



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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### NOTICE OF ADOPTED AMENDMENT

June 19, 2006



TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

*by Larry French*

SUBJECT: City of Columbia City Plan Amendment  
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 30, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist  
Gary Fish, DLCD Regional Representative  
Christine Valentine, Natural Hazards and Floodplain Specialist  
John Rankin

<paa> ya/

**FORM 2**

**DLCD NOTICE OF ADOPTION**

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

**DEPT OF**

JUN 12 2006

**LAND CONSERVATION AND DEVELOPMENT**

Jurisdiction: City of Columbia City Local File No.: \_\_\_\_\_  
(If no number, use none)

Date of Adoption: 6-1-06 Date Mailed: 6-8-06  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 3-15-06

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write [See Attached.]

Housekeeping amendments to clarify sections of development code and correct an inaccurate map designation making designation consistent with existing comprehensive plan text.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write [Same.] If you did not give notice for the proposed amendment, write [N/A.]

Proposed amendment was separated into two ordinances in the adoption process.

Correction on Maps

Plan Map Changed from: R-1 to Commercial-C

Zone Map Changed from: R-1 to Commercial-C

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: none

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 001-06(15089)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes:  No:  If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:   
Affected State or Federal Agencies, Local Governments or Special Districts: City of Columbia  
City, Columbia River Fire & Rescue District  
Local Contact: John A. Rankin, LLC Area Code + Phone Number: 503-625-9710  
Address: 26715 SW Baker Rd City: Sherwood  
Zip Code+4: 97140 Email Address: \_\_\_\_\_

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the [ ] Notice of Adoption [ ] is sent to DLCD.
6. In addition to sending the [ ] Notice of Adoption [ ] to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

**ORDINANCE NO. 06-619-O**

**AN ORDINANCE AMENDING ORDINANCE NO. 03-586-O, THE COLUMBIA CITY DEVELOPMENT CODE (CCDC)**

**The City of Columbia City ordains as follows:**

**Section 1.** Ordinance No. 03-586-O, Chapter 7.10, Section 7.10.100 shall be amended to read as follows:

**7.10.100 Exceptions for Existing Lots.** All lots hereafter created within the Columbia City shall have a minimum width, depth and lot area required by the zone. It is not the intent of this Ordinance to deprive owners of substandard lots the use of their property. Lots of record lawfully created and recorded with Columbia County prior to May 17, 1978, may be built on according to the following:

- A. The lot has municipal sewer and water service.
- B. All development standards for the zone except minimum width, depth and lot area are satisfied, or a variance is approved pursuant to Chapter 7.140.
- C. In residential zones, use shall be limited to a single family detached dwelling unit."

**Section 2.** Ordinance No. 03-586-O, Chapter 7.10, Section 7.10.110, Subsection B, Item 1 shall be amended to read as follows:

- 1. Ordinary building projections, such as eaves, cornices, awnings, chimneys, flues and heating/cooling units, may project into any required setback by not more than 36 inches, but shall remain not less than 36 inches from any property line."

**Section 3.** Ordinance No. 03-586-O, Chapter 7.25, Section 7.25.030, definition for "Building Grade" shall be amended to read as follows:

**"Building Grade"** (Ground Level) means the average of the original ground level at the center of all walls of the building. For purposes of measuring building height, use elevations established at the time of the aerial photo for the sewer project dated June 1992. If grades have been modified since June 1992, use the lower elevation for determining building height. In case of a building site that slopes more than 10 feet in the area of the building site, the low point (building grade) is considered to be located 10 feet above the original ground level of the lowest point of the building. If the proposed building site is in an area where aerial topographic mapping is not available and the original ground has been modified, the City Engineer will review the site to estimate the original grade. The developer shall provide a topographic survey as needed.

**Section 4.** Ordinance No. 03-586-O, Chapter 7.25, Section 7.25.030, definitions for "Setback" shall be amended to read as follows:

"Setback" means the minimum allowable distance between the property line and any structural projection. If there is an access easement on the lot or parcel, setback shall mean the minimum allowable distance between the access easement and any structural projection. See 7.10.110.B and development standards for specific zones for exceptions to setback requirements.

**Section 5.** Ordinance No. 03-586-O, Chapter 7.25, Section 7.25.030, definition for "Steep Slope" shall be amended to read as follows:

"Steep Slope" shall mean any slope defined as a slope hazard area in Section 7.106.030.

**Section 6.** Ordinance No. 03-586-O, Chapter 7.40, Section 7.40.040, Subsection D shall be amended to read as follows:

- D. No building height in an R-1 zoning district shall exceed twenty-four (24) feet. "Building height" means the vertical distance from the "building grade" to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof. (See requirements given in the Oregon State Building Code.)

**Section 7.** Ordinance No. 03-586-O, Chapter 7.40, Section 7.40.040, Subsection G shall be amended to read as follows:

- G. Buildings, portable storage structures and paving shall not occupy more than 50% of the lot or parcel.

**Section 8.** Ordinance No. 03-586-O, Chapter 7.45, Section 7.45.040, Subsection H shall be amended to read as follows:

- H. Buildings, portable storage structures and paving shall not occupy more than 50% of the lot or parcel.

**Section 9.** Ordinance No. 03-586-O, Chapter 7.92, Section 7.92.100, Subsection A shall be amended to read as follows:

- A. Any water system extension shall be designed in compliance with the Comprehensive Plan and existing water system plans. Waterlines shall be improved to a minimum size of 6 inches in diameter for in fill development.

**Section 10.** Ordinance No. 03-586-O, Chapter 7.92, Section 7.92.190, Subsection B, Item 2 shall be amended to read as follows:

2. The applicant has submitted two (2) full size paper copy sets of "as built" drawings. As-built drawings shall also be submitted in electronic dwg format, AutoCAD 2000 or later version or an approved equivalent.

**Section 11.** Ordinance No. 03-586-O, Chapter 7.92, Section 7.92.190, Subsection B, Item 4 shall be amended to read as follows:

4. If required, the applicant shall submit a maintenance bond or escrow agreement, in an amount not less than ten percent (10%) of the cost of the improvements. The agreement shall run for two (2) years. Within this period, the applicant shall be required to correct all deficiencies of workmanship and/or materials that may arise within the development.

**Section 12.** Ordinance No. 03-586-O, Chapter 7.92, Section 7.92.190. Subsection B, Item 4 shall be amended to read as follows:

4. The applicant has signed maintenance agreement and submitted a maintenance bond in an amount not less than ten percent (10%) of the cost of the improvements. The agreement shall run for at least one (1) year. The agreement may be required for two (2) years if the Council has reason to believe that the improvements will fail due to workmanship and /or materials. The applicant shall be required to correct all deficiencies of workmanship and/or materials that may arise within the development during the period of the agreement. Deficiencies shall be corrected within 30 days of notice from the City regarding such deficiencies.

**Section 13.** Ordinance No. 03-586-O, Chapter 7.96, Section 7.96.030 shall be amended to include the following:

- G. The prescribed height of required landscaping shall be measured from where the plant meets the ground after planting to the top of the plant.

**Section 14.** Ordinance No. 03-586-O, Chapter 7.96, Section 7.96.060, Subsection B shall be amended to read as follows:

- B. The prescribed heights of required fences or walls shall be measured from the lowest of the adjoining levels of finished grade.

**Section 15.** Ordinance No. 03-586-O, Chapter 7.96, Section 7.96.040, Subsection D, Item1 shall be amended to read as follows:

1. One row of trees or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than ten feet tall for deciduous trees and five feet tall for evergreen trees measured from where the tree meets the ground after planting to the top of the tree. Spacing for trees shall be as follows:

[Items a - c remain unchanged]

**Section 16.** Ordinance No. 03-586-O, Chapter 7.104, Section 7.104.050 shall be amended to read as follows:

**7.104.050 Permit Procedures.**

- A. A person wishing to engage in a home occupation shall be a principal occupant of the property and shall make application to the City for a Home Occupation Type Determination. The Planning Director shall determine if the proposed home occupation is a Type I or a Type II home occupation. The Planning Director shall issue a written notice of determination.
- B. Upon receipt of written notice of determination as a Type I home occupation and prior to engaging in business activities, the applicant shall agree in writing to abide by the provisions of this Chapter and shall acquire an annual business license.
- C. Upon receipt of written notice of termination as a Type II home occupation and prior to engaging in business activities, the applicant shall seek Planning Commission approval for a Type II home occupation. If Planning Commission approval is granted, the applicant shall agree in writing to abide by the provisions of this Chapter and acquire an annual business license.
- D. The Planning Commission shall approve, approve with conditions, or deny any application for a Type II home occupation. The decision to approve, approve with conditions, or deny an application for a Type II home occupation permit shall be made by the Planning Commission upon findings of whether or not the proposed use:
  - 1. Is in conformance with the standards contained in this Chapter;
  - 2. Will be subordinate to the residential use of the property;
  - 3. Is undertaken in a manner that is not detrimental nor disruptive in terms of appearance or operation to neighboring properties and residents;
  - 4. Is approved by the Fire Chief.
- E. All Type II home occupations are subject to Chapter 7.130, Conditional Uses.
- F. Applications for Type II Home Occupations shall be processed in accordance with Chapter 7.162, Quasi Judicial Decision-Making.

**Section 17.** Ordinance No. 03-586-O, Chapter 7.106, Section 7.106.030 shall be amended to read as follows:

**7.106.030 Hill Sides.** All development proposals containing slopes 15% or greater shall include a site plan and topographic map and shall be submitted to the City Engineer for a determination of slope hazard areas. The City Engineer shall issue written notice of the determination. If a slope hazard exists in areas containing 15% or greater slope, but less than 20% slope, the development proposal shall be subject to the requirements of this section. All development proposals containing slopes 20% or greater shall be subject to this section. Slopes of properties shall be determined by the original ground slopes shown on the aerial photo used for the 1992 sewer improvements project. A survey of the property to be developed may be required to confirm ground slope.

- A. "Slope hazard areas" are those areas subject to a severe risk of landslide or erosion. They include any of the following areas:
1. Any area containing slopes greater than or equal to fifteen percent and one of the following subsections;
    - a. Impermeable soils (typically silt and clay) frequently interbedded with granular soils (predominately sand and gravel),
    - b. Any area located on areas containing soils which, according to the current version of the USDA Soil Conservation Soil Survey for Columbia County and accompanying maps, may experience severe to very severe erosion hazard,
    - c. Any area located on areas containing soils which, according to the current version of the USDA Soil Conservation Soil Survey for Columbia County and accompanying maps are poorly drained or subject to rapid runoff;
    - d. Springs or ground water seepage.
  2. Any area potentially unstable as a result of natural drainage ways, rapid stream incision, or stream bank erosion;
  3. Any area containing slopes greater than or equal to twenty percent.
- B. No partition or subdivision shall create any new lot which cannot be developed under the provisions of this Section.
- C. The City Engineer may approve an application for development in a slope hazard area when the use is permitted by the base zoning and the following findings are made:
1. The proposed landform alterations shall preserve or enhance slope stability;
  2. The proposed landform alteration shall not result in erosion, stream sedimentation, ground instability, or other adverse on-site and off-site effects or hazards to life or property;
  3. The proposed landform alteration addresses storm water runoff, maintenance of natural drainage ways, and does not increase existing flow intensity;
  4. The proposed building site(s) is appropriately sited not requiring mass pad grading or terracing;
  5. The proposed structure(s) is designed to ensure structural stability and proper drainage of foundation and crawl space areas;
  6. Ground disturbing construction activities shall occur in drier weather no earlier than April 15 and no later than October 1.



7. Where removal of natural vegetation is proposed, the areas not covered by structures or impervious surfaces shall be protected from erosion during the construction process and replanted prior to November 1 to prevent erosion.

D. An application for development in a slope hazard area shall include:

1. An engineering geotechnical study and supporting data demonstrating that the site is stable for the proposed use and development;
2. The study shall include, at a minimum, geologic conditions, soil types and nature, soil strength, water table, history of area, slopes, slope stability, erosion, affects of proposed construction, and recommendations. This study shall be completed by a registered geotechnical engineer in the state of Oregon. The plans and specifications shall be based on the study recommendations shall be prepared and signed by a professional civil engineer registered in the State of Oregon;
3. A stabilization program for the slope hazard area based on established and proven engineering techniques that ensure protection of public and private property and prepared and signed by a professional civil engineer registered in the State of Oregon;
4. A plan showing the proposed storm water system prepared and signed by a professional civil engineer registered in the State of Oregon. Said system will not divert storm water into slope hazard areas.

E. A structure constructed prior to the adoption of this title which would be subject to the limitations and controls imposed by this Chapter shall comply with the provisions of this Chapter if more than 50% of the existing structure is damaged or destroyed or enlargement of the footprint is proposed.

**Section 18.** Ordinance No. 03-586-O, Chapter 7.112, Section 7.112.040, Subsection H shall be amended to read as follows:

H. All parking must meet the requirements of Chapter 7.100, Off Street Parking and Loading, for single-family residences, except as follows:

1. No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing single-family dwelling or manufactured home and, the paved surface of the street providing vehicular access to the site is at least 18 feet wide.
2. One additional parking space is required for the accessory dwelling unit when:
  - a. The paved surface of the street providing vehicular access to the site is less than 18 feet wide; or
  - b. The accessory dwelling unit is created at the same time as the single family detached dwelling is constructed or the manufactured home is sited.

**Section 19.** Ordinance No. 03-586-O, Chapter 7.162, Section 7.162.080, Subsection A shall be amended to include the following:

2. Interpretations subject to Section 7.10.060.

**Section 20.** Ordinance No. 03-586-O, Chapter 7.162, Section 7.162.080, Subsection C is amended to read as follows:

- C. The Planning Commission shall conduct a public hearing in the manner prescribed by this Chapter and shall have the authority to approve, approve with conditions, approve with modifications or deny the following development applications:
  1. Recommendations for applicable Comprehensive Plan and zoning district designations to City Council for lands annexed to the City;
  2. A quasi-judicial Comprehensive Plan map amendment except the Planning Commission's function shall be limited to a recommendation to the Council. The Commission may transmit their recommendation in any form and a final order need not be formally adopted;
  3. A quasi-judicial zoning map amendment shall be decided in the same manner as a quasi-judicial plan amendment;
  4. Conditional use pursuant to Chapter 7.130;
  5. Variances pursuant to Chapter 7.140;
  6. Type II home occupation pursuant to Chapter 7.104;
  7. Site development review pursuant to Chapter 7.120;
  8. Telecommunications facilities pursuant to Chapter 7.108;
  9. Appeal of a decision made by the Planning Director; and
  10. Any other matter not specifically assigned to the Planning Director, or the City Council under this Ordinance.

**Section 21.** Staff is hereby authorized to correct any scribe's errors in the codification process including, but not limited to numbering, spelling errors and extra or missing line spacing.

**Section 22. Adoption.** Based on the findings of the staff report dated May 2, 2006, the testimony at the public hearings on May 9, 2006 and May 18, 2006, and the recommendation of the Columbia City Planning Commission, the amendments to the Columbia City Development Code are hereby adopted.

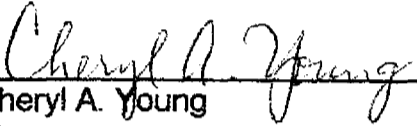
First reading: May 18, 2006

Second reading: June 1, 2006


Adopted by the City Council this 1st day of June, 2006, by the following vote:

AYES: 4    NAYS: 0    ABSENT: 1    ABSTAIN: 0

Approved by the Mayor the 2nd day of June, 2006.

  
Cheryl A. Young  
Mayor

ATTEST:

  
Leahnette Rivers  
City Administrator/Recorder

Effective date: July 2, 2006

Council Bill No. 06-403

**ORDINANCE NO. 06-620-O**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF COLUMBIA CITY, OREGON, AS ADOPTED BY ORDINANCE NO. 03-585-O, AND CORRECTING AN ERROR ON THE COMPREHENSIVE PLAN/ZONING MAP.**

**The City of Columbia City ordains as follows:**

**Section 1.** Policy 2 of Chapter III, Section E of the Comprehensive Plan for the City of Columbia City, Oregon, as adopted by Ordinance No. 03-585-O is amended to read as follows:

2. Require engineering studies for development proposed in any slope hazard area. Slope hazard area shall be as defined in the Columbia City Development Code.

**Section 2.** Staff is hereby authorized to correct the Comprehensive Plan/Zoning Map for commercial property located at the southwest corner of "I" and Second Street (Tax Lots 5128-014-4000 and 5128-014-4100).

**Section 3. Adoption.** Based on the findings of the staff report dated May 2, 2006, the testimony at the public hearings on May 9, 2006 and May 18, 2006, and the recommendation of the Columbia City Planning Commission, the amendments to the Columbia City Comprehensive Plan are hereby adopted.

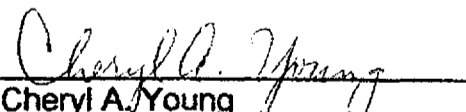
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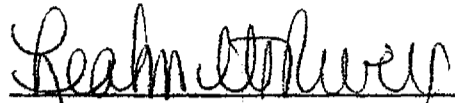
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Cheryl A. Young  
Mayor

ATTEST:



Leahnette Rivers  
City Administrator/Recorder

Effective date: July 2, 2006