

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending Sections)
1612 through 1616 of the Columbia) ORDINANCE NO. 94-6
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. 94-6.

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 Sections 1612 through 1616 of the Columbia County Zoning Ordinance.

SECTION 4. FINDINGS.

A. Quasi-judicial land use applications have been increasing in recent years putting more pressure on the Planning Commission to hold longer and more frequent meetings.

B. The process of periodic review, which is just beginning, will also demand the time and attention of the Planning Commission.

C. At times it has been difficult to obtain a quorum of Planning Commission members to hear quasi-judicial land use applications.

D. When a Planning Commission meeting has to be cancelled due to lack of a quorum, it adds to the backlog of quasi-judicial land use applications, adds to the delay and frustration of applicants and opponents alike, and increases the likelihood of litigation.

E. It is in the interest of the public and the County to be able to appoint a hearings officer for certain quasi-judicial land use applications or types of quasi-judicial land use applications to relieve the burden on the Planning Commission, provide for the prompt resolution of applications and to meet the requirements of ORS 215.428.

F. The current provisions providing for the appointment of hearings officers are unclear and are inconsistent with current practice.

SECTION 5. AMENDMENT TO SECTION 1612.

Section 1612 of the Columbia County Zoning Ordinance is amended to read as follows:

1612 Special Hearings: The Board of County Commissioners, in its discretion, may order any quasi-judicial land use application or type of quasi-judicial land use application to be heard at a Special Hearing in lieu of a hearing before the Planning Commission or the Board of County Commissioners.

SECTION 6. AMENDMENT TO SECTION 1613.

Section 1613 of the Columbia County Zoning Ordinance is amended to read as follows:

1613 Appointment of Hearings Officer: Special Hearings shall be heard by a hearings officer appointed by the Board of County Commissioners.

SECTION 7. AMENDMENT TO SECTION 1614.

Section 1614 of the Columbia County Zoning Ordinance is amended to read as follows:

1614 Requests for Special Hearings: In addition to Special Hearings ordered by the Board of County Commissioners on its own initiative, Special Hearings may be initiated by the Board at the request of the Planning Director or his or her designate, or a majority of the Planning Commission, for any quasi-judicial land use application or type of quasi-judicial land use application.

SECTION 8. AMENDMENT TO SECTION 1616.

Section 1616 of the Columbia County Zoning Ordinance is amended to read as follows:

1616 Procedure for Special Hearings: The procedure for Special Hearings shall, to the greatest extent practicable, be the same as for other quasi-judicial land use hearings as set forth in the Columbia County Zoning Ordinance, Planning Commission Ordinance, and Subdivision and Partitioning Ordinance, and ORS Chapters 92, 197 and 215. When a Special Hearing is held in lieu of a Planning Commission hearing, the hearings officer's decision may be appealed as provided in Secitons 1700

through 1703 of this ordinance. When a Special Hearing is held in lieu of a Board of County Commissioners' hearing, the hearings officer's decision may be appealed as provided in ORS Chapter 197 for appeals to the Land Use Board of Appeals.

SECTION 9. SEVERABILITY.

If any provision of this ordinance is 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 10. 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 on January 1, 1995.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 31st DAY OF December, 1994.

Approved as to form

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John K. Knight
Office of County Counsel

By: Michael Sykes
Chairman

Attest:

By: [Signature]
Commissioner

By: Jan Suenwalgh
Recording Secretary

By: [Signature]
Commissioner

First Reading: 12-21-94
Second Reading: 12-21-94
Effective Date: 1-1-95