

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending       )  
Section 1503.3 of the Columbia   )  
County Zoning Ordinance         )  
\_\_\_\_\_ )

ORDINANCE NO. 90-24 ✓  
(Conditional Use Permits)

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

SECTION 1.   TITLE.

This ordinance shall be known as Ordinance No. 90-24.

SECTION 2.   AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035, 215.050 and 215.223.

SECTION 3.   PURPOSE.

The purpose of this ordinance is to amend Section 1503.3 of the Columbia County Zoning Ordinance, to allow amendments of, additions to and deletions of conditions applied to conditional use permits granted by the Planning Commission or Board of County Commissioners for Columbia County.

SECTION 4.   AMENDMENT.

Section 1503.3 is amended to read as follows:

- .3 Conditional Use Permit: A Conditional Use Permit shall be obtained for each conditional use before development of the use. The permit shall stipulate any modifications, conditions and restrictions imposed by the commission, in addition to those specifically set forth in this ordinance. On its own motion, or pursuant to a formal written complaint filed with the Planning Department, upon proper notice and hearing as provided by Sections 1603 and 1609 of this ordinance, the Commission, (or Board on appeal) may, but is not required to, amend, add to or delete some or all of the conditions applied to conditional use permits issued by the Planning Commission or Board of Commissioners. The power granted by this subsection may only be exercised upon a finding such amendment, addition or deletion is reasonably necessary to satisfy the criteria established by Section 1503.5 below.

SECTION 5.   FINDINGS.

Findings of fact and conclusions of law in support of this amendment are attached hereto, labeled Exhibit "A" and incorporated herein by this reference.

SECTION 6. SEVERABILITY.

If any portion of this ordinance, including Exhibit "A", is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion and such holdings shall not affect the validity of the remaining portion thereof.

SECTION 7. EMERGENCY.

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

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 6th DAY OF February, 1990.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: Michael J. Ryker  
Chairman

By: W. B. Beinn  
Commissioner

By: John R. Peterson  
Commissioner

Approved as to form

By: John K. Myer  
Office of County Counsel

Attest:

By: Chris Myer  
Recording Secretary

First Reading: 02-06-91  
Second Reading: 02-06-91  
Effective Date: 02-06-91

DEC 13 1990 REC'D Jk

BEFORE THE COUNTY PLANNING COMMISSION  
FOR COLUMBIA COUNTY, STATE OF OREGON

In the Matter of the Application of )  
Columbia County/Land Development )  
Services to Amend Section 1503.3 of )  
the Columbia County Zoning Ordinance)

FINAL ORDER TA 3-90

This matter came before the Columbia County Planning Commission on the application of Columbia County / Land Development Services to amend Section 1503.3 of the Columbia County Zoning Ordinance.

The text changes are as follows (additions are underlined; deletions are in brackets):

"1503.3 Conditional Use Permit: A Conditional Use Permit shall be obtained for each conditional Use [approved] before development of the use. The permit shall stipulate any modifications, conditions and restrictions imposed by the commission, in addition to those specifically set forth in this ordinance. [These conditions may be changed after the granting of the permit but only by mutual agreement of the Commission and the permit holder.] On its own motion, or pursuant to a formal written complaint filed with the Planning Department, upon proper notice and hearing as provided by sections 1603 and 1609 of this ordinance, the Commission (or Board on appeal) may, but is not required to, amend, add to or delete some or all of the conditions applied to conditional use permits issued by the Planning Commission or Board of Commissioners. The power granted by this subsection may only be exercised upon a finding that such amendment, addition or deletion is reasonably necessary to satisfy the criteria established by Section 1503.5 below."

The Planning Commission hearing was held on December 3, 1990. Testimony was submitted on behalf of the applicant in the form of a Staff Report. The Planning Commission having heard the arguments of the parties and after having considered the testimony and the Staff Report; it is

Hereby, ordered that this application for amending Section 1503.3 of the Columbia County Zoning Ordinance be recommended to the Board of Commissioners that this request be approved adopting staff findings, conclusions and conditions as stated in the attached staff report.

Date

12/12/90

COLUMBIA COUNTY PLANNING COMMISSION

  
Jeff VanNatta, Chairman

COLUMBIA COUNTY PLANNING COMMISSION  
Staff Report  
December 3, 1990

File Number: TA 3-90

Applicant: Columbia County Land Development Services  
Courthouse, St. Helens, OR 97051

Request: Amend Section 1503.3 of the Columbia County  
Zoning Ordinance.

I BACKGROUND:

This request is to amend Section 1503.3 of the Zoning Ordinance to permit the Planning Commission or Board of Commissioners to change the conditions of a previously issued Conditional Use Permit on its own volition or because of a written complaint. A requirement that such changes may be done "only by mutual agreement of the Commission and the permit holder" has been deleted.

The text changes are as follows (additions are underlined; deletions are in brackets):

"1503.3 Conditional Use Permit: A Conditional Use Permit shall be obtained for each conditional Use [approved] before development of the use. The permit shall stipulate any modifications, conditions and restrictions imposed by the commission, in addition to those specifically set forth in this ordinance. [These conditions may be changed after the granting of the permit but only by mutual agreement of the Commission and the permit holder.] On its own motion, or pursuant to a formal written complaint filed with the Planning Department, upon proper notice and hearing as provided by sections 1603 and 1609 of this ordinance, the Commission (or Board on appeal) may, but is not required to, amend, add to or delete some or all of the conditions applied to conditional use permits issued by the Planning Commission or Board of Commissioners. The power granted by this subsection may only be exercised upon a finding such amendment, addition or deletion is reasonably necessary to satisfy the criteria established by Section 1503.5 below."

II FINDINGS:

This request is being processed as a Legislative Hearing under Section 1606 of the Zoning Ordinance. The pertinent sections of the ordinance are as follows:

"1606 Legislative Hearing: A request to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan 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: This change to the text of the Zoning Ordinance was initiated by the Director of the Department of Land Development Services.

- "2 Notice of a Legislative Hearing shall be published at least twice, one (1) week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than ten (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 legal notice was placed in the St. Helens Chronicle on November 16 and 23, 1990. Notice to property owners was not required.

"1607 Consistency with the Comprehensive Plan: All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps."

Finding 3: There is nothing in the Comprehensive Plan regarding the powers of the Planning Commission or Board of Commissioners to change the conditions of Conditional Use Permits after issuance. Therefore this change to the text of the Zoning Ordinance is not inconsistent with the Comprehensive Plan.

- ".1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611."

Finding 4: The Planning Commission and Board of Commissioners shall both hold hearings on the matter. Proper notice will be given for both hearings, according to the requirements of Section 1611 of the Zoning Ordinance.

"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 5: All of the above were included in the Notice of Public Hearing published twice in the Chronicle newspaper.

### III CONCLUSIONS AND RECOMMENDATIONS

Based upon the findings above staff recommends approval of the amendment to the text of Section 1503.3 of the Columbia County Zoning Ordinance. The change shall be processed pursuant to ORS 197.610 through 197.625.