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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application of Edward and)
Dolores Norgard for a Text Amendment to Section)
683 of the Columbia County Zoning Ordinance) ORDINANCE NO. 2009-8
Related to Uses Permitted Under Prescribed)
Conditions in the Resource Industrial Planned)
Development (RIPD) Zone)

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2009-8.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, and 197.610 to 197.615.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to adopt amendments to Columbia County Zoning Ordinance Section 683 to allow a temporary caretaker/watchman residence associated with permitted uses in the Resource Industrial Planned Development (RIPD), the continued use of such temporary residence to be reviewed on an annual basis.

SECTION 4. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

The Board of County Commissioners adopts Findings of Fact and Conclusions of Law contained in the Staff Report of the Department of Land Development Services dated August 19, 2009, a copy of which is attached hereto as Exhibit 1 and incorporated herein by this reference.

SECTION 5. AMENDMENT AND AUTHORIZATION.

Columbia County Zoning Ordinance Section 683 is hereby amended to include a new Subsection 683.6 to read as follows:

- “6 A temporary caretaker/watchman residence that is accessory to and in conjunction with a permitted use. The temporary caretaker/watchman residence shall be:
 - A. Temporary in nature and restricted to a manufactured dwelling or mobile home. The temporary residence shall be initially allowed for one (1) year and shall be eligible for annual renewal pursuant to Section 1505.7 until such time as the associated permitted use ceases.

- B. Approved for potable water and on-site sewage disposal.
- C. Removed or made to conform with applicable zoning and building regulations when the associated permitted use ceases.
- D. Accompanied by a signed and recorded Waiver of Remonstrance regarding past, current and future lawful permitted uses on adjacent and nearby properties.”

DATED this 23rd day of September, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: *Rita M. Bernhard*

Rita Bernhard, Chair

By: *[Signature]*

Anthony Hyde, Commissioner

By: *[Signature]*

Earl Fisher, Commissioner

Approved as to Form

By: *[Signature]*
Office of County Counsel

Recording Secretary

By: *[Signature]*
Jan Greenhalgh, Recording Secretary

First Reading: 9/9/09

Second Reading: 9/23/09

Effective Date: 12/22/09

Court Counsel

BOARD COMMUNICATION

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT
MEETING DATE: August 26, 2009

COLUMBIA COUNTY

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Todd Dugdale, Director of Land Development Services

TD AUG 20 2009

COUNTY COUNSEL

SUBJECT: PUBLIC HEARING

TA 09-03 ZONING ORDINANCE TEXT AMENDMENT

Amend Section 680-RIPD Zoning District Standards to Allow Temporary
Caretaker Residence in Conjunction with a Business.

Edward & Dolores Norgard, Applicants

DATE: August 19, 2009

SUMMARY: This proposed amendment was initiated by Edward & Dolores Norgard, owners of a 3 acre parcel zoned RIPD, used for outdoor storage/repair of boats and marine equipment. A residential unit has been on the property, historically, but can not be replaced because of it's non-conforming status in the zone. The applicant maintains that a full time residential caretaker residence is necessary for this business and that the addition of 24 hour security would enhance similarly situated small lot RIPD uses.

County staff and State DLCD were concerned that carte blanche permitting of residential structures in the Industrial Zone would erode on the built-in protections of zoning for industrial uses. The comment from DLCD suggests that a temporary or watchman residence be in conjunction with a permitted use in the zone and only for a manufactured or mobile home that can be moved easily. The Planning Commission and staff transformed the applicant's request and recommends this more temporary scenario. The applicant had no objection to this modification.

The RIPD zone is applied to many differing industrial areas in the county, some with very large lot sizes like Trojan or Port Westward, and some with less than an acre south of Scappoose. Some RIPD zoned lots have existing dwellings. In the last decade LDS had only a few inquiries about residential uses in the RIPD zone. Approval of this amendment would allow flexibility in the industrial zone for instances where a temporary caretaker/watchman dwelling is necessary.

ATTACHMENTS:

1. Board Staff Report w/ Attachment "A" Proposed Amendments
2. Application
3. DLCD Comments dated May 7, 2009 CPAC comments and recommendations
4. Letter from Charles Kaluza dated May 21, 2009
5. Letter from Michael Curry dated June 2, 2009
5. Letter from Robert & Roxanne Besmehn dated August 13, 2009

SUGGESTED MOTION:

I move to tentatively approve TA 09-03 allowing, under prescribed conditions, temporary caretaker dwellings in the RIPD zone; and, instruct staff to prepare an Ordinance for adoption.

COLUMBIA COUNTY BOARD OF COMMISSIONERS

"Zoning Ordinance Text Amendment to Section 683- Uses in the Resource Industrial Planned Development (RIPD) Zone"

Staff Report
Text Amendment
August 26, 2009 Meeting Date

FILE NUMBER: TA 09-03

APPLICANT: Edward and Dolores Norgard
50751 Dike Road
Scappoose, Oregon 97056

DATE: August 19, 2009

REQUEST: To amend Section 683 of the Columbia County Zoning Ordinance to allow Under Prescribed Conditions a temporary caretaker's residence as accessory to and in conjunction with established business/industrial use in the Resource Industrial Planned Development Zone.

**DISTRICT TO
BE AMENDED:** Resource Industrial Planned Development (RIPD) Zone

BACKGROUND & SUMMARY: Edward and Dolores Norgard own 3.3 acres at 50751 Dike Road, Scappoose, OR., zoned Resource Industrial Planned Development (RIPD). Currently the property is used for open field boat storage and owner repair yard for boat owners to conduct minor repairs to boats in a dry dock area. Prior to the present zoning and Comprehensive Plan adoption, a mobile home existed on the property; however, after it had been removed for more than one year the non-conforming mobile home is not currently allowed to be replaced. This amendment would allow the mobile home to be replaced as an allowed use under prescribed conditions in conjunction with security for the boat storage business. The mobile home is presently sited on the property on a temporary basis, approved by Planning Commission. The temporary permit has expired.

On March 23, 2009 the applicants submitted their request to Land Development Services for a proposed Text Amendment to Section 683 of the Zoning Ordinance related to Uses Permitted Under Prescribed Conditions in the RIPD Zone. The applicant's proposed text amendment will "Amend Section 683 of the Zoning Ordinance to permit a dwelling in conjunction with a business or attached to a commercial use, in the Resource Industrial Planned Development Zone." The application was deemed complete on March 24, 2009, and addresses the applicable criteria for amending the County Zoning Ordinance.

Columbia County's RIPD zone is the only Rural Industrial designation in the county, except-for Airport Industrial specifically near an airport. This amendment would allow more flexibility in all RIPD designated areas. Many of the smaller RIPD designated properties have industrial and/or commercial uses that contribute incrementally to the overall economy. These smaller resource related uses are sometimes marginal in capital and need an advantage to providing security on their property. Law enforcement patrols are infrequent to non-existent for many of these rural industrial sites. This amendment would allow business and industrial owners a

alternative to adequately protect their investments.

The current Resource Industrial Planned Development zone identifies and permits five (5) uses Under Prescribed Conditions (listed below) and the proposed amendment, if adopted by the Board of Commissioners, will become the 6th such allowable use under specific conditions.

Section 680 RESOURCE INDUSTRIAL - PLANNED DEVELOPMENT

RIPD

683 Uses Permitted Under Prescribed Conditions: The following uses may be permitted subject to the conditions imposed for each use:

1. Production, processing, and assembling, packaging, or treatment of materials; research and development laboratories; and storage and distribution of services and facilities provided they conform with the goals and policies of the Comprehensive Plan, mitigate any off-site detrimental impacts, and can be serviced by the existing level of public facilities available to the property;
2. Accessory buildings provided they meet specific property line setback requirements;
3. Signs as provided in Chapter 1300 of the Zoning Ordinance;
4. Off-street parking and loading as provided in Chapter 1400 of the Zoning Ordinance; and
5. Home occupations consistent with ORS 215.448

The County mailed Notice to all RIPD property owners May 18, 2009 because the proposed amendment would increase the number of authorized Uses Permitted Under Prescribed Conditions in the RIPD Zone, thereby impacting all RIPD property owners.

The applicants petitioned the County to amend Section 683 of the Columbia County Zoning Ordinance when they submitted the application and necessary fees for the proposed Zoning Text Amendment application to Land Development Services on March 23, 2009.

APPLICABLE CRITERIA:

<u>Columbia County Zoning Ordinance</u>	<u>Pages</u>
Section 1606 - Legislative Hearing	3
Section 1607 - Consistency with the Comprehensive Plan	3
Section 1611 - Notice of Legislative Hearing	4
<u>Oregon State Statute</u>	
ORS 197.610 - DLCDC Review	4
<u>Oregon State Administrative Rule</u>	
OAR 660-018-0020 -Post-Acknowledgment Amendments	5
<u>County Comprehensive Plan</u>	
Part VI Housing	6
Part XII Industrial Siting and Resource Industrial Development Zone	7 - 8
Part X Economy	9
Part XV Energy Conservation	9

Part XVI	Open Space, Scenic.& Historic Areas, and Natural Resources	10
Part I	Administrative Procedures	11
	<u>Comments Received</u>	11

FINDINGS:

Beginning with Section 1600 of the Zoning Ordinance:

This request is being processed under Sections 1606 (Legislative Hearing) because the proposed amendment changes the text in the Zoning Ordinance for the RIPD zone, affecting all properties of the zone. Notice of Legislative Hearing is also applicable. The pertinent sections of the ordinance are reviewed as follows:

"1606 Legislative Hearing: Requests to amend the text of the Zoning Ordinance...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: The applicants petitioned the county to amend Section 683 of the RIPD Zone when they submitted the proposed Zoning Text Amendment application and necessary fees to Land Development Services on March 23, 2009. This criterion is satisfied.

Continuing with Section 1606 of the Zoning Ordinance:

- "2 Notice of a Legislative Hearing shall be published at least twice, 1 week apart in newspapers of general circulation in Columbia County. The last of these notices shall be published no less than 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: Public hearing notices were published in the *Daily News*, *St. Helens Chronicle* and *Spotlight* newspapers on May 13, 2009 and May 20, 2009, both of which are more than 10 days prior to the Planning Commission hearing date of June 15, 2009. Notice to and request for Information & Referral was mailed to all members of the Columbia County's five (5) CPACs, the Scappoose Rural Fire District, the County Roadmaster, and Columbia County Counsel on March 25, 2009. The Board of Commissioners published notice in the *Chronicle* in the August 5, 2009 and August 12, 2009 issues. A Notice of the proposed zone amendment was mailed to all RIPD property owners May 18, 2009 because the proposal will increase the number of allowed uses in the RIPD Zone impacting all affected property owners. This criterion is satisfied.

Continuing with the Zoning Ordinance:

"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.

- .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 3: The Planning Commission held a public hearing on June 15, 2009 and the Board has scheduled a public hearing August 26, 2009 to consider the proposed amendments. The Planning Commission does not make a final decision on this matter, but rather makes a recommendation to the Board of Commissioners for the final decision. See Finding 8 and 9 for discussion of consistency with the Comprehensive Plan and Administrative Procedures. This criterion will be satisfied when the Board holds a hearing and has determined that the proposed amendment is consistent with the Comprehensive Plan.

Continuing with 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 4: All of the above information was included in the Notice of Public Hearing published twice in the *Daily News, Chronicle* and *Spotlight* newspapers. Additional Notice has been published for the Board of Commissioners' hearing in the *Chronicle*. All publications contained the above language. See Finding 2 for related publication dates and information. This criterion is satisfied.

The following Oregon Revised Statutes (ORS) are applicable to this Post Acknowledgment Ordinance Amendment:

ORS 197.610 A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new regulation must be forwarded to DLCDC at least 45 days before the first evidentiary hearing on adoption and contain the text and any supplemental information that the local government believes is necessary to inform DLCDC as to the effect of the proposal as well as the date set for the first evidentiary hearing. When a local government determines that the goals do not apply to a particular proposed amendment or a new regulation, notice under subsection (1) of this section is not required. In addition, a local government may submit an amendment or new regulation with less 45 days' notice if the local government determines that there are emergency circumstances requiring expedited review. In both cases:

- (a) The amendment or new regulation shall be submitted after adoption as provided in ORS 197.615 (1) and (2); and

(b) Notwithstanding the requirements of ORS 197.830 (2), the director or any other person may appeal the decision to the board under ORS 197.830 and 197.845.

Finding 5: Land Development Services mailed a 45 day notice to DLCD required per ORS 197.610(1) on March 25, 2009. Staff therefore finds that the 45 day notice prior to the Planning Commission's initial hearing is met. The County will mail a Notice of Adoption to DLCD if the Board approves the amendment. This criterion is satisfied.

The following Oregon Administrative Rules (OAR) are applicable to this Post Acknowledgment Ordinance Amendment:

This division applies as follows:

OAR 660-018-0020 - Filing of a Proposed Amendment to or Adoption of a Comprehensive Plan or Land Use Regulation with the Director

- (1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation must:
 - (a) Be submitted to the director at least 45 days before the first evidentiary hearing on adoption. The submittal must be received by the department at its Salem office;
 - (b) Be accompanied by appropriate forms provided by the department;
 - (c) Contain two copies of the text and any supplemental information the local government believes is necessary to inform the director as to the effect of the proposal. One of the required copies may be an electronic copy;
 - (d) Indicate the date of the final hearing on adoption. If a final hearing on adoption is continued or delayed, following proper procedures, the local government is not required to submit a new notice under OAR 660-018-0020.
 - (e) In the case of a map change, include a map showing the area to be changed as well as the existing and proposed designations. Wherever possible, this map should be on 8-1/2 by 11-inch paper;
 - (f) Where a goal exception is being proposed, include the proposed language of the exception. The Commission urges the local government to submit information that explains the relationship of the proposal to the acknowledged plan and the goals, where applicable.
- (2) The text submitted to comply with subsection (1) (c) of this rule must include the specific language being proposed as an addition to or deletion from the acknowledged plan or land use regulations. A general description of the proposal or its purpose is not sufficient. In the case of map changes, the text must include a graphic depiction of the change, and not just a legal description, tax account number, address or other similar general description.

Finding 6: This proposed Text Amendment to Section 683 of the Zoning Ordinance must also follow the Oregon Administrative Rule's Post-Acknowledgment Plan Amendment process of a 45 day notice to the State;

this was accomplished and discussed for Finding 5. The County will mail a Notice of Adoption to DLCD if the Board approves the amendment. This criterion is satisfied.

Review of the County Comprehensive Plan's Goal & Policies:

The Columbia County Comprehensive Plan has twenty-one (21) Parts each with a set of general Goals and related Policies that are, in turn, implemented by the Zoning Ordinance which identifies how land can be used and developed in the County's unincorporated areas. The proposed text amendment to Section 683 of the RIPD Zone is most applicable to with the following 6 Parts of the Comprehensive Plan: **Part VI - Housing, Part XII - Industrial Siting & Resource-Industrial Development Zone, Part X - Economy, Part XV - Energy Conservation, and Part XVI- Open Space, Scenic and Historic Areas and Natural Resources (Statewide Planning Goal 5 Resources), and Part I -Administrative Procedures.** The remainder of this report will evaluate the consistency of the proposed text amendment with these separate Parts of the Comprehensive Plan.

Beginning with Part VI of the Comprehensive Plan - Housing:

Discussion: The Goal for **Part VI of the Comprehensive Plan - Housing** is to provide for the housing needs of county citizens by allowing adequate flexibility in housing location, type, and density . The proposed text amendment to Section 683 is also consistent with Housing Policy 2 which encourages the County to provide for a wide range of housing units because a caretaker residence is not typically considered "traditional" housing. Authorizing a manufactured dwelling as a temporary caretaker/watchman residence only for a property containing an already established RIPD business demonstrates the county's ability to provide alternative and flexible housing options in this single industrial zone because, as currently written, the zoning ordinance does not permit residential uses in any of the county's existing five (5) industrial zones.

The proposed amendment is also consistent with Policy 6 which is to insure an adequate supply of housing is available on lands that are accessible to employment and public services. The applicants also included this policy when they state on Page 1 of Exhibit 2 "*...Allowing residents to add a home to their rural land in conjunction with their (established) business serves the dual purpose of reducing the encroachment of housing needs on other (rural residential) land outside the urban growth boundary and reduces the.. commute from work to home.*" The proposed amendment will encourage RIPD property owners to be able to maximize the development potential of their RIPD properties since the additional accessory residence will be able to utilize the same public services, including but not limited to electrical utilities and roads, already available and used by the site's primary user, the established business. Allowing one more Prescribed Use in the RIPD Zone would also enable the county to more efficiently utilize and maximize their financial resources since the accessory caretaker's residence would not require additional facility or service improvements to be extended to the property at the general public's or county's expense.

The proposed text amendment is also consistent with the State of Oregon's Housing Goal 10. This states in part that "*... plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*" The Oregon Department of Conservation and Development submitted comments dated May 7, 2009 (attached) recommending the proposed caretaker residence be conditionally permitted and restricted to a manufactured dwelling or a mobile home only if the site has approved methods of sewage disposal and potable water. Staff considers that including the proposed caretaker's residence as a 6th Use Permitted Under Prescribed Conditions with additional provisions that will address DLCD's recommendation and concerns can be accomplished through the proposed text amendment. These provisions could include the following for the proposed caretaker's residence:

1. It shall be "temporary" in nature i.e restricted to a mobile/manufactured home,
2. It shall be approved for potable water and onsite sewage disposal, and
3. It shall be removed or converted to a permitted use after the accessory residential use is no longer

needed because the business is no longer operating.

Defining the proposed residential use as "temporary" (limiting it to a mobile/manufactured home) in nature and mandating its removal and/or conversion after the primary business' closure will also ensure the temporary, accessory, and prescribed residential use of the RIPD zoned property will not be abused and gradually evolve into the RIPD property's primary use. This temporary residential use is further supported by Charles Kaluza, a customer of the applicant's marine related RIPD business, who submitted comments dated May 21, 2009 (attached) encouraging the county to allow the temporary residential use since it provided an additional level of security for the established resource related industrial use on the applicant's RIPD zoned property.

Finding 7: For these reasons and with the 3 additional provisions for the proposed caretaker's residence in the RIPD Zone, Staff finds that the proposed text amendment to Section 683 will be consistent with both the county's Comprehensive Plan's Goal and Housing Policies, the State of Oregon's Housing Goal, and the Land Conservation and Development Department's concerns; this criterion has been satisfied.

Continuing with Part XII - Industrial Siting:

Discussion: With regards to **Part XII - Industrial Siting** the Comprehensive Plan states that the county can grow economically by increasing its economic base as well as by increasing the number of residents. By allowing a caretaker's residence only as accessory to and in conjunction with an established RIPD business, the proposed text amendment thereby increases both of these criteria for economic growth. The proposed amendment is consistent with the Comprehensive Plan because it serves the dual purpose of encouraging county residents to establish and operate local employment opportunities for county residents, which in turn, strengthens the long term economic viability and continued use of RIPD zoned properties.

When the county adopted the Comprehensive Plan the county also identified the need to ensure the county would be able to grow, diversify, and expand future industrial expansion opportunities in those areas which were already developed for resource/industrial uses but were not located within any Urban Growth Boundaries. Consequently, the county identified and designated ten (10) areas to help satisfy the need for future industrial and resource-related opportunities by taking Exceptions to the requirements of one or more applicable statewide goals in accordance with the process and criteria of OAR 660 Division 4. Accordingly, the Comprehensive Plan designated the following areas would be appropriate for the new Resource Industrial Planned Development Zone, one of which includes the applicants' 3.3 acre subject property, the Dike Road Industrial Area.

Prescott Site - approximately 45 acres North of the city of Prescott,

Bernet Site - approximately 49 acres located 2 miles East of city of Scappoose,

Reichold Chemical, Inc. - approximately 338 acres located on both sides of Highway 30 3 miles North of the city of St. Helens,

Port Westward - approximately 905 acres located 7miles Northeast of the city of Clatskanie,

Scappoose Industrial Airpark - approximately 250 acres of located 1 mile North of the city of Scappoose,

Crown Zellerbach log dump site - A narrow approximate 28 acre site parallel to the Willamette Slough for approximately 4,000 feet and located 2miles East of the city of Scappoose,

Dike Road Industrial Area - approximately 48 acres containing several industrial operations which includes the applicants' 3.30 acre subject property,

Farwest Auto Wrecking - approximately 1.65 acre property containing an existing auto wrecking yard,

Olympic Forest Products Site - approximately 42 acre site containing a sawmill, log ponds, office, log storage areas, and accessory uses located on Banzer Road midway between Mist and Birkenfeld, and

Mist Mill Site - approximately 9 acres located at the junction of State Highway 202 and 47 containing a heavy covering of ballast rock, a scale site, and a mill pond. This site is also used as a staging and assembly area for gas drilling and pipeline equipment.

As a result of this Exception Process, the county formulated the **Goal of the Resource Industrial Development Zone** which encourages the county to provide for industrial development on rural lands when such development supports, utilizes, and is dependent upon the natural resources of the area. Policy 3 further helps to implement this Goal by encouraging the types of industrial development on RIPD zoned land that:

- Are not generally labor intensive,
- Are land intensive,
- Located with adequate rail, vehicle, deep water port and/or airstrip access,
- Complement the character and development of the surrounding area,
- Are consistent with the rural facilities and services existing and/or planned for the area,
- Will not require facility and/or service improvements at public expenses, and
- Are not appropriate for location within Urban Growth Boundaries due to their hazardous nature

The county's consequent designation of the RIPD Zone was consistent with the 3 Goals for Industrial Development which are to strengthen, diversify, and stabilize the county's economic growth, to utilize and take advantage of the county natural resources while it expands and diversifies its industrial base, and to encourage new industrial growth opportunities by taking advantage of existing public services/ facilities and private investments. The proposed text amendment is consistent with these 3 Goals and the resulting Policies for Industrial Development because it will encourage new and continuous employment of a more diversified but already established resource-related industrial economy in ways that will reflect the continually changing labor market's current and future needs. Requiring the removal or conversion to a permitted use within 30 days of the business closing will also ensure the long-term preservation of the county's RIPD zone and its vital contribution to the county's economic base.

According to the History of the property on Page 1 of the application, the proposed amendment is consistent with the RIPD Goal and Policy 3 because it will allow the applicants, and other entrepreneurial RIPD property owners, to continue their resource-related business by devoting more of their financial resources towards the business instead of needing to purchase or rent another dwelling at another location. Per the submitted application (which staff confirmed during the April 29, 2009 site visit) the 3.30 acre site's existing services and facilities include one private well and onsite septic system, a 6 foot fence surrounding the entire property, a recorded 60' private access to Dike Road, as well as electrical, natural gas and telephone utilities all of which are adequate for supporting the caretakers' residence. This Application is not specific to that site, but if the amendment is approved, any other RIPD property owners pursuing a temporary caretaker/watchman residence would need to also satisfy similar site-specific conditions before LDS would authorize the prescribed use.

Finding 8: With regards to the Comprehensive Plan's Goals for Industrial Siting and the Resource Industrial Development Zone, Staff finds that the proposed amendment will provide for more mixed-use and financially reasonable development opportunities for RIPD property owners who are not independently wealthy. It will also help ensure the RIPD Zone remains a stable component of the county's resource-related industrial economic base. Staff finds the proposed amendment is consistent with the Goals and Policies related to Industrial Siting listed in the Comprehensive Plan.

Finding 9: Staff also finds that because the temporary caretaker/watchman residence is tied to the established use of RIPD property, the proposed amendment will authorize this temporary residential use only for the RIPD business' caretaker/watchman, and not for any other RIPD employees, in the county's only industrial areas located in the more remote, rural and unincorporated areas. The county's 4 other industrial zones (Industrial Park, Light Industrial, Heavy Industrial, and Airport Industrial) are all located inside Urban Growth Boundaries, are potential candidates for future annexation, and, after annexation, will no longer contribute to the unincorporated areas' economy or industrial base. Consequently, Staff finds that the proposed amendment is consistent with the Comprehensive Plan's Goals and Policies for the Resource Industrial Development Zone because it will help provide RIPD property owners with an appropriate site specific development alternative that may, in turn, determine whether or not these RIPD zoned properties may be able to continue to contribute to and

remain vital components of the county's continually changing economic base.

Continuing with Part X - Economy:

Discussion: The proposed text amendment to Section 683 of the Zoning Ordinance is also consistent with **both Goals of Part X - Economy**. If approved, the amendment will not only encourage RIPD property owners to be able to strengthen, diversify and expand their established businesses, but it will also allow them to live on-site instead of needing to devote potentially limited financial resources away from the operation of their established business, particularly during difficult economic times. The applicants also address these two Goals on Page 3 of Exhibit 2 when they explain that without the proposed text amendment, it may discourage RIPD property owners/residents from being able to obtain sufficient financial resources for beginning a new or continuing operation of an existing business. The proposal will also encourage and provide for the continuing expansion and diversification of these more remote rural areas' outside of Urban Growth Boundaries. The proposed amendment is also consistent with the Comprehensive Plan's five following Economic Policies:

1. Encourage the creation of new and continuous employment opportunities
2. Encourage a stable and diversified economy.
3. Reflect the needs of the unemployed and of those persons who will enter the labor market in the future.
8. Reserve valuable industrial sites for industrial uses.
10. Support improvements in local conditions in order to make the area attractive to private capital investment. Consideration of such factors as the following shall be undertaken:
 - A. Tax incentives
 - B. Land use controls and ordinances
 - C. Capital improvements programming

Finally, the proposed amendment to the RIPD zoning code is a land use mechanism intended to support and maximize site specific improvements for RIPD zoned properties in ways that make help make these resource-related and industrially developed businesses attractive for future private capital investment.

Finding 10: Staff finds that the proposed amendment is consistent with and supported by the Goals and Economic Policies in Part X of the Comprehensive Plan as stated above because it will preserve the existing industrial uses in the county's only industrial zone that is located outside of Urban Growth Boundaries and will therefore never be annexed into city limits'. The proposed amendment will not only reserve these valuable industrial areas for industrial uses, but will also make these RIPD areas attractive to private capital investment because the proposed new prescribed use will not require additional public services or utilities.

Continuing with Part XV - Energy Conservation:

Discussion: Part XV - Energy Conservation of the Comprehensive Plan is based on Statewide Planning Goal 13 which offers a framework within which the county may establish a comprehensive energy policy as an element in long-range land use planning. Statewide Goal 13 reads:

"Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

The Comprehensive Plan states that energy considerations including the distribution and location of housing, shopping, employment and public facilities are important to and directly related to land use planning. Providing appropriate and compatible opportunities for mixed-use development moreover, can produce energy savings to both

consumers and suppliers. The proposed amendment to Section 683 of the RIPD Zone will encourage one more mixed-use development alternative in the RIPD Zone that is compatible with the already permitted resource-related industrial uses. It will also provide for the more efficient use of the existing public facilities and services in these rural areas, and will encourage RIPD property owners to reduce commuting expenses which is more energy efficient and also reduces the number of vehicular miles traveled on county roads.

Finally the submitted proposal will give RIPD property owners another mixed-use development opportunity that may enable existing and future businesses on the approximate 1,500 acres of RIPD zoned land to appropriately utilize, expand, reserve and diversify their land extensive, resource related, or marine related businesses within these remote rural areas already served by public services and utilities. A single caretaker's residence will not require any further extension of public improvements at the county's or public's expense.

Finding 11: Staff finds that permitting the proposed prescribed residential use in the RIPD Zone will allow more intensified and mixed-use development opportunities within the RIPD Zone. This proposal is also consistent with the county's Goal of Energy Conservation since it allows residents to live near their work site which, in turn, reduces miles driven on county roads. Similarly, the proposal will encourage RIPD property owners to maximize their properties' development options in ways that do not require additional site improvements at the county's or public's expense. These criteria have been met because the proposal is consistent with the Comprehensive Plan's Goal for Energy Conservation: to strive for an energy efficient land use pattern that is based on sound economic principles.

Continuing with Part XVI - Open Space, Scenic and Historic Areas, and Natural Resources:

Discussion: The proposal is consistent with and supported by Part XVI of the Comprehensive Plan related to the unincorporated areas containing these Statewide Goal 5 Resources: **Open Space, Scenic and Historic Areas, and Natural Resources**. As discussed previously on Pages 7 and 8 for Finding 5, in order to designate and establish appropriate land uses and development within the RIPD Zone, the county has taken Exceptions to the requirements of one or more applicable statewide goals in accordance with the process and criteria of OAR 660 Division 4. The submitted application also discusses this on Page 4 of Exhibit 2 by stating that the county's Open Spaces, Scenic & Historic Areas, and Natural Resources can be further protected and conserved by limiting and/or reducing the expansion of non-resource related (i.e. residential) development into the rural residentially zoned areas containing these valuable and protected resources. The Comprehensive Plan also states that residential development in rural areas can potentially conflict with adjacent resource lands' ability to conserve and protect their valuable Goal 5 resources.

Since the Board of Commissioners adopted the Comprehensive Plan and the Zoning Ordinance in 1985, the RIPD zone has concurrently provided for growth opportunities in these rural industrial areas that are economically sound and viable. This is particularly necessary and relevant for RIPD properties because it helps to ensure the continuing economic growth and expansion of these predominantly rural areas that are already served by adequate public services and facilities. Allowing this type of temporary residential development alternative within the RIPD Zone will also encourage the preservation and protection of Goal 5 Resources located in other less developed areas of the county. Additionally, the RIPD Zoned properties have all been designated by the Comprehensive Plan through the State of Oregon's Exception Process, as areas outside of Urban Growth Boundaries that are vital for the county's ability to accommodate RIPD properties' site-specific and flexible land use requirements. Mixed-land use development opportunities in the county's RIPD zone should be promoted since they encourage RIPD property owners to specifically target the current and projected needs of their already established resource-related industrial businesses and property owners.

Finding 11: Staff finds the proposed amendment to Section 683 of the Zoning Ordinance will help the county provide for flexible, sound, and economically viable mixed land use development opportunities in the RIPD Zone in ways that simultaneously protect and preserve the county's Statewide Planning Goal 5 Resources located in other rural parts of the county that are not as well developed as the approximate 1,500 acres of RIPD land.

Continuing with Part I - Administrative Procedures for revising and amending the Comprehensive Plan:

Discussion: The proposed text amendment to Section 683 of the RIPD Zone is consistent with the 2 Goals of **Administrative Procedures** identified in Part I. Specifically, and as previously discussed, the proposal will help implement the Goals and Policies of the Comprehensive Plan and will provide an opportunity for affected citizens to review and revise the Comprehensive Plan and its implementing ordinances. Consistent with Part I's Policy No. 5 which outlines the procedures and guidelines for amending the Zoning Ordinance, this citizen initiated text amendment was submitted for DLCD, CPAC RIPD property owners, and other interested parties to review, which will be followed by the Planning Commission's public hearing and their recommendation to the Board of Commissioners. The Board of Commissioners will then hold a public hearing that is necessary prior to considering the adoption of the proposed text amendment.

Finding 12: Staff also finds the proposed citizen initiated zoning text amendment will follow the prescriptive path of public notices (twice at least 10 days prior to the initial public hearing), 45 day notice to DLCD, CPAC and Planning Commission recommendations followed by a final decision by the Board of Commissioners. All members of the county existing five (5) Citizen Planning Advisory Committees and other agencies were mailed notices of the proposed amendment on March 25, 2009. A Measure 56 notice to all RIPD property owners was also mailed on May 18, 2009 because the proposed amendment would authorize one more Use Under Prescribed Conditions in the RIPD Zone impacting all RIPD properties. Consequently, Staff finds the Goals and Policy 5 of Part I of the Comprehensive Plan's Administrative Procedures related to its revisions and amendments have been complied with.

Finding 13: Policies 7 & 8 of the Administrative Procedures directs the County to amend and revise the Zoning Ordinance to reflect continually changing economic and/or demographic trends facing county residents and public officials. Staff finds the proposed amendment to update the Prescribed Uses Under Special Conditions in the RIPD Zone will provide one such revision that will help the county to better achieve the underlying principles supporting Policies 7 and 8. Staff finds the proposed amendment provides the county with a timely opportunity to review, update and authorize specific mixed-uses in the RIPD Zone that reflect significantly different and economically relevant circumstances than were present 25 years ago when the county first designated these RIPD areas through the Exception process; this criterion has been satisfied.

Finding 14: Staff's research and consequent evaluation of the proposal indicates that, if approved by the Board, the amendment will not impede, preclude, or inhibit the purposes, intents, goals, and policies of the other Parts related to Citizen Involvement, Planning Coordination, Forest Lands, Agriculture, Rural Residential, Rural Communities, Urbanization, Commercial, Transportation, Public Facilities and Services, Recreation Needs, Air, Land and Water Quality, Natural Disasters and Hazards, and Willamette River Greenway. Staff finds the proposed text amendment is consistent with the relevant and applicable portions of the Comprehensive Plan discussed through Findings 7 through 13 of this report.

COMMENTS:

The following comments have been received from various agencies as of May 22, 2009.

- 1) Von Smith of the St. Helens-Columbia City CPAC reviewed the proposed amendment and commented, as an individual that the proposal will make it easier to provide added security to a business and would be inclined to utilize the facility knowing there was an owner or manager living on site.
- 2) Georgia Keiper of the St. Helens-Columbia City CPAC reviewed the proposal and commented as an individual that the proposed text amendment is not necessary because home occupations are already allowed in the RIPD Zone.

- 3) The Scappoose Spitzenberg CPAC reviewed the proposed amendment and recommended the proposed use be allowed to be legally established as a home occupation that is permitted by existing provisions in Section 683.5.
- 4) Gary Fish, Regional Representative of The Department of Land Conservation and Development commented and suggested the proposed text amendment be processed as a conditional use and authorized only if the temporary caretaker/watchman residence was in conjunction with an established RIPD use, be restricted to a manufactured dwelling or mobile home, and be located only on the portion of the property that has been approved for both on-site sewage disposal and potable water.
- 5) The County Roadmaster has reviewed the application and has no objection to its approval and confirmed the applicants have a Road Access Permit on file..
- 6) The Scappoose Rural Fire District - no response as of the date of this report, May 22, 2009.
- 7) Charles Kaluza submitted comments dated May 21, 2009 encouraging the county to allow the continuation of the onsite caretaker's residence on the applicant's marine related RIPD business. Mr. Kaluza also stated he chose to utilize this particular boat storage yard because of the onsite presence and added security provided by the caretaker's residence.

As of the date of this report, Land Development Services has yet to receive any additional comments concerning the proposed text amendment to Section 683 of the Zoning Ordinance.

CONCLUSION AND RECOMMENDATION:

The first Goal of Oregon's 19 Statewide Planning Goals is Citizen Involvement. The third component of this Goal is provide the opportunity for citizens to be involved in all phases of the planning process. Part C of Goal 1 - Citizen Influence - states that local citizens should have the opportunity to review and make recommendations to proposed changes in land use plans. This citizen-initiated proposed amendment to the RIPD Zoning Ordinance provides Columbia County with an opportunity to update the zoning ordinance and amend it so it better reflects their residents continually evolving economic trends and challenges. Similarly, planning guidelines for Statewide Goal 9 related to Economic Development state that (land use and comprehensive) plans should strongly emphasize the expansion or and increased productivity from existing industries and firms as a means to strengthen local and regional economic development. The 3 additional provisions will not only ensure the caretaker's residence will be temporary and can be served by the site's existing services and facilities, but are also necessary to help protect against potential abuse of the 'temporary' use gradually evolving into the property's 'primary' use once the business ceases to operate. These provisions also take into consideration the Land Conservation and Development Department's concerns dated May 7, 2009 and are consistent with other counties' zoning regulations for caretaker residences/dwellings in rural industrial zones.

Based upon the above research, evaluation and subsequent Findings, Staff **Recommends Approval** of the legislative amendment to the text of the Columbia County Zoning Ordinance Section 683 Uses Permitted Under Prescribed Conditions in the Resource Industrial Planned Development (RIPD) Zone as presented for TA 09-03 shown in "Attachment A".

Attachments:

- "A" Proposed amendment to Section 683.6 of the Zoning Ordinance shown in **bold**
 Submitted Application for TA 09-03
 DLCDC Comments dated May 7, 2009

Scappoose -Spitzenberg & St. Helens-Columbia City CPAC recommendations
Charles Kaluza's comments dated May 21, 2009

ATTACHMENT A

Section 680 RESOURCE INDUSTRIAL - PLANNED DEVELOPMENT

RIPD

681 Purpose: The purpose of this district is to implement the policies of the Comprehensive Plan for Rural Industrial Areas. These provisions are intended to accommodate rural and natural resource related industries which:

- .1 Are not generally labor intensive;
- .2 Are land extensive;
- .3 Require a rural location in order to take advantage of adequate rail and/or vehicle and/or deep water port and/or airstrip access;
- .4 Complement the character and development of the surrounding rural area;
- .5 Are consistent with the rural facilities and services existing and/or planned for the area; and,
- .6 Will not require facility and/or service improvements at significant public expense.

The uses contemplated for this district are not appropriate for location within Urban Growth Boundaries due to their relationship with the site specific resources noted in the Plan and/or due to their hazardous nature.

682 Permitted Uses:

- .1 Farm use as defined by Subsection 2 of ORS 215.203.
- .2 Management, production, and harvesting of forest products, including wood processing and related operations.

683 Uses Permitted Under Prescribed Conditions: The following uses may be permitted subject to the conditions imposed for each use:

- .1 Production, processing, assembling, packaging, or treatment of materials; research and development laboratories; and storage and distribution of services and facilities subject to the following findings:

- 683.1 A. The requested use conforms with the goals and policies of the Comprehensive Plan - specifically those policies regarding rural industrial development and exceptions to the rural resource land goals and policies.
- B. The potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be able to be mitigated considering the following factors:
 - .1 Physiological characteristics of the site (ie., topography, drainage, etc.) and the suitability of the site for the particular land use and

improvements;

- .2 Existing land uses and both private and public facilities and services in the area;
- .3 The demonstrated need for the proposed use is best met at the requested site considering all factors of the rural industrial element of the Comprehensive Plan.

C. The requested use can be shown to comply with the following standards for available services:

- .1 Water shall be provided by an on-site source of sufficient capacity to serve the proposed use, or a public or community water system capable of serving the proposed use.
- .2 Sewage will be treated by a subsurface sewage system, or a community or public sewer system, approved by the County Sanitarian and/or the State DEQ.
- .3 Access will be provided to a public right-of-way constructed to standards capable of supporting the proposed use considering the existing level of service and the impacts caused by the planned development.
- .4 The property is within, and is capable of being served by, a rural fire district; or, the proponents will provide on-site fire suppression facilities capable of serving the proposed use. On-site facilities shall be approved by either the State or local Fire Marshall.

683.2 Accessory buildings may be allowed if they fulfill the following requirements:

- A. If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.
- B. If detached from the main building, they must be located behind the main building or a minimum of 50 feet from the front lot or parcel line, whichever is greater.
- C. Detached accessory buildings shall have a minimum setback of 50 feet from the rear and/or side lot or parcel line.

.3 Signs as provided in Chapter 1300.

.4 Off street parking and loading as provided in Chapter 1400.

.5 Home occupations consistent with ORS 215.448.

.6 **A caretaker's residence that is accessory to and in conjunction with an established RIPD business located on the same property. The caretaker/watchman residence shall be:**

A. Temporary in nature and restricted to a manufactured dwelling or mobile

home,

- B. **Approved for potable water and on-site sewage disposal, and**
- C. **Removed or made to conform with applicable zoning and building regulations after the residential structure is no longer needed because the authorized business is no longer operational.**
- D. **The owner shall sign and record a Waiver of Remonstrance regarding past, current or future accepted RIPD operations on adjacent and nearby lands.**

684 Standards:

- .1 The minimum lot or parcel size for uses allowed under Section 682 shall be 38 acres.
- .2 The minimum lot or parcel size, average lot or parcel width and depth, and setbacks for uses allowed under Section 683, shall be established by the Planning Commission, and will be sufficient to support the requested rural industrial use considering, at a minimum, the following factors:
 - A. Overall scope of the project. Should the project be proposed to be developed in phases, all phases shall be considered when establishing the minimum lot size.
 - B. Space required for off street parking and loading and open space, as required.
 - C. Setbacks necessary to adequately protect adjacent properties.
- .3 Access shall be provided to a public right-of-way of sufficient construction to support the intended use, as determined by the County Roadmaster.

685 Review Procedures: The Planning Commission shall review, in accordance with Section 1600, all requests made pursuant to Section 683 to assure that:

- .1 The use conforms to the criteria outlined in Section 681.
- .2 The conditions outlined in Section 683 can be met.
- .3 The Design Review Board or Planning Commission reviewed the request and found it to comply with the standards set out in Section 1550 and the minimum lot or parcel size provisions set out in Section 684.