



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 01/20/2015
Jurisdiction: City of Columbia City
Local file no.: None - LLU
DLCD file no.: 004-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/16/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 004-14 {22585}
Received: 1/16/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Columbia City

Local file no.:

Date of adoption: 1/15/15

Date sent: 1/16/15

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12/9/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No changes.

Local contact (name and title): Lisa Smith, Planning Director

Phone: 503-463-9098

E-mail: lisasmithone@gmail.com

Street address: 1840 Second Street

City: Columbia City

Zip: 97053

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

No changes

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Columbia City Ordinance 03-586-0, Chapter 7.162, Procedures for Decision Making: Quasi Judicial and Chapter 7.164, Procedures for Decision Making: Limited Land Use Decision.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: None identified.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 15-688-O

AN ORDINANCE AMENDING ORDINANCE NO. 03-586-O, THE COLUMBIA CITY DEVELOPMENT CODE, CHAPTER 7.162 PROCEDURES FOR DECISION MAKING: QUASI JUDICIAL AND CHAPTER 7.164, PROCEDURES FOR DECISION MAKING: LIMITED LAND USE; DECLARING AN EMERGENCY.

THE CITY OF COLUMBIA CITY ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 03-586-O, Chapter 7.162 Procedures for Decision-Making: Quasi-Judicial, Section 7.162.080 Approval Authority Responsibilities, Subsection C, Item 7, shall be amended to read as follows:

7. Temporary structures pursuant to Chapter 7.110.

Section 2. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.060 Approval Authority Responsibilities, Subsection B, Item 3, shall be deleted in its entirety.

Section 3. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.070 Notice Requirements, Subsection A shall be amended to read as follows:

- A. For all decisions identified as ministerial in Section 7.164.060, no notice of pending decision is required. For all decisions identified as administrative in Section 7.164.060, notice of the pending limited land use decision shall be provided to the owners of property adjacent to the entire contiguous site for which the application is made. An administrative decision shall be final 14 days following the date of mailing of the notice of pending decision if no written comments are received and no further notice shall be required.

Section 4. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.070 Notice Requirements, Subsection C shall be amended to read as follows:

- C. Tentative subdivision plats and site development review shall also require notice to be printed in the local newspaper at least fourteen days prior to the public meeting clearly identifying the decision that is pending, stating that there is no public hearing and there is a fourteen-day period for public written comment regarding the pending limited land use decision and including the expiration date for receipt of written comments.

Section 5. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.080 Decision Procedure shall be amended to read as follows:

7.164.080 Decision Procedure. The Planning Commission limited land use decision shall be conducted as follows:

- A. Request the Planning Director to present the staff report, to explain any graphic or pictorial displays which are a part of the report, summarize the findings, recommendations and

conditions, if any, and to provide such other information as may be requested by the approval authority;

- B. Allow the applicant or a representative of the applicant to discuss the application and respond to the staff report;
- C. Request the Planning Director read all written comments received during the fourteen day public written comment period into the record;
- D. Allow the applicant to respond to all written comments entered into the record;
- E. Make a decision pursuant to Section 7.164.090 or continue the decision to gather additional evidence or to consider the application further.

Section 6. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.100 Notice of Decision shall be amended to read as follows:

7.164.100 Notice of Decision.

- A. All limited land use decisions, except decisions identified as ministerial in Section 7.164.060, require a notice of decision.
- B. The applicant and any person who submits written comments during the fourteen-day public written comment period required in Section 7.164.070 shall be entitled to receive the notice of decision.
- C. The notice of decision shall include:
 - 1. A brief summary of the decision;
 - 2. A statement of where the adopted findings of fact, decision and statement of conditions can be obtained;
 - 3. The date the final decision was made; and
 - 4. A statement of whether a party to the proceeding may seek appeal of the decision, as appropriate.
- D. The staff report and notice of decision for limited land use decisions by the Planning Director may be combined as one document.

Section 7. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.120 Appeal, Subsection A shall be amended to read as follows:

- A. Standing to Appeal. Any person, except the approval authority, shall be considered a party to a matter, thus having standing to seek appeal, provided the person submitted written comments to the approval authority during the fourteen-day public written comment period or the person was entitled by right to notice of the pending decision and the required notice was not mailed.

Section 8. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.120 Appeal, Subsection C, Item 2b shall be amended to read as follows:

- b. The Council, on its own motion, seeking appeal by voice vote prior to the end of the appeal period.

Section 9. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.120 Appeal, Subsection D, Item 5 shall be amended to read as follows:

- 5. The applicable fees, except where a waiver of fees is requested pursuant to Section 7.164.160.

Section 10. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.120 Appeal, Subsection F shall be amended to read as follows:

- F. Upon appeal, notice shall be given to the applicant and persons who submitted written comments during the fourteen day public written comment period.

Section 11. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.130 Modification and Revocation of Approvals shall be amended to read as follows:

7.164.130 Modification and Revocation of Approvals. The approval authority or the City Council may modify or revoke any approval granted pursuant to this Chapter for any of the following reasons:

- A. A material misrepresentation or mistake of fact made by the applicant in the application or in testimony and evidence submitted, whether such misrepresentation be intentional or unintentional;
- B. A failure to comply with the terms and conditions of approval;
- C. A material misrepresentation or mistake of fact or policy by the City in the written or oral report regarding the matter whether such misrepresentation be intentional or unintentional.

Section 12. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, Section 7.164.150 Expiration and Extension of Approvals, Subsection C shall be amended to read as follows:

- C. All other limited land use approvals shall lapse if substantial construction of the approved plan has not been completed within a two year period and/or construction on the site is a departure from the approved plan.

Section 13. Ordinance No. 03-586-O, Chapter 7.164 Procedures for Decision-Making: Limited Land Use Decisions, shall be amended to include the following section:

7.164.160 Fee Waivers.

- A. Fees for land use applications and appeals of a land use decision shall be waived for a recognized neighborhood planning organization (NPO) if all of the following conditions are met:

1. The appeal or land use application must have been supported by a majority vote of NPO members at a public meeting where a quorum of NPO members was present;
2. A copy of the minutes of the NPO meeting where the appeal or land use application was initiated must be submitted with the appeal or land use application;
3. The appeal or application will be considered valid when conditions (1) and (2) of this Section are met and all other filing requirements are met; and
4. The NPO chairperson or designated representative shall appear at the next available City Council meeting after the application or appeal is filed to request a waiver. The NPO shall work through the City Administrator to schedule the item on a Council agenda.

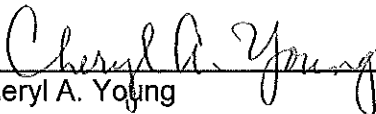
B. Council may, on its own motion and by voice vote, waive the appeal fee for other nonprofit organization.

Section 14. Emergency Clause: Conditions in the City of Columbia City are such that this is necessary for the immediate preservation of the public health, peace and safety. An emergency is hereby declared to exist by unanimous vote of the Council, and this Ordinance shall be in full force and effect after its passage by the Council and approval by the Mayor.

Adopted by the City Council on this 15th day of January, 2015, by the following vote:

AYES: 5 NAYS: 0 ABSENT: 0 ABSTAIN: 0

Approved by the Mayor this 15th day of January 15, 2015.



Cheryl A. Young
Mayor

ATTEST:



Leahnette Rivers
City Administrator/Recorder

Effective date: January 15, 2015