

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

In the matter of an application for Victor Broto)
Cartagena for a Conditional Use Permit (CU 24-)
01) and a Type 2 Site Design Review (DR 24-02))
to obtain land use approval to authorize the)
establishment of a private)
campground/organizational park in the Primary)
Forest (PF-80) zoning district.)

**FINAL ORDER
CU 24-01/DR 24-02**

This matter came before the Columbia County Planning Commission on the application of Victor Broto Cartagena for a Conditional Use Permit and a Type 2 Site Design Review to lawfully establish a private campground/organizational park in the PF-80 Zone pursuant to the applicable provisions in Sections 500, 1503 and 1550 of the County Zoning Ordinance (CCZO) as well as those in the Oregon Administrative Rules (OAR) Division 918 Chapter 650.0. The subject property is located at 32180 Pittsburg Road, contains 19.42 acres and is described per the County Assessor's records as Tax Map Identification Number 5226*-C0-00300 and Tax Account Number 434197.

Notification of this request was sent to the affected county and other agencies, the St. Helens – Columbia City CPAC and surrounding property owners. A public hearing was held on April 1, 2024 where the Planning Commission heard testimony from the applicant and interested parties and considered written materials including the Staff Report dated March 20, 2024.

During the hearing the applicant’s legal representative, Garrett H. Stephenson, presented issues detailed in an email he sent to the County and applicants on the day of the hearing that was entered into the record and distributed to all Planning Commission members prior to the scheduled hearing addressing the following:

- Requirements of the Oregon Building Codes in OAR Chapter 918 versus those of Land Use requirements under ORS 197.175(2)(e),
- The definitions of “development” identified in The County Flood Hazard Overlay Zone in CCZO Section 1103,
- The Oregon Fire Code’s exemption of recreational camping tents from fire break requirements, and
- CCZO Section 1172 Riparian Corridor Standards applicable to Milton Creek, versus protected wetlands regulated under Federal and State law but not under County standards.

County staff reviewed the proposed modifications and proposed further revisions of the requested modifications for the Planning Commission’s consideration, which further revisions the applicant did not oppose.

The proposed modifications (as revised by staff) presented to the Planning Commission include revisions Conditions 8 and 3, and the following modification to Condition 15.d, as follows:

8. Pursuant to CCZO Section 206 and applicable provisions of 1100, the applicant shall submit Floodplain Development Permits for the County Floodplain Administrator for review and approval before any structures subject to such permitting may be utilized. If the County Building Official deems Substantial Improvements as defined in CCZO Section 1103 are required to bring the 1926 "Retreat House" structure up to code for the proposed commercial use, the Final Building Plans must be accompanied by a Floodplain Development Permit for review and approval by the County Floodplain Administrator.

3. The Applicant shall delineate the extent of the 50-foot riparian corridor, as defined in CCZO 1172.A. The portions of the subject property that are located within this fish-bearing stream's protected 50' riparian corridor as reflected in the delineation shall also be accurately identified on the **Final Site Plan and Final Building Plans** submitted for CU 24-01 and DR 24-02. All activities within the delineated 50' Riparian Corridor shall comply with the requirements in Sections 1173 and 1175 of the County Zoning Ordinance.

15. The following shall be completed prior to the occupancy of any structures:

d County Planning Staff will verify with a site visit with Columbia River Fire & Rescue that all accessory structures and facilities used by campers are surrounded by 30' primary fuel-free firebreak areas and/or comply with the provisions of the Oregon Fire Code in 3103.2 to ensure compliance with CCZO Section 510.2.

After considering all oral and written testimony and materials, the Columbia County Planning Commission hereby adopts the findings, conclusions, conditions (including modifications to Conditions 3, 8, 9, 10 and 15.d as detailed below) contained in the staff report, incorporates them herein by this reference, and **APPROVES** the applications submitted for **CU 24-01 and DR 24-02** subject to the following:

CONDITIONS OF APPROVAL:

1. **This Conditional Use and Site Design Review Permit shall remain valid for four (4) years from the date of the final decision.** At a minimum, a development construction permit must be issued by Land Development Services within the approval period. If a construction permit is not issued within the approval period, the land use permit expires. An extension of two (2) years on the approval period may be granted by the Planning Director if a written request and payment is received prior to the approval's expiration and the reason for the delay is beyond the control of the owner.

2. The applicant shall submit a Traffic Impact Analysis (TIA) to the County Department of Public Works due to the identified triggers in CCZO Sections 1450.1 (A, B, & F). The results of the TIA will allow the Public Works Department to determine what, if any, improvements will need to be made to accommodate the private campground in compliance with CCZO Section 1450.
3. The Applicant shall delineate the extent of the 50-foot riparian corridor, as defined in CCZO 1172.A. The portions of the subject property that are located within this fish-bearing stream's protected 50' riparian corridor as reflected in the delineation shall also be accurately identified on the **Final Site Plan and Final Building Plans** submitted for CU 24-01 and DR 24-02. All activities within the delineated 50' Riparian Corridor shall comply with the requirements in CCZO Sections 1173 and 1175.
4. Primary fuel-free firebreak areas may be required around the perimeter of accessory structures and facilities used by campers if required by CCZO Section 510, OAR 660-006-0035, or the March 1991 Recommended Fire Siting Standards for Dwellings & Structures & Fire Safety Design Standards for Roads, published by the Oregon Department of Forestry (or) Equivalent Fire Buffers approved by Columbia County Board Order No. 239-97, or as otherwise required by Columbia River Fire and Resuce..
5. The applicant shall apply for and obtain all required building, electrical, plumbing and mechanical permits for all structures and facilities identified in both the *February 8, 2024 Revised Site Plan* and the **Final Site Plan and Final Building Plans** that are intended for use by campers to ensure they meet the minimum requirements of the Oregon Structural Specialty Codes.
 - a. The County Building Official shall review and approve the February 8, Revised Site Plan's "*Owner Accessory Art-studio and Owner Accessory Structure*" for their uses as either Cabins #3 and #4 or for any personal or commercial (campground) authorized PF-80 use.
6. The Planning Commission finds that the proposed "Retreat House", "Event Barn", all detached cabins, and any other permanent, unpermitted structures, can be authorized as alternate camp designs identified in OAR 918-650-0070, provided they are approved by the County Building Official for their intended use pursuant to the Oregon Structural Specialty and Fire Codes. If not approved by the County Building Official, the applicant shall apply for and obtain demolition permits to remove the unauthorized and unpermitted structures.
7. Per the provisions in CCZO Section 510 and Section 1100, and the fire apparatus access provisions in the County Road Standards Ordinance, the applicant shall submit a Floodplain Development Permit to Land Development Services to ensure the subject tract's existing bridge over Milton Creek will be improved to provide adequate access for firefighting equipment. All necessary bridge improvements shall be approved by Columbia River Fire & Rescue and Land Development Services shall have written confirmation of said improvements.

- a. The entire length of the site's access to Pittsburg Road shall be improved by the applicant and shall also be inspected and approved by the CRF&R for compliance with the provisions for fire apparatus access identified in the Columbia County Road Standards Ordinance.
8. Pursuant to CCZO Section 206 and applicable provisions of 1100, the applicant shall submit Floodplain Development Permits for the County Floodplain Administrator for review and approval before any structures subject to such permitting may be utilized. If the County Building Official deems Substantial Improvements as defined in CCZO Section 1103 are required to bring the 1926 "Retreat House" structure up to code for the proposed commercial use, the Final Building Plans must be accompanied by a Floodplain Development Permit for review and approval by the County Floodplain Administrator.
9. Per the requirement in OAR 918-650-0025(1)(f), any and all eating and drinking establishments for park occupants must comply with the applicable regulatory requirements of the Oregon Department of Human Services and/or the Oregon Health Authority. If approval for eating and drinking establishments from DHS and/or OHA is required, written confirmation of said approval from DHS and/or OHA shall be submitted to Land Development Services.
10. Per the requirement in the OAR 918-650-0025(2) Recreation Park and Organizational Camp Operating License Approved parks and camps must comply with any operating license requirements established by the Department of Human Services Oregon Health Authority. If such an operating license is required, a copy of required License from Department of Human Services Oregon Health Authority shall be submitted to Land Development Services.
11. If the County Building Official, CRF&R and/or the County Public Works Department determine that the installation of park facilities identified in OAR Chapter 918, Division 650 require the applicant to install drainage, stormwater and/or erosion control retention or detention facilities for onsite access, vehicular/pedestrian traffic circulation and parking improvements referenced in CCZO Section 1561.A(8, 10 & 13), these Engineered Plans must be included in the **Final Site Plan and Final Building Plans** and shall be incorporated into any Wetlands Delineation Permit submitted to Oregon DSL.
12. The applicant shall submit a **Final Site Plan** concurrent with the **Final Building Plans**, both of which shall satisfy all conditions of approval and conforms with the preliminary site plan titled *Feb 8, 2024 Revised Site Plan*, as approved by the Planning Commission.
 - a. The **Final Building Plans** shall conform with all related standards and specifications for Recreation Parks and Organization Campgrounds in OAR Chapter 918, Division 650 and must be approved by the County Building Official.

- b. Minor differences between the preliminary site plan and the final site plan may be approved by the Director and County Building Official. The Final Site Plan shall identify any changes from the preliminary site plan, be attached to the building permit application and shall become a part of that permit.
13. The responsibility for protection from wildlife damage on the property shall be assumed by the property's owner and/or occupant.
14. The following shall be completed prior to issuance of any Building Permits:
 - a. The applicant shall obtain an updated Road Access Permit for the subject tract that reflects the proposed change in the existing access' use from single family residential to private campground.
 - b. The County Sanitarian shall approve the new use of the site's existing septic system, as well as any proposed portable facilities as requested for the Authorization Notice Permit the applicant submitted for 192-23-000259-AUTH.
 - c. The applicant shall supply LDS with documentation that the campground's potable water supply has been approved by the Oregon Water Resources Department to ensure the existing water source is adequate for its intended use as required in CCZO Section 1503.5(D) and OAR 918-650-0035.
 - d. LDS shall receive confirmation from the County Department of Public Works that any and all public improvements identified in the approved TIA necessary to mitigate impacts of the private campground have been installed by the applicant and approved by County Public Works.
 - e. The **Final Site Plan and Final Building Plans** shall accurately identify the location of Milton Creek's 50' protected Riparian Corridor to ensure all proposed development complies with the applicable regulatory requirements in CCZO Section 1173 and 1175 for this fish-bearing stream.
 - f. The property owner shall sign and record in the deed records of Columbia County a *Waiver of Remonstrance* regarding past, current or future accepted farm or forest operations of adjacent and nearby lands. A copy of this recorded document shall be submitted to LDS.
 - g. The **Final Site Plan and Final Building Plans** shall accurately confirm that all authorized new structures and site development are at least 50 feet away from all property lines in compliance with CCZO Section 500.
 - h. The **Final Site Plan and Final Building Plans** must meet all regulations set forth in the Columbia County Zoning Ordinance, International Building Code, and any other regulations in effect at the time of building permit submittal.

15. The following shall be completed prior to the occupancy of any structures:

- a. Land Development Services shall receive confirmation from CRF&R that all bridge improvements over Milton Creek have been installed and it meets current fire apparatus and access standards and specifications of the County Road Standards Ordinance and the County Flood Hazard Overlay.
- b. The County Building Official shall review all buildings and structures authorized with the approval of CU 24-01 and DR 24-02 for compliance with all the applicable provisions for Recreation Parks and Organization Campgrounds identified in OAR Chapter 918, Division 650. Change of use permits will be required.
- c. CRF&R shall approve a separate “Address Map” for all structures and areas identified on the **Final Site Plan and Final Building Plans** that clearly identifies all personal and commercial structures to ensure timely response time from emergency responders.
- d. County Planning Staff will verify with a site visit with Columbia River Fire & Rescue that all accessory structures and facilities used by campers are surrounded by 30’ primary fuel-free firebreak areas and/or comply with the provisions of the Oregon Fire Code in 3103.2 to ensure compliance with CCZO Section 510.2.

COLUMBIA COUNTY PLANNING COMMISSION



DAN MAGNIA, CHAIR

4/5/2024

DATE

cc Final Order:

Columbia County Public Works
Columbia County Building Official
Columbia River Fire & Rescue
Oregon District 18 Watermaster
Columbia County Land Use Compliance Officer- Dave Carlberg