

COLUMBIA COUNTY BOARD OF COMMISSIONERS

Staff Report

February 14, 2022

Text Amendments to Columbia County Zoning Ordinance Section 500 pertaining to Template Forest Land Dwellings and Family Forestry Accessory Dwellings in the Primary Forest (PF-80) and Forest/Agriculture (FA-80) Zoning Districts

FILE NUMBER: TA 22-01

APPLICANT: Columbia County Land Development Services

HEARING DATE: Wednesday February 23, 2022

REQUEST: Amend Columbia County Zoning Ordinance (CCZO) Section 500 requirements for “Template Dwellings” in the Primary Forest (PF-80) and Forest/Agriculture (FA-80) zoning districts pursuant to Oregon House Bill 2225. Amend CCZO Section 500 to permit “Family Forestry Accessory Dwelling Units” in the Primary Forest Zone (PF-80) and Forest/Agriculture Zone (FA-80), pursuant to Oregon House Bill 2469.

NOTIFICATION REQUIREMENTS

Columbia County Zoning Ordinance

Section 1606 - Legislative Hearing

Section 1607 - Consistency with the Comprehensive Plan

Section 1611 - Notice of Legislative Hearing

Oregon Revised Statute

ORS 215.503 - Measure 56 Notice

Oregon Administrative Rule

OAR 660-018-0020 - Post Acknowledgment Amendments

REVIEW CRITERIA AND FINDINGS OF FACT

Section 500 of the Columbia County Zoning Ordinance – Primary Forest (PF-80) Zone

Section 501 Definitions

Section 502 Table of Authorized Uses & Development

Section 506 Standards for Dwellings

Conclusion and Recommendations

SUMMARY

Oregon House Bill 2225

In the 2019 Regular Session, the Oregon Legislature adopted House Bill (HB) 2225, amending the provisions for Alternative Forestland (Template) Dwellings contained in Oregon Revised Statutes (ORS) 215.750. Pursuant to HB 2225 Section 3, the following provisions are in effect in Columbia County beginning November 1, 2021. These provisions apply only to the siting of a “template” dwelling in the PF-80 zone, and on qualifying forest properties within the FA-80 zone.

HB 2225, Section 1:

1. For purposes of establishing a “template” dwelling, the 160-acre template must be centered on the “mathematical centroid” of the tract.
2. A property line adjustment after January 1, 2019, did not have the effect of qualifying a property for a template dwelling that would not have otherwise qualified prior to the adjustment.
3. A new template dwelling cannot be approved on a property that was part of a tract on January 1, 2019, when a property within that tract already contains an existing or approved dwelling.

HB 2225, Section 2:

Columbia County may authorize a template dwelling on a property that was part of a tract on January 1, 2021, if no more than one other dwelling exists or has been approved on another property that was part of the tract. This provision is temporary and is only in effect until November 1, 2023.

HB 2225, Section 3:

Establishes that these provisions are in effect in Columbia County beginning November 1, 2021.

HB 2225, Section 4:

Establishes that HB 2225, Section 2, is repealed on January 2, 2024.

Oregon House Bill 2469

In the 2019 Regular Session, the Oregon Legislature adopted House Bill (HB) 2469, establishing provisions codified in ORS 215.757 to provide for “accessory dwellings supporting family forestry.” Under ORS 215.757, Columbia County may approve a second (accessory) dwelling on PF-80 zoned properties, and on qualifying forest properties within the FA-80 zone, that meet the following criteria:

1. The property is at least 80-acres, is within a rural fire protection district, and contains only one existing single family dwelling that was lawfully established before November 4, 1993.

2. The accessory dwelling must: be within 200 feet of the primary dwelling; comply with the Oregon Residential Specialty Code related to wildfire hazard mitigation; and be occupied by the owner, a relative of the owner, or the owner's spouse.
3. A deed restriction must be recorded that: prohibits partitioning the property to separate the accessory dwelling from the primary dwelling; requires the owner and successor to manage the property as a working forest under a written forest management plan as defined in ORS 526.455; and prohibits either dwelling from being used for vacancy occupancy (less than 45 days).

The first public hearing on the proposed map amendments was held on November 15, 2021 before the Columbia County Planning Commission. The Planning Commission heard the County Planning Staff's presentation of a summary of the November 5, 2021 Staff Report for TA 22-01. After hearing testimony from the public, the Planning Commission deliberated and then voted to recommend **APPROVAL** to the Board of Commissioners for the text amendments requested for TA 22-01 with no revisions.

This report will evaluate how the proposed Legislative Text Amendments to the Columbia County Zoning Ordinance (CCZO) as proposed in LDC File No. TA 22-01 are consistent with the provisions of HB 2225 and HB 2469 and will allow Columbia County to incorporate these statutory requirements with the forest dwelling provisions in CCZO Section 500.

Columbia County Zoning Ordinance (CCZO) Section 1606

The proposed Zoning Text Amendments in LDC File No. TA 22-01 is being processed consistent with the provisions of CCZO Sections 1606 (Legislative Hearing) and 1611 (Notice of Legislative Hearing).

CCZO 1606 **Legislative Hearing**: Requests to amend the text of the Zoning Ordinance or to change a large area of the Zoning Map of Columbia County in order to bring it into compliance with the Comprehensive Plan are legislative hearings. Legislative hearings shall be conducted in accordance with the following procedures:

- .1 A legislative amendment to the Zoning Ordinance Text or Map may be initiated at the request of the Board of Commissioners, a majority of the Commission, or the Director, or any citizen of the County may petition the Commission for such a change.
- .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 1: Columbia County Land Development Services (LDS) initiated LDS File No. TA 22-01, which proposes amendments to the CCZO as a legislative amendment, in accordance with the notice provisions in CCZO Section 1606. Public hearing notices were published in the *St. Helens Chronicle* on November 3, 2021, and in the *South County Spotlight* on November 5, 2021. The latest publication date was at least **10 days prior** to the Planning Commission hearing date of November 15, 2021. Likewise the February 2 and February 9, 2022 notices in *St. Helens Chronicle* and the February 4 and February 11, 2022 notices in the *South County Spotlight* for the Board of Commissioners February 23, 2022 public hearing also complies with these minimum hearing notice requirements of Legislative Hearings.

Pursuant to ORS 215.503, Notices to Property Owners of Legislative Text Amendments, the Department of Land Conservation and Development (DLCD) prepared, for distribution by the County, the public Notification titled “**This is to notify you that the Legislative Assembly has enacted a Land Use Planning Statute that may affect the permissible uses of properties in our Jurisdiction.**” The County’s Notice of Legislative Hearing on the proposed amendments was sent on September 13, 2021, to all owners of Columbia County property zoned Primary Forest (PF-80) and Forest-Agriculture (FA-80). The notice included the DLCDC notice language and copies of the enrolled HB 2225 and HB 2469.

Notices of the proposed amendments and of this public hearing, including DLCDC’s Prepared Notification and Enrolled House Bills 2225 and 2469, were provided via email on September 16, 2021, to all members of Columbia County’s five (5) CPACs; to all Columbia County fire districts; and to the DLCDC. Said notice was sent to each entity via US mail on September 17, 2021. The notice was provided to the Oregon Department of State Lands (DSL), Oregon Department of Forestry (ODF) and Columbia County Counsel on September 17, 2021.

For the reasons stated above, Staff concludes that the hearings to consider LDS File No. TA 22-01 complies with the notice requirements in CCZO Section 1606.

CCZO Section 1607

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 2: The proposed Zoning Ordinance Text Amendments reflect changes in state law (ORS Chapter 215) that were passed by the Oregon Legislature through the passage of HB 2225 and HB 2429. The *Columbia County Comprehensive Plan (Plan)* and Zoning Ordinance (CCZO) administer the requirements in ORS Chapter 215.

The provisions in CCZO Section 1607 demonstrate that TA 22-01 is consistent with Part IV (Forest Land) of the Plan’s Goal of preserving forest lands for forest uses, and Policy 6 which is to:

Allow residential uses when it can be shown that the proposed use meets one of the three qualifications adopted by the State, known generically as the template test, lot of record dwelling and large tract test; and where it can be shown that siting standards exist that insure compatibility of the proposed residence with adjacent resource uses.

The Amendments proposed in TA 22-01 will help ensure the *Plan* continues to be consistent with the revised provisions in ORS Chapter 215 as well as the related revisions to ORS 215.750 and ORS 215.757 required by the passage of HB 2225 and HB 2469.

Pursuant to the provisions in CCZO Section 1607.1, the Planning Commission (Commission) held the initial public hearing on November 15, 2021 and recommended **APPROVAL** to the Board of Commissioners for the text amendments requested for TA 22-01 with no revisions. The Board will hold

a public hearing on February 23, 2022 where it will consider the proposal and make their final decision regarding the subsequent adoption of these text amendments.

For the reasons stated above, Staff concludes that the proposed Zoning Text Amendments to CCZO affecting properties in the PF-80 and FA-80 zones are consistent with Part IV of the *Columbia County Comprehensive Plan (Plan)*, and with the public hearing requirements in CCZO Section 1607.

CCZO Section 1611

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 3: All of the required information identified in CCZO Section 1611 was included in the Notice of Public Hearing published in the *Chronicle* and *Spotlight* newspapers, and to the owners of all properties within the PF-80 and FA-80 zones, on September 13, 2021. Said notice was also provided to DLCD on September 16, 2021 and to the CPACs, Fire Districts, DSL, and ODF on September 17, 2021, as covered in Finding 1. Additional Notices will be published for the Board hearing containing the above language on February 2 and February 9 2022 for the *Chronicle* and on February 4 and February 11, 2022 for the *Spotlight*. With these notifications, Staff concludes that the scheduled hearings on TA 22-01 satisfy the notice criteria in CCZO Section 1611.

Oregon Revised Statutes - ORS 215-503 - Measure 56 Notice

ORS 215.503 Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions.

(4) In addition to the notice required by ORS 215.223 (1), at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone

[...]

- (9) For purposes of this section, property is rezoned when the governing body of the county:
- (a) Changes the base zoning classification of the property; or
 - (b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(10) The provisions of this section do not apply to legislative acts of the governing body of the county resulting from action of the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047, or resulting from an order of a court of competent jurisdiction.

Finding 4: LDC File No. TA 22-01 would amend the siting criteria for “template forest dwellings” and permit “family forestry dwelling units” consistent with the provisions in HB 2225 and HB 2469. Even though the proposed text amendments are in response to action by the Legislative Assembly, and are therefore exempt from Measure 56 notice requirements per ORS 215.503(10), DLCDC opted to provide the owners of Columbia County properties zoned PF-80 and FA-80 with its prepared notification simultaneous with the required County notice of the legislative hearings as covered in Findings 1 and 3.

Oregon Administrative Rules (OAR) 660-018-0020

660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department’s Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

(2) The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all of the following materials:

- (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section (3) of this rule;
- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;
- (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;
- (d) The date set for the first evidentiary hearing;
- (e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and
- (f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

Finding 5: The Public Hearing Notice and DLCDC’s Measure 56 Notification were sent (DLCDC File # 002-21) in accordance with OAR 660-018-0020 to DLCDC on September 16, 2021, 60 days before the first evidentiary hearing before the Planning Commission on November 15, 2021. After the Board’s public hearing on February 23, 2022 where they will deliberate and make their final decision, the County will mail a Notice of Adoption to DLCDC.

Proposed Amendments to CCZO Section 501

501.2 **Definitions.** For purposes of this zoning district the following definitions shall apply:

B. “Center of the Subject Tract” means the mathematical centroid of the tract.

Finding 6: The new definition proposed for inclusion in Section 501.2 adopts the language used in ORS 215.750(1), as required by Oregon House Bill 2225.

Proposed Amendments to CCZO Section 501

501.2 Definitions. For purposes of this zoning district the following definitions shall apply:

- H. **“Owner or Relative” means the owner of the lot or parcel, or a relative of the owner or the owner’s spouse, including a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of either.**

Finding 7: The new definition proposed for inclusion in Section 501.2 adopts the language in ORS 215.757(1), as required by Oregon House Bill 2469 for Family Forestry Accessory Dwellings.

Proposed Amendments to CCZO Section 502

502 Table of Authorized Uses & Development:

SINGLE-FAMILY RESIDENCES	AUTHORIZATION	PF - 80 SECTION
“Lot-of-Record” Forest Land Dwelling	AR	504.1 & 506.1, 507- 510
Large & Multiple Tract Forest Land Dwelling	AR	504.1 & 506.2, 507 - 510
“Template” Forest Land Dwelling	AR	504.1, 506.4, 506.5, 507- 510
Temporary Dwelling for Medical Hardship defined in ORS 215.213 & 215.283	AR	504.2, 507- 510
Caretaker Residence for Public Parks and Hatcheries	AR	503.14, 507- 510
Family Forestry Accessory Dwellings	AR	504.1, 506.6, 507- 510

Finding 8: The proposed addition of “Family Forestry Accessory Dwelling” complies with the new provisions for “accessory dwellings supporting family forestry” in the PF-80 zone, and on qualifying properties in the FA-80 zone, consistent with Oregon House Bill 2469 and ORS 215.757.

Proposed Amendments to CCZO Section 506

506 Standards for Dwellings. Dwellings are authorized in the Primary Forest Zone subject to standards found in Sections 507, 508, 509, 510 and documentation of meeting either the Small Tract, Large/Multi-Tract, ~~or~~ Template Dwelling, **or Family Forestry Accessory Dwelling Unit** criteria as follows.

Finding 9: The proposed text amendment to Section 506 complies with the new authorized use of a “Family Forestry Accessory Dwelling” per ORS 215.757 and Oregon House Bill 2469.

PROPOSED AMENDMENTS TO CCZO SECTION 506.4 FOR TEMPLATE DWELLINGS

506 Standards for Dwellings

506.4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

- A. The tract is **predominantly** composed of soils that meets one of the following:
 - 1. Soils that are capable of annually producing more than 85 cubic feet per acre of wood **fibrer** if:
 - a. All or part of at least **eleven** (11) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160-acre square centered on the center of the subject tract; ~~-(Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible);~~ and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; or
 - 2. Soils that are capable of annually producing 50 to 85 cubic feet per acre of wood **fibrer** if *[Amd Order No. 78 2010, 12.15.10]*:
 - a. All or part of at least seven (7) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. ~~(Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.);~~ and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
 - 3. Soils that are capable of annually producing 0 to 49 cubic feet per acre of wood **fibrer** if:
 - a. All or part of at least three (3) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160 acre square centered on the center of the subject tract. ~~(Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible.);~~ and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels; and
- B. **If the tract under subsection (A) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.**

Finding 10: The proposed text amendments to CCZO Subsections 506.4(A) (1), (2), and (3) and Subsection 506.4(B) provide clarity through conciseness and will avoid unnecessary redundancy of the template measurement for tracts abutting roads that existed on January 1, 1993.

Proposed Amendments to CCZO Section 506.4 for Template Dwellings required by the amendments identified in Section 1 of HB 2225:

506.4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

- C. **Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements of the subject tract;**
- D. **The lot or parcel on which the dwelling will be sited was lawfully established and contains no dwelling;**
- E. **No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740(3) for the other lots or parcels that make up the tract are met;**
- F. **If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract;**
- G. **Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192; and**
- H. **Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section.**
- I. **Parcels 10 acres or greater in size shall be required to submit and obtain approval of a Forest Land Assessment and Stocking Compliance application prior to receiving a permit for the dwelling as authorized by this subsection.**

Finding 11: The proposed text amendments to Subsections 506.4(C-H) identified above adopt the provisions in Section 1 of ORS 215.750 shown in the Attachment titled *Enrolled House Bill 2225*. Specifically, the amendments proposed for:

- Subsection 506.4(C) adopts the provisions in ORS 215.750(4)
- Subsection 506.4(D) adopts the provisions in ORS 215.750 (5)(e)
- Subsection 506.4(E) adopts the provisions in ORS 215.750(5)(c)
- Subsection 506.4(F) adopts the provisions in ORS 215.750(5)(h)
- Subsection 506.4(G) adopts the provisions in ORS 215.750(5)(f)
- Subsection 506.4(H) adopts the provisions in ORS 215.750(5)(g)
- Subsection 506.4(I) renumbers an existing provision of CCZO and ORS 215.750

Proposed Amendments to CCZO Section 506.4 for Template Dwellings Required by the Amendments Identified in Sections 2 and 4 of HB 2225

506.4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

- J. Prior to November 1, 2023, Columbia County may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if:**
 - (1) No more than one other dwelling exists or has been approved on another lot or parcel hat was part of the tract; and**
 - (2) The lot or parcel qualifies, notwithstanding ORS 215.750 (5) (h), for a dwelling under ORS 215.750. [2019 c.433 §2]**

506.4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

- K. The provisions in Section 506.4 (J) are repealed on January 2, 2024, pursuant to Oregon Laws 2019 Chapter 433.**

Finding 12: Proposed text amendments to Subsections 506.4 J and 506.4 K listed above adopt the language in Sections 2 and 4 of ORS 215.750 shown in the Attachment titled *Enrolled House Bill 2225*.

Proposed amendments to CCZO Section 506.5 for Template Dwellings on Tracts Larger than 60 acres:

506.5 Template Dwelling for Tract of 60 Acres or Larger [Rectangular Template]. A dwelling may be authorized on a tract **60 acres or larger** that meets the following criteria:

- A. The criteria in CCZO 506.4.**
- B. (A) If a tract is 60 acres or larger described under Subsection 506.4A. above and abuts a road that existed on January 1, 1993, or a perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream, provided one of the three required dwellings is on the same side of the road or stream as the tract [Amd Order No. 78-2010, 12.15.10], and**
 - 1. Is located within a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - 2. Is within 1/4 mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- C. (B) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road or stream as the proposed dwelling.**

Finding 13: Staff concludes that these additional criteria for Template Dwellings for tracts larger than 60-acres will ensure the proposed text amendments to Section 506.5 listed above adopt the provisions of Sections 1, 2, 3 and 4 of ORS 215.750 shown in the Attachment titled *Enrolled House Bill 2225*.

**PROPOSED AMENDMENTS TO CCZO SECTION 506 FOR FAMILY FORESTRY
ACCESSORY DWELLINGS**

506 Standards for Dwellings

506.6 Family Forestry Accessory Dwellings. An accessory dwelling for an owner or a relative (as defined in Section 501) supporting family forestry may be authorized on a tract that meets the following criteria.

- A. The new single-family dwelling unit will be on a lot of record no smaller than 80 acres that contains exactly one existing single-family dwelling unit that was lawfully:
 - 1. In existence before November 4, 1993; or**
 - 2. Approved under ORS 215.130 (6), 215.705, 215.720, 215.740, 215.750 or 215.755;****
- B. The shortest distance between the new single-family dwelling unit and the existing single-family dwelling unit is no greater than 200 feet;**
- C. The lot or parcel is within a rural fire protection district organized under ORS chapter 478;**
- D. The new single-family dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation;**
- E. The existing single-family dwelling unit is occupied by the owner or a relative;**
- F. The new single-family dwelling unit will be occupied by the owner or a relative;**
- G. The owner or a relative occupies the new single-family dwelling unit to allow the relative to assist in the harvesting, processing or replanting of forest products or in the management, operation, planning, acquisition or supervision of forest lots or parcels of the owner;**
- H. If a new single-family dwelling unit is constructed under this section, a county may not allow the new or existing dwelling unit to be used for vacation occupancy as defined in ORS 90.100; and**
- I. As a condition of approval of the new single-family dwelling unit, in addition to the requirements of ORS 215.293, the property owner agrees to acknowledge and record in the deed records for the county in which the lot or parcel is located, one or more Instruments containing irrevocable deed restrictions that:
 - 1. Prohibit the owner and the owner's successors from partitioning the property to separate the new single-family dwelling unit from the lot or parcel containing the existing single-family dwelling unit; and****

- 2. Require that the owner and the owner's successors manage the lot or parcel as a working forest under a written forest management plan, as defined in ORS 526.455 that is attached to the instrument.**

Finding 14: Staff concludes that these proposed text amendments add Family Forestry Accessory Dwellings as an authorized forest dwelling in Subsection 506.6, effectively renumbering existing Subsection 506.6 to 506.7. The proposed revisions of Sections 506.6(A) through (I) adopt the provisions in ORS 215.757(2) and (3).

PUBLIC COMMENTS

The Public Hearing Notice was mailed to the owners of all PF-80 and FA-80 properties in Columbia County and to other identified agencies and organizations. As of the date of this Report the county has received one written comment. The Department of Forestry (DOF) comment, received on September 22, 2021, indicates the DOF has reviewed the proposed legislative text amendments contained in LDS File No. TA 22-01. The DOF comments did not identify any adverse impacts which might result from the amendments and indicated DOF has no objection. Terri Horness and Betty Cook from Clatskanie as well as Lori Staeffler submitted electronic comments (attached) to Planning Staff on November 15, 2021 that were forwarded to the Planning Commission prior to the public hearing. Land Development Services staff has had phone conversation with fewer than 50 property owners requesting information on how the amendments might affect their properties.

CONCLUSION AND DISCUSSION

Staff concludes that the proposed Text Amendments to CCZO Section 500 as presented in LDS File No. TA 22-01 and in this staff report are necessary to implement Oregon House Bill 2225 and Oregon House Bill 2469. Staff concludes the proposed amendments are consistent with ORS 215.750 and ORS 215.757 and provide decision standards and siting clarification for Template Dwelling and Accessory Family Forestry Dwelling applications for Columbia County properties within the PF-80 zone, and within qualifying forest properties in the FA-80 zone.

The Planning Commission held a public hearing on November 15, 2021. After hearing the staff presentation as well as the public's testimony, the Planning Commission deliberated on this matter and unanimously approved a motion to recommend APPROVAL of the proposed Text Amendments requested for TA 22-01 to the Board of Commissioners with no revisions.

Notice of the Board of County Commissioners public hearing was published in the local newspapers of record in accordance with the legislative hearing notice procedures. Notice of the Board of Commissioners public hearing was also available on the County website Board of Commissioners calendar. All notices given have been shown to meet the timelines required by the State and local law.

RECOMMENDATION:

Based upon the referenced statutory requirements and related Findings incorporated herein, Planning Staff forwards to the Board of Commissioners the recommendation of the Columbia County Planning

Commission to **APPROVE** the Legislative Text Amendment proposed for TA 22-01 and adopt the identified text amendments to Columbia County Zoning Ordinance Section 500.

ATTACHMENTS

Attachment 1. Legislative Text Amendment Application TA 22-01

Attachment 2: Enrolled House Bill 2225 and House Bill 2469

Attachment 3: Proposed Amendments to Section 500 of the Columbia County Zoning Ordinance

Attachment 4: Electronic comments from Terri Horness, Betty Cook and Lori Staeffler received November 15, 2021

Attachment 5: Columbia County Planning Commission Meeting Minutes of November 15, 2021 Public Hearing and Final Order recommending Approval of TA 22-01 to the Board of Commissioners.

Attachment 6: November 30, 2021 Request for Public Hearing before the Board of County Commissioners

cc: Columbia County Counsel

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES

COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

File No. TA 22-01

ZONING/SUBDIVISION ORDINANCE
TEXT AMENDMENT APPLICATION

TYPE OF TEXT AMENDMENT: Zoning Ordinance Subdivision Ordinance
Other: Legislative Text Amendment

APPLICANT:
Name: Columbia County

Mailing address: 230 Strand Street

City: St. Helens State: OR Zip Code: 97051

Phone No.: Office 503-397-1501 Home _____

Email: _____

APPLICANT'S REPRESENTATIVE (If Any):

Name: Land Development Services

Mailing address: Same

City: _____ State: _____ Zip Code: _____

Phone No.: Office _____ Home _____

Email: _____

I. PROPOSED TEXT AMENDMENT:

Please describe the proposed text amendment below.
Include the proposed text amendment(s) in an attachment labeled "Exhibit 1, Proposed Text Amendment". Please copy the text of the portion of the Ordinance you would like to amend from the County's website, www.co.columbia.or.us/lds/, and clearly indicate the proposed amendments by strikeouts (for deletion) and **bold type** (for addition).

Legislative Zoning Text Amendment to incorporate provisions in House Bill 2225 and House Bill 2469 into Section 500 of the Columbia County Zoning Ordinance.

Planning Department Use Only

Date Rec'd.: 9/15/21 Hearing Date: NW 15, 2021

Fee Paid: n/a Receipt No. _____

Staff Member: Debra S. Jacob, Senior Planner

Other Related Applications: _____ Zoning Map Amendment _____ Plan Text Amendment

_____ Plan Text Amendment

**Enrolled
House Bill 2225**

Attachment 2

Sponsored by Representative HELM, Senator PROZANSKI (Pre-session filed.)

CHAPTER

AN ACT

Relating to forest template dwellings; creating new provisions; and amending ORS 215.750.

Whereas the existing law regarding new forest dwellings, under ORS 215.750, is being applied and interpreted by local jurisdictions and the judiciary in a manner inconsistent with the original purpose of the statute; and

Whereas clarification of the meaning and intention of ORS 215.750 is necessary; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 215.750 is amended to read:

215.750. (1) As used in this section, "center of the subject tract" means the mathematical centroid of the tract.

[(1)] (2) In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

(A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;

(b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;

(c) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

[(2)] (3) In eastern Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

(A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;

(b) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

(A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels; or
(c) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

[(3)] (4) Lots or parcels within urban growth boundaries [shall] may not be used to satisfy the eligibility requirements under subsection [(1) or] (2) or (3) of this section.

[(4)] (5) A proposed dwelling under this section is [not] allowed only if:

(a) [If] It [is prohibited by or] will [not] comply with the requirements of an acknowledged comprehensive plan, [and] acknowledged land use regulations [or] and other provisions of law[.];

(b) [Unless] It complies with the requirements of ORS 215.730[.];

(c) [Unless] No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740 (3) for the other lots or parcels that make up the tract are met[.];

(d) [If] The tract on which the dwelling will be sited [includes] does not include a dwelling[.];

(e) The lot or parcel on which the dwelling will be sited was lawfully established;

(f) Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192;

(g) Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and

(h) If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.

[(5)] (6) Except as described in subsection [(6)] (7) of this section, if the tract under subsection [(1) or] (2) or (3) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

[(6)(a)] (7)(a) If a tract 60 acres or larger described under subsection [(1) or] (2) or (3) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection [(5)] (6) of this section. However, one of the three required dwellings [shall] must be on the same side of the road or stream as the tract and:

(A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or

(B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

(b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings [shall] must be on the same side of the road as the proposed dwelling.

[(7)] (8) Notwithstanding subsection [(4)(a)] (5)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection [(1),] (2), (3), [(5) or] (6) or (7) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

SECTION 2. Prior to November 1, 2023, a county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if:

(1) No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and

(2) The lot or parcel qualifies, notwithstanding ORS 215.750 (5)(h), for a dwelling under ORS 215.750.

SECTION 3. (1) The amendments to ORS 215.750 by section 1 of this 2019 Act apply:

(a) On and after the effective date of this 2019 Act in Clackamas, Jackson, Lane and Polk Counties.

(b) On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington and Yamhill Counties.

(c) On and after November 1, 2023, in Baker, Benton, Clatsop, Crook, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.

(2) A county may not apply any administrative rule adopted to implement the amendments to ORS 215.750 by section 1 of this 2019 Act until on or after the applicable date for that county under subsection (1) of this section.

(3) Section 2 of this 2019 Act applies:

(a) On and after the effective date of this 2019 Act in Clackamas, Jackson, Lane and Polk Counties.

(b) On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington and Yamhill Counties.

SECTION 4. Section 2 of this 2019 Act is repealed on January 2, 2024.

Passed by House April 23, 2019

Received by Governor:

Repassed by House June 11, 2019

.....M.,....., 2019

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2019

.....
Tina Kotek, Speaker of House

.....
Kate Brown, Governor

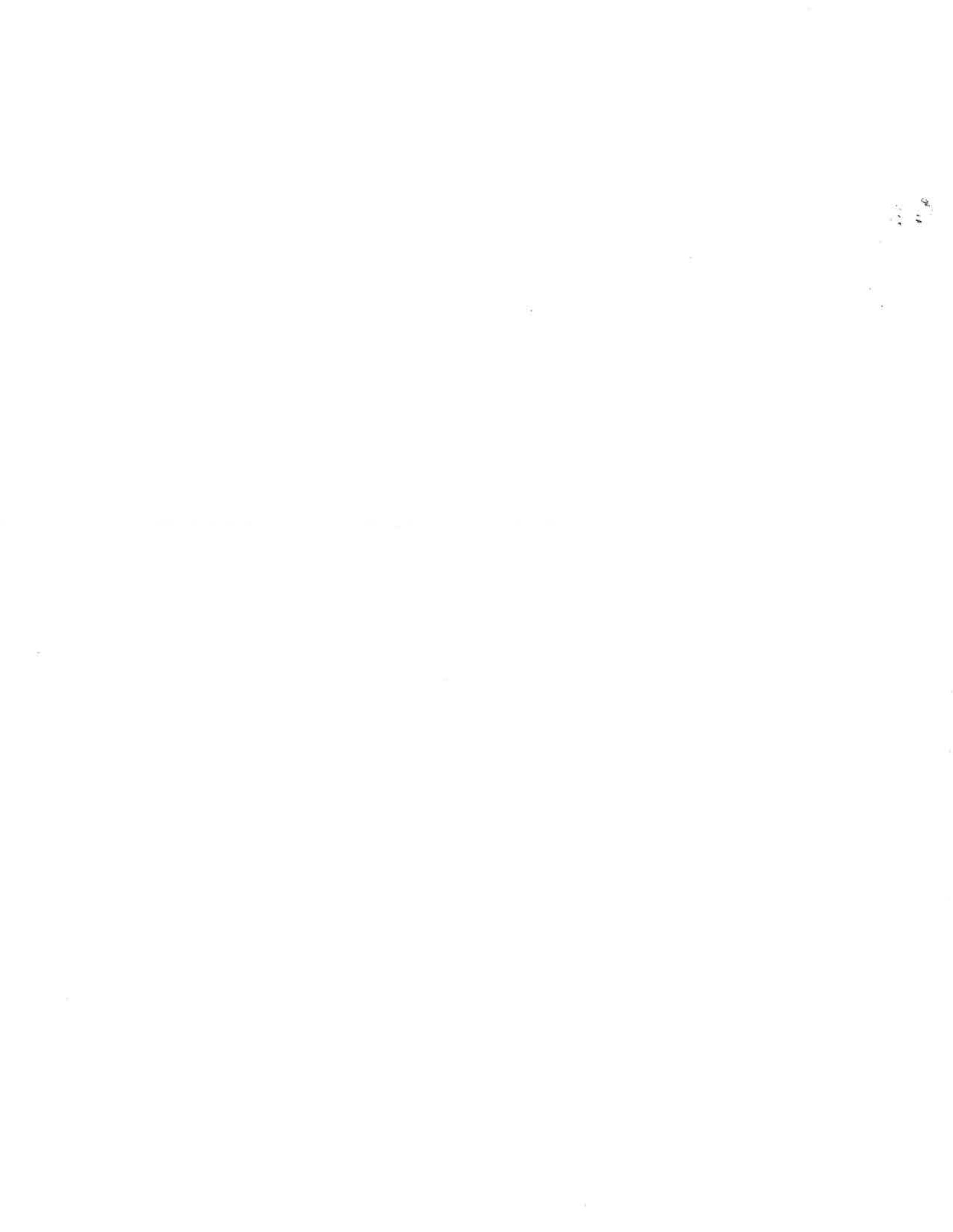
Filed in Office of Secretary of State:

Passed by Senate June 6, 2019

.....M.,....., 2019

.....
Peter Courtney, President of Senate

.....
Bev Clarno, Secretary of State



Enrolled
House Bill 2469

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

CHAPTER

AN ACT

Relating to forest dwellings.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 215.

SECTION 2. (1) As used in this section, "owner or a relative" means the owner of the lot or parcel, or a relative of the owner or the owner's spouse, including a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either.

(2) A county may approve a new single-family dwelling unit on a lot or parcel zoned for forest use provided:

(a) The new single-family dwelling unit will be on a lot or parcel no smaller than the minimum size allowed under ORS 215.780;

(b) The new single-family dwelling unit will be on a lot or parcel that contains exactly one existing single-family dwelling unit that was lawfully:

(A) In existence before November 4, 1993; or

(B) Approved under ORS 215.130 (6), 215.705, 215.720, 215.740, 215.750 or 215.755;

(c) The shortest distance between the new single-family dwelling unit and the existing single-family dwelling unit is no greater than 200 feet;

(d) The lot or parcel is within a rural fire protection district organized under ORS chapter 478;

(e) The new single-family dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation;

(f) As a condition of approval of the new single-family dwelling unit, in addition to the requirements of ORS 215.293, the property owner agrees to acknowledge and record in the deed records for the county in which the lot or parcel is located, one or more instruments containing irrevocable deed restrictions that:

(A) Prohibit the owner and the owner's successors from partitioning the property to separate the new single-family dwelling unit from the lot or parcel containing the existing single-family dwelling unit; and

(B) Require that the owner and the owner's successors manage the lot or parcel as a working forest under a written forest management plan, as defined in ORS 526.455, that is attached to the instrument;

(g) The existing single-family dwelling unit is occupied by the owner or a relative;

(h) The new single-family dwelling unit will be occupied by the owner or a relative; and

(i) The owner or a relative occupies the new single-family dwelling unit to allow the relative to assist in the harvesting, processing or replanting of forest products or in the management, operation, planning, acquisition or supervision of forest lots or parcels of the owner.

(3) If a new single-family dwelling unit is constructed under this section, a county may not allow the new or existing dwelling unit to be used for vacation occupancy as defined in ORS 90.100.

Passed by House April 17, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 29, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

..... M., 2019

Approved:

..... M., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

..... M., 2019

.....
Bev Clarno, Secretary of State

ATTACHMENT 3

Zoning Code Amendments

Adopting Provisions of HB 2225 Relating to Forest Land Template Dwellings and HB 2469 Relating to Family Forestry Accessory Dwelling Units in the Primary Forest Zone (PF-80) and the Forest/Agriculture Zone (FA-80)

Deleted text is ~~**bold-stricken**~~.
 Added text is **bold underlined**.
 Commentary is provided in red

PRIMARY FOREST ZONE (PF-80)

[Amd. Ordinance 2010-11, eff. 1.05.11].

- 501 Purpose & Definitions**
- 502 Table of Authorized Uses & Development**
- 503 Permitted Uses**
- 504 Uses Subject to Administrative Review**
- 505 Conditional Uses**
- 506 Standards for Dwellings**
- 507 Siting of Dwellings and Structures**
- 508 General Review Standards**
- 509 Standards of Development**
- 510 Fire Siting Standards for Dwellings, Structures and Roads**
- 511 Land Division Requirements**
- 512 Property Line Adjustments**
- 513 Construction Financing/Mortgage Tax Lots**
- 514 Non-Conforming Uses**
- 515 Prohibited Uses**
- 516 Notification of State Agencies**
- 517 Reestablishment of Non-Forest Use**

Section 500 PRIMARY FOREST ZONE - 80 PF-80

501.1 Purpose. The purpose of this zone is to retain forest land for forest use and to encourage the management of forest land for the growing, harvesting, and processing of forest crops consistent with the Oregon Forest Practices Act. Uses in this zone will also provide for other forest uses including watershed protection, soil protection, maintenance of clean air and water, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, and agricultural activities free from the encroachment of conflicting non-forest uses and influences.

The Primary Forest (PF) Zone is intended to:

- A. Conserve, protect, and encourage the management of forest lands for continued timber production, harvesting and related uses;

- B. Conserve and protect watersheds, soil, fish and wildlife habitats and other such uses associated with forests;
- C. Provide for orderly development through planned development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone for timber management;
- D. Recognize that the forest lands within the County are necessary for the continuous production of renewable natural resources in the form of forest crops and, as such, are beneficial to the economy of the County and to the welfare of its people;
- E. Recognize locationally dependent uses, such as communication towers, mineral and aggregate resources, etc;
- F. Provide for dwellings under prescribed conditions;
- G. Provide a compatible zone for those areas inventoried and designated as Forest Lands in the Columbia County Comprehensive Plan; and
- H. Implement the Goals and Policies of the Columbia County Comprehensive Plan.

.2 Definitions. For the purposes of this Zoning District the following definitions shall apply:

- A. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

[Add definition]

- B. **"Center of the Subject Tract" means the mathematical centroid of the tract.**

[Renumber the subsections that follow]

- C. "Commercial Tree Species" means trees recognized under rules adopted under ORS 527.715 for commercial production.
- D. "Cubic Foot Per Acre" means the average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality.

- E. "Cubic Foot Per Tract Per Year" means the average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality.
- F. "Date of Creation and Existence." When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.
- G. "Forest Operation" means any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

[Add definition]

- H. **"Owner or Relative" means the owner of the lot or parcel, or a relative of the owner or the owner's spouse, including a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either.**

[Renumber the subsection that follows]

- I. "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

502 Table of Authorized Uses & Development. The following uses, activities, and development are authorized in the Primary Forest Zone, subject to review and approval under applicable regulatory standards:

Key

- P Permitted outright.
- AR Subject to administrative review pursuant to Section 1601.
- CUP/PC Subject to Planning Commission review and approval as a conditional use pursuant to Section 1503.

Note: The CCZO Section Column lists only subsections of authorization and specific criteria of this PF-80 zone. Other criteria may apply to a proposed use such as site design review, overlay zoning, special use standards, or conditional use permits.

[Add Family Forestry Accessory Dwellings under subsection Single-Family Residences]

TABLE OF AUTHORIZED USES & DEVELOPMENT		
RESOURCE USES	AUTHORIZATION	PF - 80 SECTION
Forest Operations and Practices	P	503.1
Physical Alterations of the Land Auxiliary to Forest Practices	P	503.4
Farm Use as defined in ORS 215.203 except Marijuana Growing and Producing	P	503.2
Marijuana Growing and Producing subject to standards in Section 1803	AR	504.16
Soil, Air and Water Conservation Activities	P	503.5
RESOURCE-RELATED USES AND DEVELOPMENT	AUTHORIZATION	PF - 80 SECTION
Temp. Structures Auxiliary to Forest Practices	P	503.3
Utility Distribution Lines in Existing Rights-of-Way	P	503.6
Portable Facilities for Primary Processing of Forest Products	P	503.7
Exploration for Mineral and Aggregate as defined in ORS Chap. 517	P	503.8
Wild Fire Towers and Stations	P	503.9
Irrigation Water intake facilities, canals and distribution lines for farm irrigation and ponds	P	503.10
Temporary Labor Camps - No Permanent Structures	P	503.12
Exploring, Mining and Processing of Subsurface resources as defined in ORS Chap. 520; and the mining and processing of aggregate and mineral resources as defined in ORS Chap. 517	CUP/PC	505.2, 508 - 510
Permanent Facility for Primary Processing of Forest Products	AR	504.6, 508 - 510
Permanent Logging Equipment Repair and Storage Facility	AR	504.7, 508 - 510
Log Scaling and Weigh Stations	AR	504.3, 508 - 510
Research and Experimentation Facilities as defined by ORS 526.215 or where accessory to forest operations	AR	504.8, 508 - 510
SINGLE-FAMILY RESIDENCES	AUTHORIZATION	PF - 80 SECTION
"Lot-of-Record" Forest Land Dwelling	AR	504.1 & 506.1, 507 - 510
Large & Multiple Tract Forest Land Dwelling	AR	504.1 & 506.2, 507 - 510

"Template" Forest Land Dwelling	AR	504.1, 506.4, 506.5, 507- 510
Temporary Dwelling for Medical Hardship defined in ORS 215.213 & 215.283	AR	504.2, 507- 510
Caretaker Residence for Public Parks and Hatcheries	AR	503.14, 507- 510
<u>Family Forestry Accessory Dwellings</u>	<u>AR</u>	<u>504.1, 506.6, 507- 510</u>
INDUSTRIAL	AUTHORIZATION	PF - 80 SECTION
Abandoned/diminished mill sites	CUP/PC	505.13, 508- 510
COMMERCIAL	AUTHORIZATION	PF - 80 SECTION
Home Occupation as defined in ORS 215.448 per CCZO Section 1507	AR (Type1) CUP/PC Type 2)	504.4, 505.1, 507 - 510
Kennel as a Home Occupation	CUP/PC	505.17, 507, 508, 510
PARKS / PUBLIC / QUASI-PUBLIC FACILITIES	AUTHORIZATION	PF - 80 SECTION
Private Parks, Campgrounds, and Youth Camps	CUP/PC	505.4, 505.11, 508 - 510
Public Parks	CUP/PC	505.14, 508 - 510
Destination Resorts approved per ORS 197.435 through ORS 197.465 and Statewide Planning Goal 8	CUP/PC	505.15, 508 - 510
An outdoor gathering of less than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period	P	503.18
A mass gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period	CUP/PC	505.12, 508
Communication Towers and Facilities	CUP/PC	505.5, 508 - 510
Rural Fire Protection District Stations	AR	504.5, 508 - 510
Power Generating Facilities	CUP/PC	505.6, 508- 510
Solid Waste Disposal Site under ORS 459.245.	CUP/PC	505.3, 508 - 510
Aids to Navigation and Aviation	AR	504.11 508 - 510
Domestic Water intake facilities and related treatment facilities, pumping stations, & distribution lines	AR	504.12, 508 - 510
Reservoirs and Water Impoundments	AR	504.13, 508 - 510
Firearms Training Facility	CUP/PC	505.16, 508 - 510
Cemeteries	AR	504.9, 508 - 510

Hunting/Fishing Operations w/o Accommodations	P	503.15, 508 - 510
Temporary Private Seasonal Hunting/Fishing Operations with Accommodations	AR	504.10, 504.14, 508 - 510
New electric transmission lines w/ROW up to 100 ft. wide as specified in ORS 772.210	CUP/PC	505.7, 508
Local distribution lines and accessory equipment, or equipment which provides service hookups, including water service hookups.	P	503.17, 508 -510
Temporary Asphalt and Concrete Batch Plants	CUP/PC	505.8, 508 - 510
Expansion of Existing Airport	CUP/PC	505.9, 508 - 510
Public Road and Highway Projects	AR	504.16, 508- 510
Structures Accessory to Fish and Wildlife Enhancement	P	503.5, 508 -510
Widening of Roads within Existing Right-of-Way for public roads and highway projects as described in ORS 215.283(1)(k) through (n)	P	503.16
Public road and highway projects as described in ORS 215.283(2)(q through (s)	AR	504.16

[Amd. Ordinance 2015-4, eff. 11-25-15]

503 Permitted Uses. The following uses are permitted in the Primary Forest Zone:

- .1 Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.
- .2 Farm Uses as defined by ORS 215.203 except marijuana growing and producing.
- .3 Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- .4 Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
- .5 Uses and activities to conserve soil, air and water quality and to provide for and manage wildlife and fisheries resources, including ODFW Wildlife Habitat Conservation and Management Program.
- .6 Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), and which provide service hookups, including water service hookups.

- .7 Temporary portable facility for the primary processing of forest products. The facility shall be removed at the conclusion of the forest operation requiring its use.
- .8 Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
- .9 Towers and fire stations for forest fire protection.
- .10 Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- .11 Alteration, restoration, or replacement of a lawfully-established dwelling subject to the following:
 - A. The lawfully established dwelling has:
 1. Intact exterior walls and roof structure;
 2. Interior plumbing, including kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 3. Interior wiring for interior lights: and
 4. A heating system.
 - B. The dwelling to be replaced must be removed, demolished or converted to an approved non-residential use within 3 months of completion of the replacement dwelling.
- .12 Temporary forest labor camps, without any permanent structures, limited to the duration of the forest operation requiring the use.
- .13 Caretaker residences for public parks and fish hatcheries.
- .14 Uninhabitable structures accessory to fish and wildlife enhancement.
- .15 Private fee hunting or fee fishing operations without any accommodations.
- .16 Widening of roads within existing right-of-way in conformance with the transportation element of acknowledged comprehensive plans including public road and highway projects. as described in ORS 215.283(1) (k) through (n)
- .17 Local distribution lines and accessory equipment, or equipment which provides service hookups, including water service hookups.
- .18 An outdoor gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period and is consistent with applicable provisions of the Columbia County Mass Gathering and Public Road Event Ordinances.

- 504 Uses Subject to Administrative Review. The following uses are permitted, subject to review and approval under prescriptive standards specified herein and as may otherwise be indicated by federal, state and local permits or regulations using the process contained in Section 1601. All authorized dwellings and permanent structures shall meet the standards listed in Sections 506, 507, 508, 509 and 510 of this Ordinance.
- .1 Single-family dwelling, as authorized under Section 506 of this Ordinance and such accessory buildings and uses as are normally associated with a single-family dwelling.
 - .2 One manufactured home or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, subject to the general review standards in Section 506, if:
 - A. The medical hardship is documented by a licensed physician;
 - B. The manufactured home is connected to the existing sewage disposal system, unless the Department of Land Development Services finds the existing system to be inadequate and that it cannot be repaired or is not physically available. If the manufactured home will use a public sanitary system, such condition will not be required;
 - C. The applicant agrees to renew the permit every year and will remove the manufactured home when the hardship condition no longer exists; and
 - D. Notice of Determination. Upon issuance of a temporary hardship determination by the Planning Director, determinations shall be mailed to the applicant and to the owners of parcels within 500 feet of boundaries of the subject parcels. An appeal of the Planning Director's decision shall be processed pursuant to Section 1600 of the Columbia County Zoning Ordinance.
 - .3 Log Scaling and weigh stations.
 - .4 Type 1 Home Occupations as determined by Section 1507.
 - .5 Rural Fire Protection District Stations and Substations.
 - .6 Permanent Facilities for the primary processing of forest products.
 - .7 Permanent logging equipment repair and storage.
 - .8 Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
 - .9 Cemeteries.
 - .10 Private seasonal accommodations for fee hunting operations, subject to the following requirements:

- A. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - B. Only minor incidental and accessory retail sales are permitted;
 - C. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and wildlife Commission; and
 - D. Other conditions as deemed appropriate.
- .11 Aids to navigation and aviation.
- .12 Domestic Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- .13 Reservoirs and water impoundments.
- .14 Private accommodations for fishing occupied on a temporary basis subject to the following requirements:
- A. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - B. Only minor incidental and accessory retail sales are permitted;
 - C. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
 - D. Accommodations must be located within 1/4 mile of fish-bearing Class I waters; and
 - E. The governing body may impose other appropriate conditions.
- .15 Public road and highway projects as described in ORS 215.283(2)(q) through (s) including:
- A. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;
 - B. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but does not result in the creation of new land parcels; and
 - C. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- .16 Marijuana growing and producing subject to standards in Section 1803.

- 505 Conditional Uses. The following conditional uses may be allowed subject to the general review standards and process in Sections 1503 and 1603 of the Zoning Ordinance. All authorized uses and permanent structures shall also meet the applicable standards listed in Sections 506, 507, and 508 of the Zoning Ordinance and all other local, state, and federal laws pertaining to these uses.
- .1 Type 2 Home occupations, as defined by Section 1507, and subject to the general review standards under Sections 507 and 508 and compliance with the standards of Section 1507.
 - .2 Exploring, mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and the mining and processing of mineral and aggregate resources as defined in ORS Chapter 517.
 - .3 Disposal site for solid waste approved by the governing body of a city or county or both and for which the Department of Environmental Quality has granted a permit under ORS 159.215, together with equipment, facilities or buildings necessary for its operation. Such site designation shall require owner consent.
 - .4 Private parks and campgrounds.
 - A. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 004. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel-trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this subsection shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
 - B. Campsites may be occupied by a tent, travel-trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for in this subsection.

- C. Subject to County approval, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request by the County, the County Planning Commission may provide by order for an increase in the number of yurts allowed on all or a portion of the campgrounds if the Commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this Ordinance, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- .5 Communication facilities such as television, cellular, microwave and radio and transmission towers over 200 feet in height, subject to compliance with Sections 508, 509, and 1503, and the following criteria:
 - A. The location, size, design, and functional characteristics of the tower are reasonably compatible with and have a minimum impact on the livability and development of other properties in the area;
 - B. The tower shall be located so as to not interfere with air traffic;
 - C. The tower will not have significant adverse effect on identified sensitive fish or wildlife habitat, natural areas, or scenic areas designated in the Comprehensive Plan;
 - D. The minimum setback from the property line shall be equal to the minimum setbacks from all property lines pursuant to applicable provisions in Subsection 509.6; and
 - E. The level of facilities and services provided shall be appropriate for, but not limited to, the needs and requirements of the area(s) to be served.
 - .6 Power generating facilities, including alternative power generation facilities. (Note: An exception to the statewide Forest Lands Planning Goal 4 is required where development of the power generating facility removes more than 10 acres from use as a commercial forest operation).
 - .7 New electrical transmission lines with right-of-way width of up to 100 feet as specified in ORS 772.210 and new distribution lines (e.g., electrical, gas, oil, geothermal) with right-of-way 50 feet or less in width.
 - .8 Temporary asphalt and concrete batch plants accessory to specific highway projects.
 - .9 Expansion of existing public airport(s).
 - .10 Permanent forest labor structures to house laborers on a temporary basis for the duration of a forest operation.

- .11 Youth Camps as defined and provided for in OAR 660-006-0031.
- .12 Any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.
- .13 The conversion and rezoning of abandoned or diminished mill sites to industrial uses pursuant to ORS 197.719 and subject to the provisions in Section 306.20 of the Zoning Ordinance.
- .14 Public Parks including only those uses specified under OAR 660-034-0035 or OAR 660-034-0040, whichever is applicable, and subject to provisions in Sections 508 through 510, 1503 and 1550.
- .15 Destination Resorts reviewed and approved pursuant to ORS 197.435 through 197.465 and Statewide Planning Goal 8, and subject to provisions in Sections 508 through 510, 1503, and 1550.
- .16 Firearms law enforcement training facility subject to provisions in Sections 508 through 510, 1503, and 1550.
- .17 Kennel as a home occupation carried on by the resident as an accessory use within dwellings or other buildings allowed in conjunction with farm or forest use subject to standards contained in Section 1507 and Section 1802.
 - A. Consistent with all home occupations, land use approval for a kennel granted as a home occupation shall be granted only to the person or persons named on the application and shall not be transferable to or include any other person or organization, unless approved through a new home occupation permit; and
 - B. A home occupation permit for a kennel shall be granted only to an individual resident or residents of the dwelling and shall not be granted to an organization, such as but not limited to a business or non-profit corporation.

[Add reference to new Family Forestry Accessory Dwellings]

506 Standards for Dwellings. Dwellings are authorized in the Primary Forest Zone subject to standards found in Sections 507, 508, 509, 510 and documentation of meeting either the Small Tract, Large/Multi-Tract, ~~or~~ Template Dwelling, or Family Forestry Accessory Dwellings criteria as follows.

- .1 Lot of Record Dwelling – Small Tract. A dwelling is authorized on a lot of record provided the parcel meets all of the following criteria:
 - A. The parcel was lawfully created and was acquired and owned continuously by the present owner prior to January 1, 1985. The owner may also qualify if the property was inherited by devise or intestate succession from a person who acquired the lawfully created parcel prior to January 1, 1985;

- B. For the purposes of subsection A. of this section, "owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or business entity owned by any one or combination of these family members;
 - C. The tract on which the dwelling will be sited does not include a dwelling;
 - D. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract;
 - E. Based on soil types, the tract is not capable of annually producing 5,000 cubic feet of commercial tree species as recognized under rules adopted under ORS 527.715 for commercial production;
 - F. The tract is located within 1,500 feet of a public road which will provide access to the property as defined by ORS 368.001. The road shall be maintained and either paved or surfaced with rock. The road shall not be a Bureau of Land Management road unless the road is maintained and paved to a minimum width of 18 feet and has one defined lane in each direction;
 - G. When the lot is located in a big game habitat area, the dwelling must comply with the siting criteria of Sections 507 and 1190 Big Game Overlay District;
 - H. Where the dwelling is sited on a portion of a tract, the remaining portions of the tract are consolidated into a single parcel;
 - I. Authorization of a single-family dwelling under the provisions of this subsection may be transferred by a person who has qualified under this subsection to any other person after the effective date of the decision; and
 - J. Applicants owning parcels 10 acres or larger in size shall be required to submit and obtain approval of a Forest Land Assessment and Stocking Compliance Application prior to receiving a permit for a dwelling as authorized by this subsection.
- .2 Large Tract or Multi-Tract Forest Land Dwelling. A dwelling may be authorized on a tract that does not include a dwelling and that meets the following criteria [*Amd Order No. 78-2010, 12.15.10*]:
- A. The tract is at least 160 acres in size; or
 - B. The tract is part of one ownership, at least 200 acres in size, that may be composed of separate vacant tracts of designated forest land in Columbia County or its adjacent counties.

.3 For a dwelling authorized by either 506.1 or 506.2, above, covenants, conditions and restrictions shall be recorded for all remaining parcels of the tract and tracts that are used to meet the acreage requirements of this section pursuant to the following provisions:

- A. The applicant shall consolidate the parcels of the tract and provide evidence that the intended covenants, conditions and restrictions set forth in Exhibit A found at the end of this Zone has been recorded with the County Clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located.
- B. The covenants, conditions and restrictions are irrevocable until such time as the property described herein is no longer protected under the statewide planning goals for forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties where the property subject to the covenants, conditions, and restrictions is located executes and records a release of the covenants, conditions and restrictions.
- C. Enforcement of the covenants, conditions, and restrictions may be undertaken by the Department of Land Conservation and Development or by the county or counties where the property subject to the covenants, conditions, and restrictions is located.
- D. Failure to follow the requirements of this subsection shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is subject to the covenants, conditions, and restrictions required by this section.
- E. The County Planning Director shall maintain a copy of the covenants, conditions, and restrictions filed in the County deed records pursuant to this subsection and a map or other record depicting tracts which do not qualify for a siting of a dwelling under the covenants, conditions and restrictions. The map or other record required by this subsection shall be readily available to the public in the county planning office.

[Add text]

.4 Template Dwelling for Tracts Smaller than 80 Acres. A dwelling may be authorized on a tract that satisfies and meets all the following criteria:

- A. The tract is **predominantly** composed of soils that meets one of the following:

[For .1, .2, .3, change reference from fibre to fiber]

[For .1a, match reference style to lot numbers to criteria .2a and .3a]

[For .1a, .2a, .3a, relocate "note" text to 506.4(B)]

1. Soils that are capable of annually producing more than 85 cubic feet per acre of wood fiber~~r~~ if:
 - a. All or part of at least **eleven (11)** other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160-acre square centered on the center of the subject tract, ~~(Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible);~~ and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels;

2. Soils that are capable of annually producing 50 to 85 cubic feet per acre of wood fiber~~r~~ if *[Amd Order No. 78-2010, 12.15.10]*:
 - a. All or part of at least seven (7) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160-acre square centered on the center of the subject tract, ~~(Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible);~~ and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

3. Soils that are capable of annually producing 0 to 49 cubic feet per acre of wood fiber~~r~~ if:
 - a. All or part of at least three (3) other lots or parcels that existed on January 1, 1993 and are not within an Urban Growth Area are within a 160-acre square centered on the center of the subject tract, ~~(Note: If the tract abuts a road that existed as of January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one quarter mile wide centered on the center of the subject tract and aligned with the road to the maximum extent possible);~~ and
 - b. At least three (3) dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.

[Replace criteria 560.4 B and C; add new criteria B, C and D; and renumber existing criteria 506.4 (B through K to reflect permanent and temporary provisions in ORS 215.750 & House Bill 2225)]

- ~~B. The tract contains no dwellings on other lots or parcels that make up the tract.~~
- ~~C. No dwellings are allowed on other lots or parcels that make up the tract consistent with the recorded covenants, conditions and deed restrictions established under in Subsection 506.3; and~~
- B. If the tract under subsection (A) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.**
- C. Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements of the subject tract;**
- D. The lot or parcel on which the dwelling will be sited was lawfully established and contains no dwelling;**
- E. No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under ORS 215.740(3) for the other lots or parcels that make up the tract are met;**
- F. If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract;**
- G. Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192; and**
- H. Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section.**
- I. ~~D.~~ Parcels 10 acres or greater in size shall be required to submit and obtain approval of a Forest Land Assessment and Stocking Compliance application prior to receiving a permit for the dwelling as authorized by this subsection.**
- J. Prior to November 1, 2023, Columbia County may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if:**

1. No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and
 2. The lot or parcel qualifies, notwithstanding ORS 215.750 (5) (h), for a dwelling under ORS 215.750. [2019 c.433 §2]
- K. The provisions in Section 506.4 (J) are repealed on January 2, 2024, pursuant to Oregon Laws 2019 Chapter 433.
- .5 Template Dwelling for Tract of 60 Acres or Larger [Rectangular Template].
A dwelling may be authorized on a tract 60 acres or larger that meets the following criteria:

[Add text for number consistency for all Template Dwellings regardless of tract size]

- A. The criteria in CCZO 506.4.
- B. ~~A.~~ If a tract is 60 acres or larger described under Subsection 506.4A. above and abuts a road that existed on January 1, 1993, or a perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream, provided one of the three **(3)** required dwellings is on the same side of the road or stream as the tract [*Amd Order No. 78-2010, 12.15.10*], and:
1. Is located within a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 2. Is within 1/4 mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- C. ~~B.~~ If a road crosses the tract on which the dwelling will be located, at least one of the three **(3)** required dwellings shall be on the same side of the road or stream as the proposed dwelling.

[Add in subsection 506.6 to reflect provisions in HB 2469 for Accessory Family Forestry Dwellings]

- .6 Family Forestry Accessory Dwellings. An accessory dwelling for an owner or a relative (as defined in Section 501) supporting family forestry may be authorized on a tract that meets the following criteria.
- A. The new single-family dwelling unit will be on a lot of record no smaller than 80 acres that contains exactly one existing single-family dwelling unit that was lawfully:

1. In existence before November 4, 1993; or
 2. Approved under ORS 215.130 (6), 215.705, 215.720, 215.740, 215.750 or 215.755;
- B. The shortest distance between the new single-family dwelling unit and the existing single-family dwelling unit is no greater than 200 feet;
- C. The lot or parcel is within a rural fire protection district organized under ORS chapter 478;
- D. The new single-family dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation;
- E. The existing single-family dwelling unit is occupied by the owner or a relative;
- F. The new single-family dwelling unit will be occupied by the owner or a relative;
- G. The owner or a relative occupies the new single-family dwelling unit to allow the relative to assist in the harvesting, processing or replanting of forest products or in the management, operation, planning, acquisition or supervision of forest lots or parcels of the owner;
- H. If a new single-family dwelling unit is constructed under this section, a county may not allow the new or existing dwelling unit to be used for vacation occupancy as defined in ORS 90.100; and
- I. As a condition of approval of the new single-family dwelling unit, in addition to the requirements of ORS 215.293, the property owner agrees to acknowledge and record in the deed records for the county in which the lot or parcel is located, one or more instruments containing irrevocable deed restrictions that:
1. Prohibit the owner and the owner's successors from partitioning the property to separate the new single-family dwelling unit from the lot or parcel containing the existing single-family dwelling unit; and
 2. Require that the owner and the owner's successors manage the lot or parcel as a working forest under a written forest management plan, as defined in ORS 526.455, that is attached to the instrument.

[Renumber criterion 506.6 to 506.7]

- .7 The Planning Director may deny or refer to the Planning Commission for review at a public hearing for the approval of a new dwelling on any property zoned for Primary Forest where the Director determines that approval of the dwelling would:
- A. Exceed the facilities and service capabilities of the area;
 - B. Materially alter the stability of the overall land use pattern in the area; or
 - C. Create conditions or circumstances that would be contrary to the purposes or intents of the Comprehensive Plan and/or the Primary Forest Zone.

[NO PROPOSED REVISIONS TO SECTIONS 507, 508, 509, 510, 511, 512, 513, 514, 515, OR 516]

Kay Clay

From: Terri Horness <jte3horness@yahoo.com>
Sent: Monday, November 15, 2021 3:24 PM
To: ePermits - Planning
Subject: HB 2225



I am very troubled by HB 2225. My mother owns a small tract of 38 acres which is farming and forest land, and she contacted me with concerns that we were losing yet another right of what we can do with our land. When I tried to go to online to the address provided on the letter the county had sent for her to look at HB 2225 that site was not available. When I tried to call the number provided at [503-934-0622](tel:503-934-0622) it said the call could not be completed. The letter from the county said that this was implemented as of November 1st, so that tells me once again the people have no voice from our little county. My mother does not support HB 2225 and neither do I. What happened to "the people" having a voice. If we are the property owners, we should certainly have a say in the matter with our land. This is wrong to implement something without the people who it affects being able at the very least to vote on it.

Thank you for your time,
Terri Horness Rainier Oregon
Betty cook Clatskanie Oregon

Kay Clay

From: lj <ljfarms53@gmail.com>
Sent: Monday, November 15, 2021 3:27 PM
To: ePermits - Planning
Subject: HB 2225 changes



Hello,

Changes should have been communicated at least a year prior.

I have concerns with this new amendment in effect that I was not aware of till receiving the letter from the County.

This sound like it will take away my ability to manipulate my property sizes and lines which I don't feel is right especially when others around me have redrawn and divided the same type of property.

My land is unfairly zoned as forestry when in fact half of it was cleared to create farm land back in the 1920's where the steep, unusable side was left to replant its self.

This property was purchased as my retirement fund.

Thank you,
Lori Staeffler/Farmer

Sent from Mail for Windows

COLUMBIA COUNTY PLANNING COMMISSION MEETING

November 15, 2021

Draft, Draft, Draft Meeting Minutes

Go To Meeting

Planning Commission Members Present Linda Hooper, Dan Magnia, Aaron Martin and Claudia Frace

Staff Present: Deborah Jacob, Robert Wheeldon, Kay Clay

Others: Rachel Grittmann, Vicki Ellinwood, Cindy Marek, Joanne Kollman, Mike Hedrich, Laura Sht?, Catherine Davis, John Mattox, Patty Cone, Lori Cote, Dianna Multanen, Lorenzo Jones, Ken W, Linda Gregory, Ima Lyon, Carl & Michelle (no last name given), Amy Leveno,

Tammy Parker, Pat Archer, Dave Coleman, Karen Kent, Mary Duvall, Lois Palomaki, Randy Lewno, Rudy Avalon, Rachel Grittmann

The meeting was called to order at 6:30 p.m. by Linda Hooper
Linda reviewed the virtual meeting etiquette.

Deborah Jacob read the pre-hearing statement.

No ex-parte declared.

Agenda item 1. Columbia County TA 22-01

REQUEST: Amend Columbia County Zoning Ordinance (CCZO) Section 500 requirements for “Template Dwellings” in the Primary Forest (PF-80) and Forest/Agriculture (FA-80) zoning districts pursuant to Oregon House Bill 2225. Amend CCZO Section 500 to permit “Family Forestry Accessory Dwelling Units” in the Primary Forest Zone (PF-80) and Forest/Agriculture Zone (FA-80), pursuant to Oregon House Bill 2469.

Deborah Jacob presented the staff report.

Background:

In the 2019 Regular Session, the Oregon Legislature adopted House Bill (HB) 2225,

Amending the provisions for Alternative Forestland (Template) Dwellings contained in Oregon

Revised Statutes (ORS) 215.750. Pursuant to HB 2225 Section 3, the following provisions are

In effect in Columbia County beginning November 1, 2021. These provisions apply only to the siting of a “template” dwelling in the PF-80 zone, and on qualifying forest properties within the FA-80 zone.

HB 2225, Section 1:

1. For purposes of establishing a “template” dwelling, the 160-acre template must be centered on the “mathematical centroid” of the tract.
2. A property line adjustment after January 1, 2019, did not have the effect of qualifying a property for a template dwelling that would not have otherwise qualified prior to the adjustment.
3. A new template dwelling cannot be approved on a property that was part of a tract on January 1, 2019, when a property within that tract already contains an existing or approved dwelling.

HB 2225, Section 2:

Columbia County may authorize a template dwelling on a property that was part of a tract on January 1, 2021, if no more than one other dwelling exists or has been approved on another property that was part of the tract. This provision is temporary and is only in effect until November 1, 2023.

HB 2225, Section 3:

Establishes that these provisions are in effect in Columbia County beginning November 1, 2021.

HB 2225, Section 4:

Establishes that HB 2225, Section 2, is repealed on January 2, 2024.

House Bill 2469

In the 2019 Regular Session, the Oregon Legislature adopted House Bill (HB) 2469, establishing provisions codified in ORS 215.757 to provide for “accessory dwellings supporting family forestry.” Under ORS 215.757, Columbia County may approve a second (accessory) dwelling on PF-80 zoned properties, and on qualifying forest properties within the FA-80 zone, that meet the following criteria:

1. The property is at least 80-acres, is within a rural fire protection district, and contains only one existing single family dwelling that was lawfully established before November 4, 1993.
2. The accessory dwelling must: be within 200 feet of the primary dwelling; comply with the Oregon Residential Specialty Code related to wildfire hazard mitigation; and be occupied by the owner, a relative of the owner, or the owner's spouse.
3. A deed restriction must be recorded that: prohibits partitioning the property to separate the accessory dwelling from the primary dwelling; requires the owner and successor to manage the property as a working forest under a written forest management plan as defined in ORS 526.455; and prohibits either dwelling from being used for vacancy occupancy (less than 45 days).

This report will evaluate how the proposed Legislative Text Amendments to the Columbia County Zoning Ordinance (CCZO) as proposed in LDC File No. TA 22-01 are consistent with the provisions of HB 2225 and HB 2469 and will allow Columbia County to incorporate these statutory requirements with the forest dwelling provisions in CCZO Section 500.

After Deborah Jacob reviewed the requirements, facts and finding Deborah recommended the Planning Commission recommend to the Board of Commissioners approval of TA 22-01.

Questions from the Planning Commission:

Dan Magnia: What if we do not adopt this house bill? There is really no option for the county.

Deborah responded that we cannot be less restrictive than the State of Oregon.

Robert Wheeldon commented that we are required by statute to be consistent with the State.

Claudia Frace commented that she did not receive the two last minute comments that were submitted.

Deborah Jacob read the, so that they would be in the record.

First Comments:

Hello,

Changes should have been communicated at least a year prior.

I have concerns with this new amendment in effect that I was not aware of till receiving the letter from the County.

This sound like it will take away my ability to manipulate my property sizes and lines which

I don't feel is right especially when others around me have redrawn and divided the same type of property.

My land is unfairly zoned as forestry when in fact half of it was cleared to create farm land back in the 1920's where the steep, unusable side was left to replant its self.

This property was purchased as my retirement fund.

Thank you,
Lori Staeffler/Farmer

Second Comment:

I am very troubled by HB 2225. My mother owns a small tract of 38 acres which is farming and forest land, and she contacted me with concerns that we were losing yet another right of what we can do with our land. When I tried to go to online to the address provided on the letter the county had sent for her to look at HB 2225 that site was not available. When I tried to call the number provided at 503-934-0622 it said the call could not be completed. The letter from the county said that this was implemented as of November 1st, so that tells me once again the people have no voice from our little county. My mother does not support HB 2225 and neither do I. What happened to "the people" having a voice. If we are the property owners, we should certainly have a say in the matter with our land. This is wrong to implement something without the people who it affects being able at the very least to vote on it.

Thank you for your time,
Terri Horness Rainier Oregon
Betty cook Clatskanie Oregon

Dan Magnia asked about the deadline concerns of getting the applications deemed complete. Deborah explained that we have had 63 applications come in and there is no way to process all of them in the 150 day limit, so we have hired consultant companies to assist.

Open to the Public:

Vicki Ellinwood on behalf of Marlene Hald. Vicki pointed out that the communications regarding this change matter was not handle very well. She wanted to know if there was a way to come into the office to talk one on one with a planner. Vicki and Marlene are not in favor of House Bill 2225.

Deborah Jacob communicated that they could come to the office on Monday, Wednesday and Thursday to speak with a planner and recommended that they call ahead of time to set up an appointment.

Amy and Randy Lewno were concerned that they had purchased 40 acres and would be building a new home but concerned that they could not do that now. Robert Wheeldon explained to them that they could do one additional dwelling, the approval is good for four years with the option of a 2 year extension. Deborah pointed out that you can have one home per track. Robert Wheeldon said prior to HB 2225 you shouldn't have been able to get more than one extension. Amy Lewno was concerned that they wouldn't be able to sell the land.

Tammy Parkhurst wanted to inquire about the template process, if it can be transferred? Deborah explained that the original application was good for four years with the possibility of an additional extension. Robert Wheeldon supported that the deadline would be up to 6 years from the original date.

Pat Hodges wanted to know if there could be another dwelling if there was a legal lot of record, one home on one track of land. Pat mentioned that there is a double wide and they will do a change of occupancy if they built a new home. Robert Wheeldon pointed out that the second home could not have a residential status. Robert advised that Pat call Deborah at 503.397.1501 ext 1.

Karen Kent wanted to know what the minimum lot size was and had concerns about the lack of communications with this notice. Deborah responded that the minimum size was 80 acres.

Mary Duvall had concerns over the process of this application. She was verifying that this is a legislative process thru the state. It was being heard by the Planning Commission to make referral to the Board of Commissioners. Robert Wheeldon stated that the county was required to adopt the state statues, we have to consistent with the state. Mary is not happy that the state is doing this and forcing the county to implement it. This is a decision at the state level.

Randy Lewno bought his property because BPA borders it. The previous owners left this property baron. He and his wife bought it for their retirement home. Legislature is making this hard because there is no way he can build his retirement home in 6 years. Randy bought the home in 2004 and now he doesn't know if he can keep it. Robert Wheeldon stated that this bill probably will not affect him and he needs to come in and talk to the planner. Laws do change but Randy needs to come in and address his concerns.

Lois Palomaki wanted to get information on if the amendment is one or two, would each lot have to have 80 acres for an assessor dwelling. Did the State require this notice? Can she do an Air B & B. Lois cannot do an Air B & B, the only thing she may have is a farm use dwelling.

Lois Cote wants to know if she can build on her 8+ acres, its one track under one name. What is the cost of a template test and RDF. Deborah told her 592.00 for the template test and 1500.00 for the resource dwelling application. Lois also wanted to know if we know what legislative actions

are coming up the pipeline from the state. It is very frustrating to hear these decisions have been made before we even hear about it. Robert Wheeldon responded that there are 1000's of bills each year, most do not go anywhere. No one really knows the bills are there until they are passed. We do not have the personnel to track the bills but the state should have a site to review.

Terri Horness wanted to know who at the state they should contact for better communications. Robert Wheeldon told her to contact the state legislator. Terri feels the system is broke and the people need to have a voice in this.

Claudia Frace pointed out that the Oregon Citizens lobby group is who they need to talk to. Claudia also wanted to know if the comments in the chat bubble show up on the recording.

Vicki Ellinwood wanted to enforce the lack of communication they had about this. Also if this changes the property values then the taxes should go down. Deborah Jacob told her that the assessors department is the one she will need to contact about taxes.

Linda Hooper wanted to verify the cost of the template test and resource dwelling application. The two applications are \$592.00 for the template and \$1500.00 for the resource dwelling. An extension would be 25% of the original resource dwelling application.

Claudia Frace wanted to verify if the applicant was refunded the template test failed. It is not refundable.

Closed the public hearing.

Aaron Martin made a motion for the recommendation of approval by the Board of Commissioners. Claudia Frace seconded.

Dan Magnia – Yay
Aaron Martin – Yay
Claudia Frace – Yay
Linda Hooper – Yay

Motion carried.

All in favor – motion carried.

Meeting adjourned 7:57

**BEFORE THE COLUMBIA COUNTY
COLUMBIA COUNTY PLANNING COMMISSION
ST.HELENS, OREGON**

In the matter of an application of Columbia County for Legislative Text Amendments to Section 500 of the County's Zoning Ordinance related to Template Test Dwellings and Family Forestry Accessory Dwellings in the Primary Forest and Forest-Agriculture Zoning Districts pursuant to the passage of Oregon House Bill 2225 and House Bill 2429.)

FINAL ORDER TA 22-01

This matter came before the Columbia County Planning Commission on the application of Columbia County for Legislative Text Amendments to Section 500 of the County's Zoning Ordinance related to Template Test Dwellings and Family Forestry Accessory Dwellings in the Primary Forest (PF-80) and Forest-Agriculture (FA-80) Zoning Districts pursuant to Oregon House Bills 2225 and 2469.

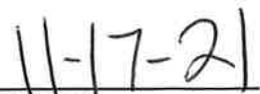
Notification of this request was sent to all Columbia County CPAC members, all fire districts in Columbia County, Oregon Department of Land Conservation and Development, Oregon Department of State Lands, Oregon Department of Forestry and all PF-80 and FA-80 property owners. A public hearing was held on November 15, 2021 where the Planning Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report dated November 5, 2021. Two emails received by Land Development Services on 11/15/21 were read into the record.

After due consideration, the Columbia County Planning Commission hereby adopts the findings and conclusions included in the staff report and during the Planning Commission Hearing and incorporates them herein by this reference and recommends the Columbia County Board of Commissioners **APPROVE** these proposed Legislative Text Amendments to Columbia County Zoning Ordinance Section 500.

COLUMBIA COUNTY PLANNING COMMISSION



LINDA HOOPER, CHAIR



DATE

Sent to
JC 12-2-21

**COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES**
COURTHOUSE
ST. HELENS, OREGON 97056
(503) 397-1501

Attachment 6

**REQUEST FOR PUBLIC HEARING
BEFORE THE BOARD OF COUNTY COMMISSIONERS**

November 30, 2021

Jacyn Normine
Board of County Commissioners

**RE: Columbia County Zoning Ordinance Text Amendments related to Template
Test Dwellings and Family Forestry Accessory Dwellings**

File No: TA 22-01

Planner: Deborah Jacob

Jacyn:

Please schedule a public hearing before the Board of County Commissioners to consider the referenced Zoning Ordinance Text Amendments, and provide Land Development Services a copy of the Board Hearing Notice. The following documents are attached:

1. November 15, 2021, Planning Commission Minutes and TA 22-01 Planning Commission Order and Recommendation
2. Draft Amendments to Columbia County Zoning Ordinance Section 500
3. List of public and agency written comments and oral testimony presented at the November 15, 2021, Planning Commission Public Hearing

About one week before the hearing we shall send you copies of the following:

4. BOARD COMMUNICATION form.
5. Board Staff Report
6. All correspondence received to date.

Please contact Deborah Jacob if you need additional materials from this application.

Thank you,

Robert Wheeldon
Planning Manager