

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending Sections)
831, 834 and 835 of the Columbia) ORDINANCE NO. 93-5
County Zoning Ordinance)

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

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 93-5.

SECTION 2. AUTHORITY.

This ordinance is adopted under the authority of ORS 203.035, 215.050 and 215.223.

SECTION 3. PURPOSE.

The purpose of this ordinance is to allow Water Dependent Construction Activities (WCDAs), including construction of houseboats, boat houses and other related activities, as a conditional use within the Marine Commercial (C-2) Zone. The ordinance also establishes standards and criteria for approval of Water Dependent Construction Activities.

SECTION 4. AMENDMENT.

Sections 831 of the Columbia County Zoning Ordinance is amended to read as shown in the attached Exhibit "A" which is incorporated herein by this reference. Sections 834 and 835 of the Zoning Ordinance are amended by the addition of the subsections shown also shown in Exhibit "A".

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. The recommendation from the Planning Commission to delete Section 835.3.E, which limits the average number of employees of WCDAs to twenty, is rejected because of the need to ensure that the size of WCDAs remain compatible with other uses in the Marine Commercial (C-2) Zone.

SECTION 6. SEVERABILITY.

If any provision of this ordinance, including Exhibits "A" and "B", are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the remaining portions thereof.

SECTION 7. EMERGENCY CLAUSE.

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

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 28th DAY OF April, 1993.

Approved as to form

By: Jan K. King
Office of County Counsel

Attest: Jan A. Suenkel
Recording Secretary

First Reading: 4-28-93

Second Reading: 4-28-93

Effective Date: 4-28-93

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Michael J. [Signature]
Chairman

By: [Signature]
Commissioner

By: [Signature]
Commissioner

EXHIBIT "A"

Add to:

831 Purpose: The Marine Commercial; District is intended to encourage a wide range of water-related activities both commercial and residential, INCLUDING OFF-SHORE WATER DEPENDENT CONSTRUCTION ACTIVITIES (WDCAs) WHICH CANNOT BE LOCATED ON LAND.

New Sections:

834.3 Water Dependent Construction Activities (WDCA), including the construction of houseboats, boat houses and other accessory or related construction activities which must be conducted on navigable waterways and which cannot be conducted on land or within an enclosed building or sight obscuring fence and which generally employ fewer than 20 persons.

835.2 Standards for Water Dependent Construction Activities (WDCA):

A. A WDCA shall not be permitted within 250 feet of existing houseboats or on-shore residential development.

B. A WDCA shall not be permitted where it would negatively impact or be negatively impacted by industrial or commercial traffic on the waterway.

C. The location of a WDCA shall have access to an adequate land area to service the WDCA, including space for the delivery and temporary short-term storage of materials and supplies, and parking for employees.

D. A WDCA is permitted only within an Urban Growth Boundary.

835.3 Criteria for Approval of WDCAs: In approving a WDCA the Commission shall make the following findings:

A. The WDCA is dependent upon a navigable waterway and can not be conducted on land or within an enclosed building or sight-obscuring fence.

- B. The WDCA will not adversely affect or be adversely affected by the waterway's normal fluvial processes.
- C. The operation of the WDCA will not adversely affect or be adversely affected by the present users of the waterway in the vicinity of the WDCA.
- D. The WDCA is consistent with the overall land use pattern of the surrounding area.
- E. The WDCA will have an average of fewer than the equivalent of 20 regular full-time employees.

COLUMBIA COUNTY BOARD OF COMMISSIONERS
Staff Report
Zoning Ordinance Text Amendment

FILE NUMBER: TA 3-93

APPLICANT: Ken Armstrong
Port of St. Helens
P.O. Box 598
St. Helens, OR 97051

REQUEST: To add to Conditional Uses of the Marine Commercial C-2 zone sections permitting, and setting standards and criteria for, Water Dependent Construction Activities (WDCAs).

PROPOSED AMENDMENTS:

Applicant wishes to change the text of the Columbia County Zoning Ordinance as follows, (as amended and recommended for approval by the Planning Commission):

Add to Section 831 of the C-2 Marine Commercial zone::

831 Purpose: The Marine Commercial District is intended to encourage a wide range of water-related activities both commercial and residential, INCLUDING OFF-SHORE WATER DEPENDENT CONSTRUCTION ACTIVITIES (WDCAs) WHICH CANNOT BE LOCATED ON LAND."

New Sections: Add to "834 Conditional Uses:"

".3 Water Dependent Construction Activities (WDCA), including the construction of houseboats, boat houses and other accessory or related construction activities which must be conducted on navigable waterways and which cannot be conducted on land or within an enclosed building or sight obscuring fence and which generally employ fewer than 20 persons."

Add to "835 Standards:"

".2 Standards for Water Dependent Construction Activities:

- A. A WDCA shall not be permitted within 250 feet of existing houseboats or on-shore residential development.
- B. A WDCA shall not be permitted where it would negatively impact or be negatively impacted by industrial or commercial traffic on the waterway.
- C. The location of a WDCA shall have access to an adequate

land area to service the WDCA, including space for the delivery and temporary short-term storage of materials and supplies, and parking for employees.

- D. A WDCA is permitted only within an Urban Growth Boundary."

".3 Criteria for Approval of WDCAs: In approving a WDCA the Commission shall make the following findings:

- A. The WDCA is dependent upon a navigable waterway and can not be conducted on land or within an enclosed building or sight-obscuring fence.
- B. The WDCA will not adversely affect or be adversely affected by the waterway's normal fluvial processes.
- C. The operation of the WDCA will not adversely affect or be adversely affected by the present users of the waterway in the vicinity of the WDCA.
- D. The WDCA is consistent with the overall land use pattern of the surrounding area."

INDINGS:

This request is being processed under Sections 1606 and 1611 of the Zoning Ordinance, as follows:

"1606 Legislative Hearing: Requests to amend the text of the Zoning Ordinance...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."

Finding 1: The request has been initiated by Ken Armstrong on behalf of the Port of St. Helens.

Continuing with Section 1606 of the Zoning Ordinance:

- ".2 Notice of a Legislative Hearing shall be published at least twice, 1 week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 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 2: Notice was published in the St. Helens Chronicle and Scappoose Spotlight on April 7 and 14, 1993, both of which were more than 10 days prior to April 28, 1993, the date of the Commissioner hearing.

Section 1611 of the Zoning Ordinance provides as follows:

"1611 Notice of Legislative Hearing: The notice of a legislative hearing shall contain the following items:

- .1 Date, time and place of the hearing;
- .2 A description of the area to be rezoned or the changes to the text;
- .3 Copies of the statement for the proposed changes are available in the Planning Department. These proposed changes may be amended at the public hearing;
- .4 Interested parties may appear and be heard;
- .5 Hearings will be held in accordance with the provisions of the Zoning Ordinance."

Finding 3: All of the above were included in the Notice of Public Hearing published twice in the Chronicle and Spotlight newspapers.

COMMENTS:

1. Von Smith of the St. Helens CPAC had several concerns regarding noise, hours of operation, locational requirements, and the need to consider WDCAs on a case-by-case basis.
2. Sandy Dillard, former County Commissioner, wrote in favor of the proposed changes to the Zoning Ordinance.
3. Donald L. Kallberg, Mayor of St. Helens, wrote that the proposed WDCA "...would be consistent with the types of uses presently allowed in the City's Marine Commercial zone...as a conditional use..." and "WDCA are an appropriate use in Marine Commercial zones, especially within the UGB..." and "...the City of St. Helens would support the proposed amendments to the County's C-2 Marine Commercial zone as being consistent with the City's land use planning and a desirable addition within the C-2 zone."
4. No other comments have been received from notified parties or government agencies as of the date of this staff report (April 6, 1993).

CONCLUSION AND RECOMMENDATION:

The Planning Commission and planning staff recommend approval of the above legislative amendments to the text of the Columbia County Zoning Ordinance.

Notes:

1. Each application for a WDCA would require the issuance of a Conditional Use Permit and Site Design Review, with public hearings for both. These hearings should provide sufficient opportunity for public input and Commission review of any site or operational issues regarding each application.
2. The following requirement, included in the proposed amendments by the applicant, was deleted by the Planning Commission from ".3 Criteria for Approval of WDCAs":
 - "E. The WDCA will have an average of fewer than the equivalent of 20 regular full-time employees."