONE PRINCIPAL USE MAY BE PLACED ON EACH LEGAL LOT OR PARCEL."

60. Add to Article II, Section 200:
"222 ONE SEPTIC SYSTEM PER LOT: ONLY ONE RESIDENTIAL SUBSURFACE SEWAGE DISPOSAL SYSTEM MAY BE INSTALLED ON EACH LEGAL LOT OR PARCEL."

PA-38 ZONE:

61. Add to 303.14 D.: "The construction or placement of the dwelling...which declares that: "The preservation of A MAXIMUM AMOUNT OF the limited supply of agricultural land..." The missing words are from ORS 215.243 and were left out in error.

62. Delete Section ["308.6 The existing dwelling:
A. Is compatible with farm uses...
B. Does not interfere...
C. Does not materially...
D. Is situated upon generally...of the tract."]
This section refers to the existing dwelling on a homestead lot. If the answer is "no" to any of these questions, do we require a pre-existing home and accessory buildings to be moved elsewhere on the property, or do we deny the homestead lot application? This section makes little sense if we are dealing with a farm homestead that has been in existence for

many years (or even just a few years, for that matter).

FA-19 ZONE:

63. Change Section 402.1: "Farm uses [are] AS defined by Subsection (2) of ORS 215.203."

PF-76 ZONE:

64. Delete Section ["508: Partitions: Any division of land that results in the creation of a parcel smaller than seventy-six (76) acres must be reviewed and approved by the Planning Department and must be for an approved use in Section 503, or for a public fish and wildlife management facility. The parcel created for any of these uses shall not be larger than the minimum size necessary for the use."] This section covers the same ground as Section 506.1, but also conflicts with it. It appears superfluous.

RR-5 ZONE:

65. Change Section 603.1.B.: "If detached FROM THE MAIN BUILDING, THEY MUST BE [and] located behind the main building [,] or a minimum of 30 feet from the front [of] lot line, whichever is greater." There is no verb in the original.

RC ZONE:

66. Change Section 653.2.B.: "If detached FROM THE MAIN BUILDING, THEY MUST BE [and] located behind the main building [,] or a minimum of 20 feet from the front [of] lot line, whichever is greater." There is no verb in the original.

EC ZONE:

67. Change Section 673.2.B.: "If detached FROM THE MAIN BUILDING, THEY MUST BE [and] located behind the main building [,] or a minimum of 30 feet from the front [of] lot line, whichever is greater." There is no verb in the original.

FH FLOOD HAZARD OVERLAY ZONE:

68. Change Section 1109.2.A(4): change "1109.1.8." to "1109.1.B."

ALF AIRCRAFT LANDING FIELD OVERLAY ZONE:

69. Change Section 1155.3: change "1510" to "1501."

VARIANCES:

70. Deleted and processed as TA 5-91.

71. Change 1504.3.D.: change "1505.1A" to "1504.1A."

TEMPORARY PERMITS:

72. Change "1505.3 Care of a Relative: The Director may approve a temporary permit according to the procedure stated in subsection 1601, [and] for a period...provided the applicant provides evidence [sub-] OF 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"

Add: "B. THE TEMPORARY LIVING UNIT CAN BE CONNECTED TO THE EXISTING SUBSURFACE SEWAGE SYSTEM SERVING THE PRIMARY DWELLING ON THE PROPERTY.

Delete ["B. There exists no reasonable housing alternative, such as nearby rental housing or adequate housing on the subject property."]

This confirms that there cannot be a new septic system for a temporary use. It also deletes the requirement regarding housing alternatives (see 55. above).

SITE DESIGN REVIEW:

73. Change "1550.6.D.4.: Description of soil conditions and plans for soil treatment such as stockpiling [or] OF topsoil..."

74. Change "1550.6.D.8.: Boundaries [or] OF open space..."

ADMINISTRATION:

75. Change 1606 "Legislative Hearing: [A request] REQUESTS to amend..."

76. Change 1607.1: Change "1612" to "1611"

77. Delete ["1615 Pre-Application Conference: With respect to actions initiated by the property owner, contract

purchaser, option holder, or agent of the owner, the applicant [of] OR his authorized representative shall meet and confer with the Director or his authorized representative in a pre-application conference at which time views may be exchanged as to the requisites for formal application and the feasibility of approval may be discussed."]

We don't do pre-application conferences now, and if we decide to do them in the future, they can be initiated without authorization by the Zoning Ordinance. It's also not clear from the context if this section applies to all administrative actions, or just to those handled by the Hearings Officer.

APPEALS:

78. Deleted, see No. 80 below.

RR-5 , RC, R-10 and R-7 ZONES:

79. Add to 604.5, 654.4, 705.2.C, 715.2.C: "All parcels (lots) shall have a minimum of 50 foot of usable frontage on a public right-of-way; EXCEPT A DRIVEWAY TO A SINGLE PARCEL TO BE USED FOR RESIDENTIAL PURPOSES MAY USE A NON-EXCLUSIVE EASEMENT FOR ACCESS TO A PUBLIC OR COUNTY ROAD."

Added by Board of County Commissioners July 29, 1992:

"HOWEVER, ANY APPLICATION WHICH WILL INCREASE THE NUMBER OF USERS OR PARCELS SERVED TO MORE THAN 1 SHALL REQUIRE THAT THE ACCESS ROAD BE IMPROVED TO THE APPLICABLE COUNTY ROAD STANDARDS, INCLUDING DEDICATION TO THE PUBLIC OR TO THE COUNTY."

APPEALS:

80. Change 1702 and 1703: change "forty-two (42) calendar days" to "56 CALENDAR DAYS" since we have to give the Department of Land Conservation and Development 45 days notice of all final actions on resource land.

FIRE SITING STANDARDS FOR DWELLINGS AND ROADS IN RESOURCE ZONES:

81. Add Sections 310 (PA-38), 412 (FA-19) and 511 (PF-76):

"FIRE SITING STANDARDS FOR DWELLINGS AND ROADS: THE FOLLOWING FIRE SITING STANDARDS OR THEIR EQUIVALENT SHALL APPLY TO ALL NEW DWELLINGS IN THIS ZONE:

.1 IF A WATER SUPPLY IS AVAILABLE AND SUITABLE FOR FIRE PROTECTION, SUCH AS A SWIMMING POOL, POND, STREAM OR LAKE, THEN ROAD ACCESS TO WITHIN 15 FEET OF THE WATER'S EDGE SHALL BE PROVIDED FOR PUMPING UNITS. THE

ROAD ACCESS SHALL ACCOMMODATE THE TURNAROUND OF FIRE FIGHTING EQUIPMENT. PERMANENT SIGNS SHALL BE POSTED ALONG THE ACCESS ROUTE TO INDICATE THE LOCATION OF THE EMERGENCY WATER SOURCE.

.2 THE OWNER OF THE DWELLING SHALL MAINTAIN A PRIMARY FUEL-FREE BREAK AREA AROUND ALL STRUCTURES, SHALL CLEAR AND MAINTAIN A SECONDARY FUEL-FREE BREAK AREA, AND SHALL MAINTAIN ADEQUATE ACCESS TO THE DWELLING FOR FIRE FIGHTING VEHICLES IN ACCORDANCE WITH THE PROVISIONS IN "PROTECTING YOUR HOME FROM WILDFIRE" PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION.

.3 ALL ROADS IN THIS ZONE, EXCEPT PRIVATE ROADS AND BRIDGES FOR COMMERCIAL FOREST USES, SHALL BE CONSTRUCTED SO AS TO PROVIDE ADEQUATE ACCESS FOR FIRE FIGHTING EQUIPMENT, ACCORDING TO THE STANDARDS PROVIDED BY THE LOCAL RURAL FIRE PROTECTION DISTRICT OR STATE DEPARTMENT OF FORESTRY."

82. Deleted and processed as TA 5-91.