

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Amending Ordinance No. 2002-)
8, Approving the Application of Richard Recht for)
Columbia Hills Development Co. for a)
Comprehensive Plan Amendment and Zone Change)
from Rural Residential (RR-5) to Community)
Service-Utility (CS-U))
ORDINANCE NO. 2006-6

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2006-6.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 197.763, 215.050, 215.060, and 215.223.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to amend Ordinance No. 2002-8, "In the Matter of an Application by Richard Recht, Chris Nelson, and Scott and Sue Russell for a Comprehensive Plan Amendment and Zone Change from FA-19 to PF-76 and from FA-19 to RR-5".

SECTION 4. HISTORY.

The Board of Commissioners adopted Ordinance No. 2002-08 on December 31, 2002, approving a Comprehensive Plan Amendment and Zone Change from Rural Residential (RR-5) to Community Service-Utility (CS-U) on two lots totaling approximately .5 acres, and having tax account numbers 3222-011-09100 (Lot 78) , and 3222-031-056000 (Lot 8) in Block 4 and Block 42 of the Hillcrest Subdivision outside the City of Scappoose. The purpose of the Comprehensive Plan Amendment and Zone Change was to allow a Community Water System on the two lots to service the Hillcrest Subdivision. The Ordinance authorized a Community Water System on the subject property to serve up to 130 dwellings in the Rural Residential (RR-5) zone.

On April 19, 2006, the Board of County Commissioners adopted Ordinance No. 2006-3, in the Matter of an Application by Richard Recht, Chris Nelson, and Scott and Sue Russell (the "Applicants")for a Comprehensive Plan Amendment and Zone Change from FA-19 to PF-76 and from FA-19 to RR-5." Condition #7 of said approval limits the permanent maximum number of dwellings allowed to be built on Hillcrest Subdivision land zoned RR-5 to 130, provided however, that the permanent maximum number of dwellings allowed in the RR-5 zone may be increased to a permanent maximum number of 139 upon the successful completion of several conditions, including the amendment of Ordinance No. 2002-8. Thereafter, the Applicants

requested that the County amend Ordinance No. 2002-8 to authorize a Community Water System to serve up to 139 dwellings in the Rural Residential (RR-5) zone.

SECTION 5. FINDINGS.

The Board of County Commissioners adopts the findings of fact and conclusions of law which are attached hereto as Attachment A, and are incorporated herein by this reference.

SECTION 6. AMENDMENT AND CONDITIONS.

1. Ordinance No. 2002-8 is amended to allow the Community Water System as authorized by Ordinance No. 2002-8 to serve up to 139 dwellings in the RR-5 zone of the Hillcrest Subdivision, as the RR-5 zone was amended by Ordinance No. 2006-3. Any findings or conditions in Ordinance No. 2002-8 that are inconsistent with this Ordinance are hereby amended to authorize the Community Water System to serve up to 139 dwellings in such RR-5 zone.

2. Approval of this Ordinance is contingent upon the successful completion of the following conditions of approval:

a. The Oregon Water Resources Department shall approve the Community Water System to serve at least 139 dwellings in the RR-5 zone.

b. The Applicants shall comply with all remaining conditions of approval required by Ordinance No. 2006-3.

3. Except as expressly amended by this Ordinance, Ordinance No. 2002-8 shall remain in full force and effect.

Approved as to Form

By: Sarah Hunsdon
Office of County Counsel

Recording Secretary

By: Jan Suenkelgh
Recording Secretary

First Reading: 7-19-06

Second Reading: 8-2-06

Effective Date: 1-10-07

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Joe Corsiglia
Joe Corsiglia, Chair

By: Rita Bernhard
Rita Bernhard, Commissioner

By: Anthony Hyde
Anthony Hyde, Commissioner

ATTACHMENT A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. CCZO Section 1501 states that the Board of County Commissioners may approve a Major Map Amendment provided they find adequate evidence has been presented substantiating that the proposed Zone Change is consistent with the policies of the Comprehensive Plan. According to the Settlement Agreement in effect at the time Ordinance No. 2002-8 was adopted, the Applicants were limited to 130 dwellings in the RR-5 zone. Therefore, Ordinance No. 2002-8 authorized the proposed Community Water System to serve up to 130 dwellings in the RR-5 zone of the Hillcrest Subdivision. The Applicant now proposes to have up to 139 dwellings in the RR-5 zone to be served by the Community Water System, and the Board has authorized such a proposal in Ordinance No. 2006-3 contingent upon several conditions of approval. The Comprehensive Plan for Public Facilities and Services requires that adequate types and levels of public services be provided in advance of or concurrent with development. Because the community water system is now being proposed to serve additional dwellings, the Applicant must demonstrate that those dwellings will have adequate water service. The Oregon Department of Water Resources issued a permit to authorize a Community Water System to serve 130 dwellings. The Board finds that the Comprehensive Plan for Facilities and Services is met by such proposal if the Community Water System can serve the additional proposed dwellings. Therefore, upon approval of the Oregon Water Resources Department for a Community Water System to serve at least 139 dwellings, the Comprehensive Plan provisions for Public Facilities and Services will be met.

2. The Board finds that because the Community Water System will be adequate to serve all 139 homesites and because the total demand on the groundwater resource will not be increased, the decision in Ordinance 2002-08, as amended, remains consistent with all applicable standards, including statewide land use planning goals and the Goals and Policies of the Comprehensive Plan.