

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending )  
Sections 503.6 and 681.3 of )  
the Columbia County Zoning ) ORDINANCE NO. 94-12  
Ordinance )  
\_\_\_\_\_ )

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

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 94-12.

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 amend Section 503.6 of the Columbia County Zoning Ordinance (CCZO) to delete the voltage limit and to add a 100 foot right-of-way width restriction. In addition, the purpose is to amend CCZO Section 681.3 to make the provisions of the Rural Industrial - Planned Development (RIPD) zone consistent with the policy and purposes set forth in the Comprehensive Plan for the zone.

SECTION 4. AMENDMENT TO CCZO SECTION 503.6.

Section 503.6 of the Columbia County Zoning Ordinance is amended to read as follows:

- 503.6 A. Utility facilities for the purpose of generating power, subject to paragraph D of this subsection below. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- B. Electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210, subject to paragraph D of this subsection below.

- C. Distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width, subject to paragraph D of this subsection below.
- D. A use authorized by this subsection may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands:
  - (1) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
  - (2) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

SECTION 5. AMENDMENT TO SECTION 681.3.

Section 681.3 of the Columbia County Zoning Ordinance is amended to read as follows:

- 681.3 Are located with adequate rail and/or vehicle and/or deep water port and/or airstrip access.

SECTION 6. FINDINGS.

A. The amendment to CCZO Section 503.6 is being adopted to conform the zoning ordinance provisions relating to utility facilities and utility lines on forest lands to the new requirements for forest lands found in OAR 660-06-025.

B. The amendment to CCZO Section 683.1 is being adopted to conform the zoning ordinance provisions relating to the location of rural industrial uses to the requirements of Policy 3.C of the Columbia County Comprehensive Plan.

C. The Board of County Commissioners adopts the Planning Department's Staff Report, a copy of which is attached hereto, labeled Exhibit "A", and incorporated herein by this reference, as additional findings and conclusions in support of these amendments.

SECTION 7. SEVERABILITY.

If any of the provisions of this ordinance 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 hereof.

SECTION 8. 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 11th DAY OF January, 1995.

Approved as to form

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: John Kelly  
Office of County Counsel

By: Gene Hays  
Chairman

Attest:

By: Carol A. Gordon  
Commissioner

By: Jan Greenhalgh  
Recording Secretary

By: Michael J. Syfers  
Commissioner

First Reading: 01-11-95  
Second Reading: 01-11-95  
Effective Date: 01-11-95

EXHIBIT "A"  
COLUMBIA COUNTY  
LAND DEVELOPMENT SERVICES  
COURTHOUSE  
ST. HELENS, OREGON 97051  
PHONE (503) 397-1501

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COLUMBIA COUNTY PLANNING COMMISSION  
Staff Report  
Zoning Ordinance Text Amendment

FILE NUMBER: TA 3-94

APPLICANT: Columbia County Board of Commissioners

REQUEST:

Applicant wishes to amend the text of Sections 503.6 and 681.3 of the Columbia County Zoning Ordinance. Deletions are in [brackets], additions are underlined and in bold.

The first amendment deletes the 115KV restriction regarding electrical transmission lines in the Primary Forest (PF-76) zone and adds a 100 foot right-of-way width restriction. This amendment brings the Zoning Ordinance into agreement with Oregon Administrative Rules OAR 660-06-025(4)(p). This amendment is as follows:

"503.6 Utility facilities, including utility corridors for electrical transmission lines [of up to 115 KV's,] with right-of-way widths of up to 100 feet, and small electrical generation facilities."

The second amendment changes Section 681.3 in the Purpose Section of the Resource Industrial-Planned Development (RIPD) zone, regarding industrial uses having adequate rail, vehicle, port and/or airstrip access. This amendment brings the wording into agreement with the Columbia County Comprehensive Plan (p.185, RESOURCE INDUSTRIAL DEVELOPMENT: POLICIES, No. 3.C.). This amendment is as follows:

"681.3 [Require a rural location in order to take advantage of] Are located with adequate rail and/or vehicle and/or deep water port and/or airstrip access."

FINDINGS:

This request is being processed under Sections 1606 and 1611 of the Zoning Ordinance. The pertinent sections of the ordinance are 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."

10-24-94

Finding 1: This amendment was initiated by the Board of Commissioners.

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: A hearing notice was published in the St. Helens Chronicle and Scappoose Spotlight newspapers more than 10 days prior to the Planning Commission hearing date of November 7, 1994. Notice to individual property owners was not required by the Board of Commissioners and was not done.

"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 newspaper.

**COMMENTS:**

No comments have been received as of the date of this staff report (October 24, 1994).

**CONCLUSION AND RECOMMENDATION:**

Based upon the above findings, staff recommends approval of this legislative amendment to the text of the Columbia County Zoning Ordinance.