

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the )  
Columbia County Zoning Ordinance, )  
the Subdivision and Partitioning Ordinance ) Ordinance No. 97-04  
and the Planning Commission Ordinance )  
Regarding Application Reviews and Appeals )

The Board of County Commissioners ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 97-04.

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to the authority of ORS 203.035, ORS 197.160 and ORS 197.610 through 197.625.

SECTION 3. PURPOSE.

The purpose of these amendments is to streamline the application process so as to reach decisions on applications within 120 days after the application is deemed complete.

SECTION 4. FINDINGS.

1. The Board of County Commissioners finds that it is in the best interests of the county to make decisions regarding land use applications in accordance with the provisions of ORS 215.428.
2. The Board of County Commissioners is considering these amendments in light of writs of mandamus which have been filed because the County has, in the past, failed to timely decide on an application, in violation of ORS 215.428.
3. The Board of County Commissioners finds that overall, discretionary land use decisions should be the responsibility of the Planning Department staff, the Planning Commission and the Board of County Commissioners, not a circuit court judge.
4. The Board of County Commissioners finds that the proposed amendments, which are attached hereto, labeled Attachment "A" and incorporated herein by this reference, allow for proper appeals, without additional requirements which could forestall a timely decision.

5. The Board of County Commissioners finds that the proposed amendments will streamline the decision making process while maintaining compliance with the Comprehensive Plan and the Oregon Revised Statutes.
6. The Board of County Commissioners finds that the proposed amendments are consistent with the applicable provisions of the Comprehensive Plan, and therefore no plan amendment is necessary.

SECTION 5. RESCISSION, AMENDMENT, ADOPTION.

1. Those provisions of the Zoning Ordinance, the Subdivision and Partitioning Ordinance, and the Planning Commission Ordinance which are in conflict with the provisions as stated in this ordinance are rescinded.
2. The amendments as shown in Attachment "A" are adopted.

SECTION 6. SEVERABILITY.

The provisions of this ordinance are severable. If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and the decision shall not affect the validity of the remaining portions hereof.

ADOPTED this 16th day of April, 1997.

**Approved as to form:**

By: Paul Corcoran Briggs  
Office of County Counsel

**Attest:**

By: Jan Sunhalgh  
Recording Secretary

First Reading: 4-2-97

Second Reading: 4-2-97

Final Reading: 4-16-97

Effective Date: 7-15-97

H:\LDS\AMEND\APPEALS\97-04.ORD

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Jack R. Peterson  
Chairman

By: [Signature]  
Commissioner

By: Commissioner Yarbor opposed  
Commissioner

ORDINANCE NO. 97-04  
ATTACHMENT "A"

[Note: Additions are in bold; deletions are in ~~strikeout~~ (strikeout).]

I. ZONING ORDINANCE AMENDMENTS:

A. Amend Section 1550, "SITE DESIGN REVIEW," to read as follows:

\*\*\*

.2 Design Review Process: The Design Review Board or Planning Commission shall review all applications which are subject to the provisions of Section 1550 of this ordinance. Applications ~~must~~ **shall** be **processed in accordance with Sections 1603 and 1700 of this ordinance.** ~~submitted not less than 35 days prior to the next regularly scheduled Design Review Board or Planning Commission meeting.~~

.3 Site Plan Submittal and Analysis: ~~The proponent shall submit all required information to the Planning Department not less than 35 days prior to the next Design Review Board or Planning Commission meeting.~~ **applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Planning Department. Once the application is deemed complete, it shall be scheduled for the earliest possible hearing before the Design Review Board or Planning Commission. The Director, or the Director's designate, shall review the site plan and shall check its conformance with this ordinance. A staff report shall be prepared and sent to both the proponent applicant, and the Design Review Board or Planning Commission and any interested party requesting a copy.**

B. Amend Section 1600, "ADMINISTRATION," to read as follows:

\*\*\*

1603 Quasijudicial Public Hearing: As provided elsewhere in this ordinance, the Hearings Officer, ~~or the Planning Commission, or the Board of Commissioners~~ may approve certain actions which are in conformance with the provisions of this ordinance. Zone Changes, Conditional Use Permits, Major Variances, and Temporary Use Permits shall be reviewed by the appropriate body and may be approved using the following procedures:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**The a Applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Planning Department. at least 35 days prior to the next regularly scheduled date for a public hearing. This The application will shall be reviewed by the staff for completeness and the applicant will be informed notified in writing if it is incomplete of any deficiencies. The application shall be deemed complete upon receipt of all pertinent information. If an application for a permit or zone change is incomplete, the Planning Department shall notify the applicant of exactly what information is missing within 5 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of this section upon receipt by the Planning Department of the missing information.**

.2 **Once an application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission or Hearings Officer. The Director will publish a notice of the requested application in a paper of general circulation not less than 10 calendar days prior to the scheduled public hearing. Notices will also be mailed to adjacent all individual property owners in accordance with ORS 197.763. living within 250 feet of the proposed change.**

.3 **At a the public hearing, the staff, applicant, and interested parties may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved, or what modifications are necessary for approval.**

.4 **Approval of any action by the Planning Commission at a the public hearing shall be by procedure outlined in Ordinance 91-2.**

C. Amend Section 1618, "DESIGN REVIEW BOARD", to read as follows:

Section 1618 Design Review Board:

.1 The Board of Commissioners may appoint a 5-member Design Review Board. The Planning Commission shall sit as the Design Review Board in the absence of a separate Design Review Board. The Board of Commissioners shall strive to find engineers, architects, landscaped architects, surveyors, and other professional persons who are familiar with land development to serve on the Board. No more than one realtor or one builder may serve on the Board at any one time. One Commission member may be appointed

to the Board but will not be eligible to act on any appeals made as a result of the Design Review Board's decisions.

.2 Duties: The Design Review Board or Planning Commission shall review the site design plans as required by this ordinance. They shall review all actions referred to them by the Board of Commissioners, the Commission, or the Hearings Officer. These reviews shall be conducted in accordance with the provisions of this ordinance.

.3 Approval: The approval of an action by the Design Review Board or Planning Commission shall be by a majority vote of those present. The Design Review Board or Planning Commission must have a ~~minimum of 3 members to constitute a quorum~~ **to make decisions regarding design review applications.**

.4 Conditions: The Design Review Board or Planning Commission may attach reasonable conditions to an approval. These conditions shall become part of the building permit. No final approval of a building may be given by the Building Official until these conditions have been met or an adequate bond posted to insure the completion has been approved by the Director and filed with the County Clerk's office.

.5 Appeal: An appeal of a Design Review Board decision may be made to the **Planning** Commission in accordance with the provisions of Section 1700 of this ordinance. **Appeals of the Planning Commission decision shall be directly to the Land Use Board of Appeals, according to the process for appeals adopted by it.**

D. Amend Section 1619, "PLANNING DIRECTOR", to read as follows:

Section 1619 Planning Director

.1 It shall be the responsibility of the Director, or **the Director's his** designate, to administer and enforce this ordinance and to decide on all questions of interpretation or applicability to specific properties **for any land use**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

~~regulations. provisions of this ordinance.~~ The Director's decision may be appealed to the **Planning Commission. Interpretations of land use regulations may also be made by the Planning Commission, Hearings Officer, and/or the Board of Commissioners.**

.2 In addition, the Director shall review and may approve any of the following actions: minor variance; temporary residence; temporary permit - hardship; emergency shelter; and any other action delegated to the Director under the terms of this ordinance **or any other Columbia County land use regulation.** These approvals shall be made in writing and shall be accompanied by findings supporting the approval. The Director may attach reasonable conditions to any Discretionary Permit approval or referral he approves in accordance with this ordinance.

.3 Appeal: The Director's decision may be appealed to the **Planning Commission** in accordance with Section 1700 of this ordinance. **Appeals of a decision of the Planning Commission shall be appealed directly to the Land Use Board of Appeals, according to the process for appeals adopted by it.**

E. Amend Section 1700, "APPEALS," to read as follows:

1701 Appeal Procedures:

.1 General Procedure: A land use decision, **as it is defined in ORS 197.015(10),** made by the Director, **Hearings Officer (in lieu of the Planning Commission),** Planning Commission, or the Design Review Board shall be final at the end of ~~10~~ **7** calendar days following the date notice of the decision is mailed to the applicant, and other persons entitled to notice of the decision as provided by ~~this ordinance or by state law~~ **ORS 197.763,** unless a notice of appeal **of decisions to the Planning Commission or the Board of Commissioners** is filed with the County Clerk's office. A notice of appeal can be obtained from the Planning Department **or from the Clerk's office** and shall contain:

A. The name, address, and telephone number of the person filing the notice;

2 B. An identification of the decision sought to be reviewed, including  
3 the date the decision was made; and

4 C. In the case of decisions by the Planning Commission or **Hearings**  
5 **Officer** ~~Design Review Board~~, the specific reasons why the  
6 decision should be modified or reversed.

7  
8 **.2 Appeals of the Planning Commission's decision regarding**  
9 **administrative actions of the Planning Director or decisions of the**  
10 **Design Review Committee shall be to the Land Use Board of Appeals.**

11  
12 ~~.3-2~~ Any person entitled to notice of the decision as provided by this ordinance  
13 or by state law who desires to appeal the decision shall file the notice of  
14 appeal with the required fee. Failure to file a notice of appeal, or make  
15 payment of the required fee, within the designated time limit, shall be a  
16 jurisdictional defect and shall preclude review.

17  
18 ~~.4-3~~ When a notice of appeal is properly and timely filed in compliance with  
19 this section, and timely payment of the filing fee is made, **a de novo**  
20 **appeal hearing shall be scheduled at the earliest opportunity. Notice**  
21 **of the hearing shall be mailed to the appellant, the applicant, the**  
22 **property owner, if different from the applicant, and any other persons**  
23 **who requested notice of the appeal hearing in writing. Notice of the**  
24 **appeal hearing shall be published in a newspaper which covers the**  
25 **property subject to the appeal. Notice of the appeal hearing shall be**  
26 **mailed to the parties and distributed to the newspapers no later than 7**  
27 **days prior to the scheduled hearing date. Notice of the appeal hearing**  
28 ~~shall be given in accordance with the provisions of ORS 197.763, and~~  
29 ~~other applicable provisions of state law.~~

30  
31 ~~.4 — A Copy of ORS 197.763 is attached hereto, labeled Exhibit "A" and~~  
32 ~~incorporated herein by this reference.~~

33  
34 1702 Any land use decision by the Director, or Design Review Board may be appealed  
35 to the **Planning Commission by persons who appeared before the lower**  
36 **decision making body, either in person or in writing.** ~~notice of the decision as~~  
37 ~~provided by this ordinance or by state law.~~ The appeal may concern the approval  
38 or denial of an application or any conditions attached to the approval of an  
39 application. ~~A de novo hearing shall be held by the Commission within 56~~  
40 ~~calendar days after the filing date of the appeal notice.~~

41  
42 1703 Appeal of a Planning Commission Action: Any land use decision by the Planning  
Commission or **Hearings Officer (in lieu of the Planning Commission), over**

2 which either body had original review authority, may be appealed to the Board  
3 of Commissioners by the Board of Commissioners, or by persons who appeared  
4 before the lower decision making body, either in person or in writing. ~~the~~  
5 ~~applicant, or other persons entitled to notice of the decision as provided by this~~  
6 ~~ordinance or by state law.~~ The appeal may concern the approval or denial of an  
7 application or any conditions attached to the approval of an application. **The de**  
8 **novo appeal hearing shall be scheduled before the Board of County**  
9 **Commissioners at the earliest opportunity, and notice of the appeal shall be**  
10 **sent in accordance with procedures outlined in CCZO 1701.4.**

11  
12  
13 **II. SUBDIVISION AND PARTITIONING ORDINANCE AMENDMENTS**

14  
15 A. Amend Section 213, "NOTICE REQUIREMENTS," to read as follows:

16  
17 A. Notice of Public Hearing Items. The Planning Department shall provide  
18 notice of any required public hearings, in writing, to the applicant and  
19 owners of record of property on the most recent property tax assessment  
20 roll where such property is located:

- 21  
22 (1) Within 100 feet of the property which is the subject of the notice  
23 where the subject property is wholly or in part within an urban  
24 growth boundary;
- 25  
26 (2) Within 250 feet of the property which is the subject of the notice  
27 where the subject property is outside urban growth boundary and  
28 not within a farm or forest zoned; or
- 29  
30 (3) Within 500 feet of the property which is the subject of the notice  
31 where the subject property is within a farm or forest zone.

32  
33 The notice shall contain all the information required by ORS 197.763(3),  
34 and shall be mailed at least 20 days before the hearing.

35  
36 B. Notice of Administrative Application. Adjoining property owners within  
37 the same distances as noted in Section ~~213.1~~ **213(A)** shall be notified of  
38 the request ~~and the Planning Director's decision~~, as shall the CPAC and  
39 any ~~required~~ **affected** agencies. Any of these parties shall be given ~~14~~ **10**  
40 days in which to respond, and may request the application be referred to  
41 the Planning Commission for consideration. If such a request is made  
42 with the appropriate fee, the request will be placed on the next possible  
Planning Commission agenda. **Notice of the Planning Commission**



hearing shall be in accordance with Section 213(A) of this ordinance.

Amend Section 301, "FILING PROCEDURE," to read as follows:

- A. The ~~subdivider~~ **applicant** shall prepare a preliminary plat in accordance with the provisions of this ordinance and ORS Chapter 92 ~~and shall file 20 copies of it on paper no larger than 11" x 17" at a suitable scale together with the written application, any supplemental information, and required fee,~~ with the County Planning Department. ~~at least 35 calendar days prior to the Commission meeting at which considerations is desired. The subdivider shall complete such filing prior to the initiation of any construction work within the proposed subdivision which might be affected by change in the preliminary plat.~~ **The application shall be reviewed for completeness and the applicant notified in writing of any deficiencies. The application shall be deemed complete upon receipt of all pertinent information.**
  
- B. ~~The time of filing of filing shall be construed to be the time when the preliminary plat is filed and officially received by the County Planning Department.~~ **Once an application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission. The Director will publish a notice of the request in a paper of general circulation not less than 10 calendar days prior to the scheduled public hearing. Notices will also be mailed to all individual property owners in accordance with Section 213(A) of this ordinance.**
  
- ~~C. The subdivider **applicant** shall file 20 copies of the preliminary plat, together with an application, in writing, and the required fee to the County Planning Department.~~
  
- ~~CD.~~ **The applicant shall address the availability of public facilities and services for the proposed development. In those instances where public facilities and services are not available or adequate to support the proposed use, the Planning Director or Department Planning Commission may deny the subdivision request or grant approval with sufficient conditions to assure compliance with the policies of the Public Facilities and Services element of the Plan.**

### III. COLUMBIA COUNTY PLANNING COMMISSION ORDINANCE AMENDMENTS

- A. Amend Section 5., "MEETING PROCEDURES", to read as follows:

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

SECTION 5. MEETING PROCEDURES.

\*\*\*

I. All applications may be continued by the Planning Commission from time to time as in its discretion it determines to be appropriate, but in no case shall final action be delayed beyond the ~~80(eighty)~~ 120 day period mentioned in Section 10 below.

B. Amend Section 10., "FINAL ACTION", to read as follows:

SECTION 10. FINAL ACTION.

A. Except as provided in ORS 197.763(4) and (6) ~~and subsections C and D of this section~~, the Planning Commission shall take final action on an application for a permit or zone change **in a timely manner so that, if appealed, a final decision of the County is made** within ~~80~~ 120 days after the application is deemed complete.

B. ~~If an application for a permit or zone change is incomplete, the Planning Department shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection A of this section upon receipt by the Planning Department of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete for the purpose of subsection A of this section on the 31 day after the Planning Department first received the application. If the applicant at first agrees, but after the 31st day refuses to submit the missing information, the application shall be deemed complete on the day the Planning Department is advised of the refusal.~~

C. ~~If the application was complete when first submitted or the applicant submits the requested additional information within the 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.~~

D. ~~The 80 day period set in subsection A of this section may be extended for a reasonable period of time at the request of the applicant.~~